

**ABERDEENSHIRE LICENSING BOARD
NORTH DIVISIONAL LICENSING BOARD**

*Minute of Meeting of the **NORTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD**, held in the **COUNCIL CHAMBER, COUNTY HALL, LOW STREET, BANFF** on **FRIDAY 28 February 2020 at 10:00***

- Present –

B. Topping (Convenor); M. Roy; S. Calder; I. Taylor; G. Reynolds; A. Forsyth; A. Stirling

- In Attendance -

*Fiona M Stewart, Depute Clerk to the Board
Lauren Cowie, Principal Solicitor (Governance)
Sgt. Gill Flett, Police Scotland
Keith Simpson, Trevor Lackie and Sarah Ward, Licensing Standards Officers*

1. APOLOGIES FOR ABSENCE

Mr A. Duncan had intimated his apology for the Board.

2. 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.*

3. MINUTES OF THE BOARD MEETING OF 20 December 2019

The Minutes of the Board Meeting of 20 December 2019 were APPROVED as a correct record.

A: LICENSING (SCOTLAND) ACT 2005

4. APPLICATION FOR PREMISES/PROVISIONAL PREMISES LICENCE – NON-CONTENTIOUS

Following consideration of a report by the Clerk the Board decided the applications for Provisional Premises Licences as undernoted:

<u>Applicant</u>	<u>Premises</u>	<u>Decision</u>
Stephen Tokelove	95 Main Street, Gardenstown	Granted
Kessock Service Station Ltd.	Victoria Service Station, Boyndie Road, Banff	Granted

5. APPLICATION FOR NON-CONTENTIOUS MAJOR VARIATIONS OF PREMISES LICENCES

Following consideration of a report by the Depute Clerk in respect of applications for Major Variation of premises licences, the Board decided the applications as undernoted:

<u>Applicant</u>	<u>Premises</u>	<u>Decision</u>
David Donn	LOCO, 2 Main Street, Cairnbulg, Fraserburgh	Granted
Aberdeen Business Limited	Costcutter, 20 Duff Street, Macduff	Granted, however, the Board expressed their disappointment at the lack of contact from the Licence Holder in respect of correspondence relating to the application and asked that the Licence Holder be made aware of the Board's concern in this regard.
Celebrations (Turriff) Limited	Celebrations 15 Main Street Turriff	Granted

6. APPLICATION FOR REVIEW OF PERSONAL LICENCE – CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES – KIRSTY SIM – HEARING

- (1) The Licence Holder was neither present nor represented at the hearing
- (2) Sergeant Gill Flett represented the Chief Constable at the hearing.
- (3) As a preliminary matter, the Board determined to proceed with the hearing in the absence of the Licence Holder.
- (4) The Board heard Sergeant Flett's submissions.
- (5) An opportunity was then afforded to members to ask questions of Sergeant Flett but there were none
- (6) Sergeant Flett was afforded an opportunity to make concluding remarks but had nothing to add to her submission
- (7) Thereafter,
 - (a) Mr Roy, seconded by Mr Forsyth, moved as a motion that, being satisfied, by reason of the licence holder's behaviour and subsequent conviction, that it was necessary to do so for the purposes of the preventing crime and disorder,

securing public safety and preventing public nuisance licensing objectives in terms of Section 84(6)(b) of the Licensing (Scotland) Act 2005, the Board make an order that the personal licence held by Kirsty Sim be revoked in terms of Sections 8 84(7)(a) of the Licensing (Scotland) Act.

- (b) No amendment was proposed*
- (c) The motion was passed unanimously on a show of hands*

The Decision of the Board therefore was that the personal licence held by Kirsty Sim be REVOKED.

7. APPLICATIONS FOR CONTENTIOUS MAJOR VARIATION OF PREMISES LICENCE– FOUR CHAPEL STREET, PETERHEAD – HEARING

- (1) The applicants were represented by Janet Hood, Solicitor, Edzell.*
- (2) Trevor Lackie, Licensing Standards Officer, was present at the hearing.*
- (3) Dr Tara Shivaji, Public health was neither present nor represented at the hearing. The Board noted her representation was competent and noted its contents.*
- (4) The Board heard Mrs Hood's submissions.*
- (5) The Board heard Mr Lackie's submissions.*
- (6) The Board allowed Mrs Hood to respond to the submissions made.*
- (7) The Board then asked questions of all parties.*
- (8) Mr Lackie was afforded an opportunity to make concluding remarks but declined to do so*
- (9) Mrs Hood was afforded an opportunity to make concluding remarks and took advantage of the opportunity.*
- (10) The Board then adjourned to deliberate the application.*
- (11) On resuming the bench, the Convenor asked if there were any other issues that members wished to raise with the parties but there were none.*
- (12) The Board GRANTED the following parts of the application, which had attracted no objections or adverse representations:*
 - a. Permit consumption of food delivered to patrons ordering takeaways from other premises.*
 - b. Add indoor and outdoor sports – the pool table located in the Cube Nightclub (hybrid use). Note: the pool table is covered and used as a table when good management of the premises requires it for public safety and appropriate crowd management.*
 - c. Add column 4 in the operating plan for all activities to include extended hours and general extension of hours*
 - d. Add theatre – comedians, magicians and other forms of entertainment commensurate with a busy hybrid popular entertainment nightclub type premises*
- (13) Thereafter,*
 - (a) Mrs Stirling, seconded by Mr Forsyth, moved as a motion that the application be deferred for a site visit to clarify the layout of the premises in the best interest of the business and in terms of Board policies in that it may clarify some of the issues still unanswered.*
 - (b) No amendment was proposed*
 - (c) The motion was passed unanimously on a show of hands*

The Decision of the Board therefore was that consideration of the application be deferred to allow a site visit of the premises to take place.

10. **ADDITIONAL REPORTS**

(i) Report to Board with Results of Consultation.

Following consideration of a report by the Director of Business Services informing the Board of the outcome of the public consultation on the review of the structure of the Licensing Boards, dated 20 January 2020, copies of which had been circulated in advance the Board agreed to submit the following comments to Aberdeenshire in respect thereof:

- The Board did not reach unanimous agreement with the principle of moving to One Board, but the majority of Board Members were in favour.*
- Disappointment was expressed in the low response rate to the consultation but noted that the consultation concluded that there would be benefits to a singular Board including efficiency and impact on the planet.*
- The issue of where a single Board is to meet was important, and any new Board should carefully consider a location easily accessible by public transport. The Board also concluded that Aberdeen would be the easiest place for those travelling by bus to access.*
- The Board also explored technological advances and that a new Board could consider how to effectively use skype facilities to ensure that the Board would be accessible from local offices that were compliant with our duties under the Equalities Act in terms of access.*
- Consideration was also given to the importance of geographical spread of representation from across Aberdeenshire.*
- The Board was also of the view that a new Board would require to review the policy statement to ensure harmonisation where appropriate.*
- The Board agreed with the proposals set out in the report that there should be one member from each Area Committee with 1 additional member from the South and Central Boards and 2 members from the North.*
- Those Members who were not in agreement with the principle of moving to One Board, were concerned about the loss of local knowledge.*

Board Member Presiding over meeting

MR BRIAN TOPPING

Print Name

29 APRIL 2020

Date