

The Highland Licensing Board

Meeting – 11 May 2021

Agenda Item	8.1
Report No	HLB/033/21

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

Kinrara Distillery

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Kinrara Distillery Limited, Lochindorb Lodge, Lochindorb, Grantown-on-Spey, PH26 3PY.

1.0 Description of premises

1.1 Kinrara Highland Distillery is nestled in 12,000 acres of Cairngorm National Park on the outskirts of Aviemore. It is one of Scotland's newest micro distillery making unique gins and liquors.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Add on sales: Sunday-Thursday: 1100-2300 hrs; Thursday-Friday: 1100-2400 hrs.
- (2) Amend the list of activities and entertainment within Section 5 of operating plan to accurately reflect the portfolio of services to customers that the Distillery provides.
- (3) Amend Section 5(f) of the Operating Plan to reflect the inclusion of an events/conference facility serviced by a bar where on sales can be provided.

- (4). Amend capacity section to reflect uplift in capacity from expansion of licensed facilities to 330.

4.0 Background

- 4.1 On 10 February 2021 the Licensing Board received an application for a major variation of a premises licence from Kinrara Distillery Limited.
- 4.2 The application was publicised during the period 9 March until 29 March 2021 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, both the applicant and the objector have been invited to submit a written representation to state their case.

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.

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.
- 5.2 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.

5.3 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.

5.4 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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (i) Kinrara Distillery has had a premises licence since July, 2018. It is a small boutique gin distillery situated on the outskirts of Aviemore; currently the distillery is licensed to provide off sales through internet orders.
- (ii) The operating history of the premises has been entirely incident free. The Kinrara brand has established itself as a popular product available through many high street outlets.
- (iii) With an eye to the future, a major variation application has been submitted. Specifically the footprint of the premises has substantially changed, to now incorporate a bar and events centre, where tastings and other events can be held, directly outside this centre is an outside drinking area . Accordingly, on sales within board policy hours has been applied for, to allow sales and demonstrations to take place at the premises, which is a largely based tourist and marketing initiative. The outside area is directly adjacent to the physical buildings of the distillery. It is well removed from neighbouring property to make the requirement of restriction on operating hours unnecessary.
- (iv) Further enhancement of the distillery has created its own shop in order to host walk in customers as well as continuing with internet, postal and telephone orders. The display areas of the shop provide a cumulative display area well below the 40 square metre threshold currently set by the Board, for considering the question of overprovision. The list of activities and entertainments contained in the operating plan has been broadened to reflect the full range of options that the distillery may extend to customers.
- (v) With the proposal for on sales the distillery have adopted a very simplistic yet effective children and young persons' policy, by solely granting admittance to adults.
- (vi) The capacity section of the operating plan has been updated with people/off sales capacities.

(vii) In summation, the LSO is satisfied that the application in its entirety meets the standards of the 5 licensing objectives.

(ix) Following the public consultation phase of this application no objections or representations have been received by the Highland Licensing Board.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

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

8.2 Local conditions

There are no existing local conditions and it is not considered necessary to attach any.

8.3 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/INBS/615
Date: 26 April 2021
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