

#### **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 on WEDNESDAY 10<sup>th</sup> OCTOBER 2018 at 10.30 a.m.*

##### **- Present -**

*Councillors Fergus Hood (Convenor), Karen Adams*

*Neil Baillie, Marion Ewenson, Victoria Harper,  
Dominic Lonchay, Gwyneth Petrie, Robbie Withey*

##### **- In Attendance**

*Jill Joss, Depute Clerk to the Board*

*Fiona Stewart, 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.*

#### **2. DECLARATIONS OF INTEREST**

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

*Councillor Hood advised that he had a connection to Item 7 by virtue of one of the objectors Lesley Berry being a fellow Aberdeenshire Council Councillor however having applied the objective test concluded that he had no interest to declare.*

*Councillor Adam advised that she had a connection to Item 7 by virtue of one of the objectors Lesley Berry being a fellow Aberdeenshire Council Councillor however having applied the objective test concluded that she had no interest to declare.*

*Councillor Baillie advised that he had a connection to Item 7 by virtue of one of the objectors Lesley Berry being a fellow Aberdeenshire Council Councillor however having applied the objective test concluded that he had no interest to declare.*



*Councillor Ewenson advised that she had a connection to Item 7 by virtue of one of the objectors Lesley Berry being a fellow Aberdeenshire Councillor however having applied the objective test concluded that she had no interest to declare. Councillor Ewenson also declared an interest in Item 6 by virtue of previous involvement as a ward councillor in relation to concerns at this premises and visiting the objectors' home and advised that she would leave the meeting and take no part in the item.*

*Councillor Harper advised that she had a connection to Item 7 by virtue of one of the objectors Lesley Berry being a fellow Aberdeenshire Council Councillor however having applied the objective test concluded that she had no interest to declare.*

*Councillor Lonchay advised that he had a connection to Item 7 by virtue of one of the objectors Lesley Berry being a fellow Aberdeenshire Council Councillor however having applied the objective test concluded that she had no interest to declare.*

*Councillor Petrie advised that she had a connection to Item 7 by virtue of one of the objectors Lesley Berry being a fellow Aberdeenshire Council Councillor however having applied the objective test concluded that she had no interest to declare.*

*Councillor Withey advised that he had a connection to Item 7 by virtue of one of the objectors Lesley Berry being a fellow Aberdeenshire Council Councillor however having applied the objective test concluded that he had no interest to declare.*

### **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. MINUTES OF THE BOARD MEETING OF 8<sup>th</sup> AUGUST 2018**

*The Minutes of the Board Meeting of 8<sup>th</sup> August 2018 were APPROVED as a correct record.*

**5. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCES – CONTENTIOUS APPLICATIONS- BROADSTRAIK INN– HEARING**

- 1) *Niall Hassard, Solicitor represented the applicants at the hearing. Also present was Chris McKenzie.*
- 2) *Lisa Godini, Licensing Standards Officer was present at the meeting.*
- 3) *Sergeant Flett represented the Chief Constable at the meeting.*
- 4) *No members of the public who had lodged objections were present.*
- 5) *The Board heard the applicant's submissions.*
- 6) *The Board heard from Sergeant Flett that Police Scotland's representation had been agreed with.*
- 7) *The Board heard from Lisa Godini that the Licensing Standard Officer's representation had been agreed to.*
- 8) *The Board afforded the applicant an opportunity to respond to the submissions made by the Licensing Standards Officer and Sergeant Flett.*
- 9) *Board Members were then invited to ask questions of all parties.*
- 10) *Sergeant Flett was then invited to make concluding remarks but declined to do so.*
- 11) *The Licensing Standards Officer was then invited to make concluding remarks but declined to do so.*
- 12) *The applicant was then invited to make concluding remarks.*
- 13) *Cllr Withey, seconded by Cllr Harper, moved as a motion that the application be granted, subject to the removal of the words "ladies nights" from Question 5(f) of the Operating Plan.*
- 14) *No amendment was proposed.*
- 15) *The motion was passed unanimously on a show of hands.*
- 16) *The decision of the Board therefore was that the major variation was granted, subject to the removal of the words "ladies nights" from Question 5(f) of the Operating Plan.*

**6. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCES – CONTENTIOUS APPLICATIONS-COMMERCIAL INN– HEARING**

- 1) *Mr Niall Hassard, Solicitor represented the applicants at the hearing. Also present were Sandra Simmonds and Mr Hepburn.*
- 2) *The objector Andrew Thomson was present at the meeting.*
- 3) *Lisa Godini, Licensing Standards Officer was present at the meeting*
- 4) *Sergeant Flett represented the Chief Constable at the meeting.*
- 5) *The Board heard the applicant's submissions.*
- 6) *The Board heard from Sergeant Flett.*
- 7) *The Board heard from Lisa Godini.*
- 8) *The Board heard from Andrew Thomson.*
- 9) *The Board afforded the applicant an opportunity to respond to the submissions made.*

- 10) Board Members were then invited to ask questions of all parties.
- 11) The Licensing Standards Officer was then invited to make concluding remarks.
- 12) Sergeant Flett was then invited to make concluding remarks but declined to do so.
- 13) Mr Thomson was then invited to make concluding remarks.
- 14) The applicant was then invited to make concluding remarks.
- 15) The Board then requested legal advice from the Clerk. The Board retired to deliberate.
- 16) Cllr Petrie moved a motion which was seconded by Cllr Adam that the application be granted, subject to the addition of a local condition that the outdoor drinking area is not to be used before 11.00am.
- 17) No amendment was proposed.
- 18) The motion was passed unanimously on a show of hands.
- 19) The decision of the Board therefore was that the major variation was granted, subject to the addition of a local condition that the outdoor drinking area is not to be used before 11.00am.

7. **LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCES – CONTENTIOUS APPLICATIONS- BUTCHERS ARMS- HEARING**

- 1) Mr Neil Cable, the applicant was present at the hearing. Also present was Darlene Cable.
- 2) Lisa Godini Licensing Standards Officers was present at the meeting
- 3) Sergeant Flett represented the Chief Constable at the meeting.
- 4) Fiona Chapman, Environmental Health Officer was present at the meeting.
- 5) No members of the public who had lodged objections were present.
- 6) The Board heard the applicant's submissions.
- 7) The Board heard from Sergeant Flett who objected to the application.
- 8) The Board heard from Fiona Chapman.
- 9) The Board heard from Lisa Godini.
- 10) The Board afforded the applicant an opportunity to respond to the submissions made.
- 11) Board Members were then invited to ask questions of all parties.
- 12) Fiona Chapman was then invited to make concluding remarks but declined to do so.
- 13) The Licensing Standards Officer was then invited to make concluding remarks but declined to do so.
- 14) Sergeant Flett was then invited to make concluding remarks.
- 15) The applicant was then invited to make concluding remarks and declined to do so.
- 16) Cllr Ewenson, seconded by Cllr Withey, moved as a motion that the following parts of the application were **GRANTED:-**
  - (1) Increase both on-sales and off-sales opening time on a Sunday to 10:00.
  - (2) Increase terminal hour Monday to Thursday to 01:00.
  - (3) Addition of outdoor drinking area within core hours.

- (4) Increase capacity to include outdoor area.

These were subject to the following condition to be added to the licence:-

1. No music or live performances to take place in the outdoor drinking area.
2. The outdoor drinking area is to be used for the purposes of refreshments only- no entertainment is to take place.
3. All use of the outdoor drinking areas to cease at 2200 hours daily.
4. All refreshments to be consumed in the outdoor drinking area to be decanted into polycarbonate containers, toughened glassware or other suitable alternatives ("safe alternatives") at the point of sale.
5. Signage will be displayed at the exit from the lane to state that no alcohol is to be removed beyond that point.

Thereafter to **REFUSE** to increase the terminal hour on Friday and Saturday to 03:00am on the grounds that granting this part of the application would be contrary to the Board's Policy Statement and inconsistent with the licensing objectives of Preventing crime and disorder, Securing public safety and preventing public nuisance.

- 17) No amendment was proposed.
- 18) The motion was passed unanimously on a show of hands.
- 19) The decision of the Board therefore was hearing the following parts of the application were **GRANTED** by the Board:-

- (1) Increase both on-sales and off-sales opening time on a Sunday to 10:00.
- (2) Increase terminal hour Monday to Thursday to 01:00.
- (3) Addition of outdoor drinking area within core hours.
- (4) Increase capacity to include outdoor area.

These were subject to the following condition to be added to the licence:-

1. No music or live performances to take place in the outdoor drinking area.
2. The outdoor drinking area is to be used for the purposes of refreshments only- no entertainment is to take place.
3. All use of the outdoor drinking areas to cease at 2200 hours daily.
4. All refreshments to be consumed in the outdoor drinking area to be decanted into polycarbonate containers, toughened glassware or other suitable alternatives ("safe alternatives") at the point of sale.
5. Signage will be displayed at the exit from the lane to state that no alcohol is to be removed beyond that point.

- 20) The Board **REFUSED** to Increase the terminal hour on Friday and Saturday to 03:00am on the grounds that granting this part of the application would be contrary to the Board's Policy Statement and inconsistent with the licensing objectives of Preventing crime and disorder, Securing public safety and preventing public nuisance

## **8. 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:

| <b><u>Applicant</u></b>       | <b><u>Premises</u></b>   | <b><u>Decision</u></b> |
|-------------------------------|--|------------------------|
| 1. BP Oil UK Limited          | BP Stevensons Service Station<br>Elphinstone Road<br>Port Elphinstone<br>Inverurie<br>AB51 3RN   | Granted                |
| 2. The Firm of Adam Craigmile | Leys Hotel<br>Blackburn<br>Aberdeenshire<br>AB21 0SS   | Granted                |
| 3. Gallery i Ltd              | Gallery i Ltd<br>Unit 2B Garioch Shopping Centre<br>Constitution Street<br>Inverurie<br>AB51 4UY | Granted                |

## **9. ADDITIONAL REPORTS**

### **(i) Policy Statement Review Timeline**

The Board considered and discussed the content of the Boards' Licensing Review Policy Timeline and noted that the process had remained on target to date.

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

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

- (1) Acknowledged the amount of work that has been done by Officers in the preparation of the Policy Statement and thanked them for their 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 amend the wording of the Policy Statement, to allow the Central Board to adopt, at some point after the publication of the Policy Statement a set of local conditions that can be drawn upon and applied to individual premises in the Central Board area;*

(ii) *to amend the shape of the brackets in the Overprovision Policy tables, to avoid confusion.*

(iii) *to insert full website addresses where only hyperlinks are given in the Policy.*

(iv) *to provide a link on the Website to Environmental Health Guidance on noise.*

(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 2019-2022**

*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. Sergeant Flett spoke to the report and Members discussed the report. The Board thanked Police Scotland, noted the terms of the positive report and acknowledged the successful partnership approach which was to continue.*

**10. DATE OF NEXT MEETING – WEDNESDAY 12<sup>TH</sup> DECEMBER 2018**

*Noted.*





