

**The Highland Licensing Board**

**Meeting – 24 October 2023**

<b>Agenda Item</b>	9.5
<b>Report No</b>	HLB/119/23

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

**The Singleton of 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 The Singleton of Glen Ord Distillery Visitor Centre, Muir of Ord.

**1.0 Description of premises**

1.1 The Glen Ord Distillery is located on the outskirts of Muir of Ord and the distillery site comprises a staff shop, function room, visitor centre and external areas. The premises licence was granted 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 2400 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) amend wording on the premises licence relating to the explanation for activities provided outwith core hours to include "Outdoor Drinking Facilities: The premises may provide non-alcoholic beverages prior to core hours"; and in the details for other activities to be provided include "Both internal and external areas may be used for market purposes where third parties exhibit and sell food, drink and other products."

## **4.0 Background**

- 4.1 On 31 August 2023 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 8 to 29 September 2023 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 the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

[https://www.highland.gov.uk/downloads/file/6399/licensing\\_hearings\\_procedure/licensing\\_board](https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board)

## **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. This application is to increase, the range of activities within the premises, to allow for greater use of the existing outdoor areas. The specifics of what is applied for are detailed elsewhere in this report.
- c) The activities sought are appropriate and suitable for the premises.
- d) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- e) During the period of public consultation, no objections were received.
- f) I have no objection to this application.

## **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 apply.

**Recommendation**

The Board is invited to determine the above application and if minded to grant the 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/0706  
Date: 3 October 2023  
Author: G Sutherland

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