

# CENTRAL ABERDEENSHIRE LICENSING BOARD

## REPORT TO LICENSING BOARD –21<sup>st</sup> August 2019

### LICENSING (SCOTLAND) ACT 2005

### APPLICATIONS FOR VARIATIONS OF PREMISES LICENCE

### NON CONTENTIOUS APPLICATIONS

#### 1. Recommendations

1.1 **It is recommended that the Board grants the applications for variation of premises licences listed in Appendix 1 to this Report as non-contentious applications, as determined by the Clerk in terms of the Board's Scheme of Delegation.**

#### 2. Background

2.1 In terms of Section 17 of and in terms of Part 3 of the Licensing (Scotland) Act 2005, a Premises Licence is required to authorise the sale of alcohol on premises from 1st September 2009.

2.2 In terms of Section 30 any application for a variation of a Premises Licence, which is not a minor variation as defined by Section 29(6), must be considered by the Board by means of a hearing.

2.3 A number of applications for variation of Premises Licences are now ready to be put before the Board for consideration. These are listed in Appendix 1 to this report.

2.4 In relation to the application to be considered by the Board -

2.4.1 there are no valid objections to the application;

2.4.2 the hours sought in the Operating Plan are within the Licensing Board's general policy on Licensing Hours as set out in its Statement of Licensing Policy.

#### **Proposal**

2.5 The Depute Clerk has determined, as outlined above, that the following applications for variation of Premises Licences listed at Appendix 1 to this report are non-contentious applications and asks that the Board grant the same.

2.6 Copies of the application forms, operating plans and layout plans where applicable will be available in the Members Room for perusal by Board Members prior to the Board Meeting from 9.30am.

### **Consultations**

2.7 The Depute Clerk examined the applications in detail and the Applicants then addressed any issues requiring to be addressed. Thereafter, the Depute Clerk forwarded the applications to the following persons or bodies as part of the consultation process:

- (a) Police Scotland;
- (b) Scottish Fire & Rescue Service;
- (c) The Environmental Health, Planning and Building Standards Services of Aberdeenshire Council;
- (d) The Licensing Standards Officer;
- (e) The appropriate Community Council; and
- (f) Neighbouring Occupiers
- (g) Health Authority

2.8 At the same time as the applications were consulted on, the applicants required to display a site notice at the premises, in a location where it could be easily read by members of the public, advertising the fact that an application to vary the Premises Licence had been made. The Licensing Standards Officers checked to ensure the site notices had been appropriately displayed, and had been displayed for the correct time period, as part of their consultation exercise for each premises.

2.9 The applications were also advertised on the Council's website.

### **Objections and Representations**

2.10 No objections were received in respect of these applications.

2.11 In some cases, the statutory consultees have made representations. These were copied to the applicants who have made the appropriate amendments to their applications in order to satisfy the representations made.

- 2.12 Any applicant who has taken issue with the representations made will have their application considered at a full hearing of the Board at a future Board meeting.
- 2.13 If the Board determines that the variation of licence should be granted, it will take effect from the date of grant.
- 2.14. If the Board determine that further evidence is required, the applications should be referred to the next available Board Meeting in order that the applicants may present their case in full or further information can be obtained in the interim.

### **3. Governance**

- 3.1 The Board's Scheme of Delegation provides that consideration of a variation of a premises licences is a matter reserved to the Board. Each application should be considered on its own merits

### **4. Implications and Risk**

- 4.1 An Equality Impact Assessment is not needed in this case because the granting or refusing of these applications will not have a differential impact on the protected characteristics of the applicants or any third parties.
- 4.2 There are no area, policy, finance, staffing or sustainability implications directly arising from this report.
- 4.3 There are no Risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Licensing Board is considering the application as the Licensing Authority in a quasi-judicial role and must determine each application on its own merits in accordance with the legal tests set out in the relevant legislation.

- 4.4 The Town Centre Principle does not apply in respect of this matter as the Board is considering the applications as Licensing Authority in a quasi-judicial role and must determine the applications on their own merits in accordance with the legal tests set out in the relevant legislation

**Karen Wiles**  
**Clerk to the Board**

**Report Prepared by: Jill Joss, Depute Clerk to the Licensing Board**  
**Date: 30<sup>th</sup> July 2019**

### APPENDIX 1

Non - Contentious Major Variation				
Name of Applicant	Name and Address of Premises	Premises Licence No.	Variation Applied For	Remarks (if any)
Barn Enterprises Limited	The Barn, Garden House, Westfield, Foveran, AB41 6AY	AB-C-P275	1. Change of terminal hours. 2. Change to hours in seasonal variation. 3. Change to layout plan. 4. Relaxation of children and young person's premises access.	No objections or representations have been made in relation to this application.