

ABERDEENSHIRE LICENSING BOARD

CENTRAL DIVISION

Minutes of Meeting of the LICENSING BOARD for the CENTRAL DIVISION OF ABERDEENSHIRE held within the COUNCIL CHAMBER, GORDON HOUSE, BLACKHALL ROAD, INVERURIE on Wednesday, 11th December 2019 at 10:30 a.m.

Present: Cllrs M Ewenson (Chair); N Baillie; D Lonchay;
V Harper;

In Attendance: Jill Joss (Depute Clerk); Trevor Lackie and Lisa Godini, Licensing Standards Officers.

As the Convener, Councillor Hood was unable to attend the meeting, the Depute Clerk sought nominations for a Councillor to chair the meeting in his absence. It was moved and seconded that Councillor Ewenson chair the meeting. The Board unanimously **agreed** to appoint Councillor Ewenson to act as Chair for the meeting.

1. APOLOGIES FOR ABSENCE

Councillor F. Hood), Councillor K Adam, Councillor G Petrie (maternity leave), Councillor R Withey, Sergeant Gill Flett (Police Scotland).

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. STATEMENT OF EQUALITIES

In making decisions on the following items of business, the Board **AGREED**, in terms of Section 149 of the Equality Act, 2010: -

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- (1) *The Board would have due regard to the need to: -*
- (a) *Eliminate discrimination, harassment and victimisation;*
 - (b) *Advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and*
 - (c) *Foster good relations between those who share a protected characteristic and persons who do not share it.*
- (2) *Where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.*

4. MINUTES FOR APPROVAL

*The Minutes of the Licensing Board Meeting of 9th October 2019 were **approved** as a correct record.*

5. MINUTES FOR APPROVAL

*The Minutes of the Licensing Board Meeting of 27th November 2019 were **approved** as a correct record.*

6. LICENSING (SCOTLAND) ACT 2005 –PERSONAL LICENCE – HEARING

- 1. The applicant, Robin Caldwell was not present.*
- 2. The Board determined to consider the item in the absence of the applicant.*
- 3. The Board afforded the Depute Clerk and the Licensing Standards Officer an opportunity to speak.*
- 4. Members were then afforded an opportunity to ask questions of all parties.*
- 5. The Board unanimously agreed to **refuse** the application on the grounds that, not having been able to satisfy itself as to the identity of the applicant, the Board cannot comply with the requirements of Section 72 of the Licensing (Scotland) Act 2005 and that to grant the application would be contrary to the purposes of the prevention of crime and disorder Licensing objective.*

7. LICENSING (SCOTLAND) ACT 2005- LOTUS RESTAURANT- HEARING

1. *The licence holder was not present.*
2. *The Board determined to consider the request in the absence of the licence holder.*
3. *Lisa Godini, Licensing Standards Officer was present at the hearing.*
4. *The Board afforded the Depute Clerk and Licensing Standards Officer an opportunity to speak to the request.*
5. *Members were then afforded an opportunity to ask questions of all parties.*
6. *The Board unanimously agreed that the premises licence has **ceased to have effect** in terms of Section 28 of the Licensing (Scotland) Act 2005 under the following section: - Section 28(5)(b) of the Licensing (Scotland) Act 2005 as the premises has ceased to be used for the sale of alcohol for a period longer than 3 months, and no request for an extension of this period had been lodged under paragraph 6.13 of the Board's Policy Statement.*

8. LICENSING (SCOTLAND) ACT 2005- RISHIS INDIAN AROMA – HEARING

1. *The licence holder was not present.*
2. *The Board determined to consider the request in the absence of the licence holder.*
3. *Lisa Godini, Licensing Standards officer was present at the hearing*
4. *The Board afforded the Depute Clerk and Licensing Standards Officer an opportunity to speak to the request.*
5. *Members were then afforded an opportunity to ask questions of all parties.*
6. *The Board unanimously agreed that the premises licence has **ceased to have effect** in terms of Section 28 of the Licensing (Scotland) Act 2005 under the following section: - Section 28(5)(b) of the Licensing (Scotland) Act 2005 as the premises has ceased to be used for the sale of alcohol for a period longer than 3 months, and no request for an extension of this period had been lodged under paragraph 6.13 of the Board's Policy Statement.*

9. LICENSING (SCOTLAND) ACT 2005- APPLICATION FOR PROVISIONAL PREMISES LICENCES – NON-CONTENTIOUS APPLICATION

Following consideration of a Report by the Depute Clerk in relation to a non-contentious Application for a Provisional Premises Licences lodged in terms of the Licensing (Scotland) Act 2005, the Board decided the applications as detailed below:

<u>Name of Applicant</u>	<u>Premises</u>	<u>DECISION</u>
Whisky Hammer Ltd	Whisky Hammer Ltd Mill of Allathan Udny Ellon AB41 7PR	GRANT

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

Following consideration of a Report by the Depute Clerk in relation to non-contentious Applications for Major Variations to Premises Licences lodged in terms of the Licensing (Scotland) Act 2005, the Board decided the applications as detailed below:

<u>Name of Applicant</u>	<u>Premises</u>	<u>DECISION</u>
Cooperative Group Food Limited	Mart Road Alford Aberdeenshire AB33 8BZ	GRANT
Huntly Cricket Club	Huntly Cricket Club Castle park Huntly AB54 8DJ	GRANT
IJL LTD T/A The Lonach Hotel	The Lonach Hotel, Strathdon, Aberdeenshire, AB38 8UK	GRANT

11. **ADDITIONAL REPORTS**

(i) **Board Date Report 2020 – April 2021**

The Board **approved** the following meeting dates for the period from April 2020 to April 2021: -

22nd April 2020

10th June 2020

19th August 2020

28th October 2020

9th December 2020

10th February 2021

28th April 2021

(ii) **Report on Non-Payment of Annual Fees**

The Board noted a report from the Licensing Standards and acknowledged the work that has been carried out by the Licensing Standards Officers to ensure that annual fees are collected or in the case of non-payment that appropriate steps are taken in relation to the premises concerned. The Board noted that there were still several premises who had paid the fee late and discussed payment methods. The Board thanked the Licensing Standards Officers for this work.

(iii) **Review of Licensing Board Structure in Aberdeenshire**

The Board considered a report from the Principal Solicitor (Governance) and commented on the options and answered the questions posed in the report. Those comments to be incorporated within the next Board paper, thereafter the Board acknowledged: -

- That there will be a public consultation as set out in the report, from the 20th December to the 19th January.
- That the outcome from the public consultation will be reported to each of the Boards in February 2020 so that the Boards are given an opportunity to comment before determination at Council in March 2020.

12. **DATE OF NEXT MEETING –12th February 2020**

Noted.

Board Member Presiding over meeting

Print Name

Signature

Date

END OF MINUTE

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