

**ABERDEENSHIRE LICENSING BOARD
CENTRAL DIVISION**

Minutes of Meeting of the LICENSING BOARD for the NORTH DIVISION OF ABERDEENSHIRE held within the COUNCIL CHAMBER, GORDON HOUSE, BLACKHALL ROAD, INVERURIE on Wednesday, 12th June 2019 at 10:30 a.m.

Present: Cllrs F. Hood (Convenor); M Ewenson; N Baillie; D Lonchay; V Harper; G Petrie

In Attendance: Fiona M Stewart (Depute Clerk); Lauren Cowie, Principal Solicitor (Governance); Sergeant Gill Flett (Police Scotland); Police Constable Ian Sangster (Police Scotland); Lisa Godini and Trevor Lackie, Licensing Standards Officers.

The Convenor apologised for the late start of the Board Meeting.

1. APOLOGIES FOR ABSENCE

Councillor R Withey and K Adam.

2. DECLARATIONS OF INTEREST

Councillor Hood declared an interest in Item 8 as he knew one of the objectors as being the husband of an Aberdeenshire Councillor who was a colleague. However, having applied the objective test, he determined that the interest was remote and insignificant, allowing him to remain and participate in the consideration of the item.

Councillor Ewenson declared an interest in Item 8 as she knew one of the objectors as being the husband of an Aberdeenshire Councillor who was a colleague. However, having applied the objective test, she determined that the interest was remote and insignificant, allowing her to remain and participate in the consideration of the item.

Councillor Baillie declared an interest in Item 8 as he knew one of the objectors as being the husband of an Aberdeenshire Councillor who was a colleague. However, having applied the objective test, he determined that the interest was remote and insignificant, allowing him to remain and participate in the consideration of the item.

Councillor Lonchay declared an interest in Item 8 as he knew one of the objectors as being the husband of an Aberdeenshire Councillor who was a colleague. However, having applied the objective test, he determined that the interest was remote and insignificant, allowing him to remain and participate in the consideration of the item.

Councillor Harper declared an interest in Item 8 as she knew one of the objectors as being the husband of an Aberdeenshire Councillor who was a colleague. However, having applied the objective test, she determined that the interest was remote and insignificant, allowing her to remain and participate in the consideration of the item.

Councillor Petrie declared an interest in Item 8 as she knew one of the objectors as being the husband of an Aberdeenshire Councillor who was a colleague. However, having applied the objective test, she determined that the interest was remote and insignificant, allowing her to remain and participate in the consideration of the item.

3. STATEMENT OF 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 FOR APPROVAL - (COPY TO MEMBERS ONLY)

The Minute of the Licensing Board Meeting of 20th February 2019 was corrected to show Cllr Petrie as having attended and as having seconded the motion listed at Item 5(12) instead of Cllr Harper and minuting that Cllr Harper had not attended the meeting. Thus corrected, the Minutes were approved as a correct record.

5. LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR OCCASIONAL LICENCE – ECHT SHOW - HEARING

1. The applicants were represented by Mr Still and Ms Rodgers at the hearing
2. The objector was not present or represented at the hearing
3. Lisa Godini, Licensing Standards Officer was present at the hearing
4. Sergeant Gill Flett represented the Chief Constable at the hearing. Police Constable Ian Sangster of Police Scotland's Event Team was also in attendance
5. As a preliminary matter, in the absence of the objector, the Board determined that the objection, despite being lodged late, should be treated as "made" for the purposes of the Procedure (Scotland) Regulations 2007. The objection was circulated to the Board and all parties present and time given to peruse the same
6. The Board afforded the applicants an opportunity to speak to their application

7. The Board afforded the Licensing Standards Officer an opportunity to speak to her representation
 8. The Board afforded Police Scotland an opportunity to speak to their representation
 9. The Board considered the terms of the objection.
 10. The Board afforded the applicants an opportunity to respond to the representations and the objection
 11. Members were then given an opportunity to ask questions of all parties
 12. Police Scotland were afforded an opportunity to make concluding remarks
 13. The Licensing Standards Officer was afforded an opportunity to make concluding remarks
 14. The applicants were afforded an opportunity to make concluding remarks
 15. Councillor Ewenson, seconded by Councillor Hood, moved as a motion that the application be granted subject to the conditions that had been agreed by the applicants including an additional requirement to have a written vulnerability policy and dispersal policy in place for the event and subject to the staggered close down and re-opening of the marquee as outlined by the applicants.
 16. No amendment was proposed
 17. The motion was passed unanimously on a show of hands
 18. The Convenor therefore confirmed that the application had been granted subject to the conditions as stated in the motion.
6. LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR OCCASIONAL LICENCE – UDNY GREEN PARENT COUNCIL - HEARING
1. The applicants were represented by Kelly Crighton at the hearing
 2. Lisa Godini, Licensing Standards officer was present at the hearing
 3. Sergeant Flett represented the Chief Constable at the hearing.
 4. The Board afforded the applicant an opportunity to speak to the application
 5. The Board afforded the Licensing Standards Officer an opportunity to speak to her objection
 6. The Board afforded Police Scotland an opportunity to speak to their representation
 7. The Board afforded the applicant an opportunity to respond to the objection and representation
 8. Members were then afforded an opportunity to ask questions of all parties
 9. Police Scotland were then afforded an opportunity to make concluding remarks
 10. The Licensing Standards Officer was then afforded an opportunity to make concluding remarks
 11. The applicant was then afforded an opportunity to make concluding remarks
 12. Councillor Petrie, seconded by Councillor Harper, moved as a motion that the application be refused on the basis that the event was taking place in school premises and children would be present. In addition, the event was being run for the benefit of children. It was therefore contrary to the Board's policy on events being run primarily for the benefit of children and young persons and was therefore contrary to the protection of children and young persons from harm licensing objective in terms of Section 59(6)(c) of the Licensing (Scotland) Act 2005.
 13. Councillor Lonchay moved as an amendment that on the basis that the event was a community event and not just for children and there would be limited

alcohol sold at the event, therefore the licence should be granted subject to the additional recommended conditions. He did not receive a seconder and so the amendment fell

14. No other amendment was proposed
15. The motion was passed by majority on a show of hands, Cllr Lonchay abstaining.
16. The Convenor therefore confirmed that the decision of the Board was that the application had been refused in terms of Section 59(6)(c) of the 2005 Act.

7. LICENSING (SCOTLAND) ACT 2005 – APPLICATIONS FOR OCCASIONAL LICENCE – STEADING ADJACENT TO LONACH HOTEL, STRATHDON - HEARING

1. The applicant was present and represented by Mrs Janet Hood, Solicitor, Edzell.
2. Lisa Godini, Licensing Standards Officer was present at the hearing
3. Sergeant Gill Flett represented the Chief Constable at the hearing
4. As a preliminary matter the Depute Clerk advised that, due to tight timescales, the police response had not been received at the time of writing the Board report. The response had been forwarded to the applicant and copies had been provided to all Board Members prior to the start of the Board Meeting.
5. The Board afforded the applicant's agent an opportunity to speak to the applications
6. The Board afforded the Licensing Standards Officer an opportunity to speak to her representation
7. The Board afforded Sergeant Flett an opportunity to speak to her representation
8. The Board afforded the applicant's agent an opportunity to respond to the representations made.
9. An opportunity was afforded to Board Members to ask questions of all parties
10. The Board afforded Sergeant Flett an opportunity to make concluding remarks
11. The Board afforded the Licensing Standards Officer an opportunity to make concluding remarks
12. The Board afforded the applicant's agent an opportunity to make concluding remarks.
13. The Board thereafter adjourned.
14. On resuming the bench, the Depute Clerk advised that the Board had held discussions around procedural matters relating to the applications lodged.
15. Further questions were asked of the parties by Board Members
16. Councillor Ewenson, seconded by Councillor Hood, moved as a motion:
 - a. that only applications 114, 117, 118, 119 and 120 be granted in principle subject to the recommended conditions put forward by the Chief Constable and Licensing Standards Officer and on condition that the trading hours be 12 midnight Monday – Friday and 1.00a.m. Saturday-Sunday;
 - b. that no licence be issued until the applicant produces a completion certificate; and
 - c. that, if the major variation application did not come in front of the Board at their August meeting, delegated authority be given to the Depute Clerk, following consultation with the Convenor of the Board to determine the remaining applications.
17. No amendment was proposed

18. The motion was passed unanimously on a show of hands.
 19. The Convenor therefore confirmed that the Board's decision was as outlined in paragraph 16. Above.
8. LICENSING (SCOTLAND) ACT 2005 – APPLICATIONS FOR GRANT OF PREMISES LICENCE – BREWDOG, 20-22 MARKET PLACE, INVERURIE - HEARING
1. The applicant was represented by Audrey Junner, Solicitor, Glasgow. Will Brown from the company was also present.
 2. Lisa Godini, Licensing Standards Officer was present at the hearing
 3. Sergeant Gill Flett represented the Chief Constable at the hearing
 4. Kenneth Whyte was present at the hearing
 5. Ronald Watt was neither present nor represented at the hearing
 6. The Depute Clerk advised the Board that
 - a. Environmental Health had agreed wording of conditions with the applicant and had withdrawn their representation
 - b. Occupancy figures had been agreed prior to the meeting with Building Standards for 180 persons within the premises and 35 persons for the outside drinking area and had withdrawn their representation
 7. As a preliminary matter, the Board determined that two objections, despite being lodged late, should be treated as "made" for the purposes of the Procedure (Scotland) Regulations 2007. The objections were circulated to the Board and all parties present and time given to peruse the same. One of the objections made references to protected characteristics in terms of Equalities legislation and an Equalities Impact Assessment was also circulated to all parties and time given to peruse the same.
 8. Lynn Scoular was neither present nor represented at the hearing
 9. Muriel McGilivray was neither present nor represented at the hearing
 10. The Board afforded the applicant's agent an opportunity to speak to the applications
 11. The Board afforded Mr Whyte an opportunity to speak to his objection.
 12. The Board afforded the Licensing Standards Officer an opportunity to speak to her representation
 13. The Board afforded Sergeant Flett an opportunity to speak to her representation
 14. The Board afforded the applicant's agent an opportunity to respond to the representations made.
 15. The Board considered the terms of the late objections made to the application.
 16. An opportunity was afforded to Board Members to ask questions of all parties
 17. The Board afforded Sergeant Flett an opportunity to make concluding remarks
 18. The Board afforded the Licensing Standards Officer an opportunity to make concluding remarks
 19. The Board afforded Mr Whyte an opportunity to make concluding remarks
 20. The Board afforded the applicant's agent an opportunity to make concluding remarks.
 21. Councillor Harper, seconded by Councillor Ewenson, moved as a motion that the application be granted subject to all of the additional conditions that had been agreed and with the operating hours proposed by the Licensing Standards Officer in respect of the outside drinking area.

22. Councillor Baillie moved, as an amendment that the application be granted as per the details of the motion but with some form of suitable visual screening for the outside drinking area acceptable to all parties. He did not receive a seconder, so the amendment fell.
23. The motion was passed by majority on a show of hands, Councillor Baillie abstaining,
24. The Convenor therefore confirmed that the Board's decision was that the application was granted.

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

Following consideration of a Report by the Depute Clerk in relation to non-contentious Applications for Major Variations to Premises Licences lodged in terms of Section 30 of the Licensing (Scotland) Act 2005, the Board decided the applications as detailed below:

Name of Applicant	Premises	DECISION
Brewdog Retail Ltd	Coffee Apothecary Ellon	GRANTED
Brewdog Retail Ltd	Site 7 Brewdog Ellon	GRANTED
Brewdog Retail Ltd	The Taproom Ellon	GRANTED
IMKMS Ltd	The Tolbooth Ellon	GRANTED

10. ADDITIONAL REPORTS

(i) REPORT ON CONSULTATION ON OCCASIONAL LICENCES

Following consideration of a report by the Depute Clerk in connection with the Scottish Government's Consultation on Occasional Licences, dated 27th May 2019, copies of which had been circulated to Members in advance, the Board:

1. Agreed that the level of fee should be £75
2. That fees should be index linked
3. That fees could be set at incremental levels, the closer to the event someone applies, the higher the cost
4. That occasionals should be tied in to "occasions" or "events" to prevent businesses routinely running on occasional licences instead of applying for premises licences (majority view)

5. There was a danger in being too restrictive in relation to the unintended consequences on charitable and community organisations

(ii) PLANNING REPORT ON LICENSING MATTERS EVENT 2019

Following consideration of a report by the Depute Clerk in connection with the Licensing Matter Event 2019, dated 27th May 2019, copies of which had been circulated to Members in advance, the Board:

1. Believed there were too many interactive sessions last year
2. Asked what the role of the Boards would be in this year's event
3. Asked for a means of having a conversation with the trade about what is working/not working with the Board's Policy
4. Better to hold the event in Council premises rather than commercial premises
5. Asked for some form of break out sessions to be incorporated into the event along the lines of a world café style event with board members and a clerk at each table
6. Advised there should be 2 main themes for the event
7. Did not want anything further on alcohol recovery for this year's event

(iii) ANNUAL FUNCTIONS AND FEES REPORT 2018-2019

Following consideration of a report by the Depute Clerk seeking approval of the annual Functions and Fees Report, dated 27th May 2019, copies of which had been circulated to Members in advance, the Board:

1. Approved the terms of the combined Report
2. Authorised the Depute Clerk to publish the document on the Board's website
3. Instructed the Depute Clerk to provide the Scottish Government with a copy of the document; and
4. Asked for a briefing note to be brought back to the Board on central charges and how they are divided up.

11. DATE OF NEXT MEETING – 21st AUGUST 2019

Noted.

Board Member Presiding over meeting

Print Name

Signature

Date