

Argyll and Bute Licensing Board

24th April 2018

VARIATION OF A PREMISES LICENCE**NAME OF PREMISES:** Oban Distillery, Stafford Street, Oban, PA34 5NH**APPLICANT:** Diageo Scotland Limited, 5 Lochside Way, Edinburgh Park, Edinburgh, EH12 9DT**AGENT:** Morton Fraser, Quartermile Two, 2 Lister Square, Edinburgh, EH3 9GL**DESCRIPTION OF PREMISES:**

The premises occupy extensive two and three storey building selling off-sales to its visitors.

	EXISTING CORE HOURS		PROPOSED CORE HOURS	
	ON SALES	OFF SALES	ON SALES	OFF SALES
Monday	11.00 to 17.00	10.00 to 17.00	10.00 to 23.00	10.00 to 22.00
Tuesday	11.00 to 17.00	10.00 to 17.00	10.00 to 23.00	10.00 to 22.00
Wednesday	11.00 to 17.00	10.00 to 17.00	10.00 to 23.00	10.00 to 22.00
Thursday	11.00 to 17.00	10.00 to 17.00	10.00 to 23.00	10.00 to 22.00
Friday	11.00 to 17.00	10.00 to 17.00	10.00 to 23.00	10.00 to 22.00
Saturday	11.00 to 17.00	10.00 to 17.00	10.00 to 23.00	10.00 to 22.00
Sunday	11.00 to 17.00	10.00 to 17.00	10.00 to 23.00	10.00 to 22.00

DETAILS OF VARIATIONS SOUGHT:-

The applicant wishes to vary the licence as follows:-

- 1) Amend on sales hours to 10.00 to 23.00 daily.
- 2) Amend off sales hours to 10.00 to 22.00 daily.
- 3) Amend wording in seasonal variation.
- 4) To include conference facilities, restaurant facilities, receptions, club meetings, live performances, dance, theatre and films as activities.

ITEM 6(f)

- 5) Changes to permitted activities to permit recorded music outwith core hours.
- 6) Change to the wording at Question 5(f) describing other activities in the premises.
- 7) Change to the wording relating to admission of children and young persons.

CURRENT SEASONAL VARIATION:- The applicant would exercise the right not to open the facility when there is no demand for same, or indeed to open later or close earlier than the times stated depending on demand between the months of October and March.

The On-Sales hours will vary throughout the year as follows:-

During the months of July - September the premises will remain open until 19.45 from Monday to Friday.

The Off-Sales hours will vary throughout the year as follows:-

January Daily 12.00 - 16.45
February Daily 12.00 - 16.45
March Daily 10.00 - 17.15
April Daily 10.00 - 17.15
May Daily 10.00 - 17.15
June Daily 10.00 - 17.15
July - September Mon - Fri 10.00 - 19.45
Sat - Sun 10.00 - 17.15
October Daily 10.00 - 17.15
November Daily 10.00 - 17.15
December Mon - Fri 12.00 - 16.45

PROPOSED SEASONAL VARIATION:- The premises may close outwith the times stated in light of customer demand or weather conditions.

CURRENT ACTIVITIES:- Recorded music

CURRENT WORDING AT QUESTION 5(F) ANY OTHER ACTIVITIES:- Very occasionally the distillery has had requests to be used to support local community events and to be used as a meeting room. This is not our core business and any such events would be covered through an occasional licence.

It is occasionally the case that Corporate Visitor Groups visit Oban Distillery. Such visits are coordinated and planned and never spontaneous. Our guests may nose and dram but only within the hours specified.

The distillery's paying Tutored Nosing & Tasting bar is in the exhibition area of the distillery marked on the plan as "Tour Dramming Area". This is a planned educational Nosing & Tasting facility. This falls between the hours specified.

PROPOSED WORDING AT QUESTION 5(F) ANY OTHER ACTIVITIES:- The premises is associated with Oban Distillery and may be used in connection with tours and for other educational activities related to the production of whisky and other alcoholic products at any time. Visitors may be either during standard opening hours or private tours outwith hours.

The premises will be used for education in and promotion of Diageo products to Diageo employees and other parties and may be used more generally for training purposes including outwith core hours.

The premises may be used for the taking and dispatch of orders including by electronic commerce.

A retail shop is contained within the premises and may sell alcohol and other products.

The premises may be used for tastings/sampling of whisky and other alcoholic and food products.

The premises may be used for charity events, dinners, talks and cookery and other demonstrations.

Areas of the premises may be used for the production and storage of Diageo's products and for office and administration functions associated with this. The premises may be used on a 24 hour basis for these purposes.

CURRENT CHILDRENS AND YOUNG PERSONS CONDITIONS:-

TERMS - Persons under the age of 18 years may be present in the shop/Visitor Centre when alcohol, in small measures is consumed (drammed) by visitors. Persons under 18 years may accompany a person 18 years of over on a distillery tour. Company policy dictates: under 18 years are not permitted anywhere on a distillery site unless accompanied by a person 18 years or over. This is strictly adhered to

AGES - Children (0-15 years) and young persons (16 & 17 years) will be allowed access.

TIMES - Children may accompany a responsible adult at any time ie. any time from 10.00am to 10.00pm Monday to Sunday. Our guided tours start at 9.30am. However, under no circumstances is alcohol sold or used for dramming purposes before 10.00am.

PARTS - Accompanied persons under the age of 18 will be allowed access to all parts of the distillery visited during a guided tour. These are always in limited numbers and closely supervised.

PROPOSED CHILDRENS AND YOUNG PERSONS CONDITIONS:-

TERMS - Those under 16 may be permitted access on the premises if accompanied by an adult. Those over 16 may be permitted access unaccompanied.

AGES - All ages of children and young persons may be permitted on the premises.

TIMES - Until 22.00 unless attending a pre-planned function or event when they may remain for the duration of the permitted hours.

PARTS - Children and young persons may be permitted on all public parts of the premises

LSO: This is an application for a major variation to the operating plan. The applicant has liaised with the LSO during this application and there are no concerns.

Operating Plan - Proposed updates as follows:

Question 2 – On Sales Hours – amend to - 1000 hours to 2300 hours (Mon-Sun)

Question 3 – Off Sales Hours – amend to - 1000 hours to 2200 hours (Mon-Sun)

Question 4 – Seasonal Variation – amend to –

“The premises may close outwith the times stated in light of customer demand or weather conditions.”

Board Policy –

“The Management reserve the right to open the business one hour later than the commencement of licensed core hours or close one hour earlier than termination of core hours on any day of the week during winter months i.e. 1st October to 31st March.”

Question 5 – activities – to include – conference facilities; restaurant facilities; receptions; club meetings; live performance; dance; theatre; and films.

Question 5 – Outwith Core Hours Statement – update the above accordingly and provide narrative.

Question 5(f) – Additional Activities – full update provided.

Question 6 – Children and Young Person Access – Licensing Standards advocates a standard form of wording to cover children and young person access to on-sales premises as this is the wording that will appear in the operating plan and the statutory access notice. Any standard form should take cognisance of the nature of the operating plan and the wording submitted by the applicant. The applicant has provided a form of words similar to that endorsed by licensing standards. Notwithstanding, the LSO advocates the following. There is no outdoor drinking:

Terms

Children and young persons are permitted access. Children under 16 years must be accompanied by a responsible person aged 18 years or over. Young persons 16 years and over are permitted unaccompanied access.

Ages

Children of all ages (birth to 15 years) and young persons (16 & 17 years).

Times

Access until 2200 hours, or for the duration of any pre-planned function on the premises.

Parts

All public parts of the premises.

There are no other changes to the operating plan.

EHO

No comments received.

POLICE COMMENTS: No Police objections

OBJECTIONS/REPRESENTATIONS: None

POINTS FOR CONSIDERATION:-

- (1) Increase in on-sales hours from 11am to 5pm Monday to Sunday to 10am to 11pm Monday to Sunday.
- (2) Increase in Off-sales hours from 10am to 5pm Monday to Sunday to 10am to 10pm Monday to Sunday.
- (3) Amendment of seasonal variation.
- (4) Addition of the following as activities - conference facilities, restaurant facilities, receptions, club meetings, live performances, dance facilities, theatre and films.
- (5) Clarify nature of live performances to be held. Noise management plan required?
- (6) New wording in relation to access by children and young persons.
- (7) Amendment to "Any Other Activities" carried on within the premises.