

Item 6

CENTRAL ABERDEENSHIRE LICENSING BOARD REPORT TO LICENSING BOARD – 21st February 2018 LICENSING (SCOTLAND) ACT 2005

APPLICATION FOR PREMISES LICENCE NON-CONTENTIOUS APPLICATIONS

1. Recommendations

1.1 It is recommended that the Board grants the applications for provisional 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.

2.2. There are applications for provisional premises licences that are now ready to be considered by the Board. These are listed in Appendix 1 to this Report.

2.3. In relation to the applications 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.

- 2.4. The Depute Clerk has determined, as outlined above, that the following applications for Premises Licences listed at Appendix 1 to this report are non-contentious applications and ask that the Board grant the same.
- 2.5. 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.
- 2.6. If granted, certain mandatory conditions listed in the Licensing (Scotland) Act 2005 will attach to premises licences. The conditions attaching will depend on the activities listed in the operating plans of the premises.
- 2.7. Where applicable, all members clubs have undertaken to exhibit an amended constitution to comply with the requirements of the Licensing (Clubs) (Scotland) Regulations 2007.

Consultations

- 2.8. 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

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

Objections and Representations

- 2.11. No objections were received in respect of these applications.
- 2.12. 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.
- 2.13. 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.

Implications

- 2.14. If the Board determines that the licence should be granted, it will take effect from the date of grant and can be traded, where the application is for a full premises licence. Where a provisional premises licence is granted, the licence must be confirmed prior to the licence being able to be traded.
- 2.15. 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 premises licences is a matter reserved to the Board. Each application should be considered on its own merits

4.. Equalities Staffing & Financial Implications

- 4.1 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.
- 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

Geraldine Fraser
Acting Head of Legal and Governance

Report prepared by Jill Joss, Depute Clerk, Senior Solicitor (Governance)
Date 13th February 2018

APPENDIX 1

Non-Contentious Premises Licence / Provisional Premises Licence		
Name of Applicant	Name and Address of Premises	Remarks (if any)
1. BrewDog Retail Ltd	BrewDog Site 7, Balmacassie Drive Balmacassie Commercial Park Ellon AB41 8BX	Applicant has agreed with representations from the Police and LSO and made the necessary amendments to comply. No outstanding representations or objections remain. (PROVISIONAL PREMISES LICENCE)