

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.15
Report No	HLB/077/18

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

Glen Ord Distillery Visitor Centre, Muir of Ord

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Diageo Scotland Ltd.

1.0 Description of premises

1.1 The visitor centre sits in the middle of the Glen Ord distillery complex in the village of Muir of Ord

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1000 hrs to 2400 hrs

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

1. Change the on-sales hours to commence at 0900 hrs daily and terminate at 2300 hrs.
2. Increase alcohol display capacity with the visitor centre to 40m² and add off-sales in the function suite with capacity of 1.97m².
3. Add seasonal variation advising that the premises may close earlier from time to time depending on demand.

4. Various minor amendments to the layout plan including installation of bar counter within exhibition room 2, office added behind reception area, removal of store room walls and an extension to the licensed footprint for the premises to include the visitor centre entrance and toilets.

4.0 Background

- 4.1 On 11 May 2018 the Licensing Board received an application for a major variation of a premises licence from Diageo Scotland Ltd.
- 4.2 The application was publicised during the period 18 May until 8 June 2018 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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://highland.gov.uk/hlb_hearings

5.0 Legislation

- 5.1 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.
- 5.2 Relevant grounds of refusal may be: -
 1. the grant of the application will be inconsistent with one or more of the licensing objectives;
 2. having regard to (i) the nature of the activities carried on or 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 in accordance with the proposed variation;

3. that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality.

5.3 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

5.4 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

5.5 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

Arising from an increase in business the applicant has carried out a further review of their current operation as a distillery visitor attraction and now applies to amend the licensed hours for on-sales to commence at 0900 hrs and terminate at 2300 hrs daily, a period of 14 hours.

Highland Licensing Board policy hours for on-sales generally commence at 1100 hrs on any day. Tours of the distillery commence prior to 1100 hrs and the applicant applies to sell on-sales from 0900 hrs to cater for, mainly, bookings for cruise ship passengers. There is precedent for the grant of such hours for other distillery premises and each case is considered on its own merits. I am of the opinion that the earlier commencement hour for on-sales will not conflict with any of the licensing objectives.

The current licence off-sales capacity is split between the main visitor centre (36.7m²) and a separate staff shop to which there is no public access (11.6m²) totalling 48.34m² for the premises. The applicant now seeks to increase the capacity within the main visitor centre to 40m² and add a further 1.97m² display within the function suite. The staff shop capacity remains the same and the total capacity for the premises will now be 53.57m².

The function suite is intended to be used for meetings and special events/corporate use and is not a part of the visitor attraction experience. The off-sales display capacity of 1.97m² is relatively insignificant and viewing will be restricted only to users of the suite.

The other variations sought arise from minor changes to the layout and do not affect any part of the operating plan

I am satisfied that the applicant has given full consideration to the licensing objectives and I have no cause to object to the variation of the premises licence.

7.0 Principal Solicitor's advice

7.1 The Principal Solicitor has offered the following further advice to assist members in assessing the total off-sales display capacity sought against the Board's current overprovision policy. In the case of premises which already have an off-sales capacity which exceeds 40 m², current policy presumes against any further increase in capacity.

7.2 This policy is, however, designed to restrict the proliferation of larger scale off-sales premises where large display areas in a single location increase both the accessibility and affordability of alcohol for purchase by members of the public generally. These two factors, accessibility and affordability in single display areas, are known to be key factors affecting patterns of alcohol consumption in Scotland.

7.3 At this particular premises, however, the display area in the main visitor's centre, to which all members of the public may have access, is currently less than 40 m². The increase sought will bring it up to the 40 m² limit, beyond which the Board's current policy presumes against further increase.

7.4 The addition of a new 1.97 m² display area, in a function suite which is not open to the public generally and which is used only for special or corporate meetings or events, will clearly not increase alcohol accessibility to, or affordability by, the public generally.

7.5 In these circumstances, the Principal solicitor advises that the grant of the two separate alcohol display area increases which the applicant seeks (*"Increase alcohol display capacity with the visitor centre to 40m² and add off-sales in the function suite with capacity of 1.97m²"*) can be regarded as not being incompatible with the Board's current overprovision policy and the rationale behind it.

8.0 HLB local policies

8.1 The following policies are relevant to the application:-

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

9.0 Conditions

9.1 Mandatory conditions

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

9.2 Local conditions

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

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/0706
Date: 12 June 2018
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