

## The Highland Licensing Board

Meeting – 7 September 2021

|             |            |
|-------------|------------|
| Agenda Item | 9.3        |
| Report No   | HLB/088/21 |

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

**Kinrara Distillery, Lynwilg Farm Steading, Lynwilg, Aviemore, PH22 1PZ**

### 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 Distillery is nestled in 12,000 acres of Cairngorm National Park just outside Aviemore.

It is one of Scotland's newest micro-distilleries Kinrara, make unique Highland Dry Gin, infused with local floral berries.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

1. Amend children and young person's section to allow them to be present on the premises whilst under the supervision of an accompanying adult.
2. Under 5(f) Children and young persons admitted when accompanied by an adult. A range of activities such as an Easter egg hunts, colouring and provision of refreshment/confectionery may be offered.

#### 3.0 Background

3.1 On 22 June 2021 the Licensing Board received an application for a major variation of a premises licence from Kinrara Distillery Limited.

3.2 The application was publicised during the period 20 September until 11 October 2021 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 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.

#### **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:-

(i) Kinrara Distillery is a small detached gin distillery situated outside Aviemore. Recent LSO inspections have shown the premises to be run to very high standards.

(ii) Aside from operating an off sales shop, the Distillery offers tasting experiences of their products within a dedicated Tasting Room. As the Distillery is very popular with visitors many families attend. Accordingly, in order to better facilitate the presence of family groups, children and young persons access is requested, whilst under adult supervision.

(iii) The LSO has visited the premises which in his opinion, are suitable for the presence of children and young persons in the circumstances set out in the application, without any threat to the licensing objective of protecting children and young persons from harm.

## **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/INBS/615  
Date: 12 October 2021  
Author: Marjory Bain