

The Highland Licensing Board

Meeting – 25 April 2022

Agenda Item	9.6
Report No	HLB/040/22

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 Limited in respect of Glen Ord Distillery Visitor Centre, Muir of Ord.

1.0 Description of premises

1.1 These licensed premises form part of the larger distillery site on the outskirts of the village of Muir of Ord comprising three areas – staff shop, function room and visitor centre including shop. The premises were granted a premises licence on conversion on 1 September 2009.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

On sales:

Monday to Sunday: 0900 hrs to 2300 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 name of premises to “The Singleton of Glen Ord Visitor Centre”;
2. amend the premises description on the licence;
3. amend layout plan due to reconfiguration of areas, reduction of staff shop shelving area, inclusion of external areas;
4. change wording of seasonal variation;

5. add bar meals, dance and outdoor drinking to activities provided during and outwith core hours and amend explanation for activities held outwith core hours;
6. delete and replace existing explanation for additional activities;
7. increase on sale capacity to 674;
8. reduce off sale capacity in staff shop to 9.6m² and increase off sale capacity in visitor centre to 56.29m²

4.0 Background

- 4.1 On 8 March 2022 the Licensing Board received an application for a major variation of a premises licence from Diageo Scotland Limited.
- 4.2 The application was publicised during the period 18 March to 8 April 2022 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 attend a meeting on Microsoft Teams. The applicant has been advised of the hearings procedure.

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:-

- a) The property known as Glen Ord Distillery is a long-established distillery and visitor centre located in a rural location to the south of the B832 Muir of Ord to Marybank Road on the outskirts of the village of Muir of Ord, Ross-shire
- b) The premises have operated for many years with no adverse comment and have been undergoing extensive renovation and extension over the past two years, during which time they have operated on a temporary licence. This application is to increase the licensed area of the premises, the range of activities within the premises and increase the capacity for both on and off sales, as well as changing the name of the premises.
- c) The activities sought would appear in general to be reasonable and appropriate for the proposed operation of the premises, but there are two main points of contention:
 1. to increase the off sales capacity from a historically granted 53.57m² to 56.29 m²

In terms of the Board's policy, there is a rebuttable presumption against the grant of a variation to a premises licence for licensed premises with existing off sales capacity in excess of 40m², where the grant of any variation sought would result in an increase in that off-sales capacity.

Each application is still required to be determined on its own merits, and whilst I accept this application can be contrasted from applications by “larger multiple grocery stores”, it is a significant diversion from the overprovision policy.

2. to increase the on sales provision to 0900 hrs to 2400 hrs which is a continuous period of 15 hours.

In terms of the Board’s policy, where such early opening is sought, the closing time should be such as to restrict the continuous period during which alcohol may be sold to no more than 14 hours, unless a justification for a longer continuous period of sale can be established to the Board’s satisfaction.

- d) The Children’s and Young Persons policy is appropriate.
- e) The layout plan submitted complies with the required specifications.

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

Existing local conditions will continue to apply and the following additional local condition to be added:

- m. After 2200 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed additional local condition detailed at para 8.2 above.

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 April 2022

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