

## Argyll and Bute Licensing Board

24th April 2018

**VARIATION OF A PREMISES LICENCE****NAME OF PREMISES:** Ledaig Distillery, Tobermory, Isle of Mull, PA75 6NR**APPLICANT:** Distell International Ltd., 8 Milton Road, College Milton North, East Kilbride,  
G74 5BU**AGENT:** n/a**DESCRIPTION OF PREMISES:**

The Ledaig Distillery is located at the south end of the main street in the village of Tobermory on the Isle of Mull. It is the only distillery on the island and comprises a number of stone buildings built around a courtyard. The stone buildings house the distillery equipment used to produce both the Tobermory and Ledaig Whiskies. The distillery looks out over Tobermory Bay and the surrounding area is largely rural. Located behind the visitor centre is a large stone building which used to be part of the distillery. This building has now been sold and developed into residential flats. There is a spar shop located in front of the distillery entrance, and a garage is located adjacent to the distillery on the south side.

	EXISTING CORE HOURS	
	ON SALES	OFF SALES
Monday	10.00 to 22.00	10.00 to 22.00
Tuesday	10.00 to 22.00	10.00 to 22.00
Wednesday	10.00 to 22.00	10.00 to 22.00
Thursday	10.00 to 22.00	10.00 to 22.00
Friday	10.00 to 22.00	10.00 to 22.00
Saturday	10.00 to 22.00	10.00 to 22.00
Sunday	10.00 to 22.00	10.00 to 22.00

**DETAILS OF VARIATIONS SOUGHT:-**

The applicant wishes to vary the licence as follows:-

- 1) To amend the seasonal variation.
- 2) To add recorded music, live performances, dance facilities, films and outdoor drinking as activities.
- 3) To amend the wording at Question 5(f) Any other activities.
- 4) To amend the wording at the Children and Young person's conditions.
- 5) To increase the capacity in view of the outdoor area.
- 6) To amend the description of the Premises .
- 7) Change to the layout plan to include the outdoor area.

**CURRENT SEASONAL VARIATION:-** Trading at weekend will generally be limited to the summer months (March to October) but may occur throughout the year based on visitor needs. The Distillery will close on Christmas Day, Boxing Day, New Year's Day and 2 January.

**PROPOSED SEASONAL VARIATION:-** Low Season (1st November to March 30th) the core licensed hours will be 10.00 to 16.00, 6 days (Mon - Sat) per week and 11.00 to 16.00 on a Sunday. Winter trading hours are to ensure we meet the ferries/bus operator's timetables and thus ensuring we correlate with visitor's needs throughout the winter period. High Season (30th March (Easter) - 31st October) the trading hours may be extended from 09.30 - 17.00 to 09.30 - 22.00.

During peak trading times in the Spring/Summer, an outside area ("Ledaig Lane") will be used by visitors for the start and finish of distillery tours and to conduct tastings. This will enhance the visitor experience at the Distillery and the area will only be used within the high season operating hours of 10.00 to 21.00. The distillery and distillery shop will close on Christmas Day, Boxing Day, New Year's Day and 2nd January.

**CURRENT ACTIVITIES:-** The only activity currently noted on the licence is guided tours at Question 5(f) Any other activities. The applicant wishes to change the wording at Question 5(f) to the following:-

Guided tours and tastings will take place as part of the visitor experience of visiting the Distillery. At the end of a tour a tasting of Tobermory and/or Ledaig Whiskies is offered. As part of the Distillery's Responsible Drinking Policy there is also the opportunity to take away a 20ml miniature bottle sample for those visitors not wishing to participate in the tutored tasting at the end of any tour.

The Visitor Centre offers tutored tastings of "staves" of Tobermory and Ledaig Whiskies. The "staves" are offered in 2, 3 or 4 tastings. Visitors are also able to take away any whisky they do not finish during the tasting in miniature bottles.

The Visitor Centre also offers a "Paired Whisky and Chocolate Experience" as part of the tour for visitors. This includes chocolates from the Isle of Mull and Tobermory and Ledaig Whiskies.

The Visitor Centre also conducts tours of the Distillery Warehouse, where visitors can sample 3 whiskies straight from the cask.

**CURRENT CHILDREN & YOUNG PERSONS CONDITIONS:-**

TERMS - Children and young persons will be permitted entry to the distillery tour and shop if they are accompanied by an adult aged 18 years or over..

AGES - All ages

TIMES - 10.00 to 22.00 Monday to Sunday

PARTS - Children and young persons will be permitted entry to the same parts of the distillery as are open to the public during tours, which is restricted to a set tour route and to the distillery shop only.

**PROPOSED CHILDREN & YOUNG PERSONS CONDITIONS:-**

TERMS - Children and young persons will have access to the Visitor Centre facilities as detailed on the layout plan, but only when supervised by an adult. No alcoholic products will be sold or free alcoholic samples provided to any person under the age of 18. All staff are full trained and will ask for proof of age if they are unsure of the age of any children or young persons.

AGES - Children and Young Persons between the ages of 0 and 18 will be allowed entry.

TIMES - Children and young persons will be allowed entry between 09.00 to 17.00 Monday to Sunday. During the high season (30th March - 31st October) trading may be extended to 21.00.

PARTS - Children and young persons will be allowed entry to the entranceway, shop, presentation area, tasting area, tour route and outdoor area all as detailed on the layout plan.

**CURRENT CAPACITY** - On Sales - 60

**PROPOSED CAPACITY** - On sales - 200 maximum. There is a comment from Buildings Standards that the number of toilets appears to be inadequate for this capacity.

**LSO:** This is an application for a major variation to the premises licence and operating plan as follows. The applicant has provided a comprehensive overview of this application in Papers 1 & 2 which accompany the application.

The applicant has liaised with the LSO during this application and there are no concerns.

Premises Licence – Description of Premises

The applicant has provided a form of words to amend the description on the front of the licence. It is requested that this be updated in its entirety.

Operating Plan - Proposed updates as follows:

Question 4 – Seasonal Variation – The applicant has provided a comprehensive update. Due to the unique nature of the premises and its location the Board may wish to look favourably on the applicant's proposal.

Question 5 – Activities – to include – recorded music; live performance; dance facilities; films and outdoor drinking facilities, all within and outwith core licensing hours. Rationale for these additions has been provided in paper 1.

Question 5(f) – Additional Activities – (see paper 1) – to include tastings and tours.

Question 6 – Children and Young Person Access – Licensing Standards advocates a standard form of wording to cover children and young person access to on-sales premises as this is the wording that will appear in the operating plan and the statutory access notice. Any standard form should take cognisance of the nature of the operating plan and the wording submitted by the applicant. The applicant has provided a form of words similar to that endorsed by licensing standards. Notwithstanding, the LSO advocates the following, which includes the Board's 2000 hours curfew for outdoor drinking:

**Terms**

*Children and young persons will have access to the Visitor Centre facilities detailed in the premises layout plan, but only when supervised by a responsible person aged 18 years or over. No alcohol products will be sold, or free samples provided, to those under 18 years. All staff are fully trained and will ask for proof of age if they are unsure of the age of any child or young person.*

**Ages**

*Children of all ages (birth to 15 years) and young persons (16 & 17 years).*

**Times**

*Generally 0900 hours – 1700 hours Monday to Sunday.  
During High Season (30<sup>th</sup> March – 31<sup>st</sup> October) trading hours may be extended to 2100 hours.  
Outdoor drinking area until 2000 hours.*

**Parts**

*Entranceway; Shop; Presentation Area; Tasting Area; Tour Route; Outdoor Drinking Area, all as detailed on the premises layout plan.*

There are no other changes to the operating plan.

**EHO**

No comments received.

**POLICE COMMENTS:** There is a representation letter from Police Scotland dated 29th March 2018 A copy is attached.

**OBJECTIONS/REPRESENTATIONS:** None

**POINTS FOR CONSIDERATION:-**

- (1) Amendment of the seasonal variation.
- (2) Addition of the following as activities - recorded music, live performances, dance facilities, films and outdoor drinking facilities.
- (3) Clarify the nature of live performances to be held. Is a noise management plan required?
- (4) Amendment of the description of the premises.
- (5) Outdoor drinking facilities - terminal hour.
- (6) Consider letter of representation dated 29th March 2018 from Police Scotland.

## ITEM 6(e)

- (7) Increase in capacity from 60 to 200 persons. Note comment from Building Standards re. inadequate toilet facilities.
- (8) Amendment of terms for children and young persons.