

The Highland Licensing Board

Meeting – 13 May 2025

Agenda Item	7.1
Report No	HLB/37/25

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

Aviemore Whisky Shop, Unit 5, Myrtlefield Industrial Estate, Grampian Road, Aviemore, PH22 1RH

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 Aviemore Whisky Shop, Unit 5, Myrtlefield Shopping Centre, Grampian Road, Aviemore, PH22 1RH

1.0 Description of premises

1.1 The Aviemore Whisky Shop is situated close to Aviemore Town Centre and consists of Whisky Shop at street level selling an extensive range of quality whisky and a small range of other high-end spirits and associated products.

2.0 Operating hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 24 February 2025 the Licensing Board received an application for the provisional grant of a premises licence from Aviemore Whisky Shop Limited.

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

3.3 The application was publicised during the period 31 March until 21 April 2025 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.
- 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:-

Application is sought for a provisional premises licence for off sales which would permit the sale of alcohol as follows: -

Off sales - Monday to Sunday: 1000 hours to 2200 hours

The application has been accompanied by the necessary Section 50 certificate relating for Planning, a Disabled Access Statement and acceptable lay out plans.

The premises are suitable for the sale of alcohol as described within the application. The capacity for alcohol display does not exceed the threshold of 30 square metres set by the Highland Licensing Board for the consideration of the question of over provision.

The operating plan does not pose any issues in respect of the 5 licensing objectives.

The premises will trade in mainly high-end spirits attractive to the tourist visitor market. Tutored whisky and gin tastings may also be held on the premises under the supervision of trained staff.

During the statutory consultation period no objections or representations have been received by the 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

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

(g) Alcohol may be sold prior to 1100 hours for consumption on the premises only during a formal or tutored tasting session and only to customers taking part in such a tasting session.

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 condition detailed at para. 7.2 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/710

Date: 30 April 2025

Author: Marjory Bain