

Notice and Agenda Continues

5. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCES – NON - CONTENTIOUS APPLICATIONS – FOR CONSIDERATION

***ABERDEENSHIRE LICENSING BOARDS
South Division***

REPORT TO LICENSING BOARD – 5 DECEMBER 2018

LICENSING (SCOTLAND) ACT 2005

APPLICATIONS FOR VARIATIONS OF PREMISES LICENCE

NON CONTENTIOUS APPLICATIONS

1. Recommendations

1.1 It is recommended that the Board grants the applications for variation of premises licences listed in Appendix 1 to this Report as non-contentious applications, as determined by the Clerk in terms of the Board’s Scheme of Delegation.

2. Background

2.1 In terms of Section 17 of and in terms of Part 3 of the Licensing (Scotland) Act 2005, a Premises Licence is required to authorise the sale of alcohol on premises from 1st September 2009.

2.2 In terms of Section 30 any application for a variation of a Premises Licence, which is not a minor variation as defined by Section 29(6), must be considered by the Board by means of a hearing.

2.3 A number of applications for variation of Premises Licences are now ready to be put before the Board for consideration. These are listed in Appendix 1 to this report.

2.4 In relation to the application to be considered by the Board -

2.4.1 there are no valid objections to the application;

2.4.2 the hours sought in the Operating Plan are within the Licensing Board’s general policy on Licensing Hours as set out in its Statement of Licensing Policy.

Proposal

- 2.5 The Depute Clerk has determined, as outlined above, that the following applications for variation of Premises Licences listed at Appendix 1 to this report are non-contentious applications and asks that the Board grant the same.
- 2.6 Copies of the application forms, operating plans and layout plans where applicable will be available in the Members Room for perusal by Board Members prior to the Board Meeting from 9.30am.

Consultations

- 2.7 The Depute Clerk examined the applications in detail and the Applicants then addressed any issues requiring to be addressed. Thereafter, the Depute Clerk forwarded the applications to the following persons or bodies as part of the consultation process:
- (a) Police Scotland;
 - (b) Scottish Fire & Rescue Service;
 - (c) The Environmental Health, Planning and Building Standards Services of Aberdeenshire Council;
 - (d) The Licensing Standards Officer;
 - (e) The appropriate Community Council; and
 - (f) Neighbouring Occupiers
 - (g) Health Authority
- 2.8 At the same time as the applications were consulted on, the applicants required to display a site notice at the premises, in a location where it could be easily read by members of the public, advertising the fact that an application to vary the Premises Licence had been made. The Licensing Standards Officers checked to ensure the site notices had been appropriately displayed, and had been displayed for the correct time period, as part of their consultation exercise for each premises.
- 2.9 The applications were also advertised on the Council's website.

Objections and Representations

2.10 No objections were received in respect of these applications.

2.11 In some cases, the statutory consultees have made representations. These were copied to the applicants who have made the appropriate amendments to their applications in order to satisfy the representations made.

2.12 Any applicant who has taken issue with the representations made will have their application considered at a full hearing of the Board at a future Board meeting.

2.13 If the Board determines that the variation of licence should be granted, it will take effect from the date of grant.

2.14 If the Board determine that further evidence is required, the applications should be referred to the next available Board Meeting in order that the applicants may present their case in full or further information can be obtained in the interim.

3. Governance

3.1 The Board's Scheme of Delegation provides that consideration of a variation of a premises licences is a matter reserved to the Board. Each application should be considered on its own merits

4. Implications and Risk

4.1 An Equality Impact Assessment is not needed in this case because the granting or refusing of these applications will not have a differential impact on the protected characteristics of the applicants or any third parties.

4.2 There are no area, policy, finance, staffing or sustainability implications directly arising from this report.

4.3 There are no Risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Licensing Board is considering the application as the Licensing Authority in a quasi-judicial role and must determine each application on its own merits in accordance with the legal tests set out in the relevant legislation.

4.4 The Town Centre Principle does not apply in respect of this matter as the Board is considering the applications as Licensing Authority in a quasi-judicial role and must determine the applications on their own merits in accordance with the legal tests set out in the relevant legislation

Karen Wiles
Clerk to the Board

Report Prepared by: Peter Robertson, Depute Clerk to the Licensing Board
Date: 26 November 2018

APPENDIX 1

Non - Contentious Major Variation				
Name of Applicant	Name and Address of Premises	Premises Licence No.	Variation Applied For	Remarks (if any)
The Brae Cafe	The Brae Cafe Kintore Street Auchenblae AB30 1XP	AB-S-P224	<ol style="list-style-type: none"> 1. Amend activities to include provision of televised sport during and outwith core hours. 2. Change to layout plan being extending the bar area and including a new toilet. 3. Capacity remains unchanged, 	No representations were received in respect of this application.
HLT Craigendarroch Suites Ltd	Hilton Craigendarroch Braemar Road Ballater AB35 5XA	AB-S-P165	<ol style="list-style-type: none"> 1. To include showing of films (children's) both within and outwith core licensing hours. 2. To increase the capacity of the Lounge Bar to 110 and increase capacity of Meeting Room to 18. 3. To relax the terms times and parts which children and young persons are admitted to the premises. 	No representations were received in respect of this application.
212 Bars Limited	Quoilers Bar and Restaurant Skateraw Road Newtonhill AB39 3PT	AB-S-P149	<ol style="list-style-type: none"> 1. Change commencement hours for on and off sales to 11:00 hours on Sundays (currently 12:30). 2. Restaurant facilities to include sales outwith core licensing hours to allow for teas/coffees/light snacks. 3. Add Club/Croup Meetings; Indoor/Outdoor Sports within and outwith core licensing hours. 4. Amend 'Televised Sport' to include outwith core licensing hours. 5. Relax the terms, times and parts of the premises children and young persons allowed access. 6. Change to layout to reflect relaxation of children and young persons access. 	Applicant has agreed with representations from the Police, LSO and Community Council and made the necessary amendments to comply. No outstanding representations or objections remain.

Dumfries House Trust Trading Ltd	Ballater Station Station Square Ballater AB35 5RB	AB-S-P250	<ol style="list-style-type: none"> 1. Add off sales Monday – Sunday 10:00 – 22:00 hours to allow sales from the proposed gift shop area. 2. Change to layout due to the addition of a gift shop. 3. Increase in capacity to 2.2m2. 4. Change trading name to ‘The Carriage’. 	No representations were received in respect of this application.
The Fife Arms Braemar Ltd	The Fife Arms Mar Road Braemar AB35 5YL	AB-S-P146	<ol style="list-style-type: none"> 1. Increase on sale hours Monday to Thursday and Sunday 11:00 - 00:00 hours and Friday and Saturday 11:00 - 01:00 hours. 2. Add off sales hours through the Hotel and Shop and/or Restaurant 10:00 - 22:00 hours daily. 3. Add Seasonal Variations to include Board's Festive Hours Policy, and premises open St Andrew's Day until 01:00 hours. 4. The following activities to be available outwith of core hours:- Room service, breakfast service, the sale of snacks, teas and coffees, indoor games, sports and televised sport available to guests. 5. Add theatre and films both within and outwith core times. 6. Outdoor drinking facilities, include the interior courtyard, front of hotel and garden, depending on weather, may serve breakfasts to guests in these areas outwith the core hours. 7. Amendment to section 5(G) to include activities outwith core hours. 8. Amendment to wording in section 5(F). 9. Change to layout including addition of a Spa resulting in a change to capacity. 10. Relax the terms, times and parts of the premises relating to children and young persons. 	No representations were received in respect of this application.