

# Policy - Distilleries

In recent years there has been a substantial increase in the number of traditional and new businesses distilling spirits and craft beers offering tours of their premises and more specialist tasting sessions for connoisseurs.

In terms of the Licensing (Scotland) Act 2005 premises fall within fees category 1 if their main function is to provide a visitor attraction and any sale of alcohol ( which must be for consumption off the premises) is considered to be incidental to other activities carried out on the premises.

The term “visitor attraction” is not defined in the Act and the Board has used the British Tourist Authority’s broadly accepted definition “ *The attraction must be permanently established excursion destination, a primary purpose of which is to allow public access for entertainment, interest, and education, rather than being primarily a retail outlet, or a venue for sports, film, or theatrical performances. It must be open to the public without prior booking, and should be capable of attracting day visitors or tourists*” when considering relevant matters.

It is now common place for such visitor attractions to choose to sell alcohol for consumption on the premises to allow for the sale of samples over and above those which may normally be included wholly free as part of a tour of the premises and, as such, fewer premises now choose to remain within Category 1 for fee purposes.

Board policy hours for on-sales are, generally 1100 hrs to 0100 hrs the following day and off-sales hours set by the Scottish Government are 1000 to 2200 hrs daily. Premises which are substantially food-led may sell alcohol for consumption on the premises from 0900 hrs in accordance with the terms of the Board’s policy for licensed core hours in food-led operations.

In support of general tourist trade and an increase in cruise ship visits and excursions many distilleries wish to accommodate tours commencing prior to 1000 hrs and the Board has accepted, on a case by case basis, that the sale of alcohol for consumption on the premises prior to 1100 hrs may be reasonable if the sale is linked to participation in a formal tour or tasting session.

It is also now increasingly common for specialist off-sales shops to offer tasting sessions on their premises subject to appropriate details being included in their premises licence operating plan

It may now be appropriate for Board policy to include a specific reference to distillery and like premises and specialised off-licences in respect of their licensed hours to assist licence holders and applicants. Any change to current licensed hours for on-sales will have to be made by application for a non-minor variation.

Suggested policy

## **2. Premises Licence Core Hours**

### **2.1 Alcohol Producers and Specialist off-sales providers.**

These are premises which, in respect of alcohol producers, are a destination falling within the broad definition of a visitor attraction and which are permitted to sell alcohol by on-sales and off-sales.

On-sales of alcohol may be permitted from (0900 hrs) on any day provided that such a sale is a part of a formal tasting or sampling session and a condition to that effect may be imposed.

### **Specialist Off-sales Providers**

These are retail premises which are exclusively or mainly stocked with alcoholic products for sale for consumption off the premises and offer tutored tasting and sampling of products on the premises and in respect of which a charge may be made for the product.

On-sales of alcohol may be permitted from 1000 hrs on any day provided that such a sale is a part of a formal tasting or sampling session. And a local condition to that effect may be imposed. Licence holders are encouraged not to offer free samples of alcoholic products prior to 1000 hrs whether or not as a part of a formal tasting or sampling session.

It should be noted that weights and measures regulations relating to the sale of certain spirits and other alcoholic products may apply and advice or guidance should be sought from Highland Council Trading Standards.

