

ABERDEENSHIRE LICENSING BOARD

North Division

REPORT TO LICENSING BOARD HEARING – 1st November 2019

LICENSING (SCOTLAND) ACT 2005

APPLICATIONS FOR MAJOR VARIATIONS OF VARIATION OF PREMISES LICENCE

1. Reason for Report/Summary

1.1. This report relates to applications for major variations of premises licences which can only be determined by the Licensing 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. The applications referred to in Appendix 1 of this report have not been previously considered by the Board.

3.2. The Depute Clerk has determined that the applications for major variation of premises licences listed at Appendix 1 to this report are non-contentious applications and asks that the Board consider same.

- 3.3. Copies of the applications will be available to Board Members in the Council Chamber for perusal by Board Members prior to the Board Meeting from **9.00a.m.**

4. Consultations

- 4.1. 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 and Rescue Service;
- (c) The Environmental Health, Planning and Building Standards Services of Aberdeenshire Council;
- (d) The Licensing Standards Officer;
- (e) The appropriate Community Council;
- (f) Public Health, and
- (g) Neighbouring Occupiers.

- 4.2. 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 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 the premises.

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

Objections and Representations

- 4.4. No objections were received in respect of these applications.
- 4.5. In some cases, the Licensing Standards officers, Police Scotland and Building Standards Officers made representations. These were copied to the applicants who have made the appropriate amendments to their applications in order to satisfy the representations made

4.6. Any applicant who has taken issue with representations made will have their application considered at a full hearing of the Board, which will be the subject of a separate report.

Implications

4.7. If the Board determines that the application should be granted, the variation will take effect from the date of grant. An amended premises licence will be prepared and issued to the licence holder.

4.8. Where the Board refuses an application, the licence holder retains the premises licence as originally granted by the Board, or as previously varied by the Board, and can continue to trade that licence.

Procedure

4.9. Each application should be considered on its own merits.

4.10. 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.

4.11. 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. Priorities, Implications and Risk

5.1. The applications listed at Appendix 1 have been deemed to meet the requirements of the Boards' current Statement of Licensing Policy.

- 5.2. The table below shows whether risks and implications apply if the recommendations are agreed:

Table 1 Risks and Implications

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

6. Governance

- 6.1. The Board can consider these applications in terms of paragraph 1.6 of the Boards' current Scheme of Delegation as applications for major variations of premises licences must be determined by the Board and cannot be delegated to officers.
- 6.2. In light of the fact that these applications are considered to be non-contentious, they have been put to the Board for consideration without the applicants requiring to be present.
- 6.3. If the Board does not consider that this is a sufficient hearing to consider the application, then consideration of the application should be deferred to a future Board Meeting to allow for further information to be provided and/or to allow the applicant to be cited to attend.

Karen Wiles
Clerk to the Board

Report Prepared by: Fiona M. Stewart,
Depute Clerk, Senior Solicitor (Democratic Services)
Date: 14th October 2019
File Reference: Fiona/Major Variations/Non-Contentious

Appendices
Appendix 1 – List of Applications to be considered

APPENDIX 1

Licensing (Scotland) Act 2005, section 29 APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE																																																
1. Applicant/Agent name & address (include postcode) Sri Sai Venkateshwara Ltd	2. Name & address of premises (inc. postcode) Premier Store, 71 Marischal Street, Peterhead, AB42 1PR																																															
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">EXISTING LICENSED HOURS</th> <th colspan="2">PROPOSED LICENSED HOURS</th> </tr> <tr> <th>ON SALE</th> <th>OFF SALE</th> <th>ON SALE</th> <th>Off Sale</th> </tr> </thead> <tbody> <tr> <td>Monday</td> <td>N/A</td> <td>10.00 – 22.00</td> <td>No Change</td> <td>No Change</td> </tr> <tr> <td>Tuesday</td> <td>N/A</td> <td>10.00 – 22.00</td> <td>No Change</td> <td>No Change</td> </tr> <tr> <td>Wednesday</td> <td>N/A</td> <td>10.00 – 22.00</td> <td>No Change</td> <td>No Change</td> </tr> <tr> <td>Thursday</td> <td>N/A</td> <td>10.00 – 22.00</td> <td>No Change</td> <td>No Change</td> </tr> <tr> <td>Friday</td> <td>N/A</td> <td>10.00 – 22.00</td> <td>No Change</td> <td>No Change</td> </tr> <tr> <td>Saturday</td> <td>N/A</td> <td>10.00 – 22.00</td> <td>No Change</td> <td>No Change</td> </tr> <tr> <td>Sunday</td> <td>N/A</td> <td>10.00 – 22.00</td> <td>No Change</td> <td>No Change</td> </tr> </tbody> </table>						EXISTING LICENSED HOURS		PROPOSED LICENSED HOURS		ON SALE	OFF SALE	ON SALE	Off Sale	Monday	N/A	10.00 – 22.00	No Change	No Change	Tuesday	N/A	10.00 – 22.00	No Change	No Change	Wednesday	N/A	10.00 – 22.00	No Change	No Change	Thursday	N/A	10.00 – 22.00	No Change	No Change	Friday	N/A	10.00 – 22.00	No Change	No Change	Saturday	N/A	10.00 – 22.00	No Change	No Change	Sunday	N/A	10.00 – 22.00	No Change	No Change
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3. Brief overview of the current terms of the premises licence The current hours are as outlined above.																																																
4. Brief overview of the current proposed change(s) to the premises licence The applicant has <ul style="list-style-type: none"> • Applied to extend the alcohol display area to increase wall mounted shelving and the position of alcohol stacks on the floor of the licensed premises 																																																
5. Brief outline of representation made Building Standards: The calculations of the alcohol display area are ok. However, the service is of the opinion that the escape route and accessibility have been compromised by the additional stack area. This area should be kept as existing which as an 850mm clear width. Additionally, when visiting the site, it was noted that the escape route on the other side of the existing shelf units only has a clear width of 640 mm but the plan states 1040 mm this escape route should be changes on site to provide at least a 1000mm clear width. Licensing Standards Officer: The alcohol on display behind the counter and continuing along the outer wall raises no issues for comment. The planned addition of floor stacks raised concern re the restriction of passage of patrons around the premises. This has been brought to the attention of Building Standards.																																																
6. Applicant's response to representations Grant is subject to the issues raised in the representations being suitably resolved prior to 1st November, failing which, this application will be referred to the Board on 20th December 2019 for a full hearing of the application with the applicant and parties making representations in attendance.																																																

**Licensing (Scotland) Act 2005, section 29
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE**

1. Applicant/Agent name & address (include postcode) Peterhead Football Club Limited	2. Name & address of premises (inc. postcode) Peterhead Sports Lounge, Balmoor Stadium, Peterhead, AB42 1EQ
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	EXISTING LICENSED HOURS		PROPOSED LICENSED HOURS	
	ON SALE	OFF SALE	ON SALE	Off Sale
Monday	17.30 – 22.00	17.30 – 22.00	No Change	No Change
Tuesday	17.30 – 22.00	17.30 – 22.00	No Change	No Change
Wednesday	17.30 – 22.00	17.30 – 22.00	No Change	No Change
Thursday	11.00 – 14.30 17.30 – 23.00	11.00 – 17.30 17.30 – 22.00	No Change	No Change
Friday	11.00 – 00.00	11.00 – 22.00	No Change	No Change
Saturday	09.30 – 1.00	10.00 – 22.00	No Change	No Change
Sunday	10.00 – 22.00	10.00 – 22.00	No Change	No Change

3. Brief overview of the current terms of the premises licence
The current hours are as outlined above.

4. Brief overview of the current proposed change(s) to the premises licence
The applicant has

- **Change of layout with addition of coffee shop**
- **Additional activity during core and non-core hours**
- **Reduction in capacity**

5. Brief outline of representation made

Police Scotland
 Following contact with the applicant’s agent it is understood that, while remaining part of the licensed area, no alcohol will be sold or supplied within the coffee shop.

Building Standards:
 We have a building warrant for the above premises for the coffee shop and extension out the front. The works are nearing completion but they have not applied for the Completion Certificate.

Fire Service:
 Usual condition about risk assessment being done and updated – this does not affect the processing of the application

Licensing Standards Officer:
 Noted the change in children’s access contained within the operating plan not reflected in the application form.

6. Applicant’s response to representations

The applicant has accepted the addition of wording to the effect that no alcohol will be sold or supplied within the coffee shop at section 5 of the operating plan and has authorised the clerk to amend accordingly

The applicant is happy to have the Board grant the application in principle subject to the variation not taking effect until a completion certificate is produced to the clerk

Fire Service – applicant has noted the requirement

Licensing Standards Officer – applicant has admitted that the information was not included in the application form as an oversight. The clerk has considered the terms of the operating plan and advised the applicant that the wording is appropriate, and, as the operating plan was circulated with the application form to consultees, consultees have had ample opportunity to comment. No changes required.

**Licensing (Scotland) Act 2005, section 29
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE**

<p>1. Applicant/Agent name & address (include postcode)</p> <p>G & T Whitehills Ltd.</p>	<p>2. Name & address of premises (inc. postcode)</p> <p>The Galley, Whitehills Place, Whitehills, Harbour Harbour, Whitehills, AB45 2NQ</p>
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	EXISTING LICENSED HOURS		PROPOSED LICENSED HOURS	
	ON SALE	OFF SALE	ON SALE	Off Sale
Monday	11.00 – 00.30	11.00 – 22.00	No Change	No Change
Tuesday	11.00 – 00.30	11.00 – 22.00	No Change	No Change
Wednesday	11.00 – 00.30	11.00 – 22.00	No Change	No Change
Thursday	11.00 – 00.30	11.00 – 22.00	No Change	No Change
Friday	11.00 – 00.30	11.00 – 22.00	No Change	No Change
Saturday	11.00 – 00.30	11.00 – 22.00	No Change	No Change
Sunday	11.00 – 00.30	11.00 – 22.00	No Change	No Change

3. Brief overview of the current terms of the premises licence

The current hours are as outlined above.

4. Brief overview of the current proposed change(s) to the premises licence

The applicant has

- **Applied to have additional activities outwith core hours from 10.00 and adding club and other meetings. Amending access to young persons to include exception of 16/17 years olds to be served coffee.**

5. Brief outline of representation made

NONE

6. Applicant's response to representations

N/A

**Licensing (Scotland) Act 2005, section 29
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE**

1. Applicant/Agent name & address (include postcode) Peterhead Snooker Company Limited	2. Name & address of premises (inc. postcode) Top Break Snooker & Pool Club, 75 King Street, Peterhead, AB42 1UQ
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	EXISTING LICENSED HOURS		PROPOSED LICENSED HOURS	
	ON SALE	OFF SALE	ON SALE	Off Sale
Monday	18.00 – 23.00	N/A	No Change	No Change
Tuesday	18.00 – 23.00	N/A	No Change	No Change
Wednesday	18.00 – 23.00	N/A	No Change	No Change
Thursday	18.00 – 23.00	N/A	No Change	No Change
Friday	18.00 – 23.30	N/A	No Change	No Change
Saturday	14.00 – 23.00	N/A	No Change	No Change
Sunday	14.00 – 23.00	N/A	No Change	No Change

3. Brief overview of the current terms of the premises licence
The current hours are as outlined above.

4. Brief overview of the current proposed change(s) to the premises licence
The applicant has

- **Extended terminal hour to 1.00 for special events/functions**
- **Added activities throughout the year as and when required ie live performances, adult entertainment.**
- **Restricted children and young persons access for certain functions**

5. Brief outline of representation made

Police Scotland
 The police are seeking amendment of the operating plan to the effect that activities such as lap/police dancing and individual private dances will not take place within the premises

Licensing Standards Officer
 Has noted that recorded music has been removed from section 5 of the operating plan which is believed to have been an error on the part of the manager of the premises. This is part of the existing licence so should be capable of being reinstated within the operating plan.

6. Applicant's response to representations
To be confirmed prior to the date of the meeting.

**Licensing (Scotland) Act 2005, section 29
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE**

**1. Applicant/Agent name & address
(include postcode)**

Twin Pillars Limited

**2. Name & address of premises (inc.
postcode)**

Cheers Bar, 10A Broad Street, Fraserburgh,
AB43 9AH

	EXISTING LICENSED HOURS		PROPOSED LICENSED HOURS	
	ON SALE	OFF SALE	ON SALE	Off Sale
Monday	09.00 – 01.00	10.00 – 22.00	No Change	No Change
Tuesday	09.00 – 01.00	10.00 – 22.00	No Change	No Change
Wednesday	09.00 – 01.00	10.00 – 22.00	No Change	No Change
Thursday	09.00 – 01.00	10.00 – 22.00	No Change	No Change
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Saturday	09.00 – 01.00	10.00 – 22.00	No Change	No Change
Sunday	10.00 – 01.00	10.00 – 22.00	No Change	No Change

3. Brief overview of the current terms of the premises licence

The current hours are as outlined above.

4. Brief overview of the current proposed change(s) to the premises licence

The applicant has

- **Applied to have additional activities including – producing (rectifying and compounding) liqueurs/spirits using duty paid alcohol; bottling/labelling and selling them for off sales and online sales; sampling and tasting spirits/beers; craft beer/spirits festivals; gin and whisky tasting classes; cocktail making classes; displaying off sales alcohol**

5. Brief outline of representation made

Licensing Standards Officer

The applicant has indicated that as an activity they will include Hypnotists – the applicant must ensure that the relevant permission is in place from the local authority for such activity taking place on licensed premises, however, it is the Hypnotist that applies for this.

The total capacity of alcohol display for off sales should be accounted for in the operating plan at question 7

The total capacity for on sales has increased by 50 covers in total from 436 – 486, This has not been mentioned in the application

The current licence layout plan reflects an area as “bar serving area – no children”. This has been removed from the current plan legend, please ensure this is resolved as the applicant has not requested that this be removed as part of the application.

6. Applicant’s response to representations

- 1. If we employ the services of any hypnotist we will ensure they have relevant permission in place from the local authority**
- 2. The total capacity for the alcohol off sales was shown on the new revised layout**

plan. There is 4 display cabinets and each of the cabinet sizes were detailed as follows; Cabinet A: 0.8m², cabinet B: 1.4m², cabinet C: 2.4m² and cabinet D: 2.5m². I've no copy of the submitted application to see that it was missing from Q7, but it was addressed on the layout plan and I've no problem for the figures to be noted on Q7 of the application.

- 3. The capacity number was a mistake. It should have been 436 all along and not 486.**
- 4. We are aware that children are not permitted near the bar area. We have no problem this area being noted on the main bar layout plan prior to the grant of the application.**