

The Highland Licensing Board

Meeting – 15 September 2026

Agenda Item	10.3
Report No	HLB/87/26

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

Tomatin Distillery Company Ltd., Tomatin, Inverness-shire, IV13 7YT

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Tomatin Distillery Company Ltd., Tomatin, Inverness-shire, IV13 7YT

1.0 Description of premises

- 1.1 Tomatin Distillery includes a Visitor Centre and is situated in its own grounds 15 miles from Inverness in the village of Tomatin.

2.0 Summary of variation application

1.1 Variation sought

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

- Add an outdoor drinking area adjacent to the visitor centre.

3.0 Background

- 3.1 On 22 July 2026 the Licensing Board received an application for a major variation of a premises licence from Tomatin Distillery Company Ltd.
- 3.2 The application was publicised during the period 3 August until 24 August 2026 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:-

Tomatin Distillery Visitor Centre have operated out of the existing premises situated on the outskirts of the village of Tomatin with a premises licence for both on and off sales since 2009.

Variation is sought at Q5(d) of the operating plan to add an outdoor drinking area to the licensed footprint of the premises. This outdoor drinking area is situated to the side of the premises with a capacity for 32 seated guests. The outdoor area has operated under occasional licences since 2023 without adverse issue or comment.

The LSO is satisfied that should the Highland Licensing Board wish to grant this application then there will be no threat to the licensing objectives.

During the public consultation phase of this application no objections or representations has been received by Highland Licensing Board

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

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

(l) The boundaries of any outside area will be effectively demarcated to the satisfaction of the Licensing Standards Officer.

(m) After 2200 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

n(i) No live or recorded music shall be played 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.

(p) The licence holder shall ensure that all outdoor tables are regularly cleared of used glassware, crockery, cutlery and refuse.

7.3 Special conditions

The special condition will continue to exist.

- Prior to 1100 hours alcohol for consumption on the premises may only be sold during a formal or tutored tasting session and only to customers taking part in such a tasting session.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition detailed at paras. 7.2 and 7.3 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/INBS/177
Date: 2 September 2026
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