

**ABERDEENSHIRE LICENSING BOARDS
SOUTH DIVISIONAL LICENSING BOARD**

Minute of Meeting of the **SOUTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD**
held in **BANCHORY TOWN HALL, BANCHORY** on **WEDNESDAY 5 JUNE 2019 AT 10AM.**

- Present -

Councillors Colin Pike, Rosemary Bruce, Jeff Hutchison, Dennis Robertson
and Leigh Wilson

- In Attendance –

Peter Robertson, Depute Clerk to the Licensing Board
Keith Simpson, Senior Licensing Standards Officer
Delsya Borland, Licensing Administrator
Sergeant Gillian Flett, Police Scotland

1. APOLOGIES FOR ABSENCE

The Convenor, Cllr Peter Argyle had a conflicting meeting in Perth and had tendered apologies.

In the absence of Cllr Argyle Cllr Hutchison moved that Cllr Pike assume the Chair for the day. Cllr Robertson seconded the motion. No-one was otherwise minded and the Board unanimously agreed that Cllr Pike be the Chair.

Cllr Pike thereafter chaired the rest of the meeting.

Cllrs Bews and McKelvie also tendered apologies

2. DECLARATIONS OF INTEREST

None

3. STATEMENT ON EQUALITIES

The Board agreed to-

Consider, and if so decided, adopt:- “In line with the Council’s legal duty under section 149 of the Equality Act 2010 the Board, in making decisions on the attached reports, shall have due regard to the need to”:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

4. MINUTES OF BOARD MEETING OF 4 APRIL 2019 - FOR APPROVAL

The Minutes of the South Board Meeting of 4 April 2019 were APPROVED as a correct record.

5 LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR PREMISES LICENCES – CONTENTIOUS – HEARINGS

Application for Premises Licence; Gairnshiel Lodge, Glen Gairn, Ballater

- (1) The applicants were represented at the meeting by Eilidh McGuire , Solicitor, Glasgow. Eric Van Meerbeeck and Hilda Van den Broeck were also present on behalf of the applicants.
- (2) Sergeant Gillian Flett represented the Chief Constable at the Hearing.
- (3) Keith Simpson, Licensing Standards Officer was present at the hearing.
- (4) Ms McGuire addressed the Board in support of the application.
- (5) Sergeant Flett was invited to speak to the representation lodged by the Chief Constable.
- (6) The Board afforded the applicant an opportunity to respond.
- (7) Board Members were afforded an opportunity to ask questions of all parties.
- (8) The Board also asked a question of the LSO.
- (9) The parties were afforded an opportunity to make concluding remarks.
- (10) Councillor Robertson, seconded by Councillor Wilson, moved as a motion that the application be granted on the understanding that the LSO would monitor the premises to ensure compliance with the terms of the licence.
- (11) No amendment was proposed.
- (12) The motion was passed unanimously on a show of hands.
- (13) The Board therefore granted the application.

Application for Premises Licence; Drumoak, Durris and Crathes Bowling Club

- (1) The Applicants were represented by Steven Turner, Vice President of the Bowling Club,
- (2) The objectors were represented by Mr Keith Fordyce.
- (3) Keith Simpson, Licensing Standards Officer was present at the hearing
- (4) Mr Turner addressed the Board in support of the application.
- (5) Mr Fordyce was afforded the opportunity to speak to the objection by Mr and Mrs Fordyce.
- (6) Mr Turner was given the opportunity to respond.
- (7) The Board then questioned the parties and sought advice from the Depute Clerk.
- (8) The Board also asked a question of the LSO.
- (9) The parties were given the opportunity to make concluding remarks
- (10) Cllr Robertson, seconded by Cllr Bruce moved that the application was granted. No-one being otherwise minded the application was granted unanimously. The Board requested that Mr Simpson continued to monitor the premises to ensure that it was operated in a way that complied with the terms of the licence

6. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR PREMISES LICENCE – NON CONTENTIOUS APPLICATION FOR CONSIDERATION

Following consideration of a report by the Clerk the Board granted the following application for a premise licence:-

Non-Contentious Premises Licence		
Name of Applicant	Name and Address of Premises	Remarks (if any)
1. MFGF Events Limited	Corsee House High Street Banchory AB31 5RD	Applicant agreed with representation made by the Police and agreed amendment to operating plan. GRANTED

7. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR PROVISIONAL PREMISES LICENCE – NON-CONTENTIOUS APPLICATION FOR CONSIDERATION

Following consideration of a report by the Clerk the Board granted the following application for provisional premise licences:-

Non-Contentious Premises Licence / Provisional Premises Licence		
Name of Applicant	Name and Address of Premises	Remarks (if any)
1. Lost Loch Spirits Ltd	Lost Loch Spirits Ltd Unit 7 Deeside Activity Park Dess Aboyne AB34 4BD	Police initially made representation but this was withdrawn on receipt of further information from the applicant. GRANTED
2. Morton Fraser LLP	Slate and Grain Landale Court Chapleton Aberdeenshire AB39 8BF	No representations or objections were received in respect of this application. GRANTED

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

Following consideration of a report by the Clerk the Board granted the following applications for variation of premise licences

Name of Applicant	Name and Address of Premises	Premises Licence No.	Variation Applied For	Remarks (if any)
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James & George Collie	Balmoral Bar 1 Netherley Place Ballater AB35 5QE	AB-S-P103	1. Amend Q2 for the commencement hours of both 'on' and 'off sales' on trading day of Sunday from 1230 hours to 1100 hours. 2. Amend Q6 to allow children and young persons entry to the premises until 2100 hours.	No representations were received in respect of this application. GRANTED
Whyte and Mackay Limited	Gift Shop & Visitor Centre Fettercairn Distillery Fettercairn AB30 1YB	AB-S-P082	Amendment to the operating plan to allow the inclusion of recorded music as an activity and on sales between 1000 and 1730 hours each day. This is to permit tastings during tours.	Representation received from LSO however application amended and consultation carried out again. No further representations. GRANTED
The Firm of M & S Howarth	Belvedere Hotel 41 Evan Street Stonehaven AB39 2ET	AB-S-P073	Amendments to operating plan to allow off sales from 1100 to 2200 hours each day and an extended terminal hours for the existing outdoor drinking facilities from 2000 to 2200 hours daily.	No representations were received in respect of this application. GRANTED

9. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR OCCASIONAL LICENCE JUSTINA RUDKOVSKAJA – 2-4 INVERCAULD ROAD, BRAEMAR

The Depute Clerk advised that he had received an email from the applicant's solicitor the previous day to say that no-one would be attending on their behalf. He also advised that the applicants had withdrawn the first of the five applications for occasional licences and the first one that was now being sought was from 10 July to 23 July as well as the succeeding applications from 24 July to 3 September.

The Board heard from Mr Simpson who had lodged a representation in respect of the applications.

The Board noted that the applicant was content with the conditions proposed by the LSO.

Cllr Robertson, seconded by Cllr Bruce moved to grant the applications. No one was otherwise minded and the applications were granted subject to conditions

10. **LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR OCCASIONAL LICENCE
HITESH MITCHELL-MEHTA – LOGIE COLDSTONE GAMES**

The Chair invited Mr Simpson LSO to address the Board in respect of this application. Mr Simpson explained that following discussions with the applicant the application had been amended so that the licence would not commence until 5pm by which time the children's activities would be finished. It did not therefore now appear to be in conflict with Board policy. The applicant had agreed to accept conditions proposed by LSO and Police Scotland

Cllr Bruce , seconded by Cllr Hutchison moved to grant. No-one was otherwise minded and the application was granted unanimously