

The Highland Licensing Board

Meeting – 7 January 2025

Agenda Item	7.1
Report No	HLB/04/25

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

The Three Chimneys at Talisker, Talisker Distillery, Carbost, Isle of Skye, IV47 8SR

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of The Three Chimneys at Talisker, Talisker Distillery, Carbost, Isle of Skye, IV47 8SR.

1.0 Description of premises

1.1 The Three Chimneys at Talisker is a cafe situated within the grounds of Talisker Distillery with an external area.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hrs to 2300 hrs

3.0 Background

3.1 On 31 October 2024 the Licensing Board received an application for the grant of a premises licence from The Wee Hotel Company Limited per CMS Cameron McKenna Nabarro Olswang LLP.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.3 The application was publicised during the period 4 November 2024 until 25 November 2024 and confirmation that the site notice was displayed has been received.

3.4 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.

- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.

While EH have no objection to the application, they have requested that the following should be addressed:

- With respect to the outdoor drinking area (the decking area) as detailed on the plans submitted, given there are other private residences in relatively close proximity and so as to protect the amenity of any persons not connected to the establishment, no outdoor drinking shall occur past 2200hrs. The only exceptions to this would be for special occasions (i.e. weddings) or seasonal variations that extend permitted hours (i.e. Hogmanay or similar) as per the licensing standards.

The LSO has suggested two local conditions at 7.2 for the outdoor area which the Board may wish to consider attaching.

- 3.7 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:

[Highland Licensing Board - 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 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 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 property known as The Three Chimneys at Talisker was previously part of a hospitality area for the Talisker Distillery. The premises referred to is part of a new purpose built single storey building, sitting detached from other buildings within the Talisker Distillery complex at Carbost Isle of Skye.
- (ii) This part of the complex was previously within the Talisker Distillery licensed area but was recently removed from that to allow for an independent operator to licence and operate the premises separately.
- (iii) The applicants are a well-established and respected licensed business on the Isle of Skye.
- (iv) The property sits within its own grounds, it has one main public restaurant area with a small outside area.
- (v) The application is to allow for the provision of alcohol by on sales. This property is a café/restaurant, but is seeking to offer alcohol by table service, primarily as ancillary to a meal.
- (vi) There is no bar within the premises.
- (vii) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.

- (viii) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (ix) The layout plan submitted complies with the required specifications.
- (x) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (xi) During the period of public consultation, no objections were received.
- (xii) I have no objection to this application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the schedule of local conditions:

- m After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area
- o The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para. .2.

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/2129
Date: 12 December 2024
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