

**THE ABERDEENSHIRE LICENSING BOARD**

**Minute of Meeting of the ABERDEENSHIRE LICENSING BOARD, held by SKYPE only  
on WEDNESDAY 10 FEBRUARY 2021 at 10:15 a.m.**

Sederunt:

Board Members:

Mr B Topping (Convenor); Mr P Argyle; Mr S Calder; Mrs M Ewenson; Mr A Forsyth; Ms V Harper; Mr J Hutchison; Mr G Reynolds; Mrs A Stirling; Mr L Wilson.

In Attendance:

Fiona M. Stewart, Depute Clerk to the Board; Sergeant G Flett, Police Scotland; Lisa Godini, Sarah Ward, Keith Simpson and Trevor Lackie, Licensing Standards Officer.

Observing:

Kirsty Street, Trainee Solicitor; Beatrice Hay, Licensing Team; David Laoye, IT.

Forum Members:

None

The Convenor welcomed everyone to the meeting of the Board and outlined the protocols for the meeting.

The Sederunt of the meeting was then taken.

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence made.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**3. STATEMENT ON EQUALITIES**

Consider, and if so decided, adopt:- "In line with the Council's legal duty under section 149 of the Equality Act 2010 the Board, in making decisions on the attached reports, shall have due regard to the need to":-

- (i) Eliminate discrimination, harassment and victimisation;
- (ii) Advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) Foster good relations between those who share a protected characteristic and persons who do not share it.

Agreed

4. **MINUTES OF BOARD MEETING OF 16 DECEMBER 2020 – FOR APPROVAL**

*The Minutes of the previous meeting were approved.*

5. **LICENSING (SCOTLAND) ACT 2005 – APPLICATIONS FOR GRNAT OF PREMISES – NON-CONTENTIOUS – FOR APPROVAL**

*Following consideration of a report by the Clerk in respect of the applications for Premises licences, the Board decide the applications as undernoted:*

**(1) LONGSIDE SOCIAL CLUB**

*Granted*

6. **LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCES – FOR APPROVAL**

*Following consideration of a report by the Clerk, in respect of applications for major variations of premises licence, the Board decided the following applications as undernoted:*

**(1) MORRISONS, PETERHEAD**

*Granted*

**(2) SCOTMID, BANFF**

*Granted*

7. **LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR REVIEW OF PERSONAL LICENCE – HEARING – BRIAN HETHERINGTON**

1. *The Licence Holder, Mr Brian Hetherington, was not present at the hearing.*
2. *The Chief Constable was represented by Sergeant Gill Flett who was present at the hearing via telephone.*
3. ***Preliminary issue – licence holder's presence at the meeting.*** *Mr Argyle, seconded by Mr Forsyth, proposed that it was unlikely that deferring the application to allow the licence holder to be present would result in any material difference to the determination of the application. It was noted that the licence holder had been cited to attend the Board and had been subsequently contacted on a number of occasions without any response. The Board agreed to proceed with the determination of the application without the licence holder being present.*
4. *Sergeant Flett was invited to speak to the application for review of licence made by the Chief Constable.*
5. *An opportunity was afforded to Board Members to ask questions of all parties present.*
6. *An opportunity was afforded to Sergeant Flett to make concluding remarks.*
7. *The Board did not require legal advice from the Clerk.*
8. *Mr Argyle, seconded by Mr Forsyth, moved as a motion, that the licence holder was no longer a fit and proper person to hold a personal licence, for failing to uphold the licensing objectives of preventing crime and disorder and securing*

public safety, and moved that the licence be revoked in line with the recommendations from Police Scotland.

9. No amendment was proposed.
10. The motion was passed unanimously by the Board.

The decision of the Board was therefore unanimously –

- (a) That, in terms of Section 84(6)(b) of the Licensing (Scotland) Act 2005 that it was satisfied that it was necessary to make an order under Section 84(7A) for the purposes of the prevention of crime and disorder and securing public safety licensing objectives; and
- (b) To issue an order in terms of Section 84(7A) that Mr Hetherington's personal licence be REVOKED on the basis that, having regard to the licensing objectives of preventing crime and disorder and securing public safety by reason of his convictions and the pattern of offending set out by the Chief Constable, he was no longer a fit and proper person to be the holder of a licence.

**8. LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR REVIEW OF PERSONAL LICENCE – HEARING – GUY FINLAYSON**

1. The Licence Holder, Mr Guy Finlayson was present at the meeting via telephone.
2. The Chief Constable was represented by Sergeant Gill Flett who was present at the hearing via telephone.
3. Sergeant Flett was invited to speak to the representation made by the Chief Constable.
4. The Board heard Mr Finlayson's submission.
5. An opportunity was afforded to Sergeant Flett to respond to the submission made in respect of the application.
6. An opportunity was afforded to Board Members to ask questions to Sergeant Flett and Mr Finlayson.
7. An opportunity was afforded to Mr Finlayson to make concluding remarks.
8. An opportunity was afforded to Sergeant Flett to make concluding remarks.
9. The Board did not require legal advice from the Clerk.
10. The Board determined not to retire to deliberate the matter.
11. The Board debated the matter.
12. Mr Argyle, seconded by Mrs Stirling, moved, as a motion, that the Board endorsed Mr Finlayson's licence on the basis that he has failed to uphold public safety and has not upheld the principles of preventing crime and disorder.
13. No amendment was proposed.
14. The motion was passed unanimously by the Board.

The decision of the Board was therefore unanimously –

- (a) That, in terms of Section 84(6)(b) of the Licensing (Scotland) Act 2005 that it was satisfied that it was necessary to make an order under Section 84(7A) for the purposes of the prevention of crime and disorder and securing public safety licensing objectives; and
- (b) To issue an order in terms of Section 84(7)(c) that Mr Finlayson's personal licence be ENDORSED on the basis that his actions, resulting in his conviction, demonstrated that he had acted in a manner which was

*inconsistent with the licensing objectives of preventing crime and disorder and securing public safety.*

**9. REPORT ON THE PAYMENT OF ANNUAL FEES 2020**

*The Board noted the terms of the report and expressed their gratitude to the Licensing Standards Officers for all their hard work in liaising with the Licensed Trade to follow up outstanding payments.*

*The Board also commended and congratulated the Licensed Trade for paying their annual fees and continuing to be an asset as licensed businesses serving people in Aberdeenshire at a time when they are experiencing massive difficulties due to the Covid-19 pandemic.*

**10. DATE OF NEXT MEETING – 21 APRIL 2021**

*Noted*

**A recording of the meeting can be found at the following link:**

[Skype recording of Aberdeenshire Licensing Board – 10 February, 2021](#)