

The Highland Licensing Board

Meeting – 7 May 2024

Agenda Item	8.6
Report No	HLB/45/24

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

Dalwhinnie Distillery Visitor Centre, Dalwhinnie, PH19 1AB

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, 11 Lochside Place, Edinburgh, EH12 9HA.

1.0 Description of premises

1.1 Dalwhinnie Distillery and Visitor Centre is located to the west of the A9 Perth-Inverness road some 10 miles south of Newtonmore and 55 miles from Inverness. The premises consists of a Visitor Centre and shop, being a single storey building with building with area of warehouse and additional room, two other buildings and an external area.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Inclusion of Indoor/Outdoor sports and Televised Sport as permitted activities during core hours.
- (2) Reference to Ceilidhs in wording in relation to permitted activities.
- (3) Change in wording in 5(f) to refer to training retail facilities, markets, light food offerings, craft demonstrations and workshops, functions, dinners, meetings, office activities and use of external areas for activities including displays/demonstrations and music.
- (4) Change in on sale capacity to 550 by increasing external capacity to 300.
- (5) Change in off sale capacity to 46.11m².
- (6) Changes to alcohol display areas.
- (7) Reconfiguration of counter area in Visitor Centre building.
- (8) Inclusion of new external area in courtyard.

(9) Change to description: 'Dalwhinnie Distillery is located to the west of the A9 Perth-Inverness road some 10 miles south of Newtonmore. The premises consists of a Visitor Centre and shop, being a single storey building with area of warehouse and additional room, two other buildings and an external area.

3.0 Background

- 3.1 On 18 March 2024 the Licensing Board received an application for a major variation of a premises licence from Diageo Scotland Limited.
- 3.2 The application was publicised during the period 25 March until 15 April 2024 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:

www.highland.gov.uk/hlb_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 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) Dalwhinnie Distillery stands in the Cairngorm National Park at the heart of the Scottish Highlands in the village of Dalwhinnie and has operated a visitor centre with an alcohol premises licence since 2009.

Application has been made to update the premises licence by way of application for a major variation which seeks to amend description of premises to read as follows:

Dalwhinnie Distillery is located to the west of the A9 Perth-Inverness Road some 10 miles south of Newtonmore. The premises consists of a Visitor Centre and shop, being a single storey building with area of warehouse and additional room, two other buildings and an external area.

(ii) A major variation has been lodged via an agent to make more extensive use of the Visitor Centre and external areas within the grounds at the distillery accordingly, the range of activities to be permitted within the operating plan is requested to be broadened to include:

- Inclusion of Indoor/Outdoor sports and Televised Sport
- Reference to Ceilidhs in wording at Q5 in relation to permitted activities
- Change in wording at 5(f) to refer to training retail facilities, markets, light food offerings, craft demonstrations and workshops, functions, dinners meetings, office activities and use of external areas for activities including displays/demonstrations and music.

This will allow flexibility within operations to provide additional activities in conjunction with the local community as permitted by current HLB Policy.

(iii) Inclusion of a new external area in courtyard. This is an area of hardstanding to the front of the Visitor Centre between the Visitor Centre and warehouses and which will be primarily used for stalls for craft fairs/local markets etc. and in the opinion of the LSO the area in question lends itself ideally for such use.

(iv) Application has been made to increase on sale capacity to 550 which currently stands at 450 by increasing external capacity to 300 from the current 200. The LSO has visited the premises and is of the opinion that the increase applied for can be accommodated with ease considering the extensive outdoor areas available at the distillery.

(v) Reconfiguration of the bar area within the Visitor Centre has also been applied for. There is no change to the location of the bar counter and the reconfiguration consists of display behind the counter area for alcohol and non-alcohol activities with a slight increase of the behind the bar display area.

(vi) Application has also been made for change in off sales capacity to 46.11m² from the current permitted 40m². Whilst this increase in capacity sits outwith the current Highland Licensing Board policy the requested application for increase in capacity is accounted for by way of the increase of behind bar display area, a further shelved display within the Visitor Centre and a display cask of whisky sitting on a trestle and a desk adjacent to the cask where the customer sits to register their purchase. This is looking at a specific clientele as part of their own personal whisky experience which entails a guided tour of the distillery floor and barrel warehouse with one of the expert guides. After this the customer will learn how to blend their very own Dalwhinnie whisky. Once they've created their custom blend the customer will be able to bottle and label it to take home. This increase in capacity relates to a very specialised product and not general alcohol merchandise, sold in a unique way likely to appeal mainly to whisky enthusiasts.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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

Existing special conditions will continue to apply and no additional 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/special conditions detailed at paras. 7.2 and 7.3 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/89
Date: 17 April 2024
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