

## The Highland Licensing Board

Meeting – 3 October 2017

Agenda Item	8.4
Report No	HLB/106/17

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

Torabhaig Distillery, Teangue, Sleat, Isle of Skye, IV44 8RE

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for the provisional grant of a premises licence in respect of Torabhaig Distillery, Teangue, Sleat, Isle of Skye, IV44 8RE.

#### 1.0 Description of premises

1.1 The Torabhaig Distillery is situated within a newly renovated farm steading of historic importance and consists of a distillery with visitors centre, retail shop and cafe.

#### 2.0 Operating hours

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

##### On sales:

Monday to Sunday: 1000 hours to 2200 hours

The applicant seeks the following **of sale** hours:

##### Off sales:

Monday to Sunday: 1000 hours to 2200 hours

#### 3.0 Background

3.1 On 21 June 2017 the Licensing Board received an application for the provisional grant of a premises licence from Torabhaig Distillery Limited.

The application was accompanied by the necessary section 50 certification in terms of Planning.

3.2 The application was publicised during the period 21 August 2017 until 11 September 2017 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:

[http://highland.gov.uk/hlb\\_hearings](http://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 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 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 applicant company is constructing a whisky distillery with associated visitor centre, retail shop and café within a renovated farm steading at Teangue, Skye
- (ii) The premises are not yet entered on the valuation roll.
- (iii) The application is for both on and off sales with hours commencing at 1000 hours and terminating at 2200 hours daily. There is no bar counter on the premises.
- (iv) The premises are organised in such a way so as to permit a wide range of activities and the proposed activities and services are reasonable and appropriate for this type of operation.
- (v) Highland Licensing Board policy hours for on sales generally commence at 1100 hours on any day. The applicant seeks to offer on-sales so as to be able to sell samples of the various whisky styles rather than offer only the “free” sample dram to customers on completion of a tour of the distillery. Tours of the distillery may commence prior to 1100 hours and the applicant has applied to sell on sales from 1000 hours to tie in with the commencement of off sales at 1000 hours. There is precedent for the grant of such hours for other distillery premises and each case is considered on its own merits. I am of the opinion that the earlier commencement hour for on sales will not conflict with any of the licensing objectives.
- (vi) The café will be open at the commencement of trading hours and it would not be unreasonable to allow the sale of alcohol for consumption along with a meal from 1000 hours.
- (vii) The proposed alcohol capacity for off-sales of 12.55m<sup>2</sup> falls below the threshold of 40 m<sup>2</sup> in terms of the Highland Licensing Board overprovision.
- (viii) I am satisfied that the applicant has given full consideration to the licensing objectives and I have no cause to object to the variation of the premises licence.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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**

No local conditions are considered necessary.

### **7.3 Special conditions**

No special conditions are considered necessary.

## **Recommendation**

The Board is invited to determine the above 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/RSL/1834

Date: 18 September 2017

Author: Carol Nicolson

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