

**REPORT TO LICENSING BOARD – 4 December 2019**  
**LICENSING (SCOTLAND) ACT 2005**  
**APPLICATIONS FOR VARIATIONS OF PREMISES LICENCES**  
**NON-CONTENTIOUS APPLICATIONS**

**1 Reason for Report / Summary**

- 1.1 Applications have been received for major variations of 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 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 variations 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;

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 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 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 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.

<b>Subject</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Financial		<b>X</b>	
Staffing		<b>X</b>	
Equalities			<b>X</b>
Fairer Scotland Duty			<b>X</b>
Town Centre First			<b>X</b>
Sustainability		<b>X</b>	
Children and Young People's Rights and Wellbeing			<b>X</b>

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: 21 November 2019**

**List of appendices:**

**Appendix One - details of application**

**APPENDIX ONE**

<b>Non - Contentious Major Variation</b>				
<b>Name of Applicant</b>	<b>Name and Address of Premises</b>	<b>Premises Licence No.</b>	<b>Variation Applied For</b>	<b>Remarks (if any)</b>
Highlands Hospitality Limited	Invercauld Arms Hotel, Braemar	AB-S-P104	<ol style="list-style-type: none"> <li><b>1.</b> Change of Premises Manager.</li> <li><b>2.</b> Seasonal Hours; Friday and Saturday preceding 25 December and 24, 25 and 26 December and Friday and Saturday preceding 31 December and 1 January, all until 0130hrs following day 31 December until 03:00hrs on 1Jan</li> <li><b>3.</b> Change to permitted activities to include theatre, gaming and indoor and outdoor sports and gaming.</li> <li><b>4.</b> Change to layout to include public bar in old steading behind hotel</li> <li><b>5.</b> Increase terminal hour Friday and Saturday to 01:00hrs.</li> <li><b>6.</b> Increase terminal hour on Sunday to 00:00hrs.</li> <li><b>7.</b> Increase commencement on Sunday to 11:00 for on and off sales</li> <li><b>8.</b> Increase capacity to 400</li> </ol>	At the time of writing this report there has been no objection or representation. An update will be provided
S Lee Limited	Molly's Café Bar The Promenade Stonehaven	AB-S-P131	<b>1</b> Increase terminal hour to 00:00 on Friday and	At the time of writing this report there has been no objection or

			<p>Saturdays and also on any other evening where there is a pre-booked function Adopt seasonal variations as in Board policy</p> <p><b>2</b> Add receptions etc within core hours in 5(b) in operating plan</p> <p><b>3</b> Add live performances within core hours in 5(g) in operating plan</p> <p><b>4</b> To allow young persons entry to the premises at the manager's discretion until 21:00 or until terminal hour if accompanied by an adult</p>	<p>representation. An update will be provided</p>
--	--	--	--	---