

HIGHLAND LICENSING BOARD

Minute of the meeting of the **Highland Licensing Board** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 10 January 2023 at 1.45pm.

Present:

Mr C Birt, Mr J Grafton, Ms J Hendry, Mr S Kennedy, Ms E Knox, Mr D Macpherson, Mr D Millar, Mr P Oldham.

In Attendance:

Ms C McArthur Clerk to the Board
Mr I Meredith, Depute Clerk to the Board
Mr G Cameron, Licensing Standards Officer
Mr E MacKinnon, Licensing Standards Officer
Ms A Macrae, Committee Administrator

Also In Attendance:

Sergeant A Bryce, Police Scotland

Item 6.2: Andy Kitchin, manager, Tim Belton, assistant manager

Item 6.3: Owen Caldwell, premises manager and Elspeth Byrne, Secretary of Aviemore & Vicinity Community Council

Briefing on Protocol for Webcasting of Meetings

The Convener advised the Board that the meeting would be filmed and broadcast over the internet on the Highland Council website and would be archived and available for viewing for 12 months.

1. Apologies for Absence Leisgeulan

There were no apologies for absence.

2. Declarations of Interest Foillseachaidhean Com-pàirt.

There were no declarations of interest.

3. Confirmation of minutes Dearbhadh a' gheàrr-chunntais

There was submitted for confirmation as a correct record the minute of the meeting of the Highland Licensing Board held on 29 November 2022.

The Minutes were held as read and **APPROVED**.

4. Licensing (Scotland) Act 2005 Licences granted under delegated powers Ahd Ceadachd (Alba) 2005 Ceadachdan a bhuilicheadh fo ùghdarras air a thiomnadh

There had been circulated **Report No HLB/001/23** detailing Licences which had been granted under delegated powers by the Clerk to the Board during the period 7 November 2022 to 14 December 2022 and inviting the Board to note the Report.

The Board **NOTED** the report.

5. Licensing (Scotland) Act 2005
Occasional licences and extended hours
granted under delegated powers
Achd Ceadachd (Alba) 2005
Ceadachdan Corra-uair agus uairean sìnte a bhuilicheadh fo ùghdarras
air a thiomnadh

There had been circulated Report No HLB/002/23 detailing Occasional Licences and Extended Hours applications which had been granted under delegated powers by the Clerk to the Board during the period 7 November 2022 to 14 December 2022 and inviting the Board to note the Report.

The Board **NOTED** the report.

6. Licensing (Scotland) Act 2005
Applications for new premises licences
Achd na Ceadachd (Alba) 2005
Larrtas airson cheadachdan thogalaichean ura

6.1 Ref: HC/INBS/675

Applicant: Jeanette Haywood & Peter Roy Haywood, Fairwinds, Carrbridge, PH23 3AA

Premises: Fairwinds, Main Street, Carrbridge, PH23 3AA

Type: on sales

There had been circulated **Report No HLB/003/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** a premises licence subject to the mandatory conditions only.

6.2 Ref: HC/INBS/676

Applicant: Speymalt Whisky Distributors Ltd, Gordon & MacPhail, George House, Boroughbriggs Road, Elgin, IV30 1JY

Premises: The Cairn Distillery, Grantown-on-Spey, PH26 3NU

Type: on and off sales

There had been circulated **Report No HLB/004/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** a premises licence subject to the mandatory conditions and local condition (g) as set out at para 7.2 of the report.

6.3 Ref: HC/INBS/677

Applicant: Cairngorm Mountain (Scotland) Ltd, An Lochan, 10 Inverness Campas, Inverness, IV2 5NA

Premises: The Ptarmigan, Cairngorm Mountain (Scotland) Ltd, Ski Road, Aviemore, PH22 1RB

Type: on and off sales

There had been circulated **Report No HLB/005/23** by the Clerk which invited the Board to determine the application.

The Board **AGREED** to **GRANT** a premises licence subject to the mandatory conditions only.

7. Licensing (Scotland) Act 2005

Applications for variation (major) to premises licences

Achd Ceadachd (Alba) 2005

Iarrtasan airson Caochladh (Mòr) a thaobh ceadachdan thogalaichean

7.1 Ref: HC/INBS/91

Applicant: Bigface Limited, Flat 3/1, 17 Craigmillar Road, Glasgow, G42 9JZ

Premises: Old Bridge Inn, Dalfaber Road, Aviemore, PH22 1PU

Type: on and off sales

There had been circulated **Report No HLB/006/23** by the Clerk which invited the Board to determine the application.

The Clerk advised that late objections from Elspeth Byrne, Secretary of Aviemore & Vicinity Community Council and Forbes Mitchell, local resident had been received and, therefore, could not be automatically considered by the Committee.

The Board heard from Ms E Byrne and Mr F Mitchell (by way of a written submission) on the reasons for their late representations. Mr Owen Caldwell, premises manager advised that he had discussed the Community Council's representation with Ms Byrne. However, he had not had sight of Mr Mitchell's representation and therefore was not adequately prepared to respond to the points raised.

Thereafter, Mr D Millar, seconded by Mr P Oldham **moved** that the representation received on behalf of Aviemore & Vicinity Community Council be accepted but that the representation received from Mr F Mitchell should not be heard.

As an amendment, Mrs J Hendry, seconded by Mr S Kennedy **moved** that both late representations be accepted.

On a vote being taken, the **MOTION** received 4 votes, the **AMENDMENT** received 4 votes with no abstentions. The Convener applied her casting vote for the Amendment, and the **AMENDMENT** was therefore **CARRIED**, the votes having being cast as follows:-

For the Motion

Mr J Grafton, Ms E Knox, Mr D Millar, Mr P Oldham.

For the Amendment

Mr C Birt, Ms J Hendry (Casting Vote), Mr S Kennedy, Mr D Macpherson.

Abstentions

No Abstentions

Decision

The Committee **AGREED** to accept both the late representations received. All parties were given sufficient time to read the late representations.

Thereafter, the Board heard from the premises manager in support of the application during which he indicated that he was content with the additional condition recommended by the Licensing Standards Officer that when the capacity of the outside area exceeded 100 persons, a dedicated member of staff should be stationed at the outside area to ensure adequate supervision.

Ms E Elspeth Byrne, on behalf Aviemore & Vicinity Community Council advised that the two main areas of concern related to safety concerns regarding a large number of patrons consuming alcohol close to the River Spey, that a clear and obvious access route to the river for recreational use and emergency services be maintained and that it be made clear to river users they were not crossing private land.

The premises manager confirmed that there was no intention to limit access for recreational groups to the river and that the access route to the river would be kept clear of obstacles at all times. He would arrange for additional signage to be put in place inviting river users to make use of the access point and would ensure there was continuing dialogue with the Community Council on the matters raised.

The Clerk confirmed that the Board could only consider matters that were specifically linked to the licensing objectives and the sale of alcohol.

Following discussion, the Board **AGREED** to **GRANT** the major variation to the premises licence subject to the mandatory conditions, existing local conditions, the additional local conditions (m), (n)(ii), (o) and (p) as set out at para 7.2 of the report.

The Board also **AGREED** to attach the following additional special condition:-

“At any time that the capacity of the outside area exceeds 100 persons, a dedicated member of staff shall be stationed at the outside area to ensure adequate supervision.”

The meeting closed at 2.55pm.
