

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.9
Report No	HLB/071/18

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

Talisker Distillery, Carbost, Isle of Skye, IV47 8SR

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, 5 Lochside Way, Edinburgh Park, Edinburgh, EH12 9DT.

1.0 Description of premises

1.1 Talisker Distillery is a working distillery in the village of Carbost on the Isle of Skye overlooking Loch Harport. The distillery comprises of a two storey building, separate warehousing and a two storey office block. Within the production building there is a staff sales area on the ground floor and tasting rooms on the first floor. The main visitor centre contains exhibition and tour facilities and a retail area.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 2300 hours
Sunday: 1200 hours to 2200 hours

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Amend description of the premises and remove extraneous details;
- (2) Amend on sales hours to commence at 0900 hours and terminate at 2300 hours daily;

- (3) To the list of activities during and outwith core hours add live performances, dance and films;
- (4) At 5(f) - other activities - add that self-tutored tastings will also be offered in the tasting rooms within the production building;
- (5) Amend terms of entry for children and young persons so as to permit, at the discretion of the management, unaccompanied young persons to be on the premises;
- (6) Amendment to the layout plan to show the location of a new bar counter.

4.0 Background

- 4.1 On 10 May 2018 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 14 May 2018 until 4 June 2018 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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:

http://highland.gov.uk/hlb_hearings

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.

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.

5.2 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.

5.3 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.

5.4 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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (i) The applicant has carried out a review of their current operation as a distillery visitor attraction and now applies to amend the premises licence so as to allow on sales from 0900 hours daily.
- (ii) Highland Licensing Board policy hours for on sales generally commence at 1100 hours on any day. Arising from increased demand for early visitors wishing to have tutored tasting sessions the applicant seeks to offer on sales from 0900 hours so as to be able to sell samples of the various whisky styles rather than offer only the "free" sample dram to persons taking a tour of the distillery. I am aware of an increase in tourism in, particularly, Skye and the presence of visitor attractions with early opening hours is popular with individual tourists and coach tour companies. Any alcohol for consumption on the premises prior to 1100 hours will only be sold to persons taking part on a tour of the distillery or taking part in a tutored tasting session. I am of the opinion that the earlier commencement hour for on sales will not conflict with any of the licensing objectives.
- (iii) An opportunity has also been taken to increase the services and activities provided on the premises during and outwith core hours.

- (iv) The layout is also to be changed by installing a formal bar within the visitor area where tastings can take place in addition to those which take place in the more formal tasting rooms.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

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

There are no existing local conditions but the following local conditions are now recommended:

- a Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- b Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.
- c Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

8.3 Special conditions

The Board may wish to consider attaching the following special condition:

- (1) Alcohol for consumption on the premises prior to 1100 hours on any day may only be sold to persons participating in a formal tasting or sampling session and a notice to that effect will be displayed on the premises.

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. 8.2 and 8.3 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/RSL/0778
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