

6. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR PREMISES LICENCE /
PROVISIONAL PREMISES LICENCE – NON CONTENTIOUS APPLICATIONS –
HEARING

ABERDEENSHIRE LICENSING BOARD
South Division

REPORT TO LICENSING BOARD – 6 June 2018

LICENSING (SCOTLAND) ACT 2005

APPLICATIONS FOR PROVISIONAL PREMISES LICENCE

NON CONTENTIOUS APPLICATION

1. Purpose of Report

1.1. To consider a non-contentious application for provisional premises licence.

2. Recommendations

2.1. **It is recommended that the Board grants the application for a provisional premises licences referred to 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, a premises licence is required to authorise the sale of alcohol on premises. Under Section 45 a premises licence application may be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises (this is known as a "provisional premises licence")

3.2. 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. Under Section 45 a premises licence application may be made in relation to any premises despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises (this is known as a "provisional premises licence")

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 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.

4. Proposal

- 4.1.** The Depute Clerk has determined, as outlined above, that the application for a Provisional Premises Licences listed at Appendix 1 to this report are non-contentious applications and ask that the Board grants it..
- 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.
- 4.3.** 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.
- 4.4.** Where applicable, all members clubs have undertaken to exhibit an amended constitution to comply with the requirements of the Licensing (Clubs) (Scotland) Regulations 2007.

5. Consultations

- 5.1.** 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
- 5.2.** At the same time as the application was 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.

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

6. Objections and Representations

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

6.2. 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.

6.3. 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.

7. Equalities Staffing & Financial Implications

7.1 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.

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

**Geraldine Fraser
Clerk to the Board**

**Report Prepared by: Peter Robertson, Depute Clerk to the Licensing Board
Date: 24 May 2018**

| Non-Contentious Premises Licence / Provisional Premises Licence | | |
|--|--|---|
| Name of Applicant | Name and Address of Premises | Remarks (if any) |
| 1. Andrew Dunn | Ballater Station Station Square Ballater | Applicant has agreed with representations from Police Scotland and Building Standards. No outstanding representations or objections remain. |