

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

CENTRAL ABERDEENSHIRE LICENSING BOARD

**REPORT TO LICENSING BOARD –10th OCTOBER 2018
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: 26th September 2018

APPENDIX 1

Name of Applicant	Name and Address of Premises and Premises Licence No.	Variation Applied For	Remarks (if any)
1.BP Oil UK Limited	<p>BP Stevensons Service Station Elphinstone Road Port Elphinstone Inverurie AB51 3RN</p> <p>AB-C-P041</p>	<p>Internal renovation of premises to include M and S Simply Food offer. Alcohol display re-positioned to new location within public area of shop. 2. Increase capacity from 5.13m2 to 8.4m2 of off sales display.</p>	<p>No representations were received in respect of this application.</p>
2.The Firm of Adam Craigmile	<p>Leys Hotel Blackburn Aberdeenshire AB21 0SS</p> <p>AB-C-P175</p>	<p>To reinstate music and dancing from 5pm for private functions in the function lounge and extend the range of functions to be catered for. - To allow music to be provided generally from 8.00pm - To extend activities to allow music to be provided at keep fit classes from 11am - To add an external seating area for 50 people - To extend access for children and young persons to the outside area, the pool room and for the additional activities that are being added - To rename the Function Suite as "the Adam Suite", the cocktail bar as "Betty's Eatery" and the public bar as "Craigies" - To allow room service in the bedrooms, convert one bedroom to en-suite and extend the storage area within the premises to include facilities for staff - To allow residents access to TV facilities in the reception area of the premises.</p>	<p>Applicant has agreed with representations from the Police, LSO and Environmental Health Service and made the necessary amendments to comply. No outstanding representations or objections remain</p> <p>The applicant has agreed to the following conditions being attached to the licence:-</p> <ol style="list-style-type: none"> 1.No music or live performances to take place in the outdoor drinking area. 2. All use of the outdoor drinking areas to cease at 2200 hours daily. 3. Signage will be displayed in the outdoor drinking area that no alcohol is to be removed beyond the delineated area. 4.The outdoor drinking area to be used for the purposes of food and refreshments only 5. All refreshments to be consumed in the outdoor drinking area to be decanted into safety containers at the point of sale.

<p>3.Gallery i Ltd</p>	<p>Gallery i Ltd Unit 2B Garioch Shopping Centre Constitution Street Inverurie AB51 4UY</p> <p>AB-C-P230</p>	<p>To include core hours on a Sunday. Update seasonal variations. Add additional activities within/out with core hours - restaurant facilities; recorded music; live performance; theatre. Update terminal hour for functions to midnight.</p>	<p>At the date of writing this report no representations or objections were received in respect of this application. The Board will be verbally updated on the day of the meeting as the consultation period concludes on 3rd October 2018.</p>
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