

The Highland Licensing Board

Meeting – 14 February 2023

Agenda Item	9.3
Report No	HLB/016/23

Application for a major variation of 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 a major variation of premises licence by Torabhaig Distillery Limited, Teangue, Sleat, Isle of Skye, IV44 8RE.

1.0 Description of premises

1.1 The premises is a distillery (with visitors centre, retail shop and café) situated within a newly renovated farm steading of historic importance situated in Teangue, Sleat, Isle of Skye.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Additional on sales tasting area;
- (2) Additional alcohol display/promotional area - new off sale capacity - 14.8m²;
- (3) Update premises description to include maturation warehouse;
- (4) Change of address of premises manager.

3.0 Background

3.1 On 14 December 2022 the Licensing Board received an application for a major variation of a premises licence from Torabhaig Distillery Limited.

3.2 The application was publicised during the period 22 December 2022 until 12 January 2023 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) Torabhaig Distillery is a fairly new build distillery situated in the south end of Skye.
- (ii) The distillery also incorporates a café, off sales area and offers tours.
- (iii) The application is seeking a change of address for DPM, slight increase in off sales area to be sited nearer reception for ease of advice to visitors/potential customers. The increase in off sales capacity is well within the threshold set by the Highland Licensing Board in relation to their policy on overprovision.
- (iv) The recently completed warehouse/bond area to be included as part of the distillery tour, allow tastings in the public permitted area as this will be the last part of the visitor experience journey.
- (v) I conducted a site visit prior to the submission of the application.
- (vi) No objections have been received in respect of this application.
- (vii) The application complies with the HLB policy.
- (viii) The application is in line with the licensing objectives.
- (ix) The distillery supports permanent all year round and seasonal employment.
- (x) I have no objections or concerns with this application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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**

There are no existing local conditions and it is not considered necessary to attach any.

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: 20 January 2023
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