

The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	9.4
Report No	HLB/052/17

Application for the grant of a premises licence under the Licensing (Scotland) Act 2005

Wolfburn Distillery, Henderson Park, Thurso

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the grant of a premises licence in respect of Wolfburn Distillery, Henderson Park, Thurso, Caithness.

1.0 Description of premises

1.1 The applicant operates a modern whisky distillery within units at Henderson Park Industrial Estate, Thurso.

2.0 Operating hours

2.1 The applicant seeks the following hours:

On sales:

Monday to Sunday: 1000 hrs to 2200 hrs

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 21 April 2017 the Licensing Board received an application for the grant of a premises licence from Aurora Brewing Ltd.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.3 The application was publicised during the period 1 to 22 May 2017 and confirmation that the site notice was displayed during this time has been received.

3.4 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.

- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

4.0 Legislation

- 4.1 The Licensing Board must, in considering and determining the application, consider whether any grounds of refusal apply and, if none of them applies, the Board must grant the application.
- 4.2 Relevant grounds of refusal are: -
1. that the premises are excluded premises;
 2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 3. that having regard to;
 - (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location character and condition of the premises, and
 - (iii) the persons likely to frequent the premises,the Board considers the premises are unsuitable for use for the sale of alcohol, or
 4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.
- 4.3 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

- 5.1 The LSO has provided the following comments:-
- 5.2 The applicant operates a modern whisky distillery within units at Henderson Park Industrial Estate, Thurso.

- 5.3 The application is for on and off-sales with the on-sales element only for persons taking part in whisky tastings and tours of the distillery.
- 5.4 The application originally made reference to a whisky tasting area within an office on the first floor of the building however, following advice from Highland Council Building Standards, the applicant has requested that the application be amended to remove references to that part of the building. The application now refers only to a licensed area on the ground floor of the premises and the layout plan, showing the first floor of the premises, has been withdrawn.
- 5.5 Highland Licensing Board policy hours for on-sales commence at 1100 hrs daily and, for off-sales, commence at 1000 hrs daily. The applicant seeks a commencement hour of 1000 hrs for on-sales to tie in with the off-sales hours so as to be able to service tours which commence prior to 1100 hrs on any day.
- 5.6 All tours have to be pre-booked and the earlier commencement hour for on-sales will be to accommodate a specific demand.
- 5.7 While the on-sales hours are outwith Board policy I am of the opinion that the applicant has demonstrated a reasonable reason for requiring the earlier commencement time. There are now several distilleries in Caithness and organised tours taking in distilleries can commence first thing in the morning. While free samples may be offered as a part of any tour it is increasingly popular for discerning customers to wish to sample and share premium products for which a charge is likely to be required. In these circumstances believe that the earlier opening will not cause conflict with any licensing objective.
- 5.8 To enhance customer experience the option of having live or recorded music on the premises has been included however such services are unlikely to be used frequently and should not cause any conflict with the public nuisance objective.

I have no cause to object to the grant of this licence.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

7.0 Conditions

7.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

7.2 Local conditions

None to apply

7.3 Special condition

1. Alcohol for consumption on the premises may only be sold to persons participating in a tasting or sampling session.

(Objective (d) – Protecting and improving public health)

Recommendation

The Board is invited to determine the above application and if minded to grant the application and the special condition as detailed at paragraph 7.3 above.

If the Board is minded to refuse the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Reference: HC/CSR/1806

Date: 14 March 2017

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Background Papers: The Licensing (Scotland) Act 2005/Application Form.