

The Highland Licensing Board

Meeting – 10 January 2023

Agenda Item	6.2
Report No	HLB/004/23

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

The Cairn Distillery, Craggan, Grantown-on-Spey, PH26 3NU

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of The Cairn Distillery, Craggan, Grantown-on-Spey, PH26 3NU

1.0 Description of premises

1.1 The Cairn Distillery is situated on the outskirts of Grantown-on-Spey and consists of a two storey building and visitor centre.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1000 hours to 2359 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 7 October 2022 the Licensing Board received an application for the grant of a premises licence from Speyside Whisky Distributors Ltd.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 21 November until 12 December 2022 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:

[Highland Licensing Board - 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 are: -

1. that the premises are excluded premises;
 2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
 3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 4. that having regard to;
 - (i) the nature of the activities 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, or
 5. 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 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) The Cairn Distillery is a substantial new whisky distillery situated in its own substantial grounds on the outskirts of Grantown on Spey. The premises licence holders, Gordon and Macphail have substantial experience within the whisky industry of operating premises.

(ii) The premises themselves, consist of the entirety of the grounds to allow for utilising for outdoor events and whisky experiences. The physical buildings comprise a distillery, visitor centre and restaurant with outside area.

(iii) The premises are suitable for the intended use as stated within the operating plan. On sales hours are requested to commence from 1000 hours to allow for tutored tastings by customers, this is compliant with current HLB policy.

(iv) The use of the outside areas has not been conditioned by a specific curfew time, as the premises are well removed from any nearby residential property likely to be disturbed.

(v) The LSO has reviewed the operating plan submitted and has found it to be compliant with the 5 licensing objectives and current HLB policy. The necessary section 50 certificates relating to planning, building control and food hygiene have accompanied the application. The range of facilities to assist disabled visitors is impressive.

(vi) The off sales display area within the visitor centre is 8.5 square metres, well within the current threshold for considering overprovision by the Board.

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the schedule of local conditions:

(g) Alcohol may be sold prior to 1100 hours for consumption on the premises only during a formal or tutored tasting session and only to customers taking part in such a tasting session.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para. 7.2 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/INBS/676
Date: 14 December 2022
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