

The Highland Licensing Board

Meeting – 25 June 2024

Agenda Item	10.7
Report No	HLB/69/24

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.

1.0 Description of premises

1.1 The premises is a distillery and maturation warehouse (with visitors centre, retail shop and café) situated within a farm steading of historic importance on the Isle of Skye.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1000 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) Increase on sales capacity from 120 to 400 (Internal 120 and external 280);
- (2) Increase on sales hours to 1000 hours to 2400 hours each day
- (3) Amend working of Children and Young Persons Policy (6(d));

- (4) 5(f) – any other activities – additional wording as follows:-
- (i) Both internal and external areas may be used for market purposes whereby third parties exhibit and sell food, drink and other products;
 - (ii) The external areas may be used for a variety of recreational purposes including displays and demonstrations of all natures, of which pop-up bars and temporary structures may be utilised;
 - (iii) The external areas may be used infrequently for festivals and events, on occasions an event may take place in the evening

4.0 Background

- 4.1 On 22 April 2024 the Licensing Board received an application for a major variation of a premises licence from Torabhaig Distillery Limited.
- 4.2 The application was publicised during the period 26 April 2024 until 17 May 2024 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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 During the consultation process, Building Standards made comment/representation with regards to the proposed increase in capacity when events were taking place. Reference to this comment/representation is addressed in the LSO comments at 6.1.
- 4.7 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

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 premises are a distillery and maturation warehouse (with visitors centre, retail shop and café) situated within a newly renovated farm steading of historic importance.
- (ii) The application is within HLB policy.
- (iii) The application is consistent with the licensing objectives.
- (iv) The main part of this variation application is to update the premises licence to reflect what a number of distilleries now take part in, to be able to showcase other distilleries and producers goods on occasions (think it is commonly known as "The "Whisky Trail") and indeed a number of these applications have come before the Board in the last eighteen months and have been granted.
- (v) There are a number of other minor variations that are covered in the related paperwork.

- (vi) Building Standards have made comment/representation with regards to the increase in capacity when such events take place. After discussion between the applicant and Building Standards, as the increase is primarily for external use the applicant will provide “portaloos” when such an event will be taking place and Building Standards are satisfied with this arrangement.
- (vii) As a point of note for the Board, Environmental Health advised that the applicant consider implementing a basic Noise Control plan for larger external evening events.
- (viii) The applicant is happy to work with EH and will liaise with them ref a basic Noise Control Plan for any larger external evening events.
- (ix) No objections have been received in respect of this application.
- (x) I have no objections to this application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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 condition is now recommended:

- m. After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area other than when there is a festival or special event taking place.

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 or to such persons following on from their participation 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/1834
Date: 7 June 2024
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