

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, 12 February 2020 at 10:30 a.m.

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

In Attendance: Jill Joss (Depute Clerk); Lauren Cowie, Principal Solicitor (Governance); Sheereen Razaq, Trainee Solicitor; Trevor Lackie and Lisa Godini, Licensing Standards Officers; Gill Flett, Licensing Sergeant, Police Scotland.

As the Convenor, 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 (Convenor), Councillor G Petrie (maternity leave), Councillor R Withey.

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: -

- (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 11 December 2019 were **approved** as a correct record.

5. LICENSING (SCOTLAND) ACT 2005 –PERSONAL LICENCE – A. MACLEAN- HEARING

1. *The Board agreed to deal with this matter as the first hearing as the applicant Andrew Maclean was present.*
2. *Sergeant Gill Flett represented the Chief Constable at the Hearing.*
3. *Lisa Godini, Licensing Standards Officer was present at the Hearing.*
4. *The Board invited the applicant to speak to his application.*
5. *The Board invited Sergeant Gill Flett to speak to the notice.*
6. *The Board invited the Licensing Standards officer to comment.*
7. *The Board invited the applicant to respond.*
8. *Board Members were afforded an opportunity to ask questions of all parties, but they had none.*
9. *Each party was then afforded an opportunity to make concluding remarks in reverse order.*
10. *Councillor Bailey, seconded by Councillor Lonchay, moved as a motion that the personal licence was granted.*
11. *No amendment was proposed.*
12. *The motion was passed unanimously on a show of hands.*
13. *The decision of the Board was therefore that Mr McLean's personal licence was granted.*

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

1. *The licence holder, Alexander McCrum was not present.*
2. *Sergeant Gill Flett represented the Chief Constable.*
3. *The Board determined to consider the item in the absence of the applicant.*
4. *The Board afforded Sergeant Gill Flett an opportunity to speak.*
5. *The Licensing Standards Officer, Lisa Godini was present but had no comment.*
6. *Members were then afforded an opportunity to ask questions of all parties.*
7. *Sergeant Gill Flett was then afforded an opportunity to make concluding remarks and had nothing to add.*
8. *Councillor Lonchay, seconded by Councillor Ewenson, moved as a motion that having regard to the licensing objective of preventing crime and disorder and the nature of the conviction, the licence holder is not a fit and proper person to be the holder of a personal licence, therefore the Board must make an order revoking the personal licence.*
9. *Cllr Adam, seconded by Councillor Harper moved as an amendment that having regard to the conviction and being satisfied that it is necessary to do so for the purposes of the licensing objective of preventing crime and disorder, the Board should make an order suspending the personal licence for a period of 3 months.*
10. *A vote was taken and the amendment was carried by 3 votes to 2 votes, therefore the decision of the Board was that that it was necessary for the purposes of the licensing objective of preventing crime and disorder to make an order suspending the personal licence of Alexander McCrum for a period of 3 months.*

7. LICENSING (SCOTLAND) ACT 2005 –PROVISIONAL PREMISES LICENCE – FARM SHOP, BARRA CASTLE, OLDMELDRUM- HEARING

Following consideration of a Report by the Depute Clerk and an update from the Depute Clerk that the Community Council had withdrawn their representation to this application and there were now no outstanding representations or objections to this

application, the Board unanimously agreed to **GRANT** the provisional premises licence together with the agreed local conditions stated in Appendix 3 of said Board report.

8. LICENSING (SCOTLAND) ACT 2005- REQUEST UNDER SECTION 28- LINSMOHR HOTEL-HEARING

Following consideration of a report by the Depute Clerk, the Board **agreed** the request to extend the period under paragraph 6.13 of the Central Aberdeenshire Divisional Board Statement of Licensing Policy 2018-2023, for a period of 6 months (to the date of the Licensing Board meeting falling closest to the 6 month period).

9. LICENSING (SCOTLAND) ACT 2005- REQUEST UNDER SECTION 28- WHITE HORSE INN- HEARING

Following consideration of a report by the Depute Clerk, the Board **agreed** the request to extend the period under paragraph 6.13 of the Central Aberdeenshire Divisional Board Statement of Licensing Policy 2018-2023, for a period of 6 months (to the date of the Licensing Board meeting falling closest to the 6 month period).

10. ADDITIONAL REPORTS

(i) Report to Licensing Boards – Review of Licensing Board Structure in Aberdeenshire

The Board considered a report from the Principal Solicitor (Governance) and noted the outcome of the public consultation which took place between the 20 December 2019 and the 20 January 2020 on the structure of the Licensing Boards. The Board discussed and commented on the proposal to reduce the number of Licensing Boards from three Divisional Boards to a single Board for Aberdeenshire and noted that these comments would be included within a report to Aberdeenshire Council for the meeting on 5 March 2020, when Aberdeenshire Council will determine this matter.

11. DATE OF NEXT MEETING –22 April 2020

*It was noted that this date may change, depending on the decision made by
Aberdeenshire Council on 05 March 2020.*

Board Member Presiding over meeting

MR BRIAN TOPPING

Print Name

29 APRIL 2020

Date