

**ABERDEENSHIRE LICENSING BOARDS  
CENTRAL DIVISIONAL LICENSING BOARD**

**Minute of Meeting of the CENTRAL ABERDEENSHIRE DIVISIONAL LICENSING BOARD, held in the COUNCIL CHAMBER, GORDON HOUSE, BLACKHALL ROAD, INVERURIE on WEDNESDAY 20th FEBRUARY 2019 at 10.30 a.m.**

**- Present –**

*Councillors F Hood (Convenor), K Adams, N Baillie, M Ewenson, V Harper, G Petrie*

**- In Attendance -**

*Fiona M Stewart Depute Clerk to the Board  
Peter Robertson, Depute Clerk to the Board  
Abdul Elghedafi , Trainee Solicitor  
Sgt Kim Woods, Police Scotland  
Lisa Godini, Licensing Standards Officer*

**1. APOLOGIES FOR ABSENCE**

*Councillors D Lonchay and R Withey*

**2. DECLARATIONS OF INTEREST**

*Councillor Petrie declared an interest in item 5 by virtue of being a non-voting Member of the Board of one of the objectors and so left the meeting and took no part in the consideration of the item.*

*Councillor Ewenson declared an interest in item 5 by virtue of the fact that her partner was an employee of one of the objectors, but, having applied the objective test, considered that the interest was remote and insignificant and so remained and took part in the consideration of the item.*

*Councillor Harper declared an interest in item 7 by virtue of knowing the applicant personally and so left the meeting and took no part in the consideration of the item.*

**3. STATEMENT ON EQUALITIES**

*In making decisions on the following items of business, the Board AGREED, in terms of Section 149 of the Equality Act, 2010:-*

- (1) *The Board would have due regard to the need to:-*
  - (a) *Eliminate discrimination, harassment and victimisation;*
  - (b) *Advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and*
  - (c) *Foster good relations between those who share a protected characteristic and persons who do not share it.*
- (2) *Where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.*

#### **4. MINUTES OF THE BOARD MEETING OF 12<sup>th</sup> DECEMBER 2018**

*The Minutes of the Board Meeting of 12<sup>th</sup> December 2018 were APPROVED as a correct record.*

#### **A: LICENSING (SCOTLAND) ACT 2005**

5. **APPLICATION FOR PROVISIONAL PREMISES LICENCE – COFFEE APOTHECARY, 21 THE SQUARE, ELLON**
  - (1) *The applicants were represented at the meeting by Ms A. Junner, Solicitor, Glasgow. Johnny Aston one of the managers of the premises was also present at the hearing.*
  - (2) *The following objectors were present at the hearing:*
    - a. *Sarah Kyle*
    - b. *Frederick Crawford*
    - c. *L Craig on behalf of Gordon Rural Action*
    - d. *Margaret Cantlay*
  - (3) *Sergeant Kim Wood represented the Chief Constable at the Hearing.*
  - (4) *Lisa Godini, Licensing Standards Officer was present at the hearing.*
  - (5) *The Depute Clerk advised all parties:*
    - a. *that Environmental Health had withdrawn their objection to the application and were now satisfied that the premises could be managed properly.*
    - b. *Of the amendments that had been made to the applicant following the end of the consultation period.*
    - c. *that there was no Equalities Impact Assessment attached to the report. However, several objectors had raised issues relating to disability. Officers had considered this, but given there were no mitigating factors that would fall within the Board's remit, it had not*

*been considered appropriate to attach and EIA. Members should be aware of the equalities issues when considering the application.*

- (6) *The Board invited the applicant's agent to speak to the application.*
- (7) *The Board invited Sarah Kyle to speak to her objection*
- (8) *The Board invited Frederick Crawford to speak to his objection*
- (9) *The Board invited L Craig to speak to the objection lodged by Gordon Rural Action*
- (10) *The Board invited Margaret Cantlay to speak to her objection.*
- (11) *Sergeant Wood was invited to speak to the representation lodged by the Chief Constable. She advised that, following the amendments to the application, the Chief Constable was happy with the application and withdrew their representations*
- (12) *The Board invited the Licensing Standards Officer to speak to her representation. She advised that, following the amendments to the application, she was happy with the application and withdrew her representation.*
- (13) *The Board afforded the applicant an opportunity to respond.*
- (14) *Board Members were afforded an opportunity to ask questions of all parties.*
- (15) *Each objector was then afforded an opportunity to make concluding remarks in reverse order.*
- (16) *The applicant was afforded an opportunity to make concluding remarks.*
- (17) *The Board then agreed to adjourn.*
- (18) *On resuming the bench further the Depute Clerk outlined what had been discussed during the adjournment.*
- (19) *Further questions were then asked of the applicant.*
- (20) *Councillor Ewenson, seconded by Councillor Adams, moved as a motion that the application be granted subject to a terminal hour of 10.00pm for core hours for on sales at the premises in order to meeting licensing objectives 3 and 4 – namely preventing public nuisance and protecting and improving public health.*
- (21) *No amendment was proposed.*
- (22) *The motion was passed unanimously on a show of hands.*
- (23) *The decision of the Board was therefore that the application was granted with a terminal hour of 10.00pm for the core hours for on sales.*

**6. APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE – MORRIS'S HOTEL, THE SQUARE, OLD MELDRUM**

- (1) *The applicant, Robin Philip was present at the hearing.*
- (2) *Sergeant Kim Wood represented the Chief Constable at the Hearing*

- (3) *Lisa Godini, Licensing Standards Officer was present at the hearing.*
- (4) *The Depute Clerk advised all parties that the reason the application was being considered at a full hearing was that the applicant sought hours which were contrary to the Board's Policy Statement.*
- (5) *The Board invited the applicant's agent to speak to the application.*
- (6) *The Board invited Sergeant Wood to speak to her representation.*
- (7) *The Board invited Lisa Godini to speak to her representation.*
- (8) *The Board afforded the applicant an opportunity to respond.*
- (9) *Board Members were afforded an opportunity to ask questions of all parties but had none to ask.*
- (10) *The Police and Licensing Standards Officer were then afforded an opportunity to make concluding remarks in reverse order.*
- (11) *The applicant was afforded an opportunity to make concluding remarks.*
- (12) *The Board then agreed to adjourn.*
- (13) *On resuming the bench further the Depute Clerk outlined what had been discussed during the adjournment.*
- (14) *Members had no further questions that they wished to add.*
- (15) *Councillor Ewenson, seconded by Councillor Harper, moved as a motion that the application be granted, subject to the terms agreed with the applicant save for the hours until 2.00am on Friday and Saturday nights. This was to be restricted to the existing hours of 1.00a.m. The reasons for this was there was no justification to depart from the hours as set out in the Board's Policy Statement.*
- (16) *No amendment was proposed.*
- (17) *The motion was passed unanimously on a show of hands.*
- (18) *The decision of the Board was therefore that the application was granted, subject to the terms agreed with the applicant but the existing hours of 1.00am would remain for Fridays and Saturdays.*

**7. REVIEW OF PERSONAL LICENCE – CLAIRE CHRISTIE**

- (1) *The Licence Holder, Claire Christie was present at the hearing.*
- (2) *Sergeant Kim Wood represented the Chief Constable at the Hearing*
- (3) *The Depute Clerk advised the Board that Ms Christie had submitted her personal licence prior to the commencement of the hearing and explained to the Board the reason for the hearing.*
- (4) *The Board invited Sergeant Wood to speak to her representation.*
- (5) *The Board invited The Licence Holder to respond.*
- (6) *Board Members were afforded an opportunity to ask questions of all parties but they had none.*

- (7) Each party, was then afforded an opportunity to make concluding remarks in reverse order but chose to offer none.
- (8) The applicant was afforded an opportunity to make concluding remarks.
- (9) Councillor Petrie, seconded by Councillor Ewenson, moved as a motion that the personal licence be endorsed to reflect that the Licence Holder's actions had undermined the prevention of crime and disorder licensing objective.
- (10) No amendment was proposed.
- (11) The motion was passed unanimously on a show of hands.
- (12) The decision of the Board was therefore that Ms Christie's personal licence be endorsed.

**8. REVIEW OF PERSONAL LICENCE – ANGELA CONNELL**

- (1) The Depute Clerk advised that Ms Connell had advised that she was unable to attend the Board Hearing for health reasons.
- (2) The decision of the Board was therefore that the hearing be adjourned until the next meeting of the Board on 17<sup>th</sup> April 2019 to afford the Licence Holder an opportunity to be present at the hearing.

**9. APPLICATIONS FOR PROVISIONAL/PREMISES LICENCES – NON CONTENTIOUS**

Following consideration of a report by the Clerk the Board decided the applications for new Premises Licences and Provisional Premises Licences as undernoted:

<b><u>Applicant</u></b>	<b><u>Premises</u></b>	<b><u>Decision</u></b>
1. Kintore Golf Club	Kintore Golf Club Balbithan Kintore AB51 0UR	Granted
2. Janine Robson	The Drum Inn Meikle Wartle Inverurie AB51 5AY	Granted
3. Barn Enterprises	The Bard Westfield Foveran AB41 6AY	Granted subject to the following additional conditions:  1. No music or live performances to take place in the outdoor drinking area and only to be used for the purposes of food and refreshment only.

		2. All use of the outdoor drinking area to cease at 2300 hours daily.
--	--	---

**10. APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE – NON-CONTENTIOUS APPLICATIONS**

Following consideration of a report by the Depute Clerk in respect of applications for Major Variation of premises licences, the Board decided the applications as undernoted:

<b>Applicant</b>	<b>Premises</b>	<b>Decision</b>
1. JD Wetherspoon (Scot) Limited	Gordon Highlander 79 West High Street Inverurie AB51 3QQ	Granted subject to the word "area" in the existing local conditions attached to the licence being changed to the word "areas" to reflect the additional outside drinking area.

**11. Date of Next Meeting – 17<sup>th</sup> April 2019**

**Board Member Presiding over meeting**

---

**Print Name**

---

**Signature**

---

**Date**