

ABERDEENSHIRE LICENSING BOARD

North Division

REPORT TO LICENSING BOARD HEARING – 28th FEBRUARY 2020

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

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

6. Governance

- 6.1. The Board can consider these applications in terms of paragraph 1.6 of the current Scheme of Delegation.
- 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: 13th February 2020
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																																																
<p>1. Applicant/Agent name & address (include postcode)</p> <p>David Donn</p>	<p>2. Name & address of premises (inc. postcode)</p> <p>LOCO, 2 Main Street, Cairnbulg, Fraserburgh, AB43 8YJ</p>																																															
<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 – 13.00</td> <td>No Change</td> <td>10.00 – 20.00</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 – 13.00	No Change	10.00 – 20.00
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Licensing (Scotland) Act 2005, section 29 APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE				
<p>1. Applicant/Agent name & address (include postcode)</p> <p>Aberdeen Business Limited</p>	<p>2. Name & address of premises (inc. postcode)</p> <p>Costcutter, 20 Duff Street, Macduff, AB44 1TL</p>			
	EXISTING LICENSED HOURS		PROPOSED LICENSED HOURS	
	ON SALE	OFF SALE	ON SALE	Off Sale
Monday	N/A	10.00 – 21.00	No Change	10.00 – 22.00
Tuesday	N/A	10.00 – 21.00	No Change	10.00 – 22.00
Wednesday	N/A	10.00 – 21.00	No Change	10.00 – 22.00
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Saturday	N/A	10.00 – 21.00	No Change	10.00 – 22.00
Sunday	N/A	10.00 – 18.00	No Change	10.00 – 22.00
<p>3. Brief overview of the current terms of the premises licence</p> <p>The current hours are as outlined above.</p>				
<p>4. Brief overview of the current proposed change(s) to the premises licence</p> <p>The applicant has</p> <ul style="list-style-type: none"> • Extend core hours throughout the week. • Removed seasonal hours relating to Boxing Day, Christmas Day, New Year’s Day and 2nd January to allow trading on those days 				
<p>5. Brief outline of representation made</p> <p>The Licensing Standards Officer reminded the applicant of the requirement in the Board’s policy to routinely trade the hours sought.</p> <p>The name of the premises had changed from Costcutter to Keystores</p> <p>A further variation application is require to reflect a change in layout. The new owner has installed an ATM. In addition, the layout plans reflect a large lockfast storage area on the first floor, which is no longer used for the storage of alcohol. {installation of the ATM and removal of the lockfast store would require a minor variation to be lodged}</p>				
<p>6. Applicant’s response to representations</p> <p>We have repeatedly advised the applicant’s agent that we will include the change of the name of the premises to Keystores as part of the current variation and a minor variation is required for the other changes found by the LSO.</p> <p>We have had no responses at all from the applicant’s agent.</p> <p>Officers are therefore recommending that the Board grant the current application inclusive of the change of name.</p> <p>Officers will pursue the minor variation changes directly with the applicant in order to move this application on.</p>				

Licensing (Scotland) Act 2005, section 29

APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE

<p>1. Applicant/Agent name & address (include postcode) Celebrations (Turriff) Limited</p>	<p>2. Name & address of premises (inc. postcode) Celebrations, 15 Main Street, Turriff, A53 4AA</p>
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	EXISTING LICENSED HOURS		PROPOSED LICENSED HOURS	
	ON SALE	OFF SALE	ON SALE	Off Sale
Monday	N/A	10.00 – 21.00	No Change	10.00 – 22.00
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Saturday	N/A	10.00 – 21.00	No Change	10.00 – 22.00
Sunday	N/A	10.00 – 18.00	No Change	10.00 – 22.00

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

- **Added ad-hoc private functions with sale of alcohol.**
- **Amending activities outwith core hours to allow private functions**
- **Putting in display of alcohol into the shop increasing the off sale capacity**
- **Changing director of the company**

5. Brief outline of representation made

The Licensing Standards made the following representations:

- Please confirm the terminal hour of activities outwith core hours at Question 5 in the operating plan
- Please confirm the time to which children & Young persons will have access in terms of the additional activities outwith core hours in the operating plan
- Add back in “clubs/business meetings will be held on the premises after core hours terminate”
- Replace the wording at Q5f with the following:
“In addition to providing alcoholic drinks in the restaurant for consumption on the premises, alcohol, mainly in the form of traditional Scottish speciality drinks such as whisky, are to be sold on the main shop floor – such purchases are likely to be for gifts rather than for personal consumption. Other Activities: retail sale of fancy goods, china, glassware, tableware and all other household wares, furniture and furnishings, toys, gifts, greeting cards, stationery and clothes. Pre-booked coach parties.”

6. Applicant’s response to representations

The applicant has

- **indicated that all activities outwith core hours will finish by 10pm.**
- **Ad hoc functions will be between 7- 10pm**
- **Clubs/business meetings has been added back in**
- **The applicant has agreed to the above wording for Q5f**

Officers are therefore recommending that the Board grant the current application inclusive of the change of name.

Officers will pursue the minor variation changes directly with the applicant in order to move this application on.