

4. MINUTES OF BOARD MEETING

ABERDEENSHIRE LICENSING BOARDS CENTRAL DIVISIONAL LICENSING BOARD

*Minute of Meeting of the **CENTRAL ABERDEENSHIRE DIVISIONAL LICENSING BOARD**, held in the **COUNCIL CHAMBER, GORDON HOUSE, BLACKHALL ROAD, INVERURIE, AB51 3WA** on **WEDNESDAY 27 JUNE, 2018** at **10.30A.M.***

- Present -

Councillors Fergus Hood (Convenor), Karen Adam, Neil Baillie, Marion Ewenson, Victoria Harper, Dominic Lonchay, Gwyneth Petrie, Robbie Withey

- In Attendance -

*Jill Joss, Depute Clerk to the Board
Lisa Godini, Licensing Standards Officer
Sergeant Gillian Flett, Police Scotland*

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

Councillor Petrie left the meeting prior to Item 5 as was unable to stay for the duration of the meeting due to another engagement.

2. DECLARATION OF INTEREST

The Convenor asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct.

Councillor Withey declared an interest in item 6 by virtue of knowing the applicant and advised that he would leave the meeting and take no part in the item.

3. 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. MINUTE OF THE BOARD MEETING OF 18 APRIL 2018

The Minute of the Board Meeting of 18 April, 2018 was APPROVED as a correct record.

5. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE – CONTENTIOUS – BROADSTRAIK INN, ELRICK, WESTHILL, AB32 6TL, AB-C-P119

- (1) *The Applicant was present at the Hearing and represented by Niall Hassard from TLT Solicitors. Also present were Chris Rafferty from Punch Limited, Chris McKenzie and Andrew Drummond on behalf of the Broadstraik Inn.*
- (2) *Lisa Godini represented the Licensing Standards Officer.*
- (3) *Lucie Hrubesova represented Environmental Health.*
- (4) *Sergeant Gillian Flett represented Police Scotland.*
- (5) *No persons who had submitted an objection or representation to the application were present.*
- (6) *The Board heard from Niall Hassard on behalf of the Applicant.*
- (7) *The Board heard from Lisa Godini, Licensing Standards Officer.*
- (8) *The Board heard from Lucie H, Environmental Health Officer.*
- (9) *Mr Hassard was given an opportunity to address any issues raised by the objectors and those making representation.*
- (10) *The Board then asked questions to all parties.*
- (11) *The Board then heard concluding remarks from Environmental Health.*
- (12) *The Board heard concluding remarks from the Licensing Standards Officer.*
- (13) *Sergeant Flett declined any further concluding remarks on behalf of Police Scotland.*
- (14) *The Board heard concluding remarks from Mr Hassard.*
- (15) *The Board decided they did not require to retire to deliberate their decision.*

- (16) Councillor Withey, seconded by Councillor Ewenson moved to GRANT the major variation subject to the following agreed modifications and local conditions:-

Terminal hour

Sunday to Thursday- midnight terminal hour

Saturday - 1am terminal hour

Conditions

1. No music or live performances to take place in the outdoor drinking area.
2. The outdoor drinking area to be used for the purposes of food and refreshments only.
3. All use of the outdoor drinking areas to cease at 2200 hours daily.
4. The use of plastic/safety glassware is mandatory in the outdoor drinking area for drinks ordered after 19.45 Sunday to Thursday and 20.45 Friday and Saturday.

- (17) There was no amendment to the Motion. The Convener confirmed that the decision was unanimous by a show of hands.

6. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE – CONTENTIOUS – BENNACHIE LODGE HOTEL, VICTORIA TERRACE, KEMNAY, AB52 5RL, AB-C-P166

- (1) The Applicant was represented by Mr William Elrick.
- (2) Dr Wilma Grant, who had made a representation was present.
- (3) Police Scotland was represented by Sergeant Gillian Flett.
- (4) The Licensing Standards Officer was represented by Lisa Godini.
- (5) No other persons who had submitted an objection or representation to the application were present.
- (6) The Board firstly determined whether to accept the late objection from Ms Clair Prosser. The Board accepted the late objection and a copy was circulated to all parties present.
- (7) Mr Elrick thereafter spoke to the application.
- (8) The Board heard from Dr Wilma Grant.
- (9) The Board heard from Sergeant Gill Flett on behalf of Police Scotland.
- (10) The Board heard from Lisa Godini, Licensing Standards Officer.

- (11) *Mr Elrick was then given an opportunity to address any issues raised by the objectors and those making representations.*
- (12) *Members then asked questions of all parties.*
- (13) *The Board then heard concluding remarks from Dr Grant.*
- (14) *The Board then heard concluding remarks from the Licensing Standards Officer.*
- (18) *Sergeant Flett declined any concluding remarks on behalf of Police Scotland.*
- (15) *Mr Elrick declined any further concluding remarks on behalf of the applicant.*
- (16) *Councillor Baillie, seconded by Councillor Lonchay moved to GRANT the application subject to the following modifications and conditions:-*

Operating Plan

Question 5(f)-Removal of 'bouncy castle' from activities

Question 6(e)-Insertion of 'indoor or outdoor' prior to 'bar counter area'

Question 7- Insert 'Outdoor Area 150'

Conditions

- 1. All use of the outdoor drinking area to cease at 22.00 hours daily, subject to condition 2 below.*
- 2. All use of the outdoor drinking area to cease at 20.00 hours for any live music outdoor event.*
- 3. The use of plastic/safety glassware is mandatory in the outdoor drinking area.*
- 4. The number of live music outdoor events to be limited to 6 events per year.*

(14) There was no amendment to the Motion. The Convener confirmed that the decision was unanimous by a show of hands.

7. 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:

APPENDIX 1

Non - Contentious Major Variation				
Name of Applicant	Name and Address of Premises	Premises Licence No.	Variation Applied For	DECISION
Brewdog Retail Ltd	DogTap Taproom/Visitor Centre, Balmacassie Ind.Estate Ellon, AB41 8BX	AB-C- P226	The variation seeks to amend core 'on sales' hours from 1100 - 2200 hours daily to 1000 - 2300 hours daily.	GRANTED
Laird Parker	Royal British Legion, Victoria Buildings, Blackhall Road, Inverurie, AB51 6AE	AB-C-P263	<p>1.Amend Q.5 to include Theatre and Adult Entertainment within activities;</p> <p>2.Amend Q.6(e) in respect of areas to which children and young persons have access to include function room 2, with access to function room 2 and toilets via the main bar area and in line with current permitted times of entry for function room 1;</p> <p>3.Increase capacity from 385 to 415;</p> <p>4.Amend layout plan to re-instate the original entry/egress door for the main bar area.</p>	<p>GRANTED in principal but delegated the final issue of the variation to the Depute Clerk in conjunction with the Convenor, once the certificate of completion has been approved.</p> <p>A local condition was attached to the licence as follows:-</p> <p>1. Adult entertainment is to be limited to 'strippers' and such entertainment is only to take place during a private function or event on the premises to which no person under 18 years of age will be allowed entry.</p>
Harry Watt Halkett	Crown Bar Huntly 4 Gordon Street Huntly AB54 8AJ	AB-C-P110	<p>(1) To provide outdoor drinking facilities during core licensed hours</p> <p>(2) To change the capacity breakdown</p> <p>(3) To change the area marked "yard"</p>	<p>GRANTED</p> <p>A local condition was attached to the licence as follows:-</p> <p>The Licence Holder shall ensure that the</p>

			to "beer garden yard" and to include the door to the beer garden yard on the layout plan	outside drinking area will not be used after 10.00p.m. daily.
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8. **ADDITIONAL REPORTS**

(i) **Policy Statement Timetable Updated**

The Depute Clerk confirmed that all matters were on target. The Board noted the updated timelines for the review of the Board's Policy Statement and overprovision policy statement.

(ii) **Draft Statement of Licensing Policy – For Licensing Board's approval**

The Depute Clerk introduced a report which highlighted the changes that were being made to the Statement of Licensing Policy.

Members raised concerns regarding the situation where individuals walk round licenced premises with moveable trays of alcohol shots for sale and asked if this could be discouraged as part of the policy. Members also asked that the map showing the board areas could be larger. The Depute Clerk noted these comments.

Members agreed to the terms of the Draft Policy Statement and authorised the Depute Clerk to proceed to the formal consultation stage. The consultation with all partners and the public will take place between 2 July and 13 September 2018.

(iii) **Annual Financial Statement – Report to Licensing Boards**

The Depute Clerk introduced a report containing the Annual Financial Statement for 2017/2018 and circulated an updated Appendix 1. Members noted the terms of the Annual Financial Statement for the Central Board.

(iv) **Annual Function Statements – Report to Licensing Board**

The Depute Clerk introduced a report on the Annual Function Statements. Members approved the delegation of the task of preparing and publishing the Annual Functions Report to the Depute Clerk in consultation with the respective Convenors.

9. **DATE OF NEXT MEETING – 15 AUGUST, 2018**

Board Member Presiding over meeting

Print Name

Signature

Date

End of Minutes