

7. **LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCES – NON - CONTENTIOUS APPLICATIONS – FOR CONSIDERATION**

**ABERDEENSHIRE LICENSING BOARD**  
***South Division***

**REPORT TO LICENSING BOARD – 6 June 2018**

**LICENSING (SCOTLAND) ACT 2005**

**APPLICATIONS FOR VARIATIONS OF PREMISES LICENCE**

**NON CONTENTIOUS APPLICATIONS**

**1. Purpose of Report**

1.1 To consider applications for variation of premises licences that are non-contentious.

**2. Recommendations**

**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.**

**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 from 1st September 2009.

3.2 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.

3.3 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.

3.4 The Board's Scheme of Delegation provides that consideration of Premises Licence is a matter reserved to the Board. Each application should be considered on its own merits

**3.5 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 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.

**4.2** 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.

## **5. Consultations**

**5.1** 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

**5.2** 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.

**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 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.

**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 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.

**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**

| <b>Non - Contentious Major Variation</b>       |  |                             |  |  |
|--|--|-----------------------------|--|--|
| <b>Name of Applicant</b>                       | <b>Name and Address of Premises</b>                        | <b>Premises Licence No.</b> | <b>Variation Applied For</b>   | <b>Remarks (if any)</b>  |
| Jonathan Gardner                               | The Harbour Bar<br>William Street<br>Gourdon               | AB-S-P150                   | 1. Extending both the core on sale and off sale hours on Sundays from 12:30 hours to 11:00 hours.  | No adverse representations were received in respect of this application. |
| The Great Steward of Scotland's Dumfries House | Rothesay Rooms<br>3 Netherley Place<br>Ballater<br>AB35 5Q | AB-S-P246                   | 1. Licensed hours for off-sales to be amended to allow sales between 10:00 and 22:00 hours each day.<br>2. On sales capacity to be increased from 40 to 50 persons.  | No outstanding adverse representations or objections were received.      |
| Darroch Learg Hotels Ltd                       | Darroch Learg Hotel<br>56 Braemar Road<br>Ballater         | AB-S-P168                   | 1. Licensed hours for on sale will commence at 11:00 hours each Sunday.<br>2. Removal of all seasonal variations.<br>3. Change to layout plan following major rebuilding works and subsequent increase in capacity.<br>4. Inclusion of bar meals within core licensed hours and club meetings and dance facilities both within and outwith core licensed hours, as activities.<br>5. Change of terms of access for children, removing access to the area shown on the layout plan as Bar Lounge. | All outstanding Building Standards issues have now been resolved.        |