

Notice and Agenda Continues

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

REPORT TO LICENSING BOARD – 2 October 2019

LICENSING (SCOTLAND) ACT 2005

APPLICATIONS FOR VARIATIONS OF PREMISES LICENCES

NON CONTENTIOUS APPLICATIONS

Ramsay Arms, Fettercairn

Park Shop, Drumoak

1 Reason for Report / Summary

- 1.1 Two applications have been received for major variations of premises licences. Premises are Ramsay Arms, Fettercairn and Park Shop, Drumoak. Such applications must be determined by the Board.

2. Recommendations

- 2.1 It is recommended that the Board considers the materials before them and, in respect of each application in turn –
- (a) Determines whether there is enough evidence before the Board to allow a determination to be made, or whether the Board needs to defer consideration of the matter to the next available Board Meeting for further material to be made available; and
 - (b) Where the Board has concluded that there is sufficient evidence before them to allow a determination to be made, to consider in respect of each of the applications made, whether said applications should be granted or refused.

3 Purpose and Decision Making Route

- 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.
- 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.
- 3.3 Two applications for variation of Premises Licences are now ready to be put before the Board for consideration. Details are provided in Appendix 1 to this report.
- 3.4 In relation to the applications to be considered by the Board -
 - 3.4.1 there are no valid objections to the application (at the time of writing this report) ;
 - 3.4.2 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.

4 Discussion

- 4.1 The Depute Clerk has determined, as outlined above, that the following applications for variation of the Premises Licences listed in Appendix 1 to this report are non-contentious application and asks that the Board grant the same.
- 4.2 Copies of the application forms, operating plan and layout plan where applicable will be available for perusal by Board Members prior to the Board Meeting from 9.30am.

Consultations

- 4.3 The Depute Clerk examined the application in detail and the Applicant then addressed any issues requiring to be addressed. Thereafter, the Depute

Clerk forwarded the application 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

4.4 At the same time as the application was consulted on, the applicant 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 notice had been appropriately displayed, and had been displayed for the correct time period, as part of the consultation exercise for the application.

4.5 The applications were also advertised on the Council's website.

Objections and Representations

4.6 No objections were received in respect of this application.

4.7 In any cases where the statutory consultees had made representations these would be copied to the applicant.

4.8 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.

4.9 If the Board determines that the variation of licence should be granted, it will take effect from the date of grant.

4.10 If the Board determine that further evidence is required, the application should be referred to the next available Board Meeting in order that the

applicant may present their case in full or further information can be obtained in the interim.

Procedure

4.11 Each application should be considered on its own merits.

4.12 Members' options in disposing of the applications are:-

- (a) To grant the application;
- (b) Refuse the application;
- (c) Grant subject to varied hours and/or additional conditions; or
- (d) Determine that further evidence is required in which case the application should be referred to the next available Board Meeting in order that the applicant may present their case in full or further information can be obtained in the interim.

4.13 When coming to a decision the Board must consider the evidence provided and the contents of this report. Supplementary advice and information can be made available by Officers, if required.

5 Implications and Risk

5.1 There are no Board Policies highlighted identified in respect of this matter as the Committee is considering the application as the 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.

5.2 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial		X	
Staffing		X	
Equalities			X

Fairer Scotland Duty			X
Town Centre First			X
Sustainability		X	
Children and Young People's Rights and Wellbeing			X

5.3 An Equality Impact Assessment is not needed in this case because the Board is carrying out a quasi-judicial function and there will be no differential impact on the protected characteristics of any party to the proceedings.

6 Scheme of Delegation

6.1 The Board can consider these applications in terms of paragraph 1.6 of the current Scheme of Delegation which provides that consideration of a variation of a premises licences is a matter reserved to the Board.

6.2 Due to these applications being considered non-contentious, they have been put to the Board for consideration without the applicants requiring to be present.

Karen Wiles
Clerk to the Board

Report Prepared by: Peter Robertson, Depute Clerk to the Licensing Board
Date: 19 September 2019

List of appendices:
Appendix One - details of applications

APPENDIX ONE

Non - Contentious Major Variation				
Name of Applicant	Name and Address of Premises	Premises Licence No.	Variation Applied For	Remarks (if any)
Janet Hood Training and Consulting Ltd Kirkton of Balfour Edzell Brechin DD9 7XU	Ramsay Arms Hotel Burnside Road Fettercairn AB30 1XX	AB-S-P049	<ul style="list-style-type: none"> • Change terminal core hour on sales to 0100 daily. • Change commencement core hour off sales to 1000 for hotel patrons only. • Change seasonal variations to read the premises licence holder will operate all general extensions granted by the licensing board including without prejudice to the generality the festive hours to reflect South Aberdeenshire Board Policy Friday and Saturday/Saturday/Sunday before 25/12 and 31/12 & 24-26 December into 25/27 December to 0130 & 31 December into 1 January 0300. • Add in gaming (race nights, casino nights in tandem with appropriate functions – no under 18's to be permitted in the part of the premises where gambling taking place). • Add indoor sports to include eg yoga, keep fit, dance practice. • Add televised sport. • Add in breakfasts, teas, coffees, snacks, delivery of food and food/alcohol not alcohol alone and subject to a minimum £10 spend on food as from time to time may be requested subject to delivery policy attached, food and drink tasting and matchings, product launches, quiz, poker nights (in discrete part of the premises no under 18s to be permitted in the part of the premises where gambling taking place) and other activities 	No representation or objection at date of writing report to Board. Update to be provided by Depute Clerk at meeting.

			<p>commensurate with activities to be undertaken in a vibrant hospitality premises.</p> <ul style="list-style-type: none"> • In column 4 add activities can commence from 0700 and continue through all core hours and permitted extensions. • Amend terms, times and parts of the premises children and young persons are allowed. 	
<p>Five One Trading Ltd Drum Cottage Drumoak Banchory AB31 5AE</p>		<p>AB-S-P243</p>	<ol style="list-style-type: none"> 1. Add on sales hours 11:00 – 23:00. 2. Add activities clubs and other group meetings and outdoor drinking facilities. 3. Add terms, times and parts of the premises to which children and young persons will be allowed entry. 	<p>One representation from Police Scotland at time of writing report. Applicant has agreed to accept recommendations in police representation and application amended accordingly. An update on any further representations will be provided by the Depute Clerk at the Board meeting.</p>