

The Highland Licensing Board

Meeting – 3 December 2019

Agenda Item	8.3
Report No	HLB/114/19

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

Clynelish Distillery, Brora, KW9 6LR

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 Limited.

1.0 Description of premises

1.1 Single storey detached distillery visitor centre offering tours, tastings and off sales.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Amend list of activities and services to include conferences, dance, indoor and outdoor sports and outdoor drinking facilities.
- (2) Add additional wording in 5 to describe activities outwith core hours.
- (3) Revision of and addition to wording in 5(f) relating to any other activities.
- (4) Increase in on sale and off sale capacities.
- (5) Vary layout plan to include creation of new 2 floor visitor centre building in Clynelish on site of existing building.
- (6) Addition of external areas related to the Clynelish visitor centre.
- (7) Inclusion of areas in the Brora distillery area to include visitor centre buildings, a dramming area and warehouse area.
- (8) Addition of external areas related to the Brora Visitor Centre.

(9) Amend description of premises to “Distillery visitor centres at Brora and Clynelish distilleries being a two storey visitor centre at Clynelish distillery and four areas at the Brora distillery with external areas adjacent to both sites”. Postal address to be amended to read “Clynelish and Brora Distillery, Brora, Sutherland, KW9 6LR”.

3.0 Background

- 3.1 On 15 October 2019 the Licensing Board received an application for a major variation of a premises licence from Diageo Scotland Limited.
- 3.2 The application was publicised during the period 21 October until 11 November 2019 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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

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.

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.

4.2 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.

4.3 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

5.2 The Brora and Clynelish Distilleries are currently operating within the one area or campus which is centred around the Clynelish Distillery Building and a small visitor centre. The premises known as the "Brora Distillery" have been "moth balled" for some years and the long term plan of the operators is to bring the Brora Distillery back into main line production.

5.3 The applicant now seeks to develop and extend the operation within one campus to offer visitor centres at both distilleries, this being a two storey visitor centre at Clynelish distillery and four areas at the Brora distillery with external areas adjacent to both sites. The entire campus is contained within a rural area on the outskirts of Brora in East Sutherland. There are private tracks, pathways and roads throughout the campus area, which have limited access.

5.4 The application seeks to vary the layout plan to include the creation of a new two floor visitor centre extension on the existing Clynelish part of the Campus. They also seek additional external areas related to the Clynelish visitor centre. In addition, they wish to include a dramming area, warehouse area and external areas related to the Brora Visitor Centre, all as shown on plans provided.

- 5.5 The applicant also seeks to vary the wording and descriptions of activities as shown at 5 on the operating plan as well as to increase on and off sales capacity on the campus as noted at 7 on the operating plan. The off sales capacity applied for is within the Board's 40 m2 overprovision policy.
- 5.6 The proposed development will provide high standard service and accommodation to primarily the visitor and tourist trade, as well as providing much needed employment in the area. The premises have been visited by the LSO and the plans are suitable for the sale of alcohol as described within the operating plan.
- 5.7 The operating plan has been reviewed by the LSO who is content that it fully meets the requirements of the licensing objectives.
- 5.8 Following the public consultation phase of this application, no objections or observations have been received by the Board.
- 5.9 The LSO is confident that should the Board see fit to grant this variation there will be no adverse issues in respect of the licensing objectives.
- 5.10 Due to the location, the LSO has not thought it necessary to impose a condition on the outside drinking area.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

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

7.3 **Special conditions**

No special 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/0857

Date: 13 November 2019

Author: L Gunn

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