

**Notice and Agenda Continues**

**4. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR PREMISES LICENCE /  
PROVISIONAL PREMISES LICENCE – GRANT – NON CONTENTIOUS**

**REPORT TO LICENSING BOARD –9 August 2017**

**LICENSING (SCOTLAND) ACT 2005**

***APPLICATION FOR PROVISIONAL PREMISES LICENCE  
NON-CONTENTIOUS APPLICATIONS***

**1. Purpose of Report**

1.1. To consider an applications for a provisional premises licences that is non-contentious.

**2. Recommendations**

2.1. **It is recommended that the Board grants the application for a provisional premises licence listed in Appendix 1 to this Report as a non-contentious application, as determined by the Clerk in terms of the Board’s Scheme of Delegation.**

**3. Background**

3.1. In terms of Section 17 of and in terms of Part 3 of the Licensing (Scotland) Act 2005 (“the 2005 Act”) a premises licence is required to authorise the sale of alcohol on premises. A provisional premises licence application may be made for premises which are at the time of application in the course of being constructed or converted for use as licensed premises. A provisional premises licence will not come into effect so as to permit the sale of alcohol until such time as it is confirmed under section 46 of the 2005 Act .

3.2. There is one application for a provisional premises licences that is now ready to be considered by the Board. Details are provided in Appendix 1 to this Report.

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

3.4. In relation to the application to be considered by the Board –

(a) there are no valid objections to the application;

- (b) 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.

#### **4. Proposal**

- 4.1. The Depute Clerk has determined, as outlined above, that the application for a provisional premises licence details of which are provided in Appendix 1 to this report are non-contentious applications and ask that the Board grant the same.
- 4.2. Copies of the application forms, operating plans, risk assessments and layout plans will be available in the Members Room for perusal by Board Members prior to the Board Meeting from 9.30am.

#### Consultations

- 4.3. The Depute Clerk examined the application in detail and the Applicants then addressed any issues requiring to be addressed. Thereafter, the Depute Clerk forwarded the application 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
- 4.4. 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 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.
- 4.5. The application was also advertised on the Council's website.

#### **5. Objections and Representations**

5.1. No objections were received in respect of these applications.

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

6. Equalities Staffing & Financial Implications

6.1 An Equality Impact Assessment is not needed because the granting or refusing of these applications will not have a differential impact on the protected characteristics of the applicant or any third parties.

6.2 There are no area, policy, finance, staffing or sustainability implications directly arising from this report.

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

**Report prepared by Peter Robertson , Depute Clerk, Senior Solicitor (Governance)**  
**Date 1 August 2017**

<b>Non-Contentious Premises Licence / Provisional Premises Licence</b>		
<b>Name of Applicant</b>	<b>Name and Address of Premises</b>	<b>Remarks (if any)</b>
HM Singh Enterprises Limited	I & S Duguid Stores Elphinstone Road Inverurie AB51 3RN	Applicant has agreed with representations from the LSO and made the necessary amendments to comply. No outstanding representations or objections remain.