

**REPORT TO LICENSING BOARD – 4 December 2019**  
**LICENSING (SCOTLAND) ACT 2005**  
**APPLICATIONS FOR PREMISES LICENCES**

**1 Reason for Report / Summary**

- 1.1 Two applications have been received for premises licences. 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 Two applications for Premises Licences are now ready to be put before the Board for consideration. Details are provided in Appendix 1 to this report.
- 3.3 In relation to the applications to be considered by the Board -
- there are no valid objections to the applications;
  - the hours sought in the Operating Plans 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 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 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 & 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 applications were consulted on, the applicants were 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 these applications.

- 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 licences should be granted, they will take effect from the date of grant.
- 4.10 If the Board determines 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.

### **Conditions**

- 4.11 All Premises Licences are subject to the Mandatory Conditions set out in Schedule 3 to the 2005 Act. In addition the Board can grant a licence subject to additional conditions. The Board has an approved set of conditions which may be drawn on as circumstances dictate.

### **Procedure**

- 4.12 Each application should be considered on its own merits.
- 4.13 Members' options in disposing of each 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.
- 4.14 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 Board Policy, Implications and Risk

5.1 The applications are within the terms of the Board's policy.

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 the current Scheme of Delegation which confirms that consideration 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: 21 November 2019**

**List of appendices:**

**Appendix One - details of application**

**APPENDIX ONE**

<b>Name of Applicant</b>	<b>Name and Address of Premises</b>	<b>Description of Premises and operation</b>	<b>Remarks (if any)</b>
MFGF Events Limited Banchory Business Centre, Burn o Bennie Rd Banchory	78 High Street Banchory	Retail Unit. Off sales only.	The applicant adjusted their application following representations by Police and LSO
Lodge St Laurence High Street Laurencekirk	High Street, Laurencekirk	Members Club	The applicant adjusted their application following representations by Police and LSO