

4. MINUTES OF BOARD MEETING

ABERDEENSHIRE LICENSING BOARDS SOUTH DIVISIONAL LICENSING BOARD

Minute of Meeting of the SOUTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD, held in the COUNCIL CHAMBER, VIEWMOUNT, ARDUTHIE ROAD, STONEHAVEN, on WEDNESDAY 3 October 2018 at 10AM.

- Present –

Councillors Peter Argyle, Rosemary Bruce, Jeff Hutchison, Alistair McKelvie, Colin Pike, Leigh Wilson

- In Attendance -

Peter Robertson, Depute Clerk to the Board
Sergeant Gillian Flett, Police Scotland
Lisa Godini, Licensing Standards Officer
Delsya Borland, Licensing Administrator

1. APOLOGIES FOR ABSENCE

Cllrs Denis Robertson and Alastair Bews

2. DECLARATIONS OF INTEREST

None.

3. EQUALITIES

In making decisions on the following items of business, the Board AGREED, in terms of Section 149 of the Equality Act, 2010:-

- (i) 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 OF THE SOUTH BOARD MEETING OF 22 AUGUST 2018

The Minutes of the South Board Meeting of 22 August 2018 were APPROVED as a correct record.

5. APPLICATIONS FOR PERSONAL LICENCE – LORA STEFANOVA – HEARING

1. The applicant was not present at the hearing.
2. The Board agreed to determine this application in the absence of the applicant.
3. The Board heard from the Depute Clerk who advised that the applicant had submitted an application for a personal licence but had failed to complete an identity check form and present themselves at a Council Office with photographic ID. This is to fulfil the requirements of the Section 72 of the 2005 Act where a Board can only grant a licence to a person who is resident in the Board area and is over the age of 18. The Board has to ensure that the details on the application and the photograph submitted for the licence match the person that is actually applying for the licence. This promotes the prevention of crime and disorder licensing objective by preventing the issue of fraudulent licence. Officers have therefore not been able to satisfy themselves as to the applicant's identity
4. Thereafter:
Councillor Argyll, seconded by Councillor Bruce, moved as a motion that the application be refused on the grounds that, not having been able to satisfy itself as to the identity of the applicant, the Board cannot comply with the requirements of Section 72 of the Licensing (Scotland) Act 2005 and that to grant the application would be contrary to the purposes of the prevention of crime and disorder Licensing Objective.
5. No amendment was proposed. The motion was passed unanimously.

6. APPLICATION FOR VARIATIONS OF PREMISES LICENCES NON-CONTENTIOUS

Following consideration of a report by the Clerk the Board granted the following major variations:

<u>Applicant</u>	<u>Premises</u>	<u>Decision</u>
Gosschalks Solicitors	Morrisons North Deeside Road Banchory AB31 5YR	The following variation to the licence was granted:- 1. Amend Question 5(a) to show the premises provides a customer café during and outwith core hours. 2. Amend the wording of Question 5(f) to incorporate the abovementioned customer café and that the licence

		holder, will on occasion, provide samples/tastings of alcohol within the alcohol display area during core hours. 3. Minor changes to the layout of the café area.
The 65 Club per John Lawson	65 Club Mary Street Stonehaven AB39 2AT	The following variation to the licence was granted:- 1. Increase core on sales licensing hours Fridays 19:00 hours to 12 midnight, Saturdays 12 noon to 12 midnight and Sunday 12 noon to 19:00 hours. 2. Amend the terms, times and parts of the premises that allow children and young persons access to the premises.

7. ADDITIONAL REPORTS

(i) Policy Statement Timetable Updated – for noting

It was confirmed all matters are still on track with a view to having the policy published in November.

(ii) Review of Policy Statement: Approval of Final Policy

Following consideration of a report by the Clerk, and having heard the views of Lisa Godini, LSO, and Sgt Flett of Police Scotland the Board:-

- (1) Acknowledged the huge amount of work that has been done by the Depute Clerk to the North Board in the preparation of the Policy Statement and thanked her for all her efforts;
- (2) Agreed the terms of the Final Policy Statement subject to:-
 - (a) Delegation to the Clerk of the Board, following consultation with the Board Convenors:-
 - (i) to formulate suitable wording for Supplementary Policy 7- Member Clubs which will allow sports clubs, such as golf clubs, to have social members who pay an annual fee whilst

at the same time preventing members of the public paying a fee on an *ad hoc* basis to allow them to use the bar or restaurant;

(ii) to amend the wording of the Policy Statement, and in particular Appendix One to allow the South Board to adopt, at some point after the publication of the Policy Statement a set of standard conditions that can be drawn upon and applied on a case by case basis to individual premises in the South Board area; and

(iii) Correction of any typographical errors.

(3) Authorised the Clerk to the Board to thereafter publish the Policy Document on the Council's website

(iii) Interim Report Review of Gambling Statement of Licensing Principles 2019

Following consideration of a report by the Clerk, the Board:-

- (1) Agreed the terms of the draft statement of Licensing Principles;
- (2) Noted that formal consultation is taking place between 5 October and 17 November 2018
- (3) Noted that a report seeking approval of the revised Statement of Licensing principles will be brought back to the Boards at the December meetings

(iv) Chief Constable's Report 1 April 2017-31 March 2018

The Board had before it the Chief Constable's annual report. Sgt Flett who spoke to the report said that on the whole there were no real difficulties for Police Scotland in the South Board area. Premises had received a high number of visits from officers however, this was not a bad thing and licence holders accepted that police visits were not to be perceived as a criticism of them but rather were to help them in the running of their premises.

Sgt Flett asked if there was anything more that the Board would like to see included in future Annual Reports. The Board indicated that they were satisfied with the content of the report.

In answer to a question about the effectiveness of Minimum Unit Pricing (MUP) Sgt Flett said that the Scottish Government would be carrying out an evaluation but that this would probably focus more on the health objective. She did mention however that she was keeping records of incidences of theft from licensed premises since MUP was introduced because it might have an effect on these statistics.

The Board noted the Report and thanked Sgt Flett.

8. DATE OF NEXT MEETING – WEDNESDAY 5 DECEMBER 2018

Noted. The Convenor requested that Members indicate their intention to attend in advance to Delsya Borland

Board Member Presiding over meeting

Print Name

Signature

Date

End of Minutes