

**ABERDEENSHIRE LICENSING BOARD
NORTH DIVISION**

Minutes of Meeting of the LICENSING BOARD for the NORTH DIVISION OF ABERDEENSHIRE held within the COUNCIL CHAMBER, BUCHAN HOUSE, ST PETER'S STREET, PETERHEAD On FRIDAY, 1 March, 2019 at 10:00 a.m.

Present: B. Topping, I. Taylor, M. Roy, A. Stirling, A. Forsyth, G. Reynolds, S. Calder

In Attendance: Fiona M Stewart (Depute Clerk to the Licensing Board, Sergeant Gill Flett and Sergeant Gillian Donald (Licensing Sergeant, Police Scotland) and Sarah Ward, Licensing Standards Officer.

1. APOLOGIES FOR ABSENCE

Councillor S. Duncan

2. DECLARATIONS OF INTEREST

None

3. STATEMENT OF 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 FOR APPROVAL - (COPY TO MEMBERS ONLY)

The Minute of the Licensing Board Meeting 19 December, 2018 was approved as correct.

5. LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR PREMISES LICENCE/PROVISIONAL PREMISES LICENCE – NON-CONTENTIOUS

Following consideration of a Report by the Depute Clerk in relation to non-contentious Premises Licences lodged in terms of Section 17 Part 3 of the Licensing (Scotland) Act 2005 the Board decided the application as below.

<u>Name of Applicant</u>	<u>Name and Address of Premises</u>	<u>Remarks (if any)</u>
Yvonne Freeman	The Pitsligo Arms 51 High Street New Pitsligo AB43 6NF	GRANTED subject to the following additional conditions:- <ol style="list-style-type: none"> 1. The premises are not permitted events which are open to the public for discos or music, following agreement to this as a result of concerns from the neighbours. 2. The licence holder will implement additional control measures relating to the management of clientele, appropriate signage and good communication.

6. LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR PREMISES LICENCE/PROVISIONAL PREMISES LICENCE – HEARING – OAK TREE BAR, FRASERBURGH

- 1) The applicants were present at the hearing.
- 2) Sarah Ward, Licensing Standards Officer, was present at the hearing.
- 3) The Depute Clerk outlined the reasons for the hearing and reminded all parties that the application had been deferred from the previous Board Meeting for the purposes of a site visit at the premises.
- 4) The Board invited the applicants to speak to their application.
- 5) The Board invited the Licensing Standards Officer to speak to her representation.
- 6) The Board afforded the applicants a chance to respond to the submissions made by the Licensing Standards Officer.

- 7) Members were then afforded an opportunity to ask questions of all parties.
- 8) The Licensing Standards Officer was afforded an opportunity to make concluding remarks.
- 9) The applicants were afforded an opportunity to make concluding remarks.
- 10) The Board then agreed to adjourn.
- 11) On resuming the bench, the Depute Clerk advised all parties that the Board had discussed the number of gaming machines and skills with prizes machines located within the premises and had discussed the legal tests, particularly the ground of refusal relating to the location, character and condition of the premises.
- 12) The Convenor asked if members had any further questions to put to either party. There were no further questions.
- 13) Mrs Stirling, seconded by Mr. Reynolds, moved as a motion that the application be granted subject to the usual local conditions and subject to the following additional conditions:-
 - A) No children or young persons shall be permitted to any part of the premises until such time as the upstairs lounge is of a standard which can be classed as a family friendly area in terms of its décor, lighting and facilities.
 - B) The fire exit from the upstairs lounge will be made safer in terms of external lighting and handrails.
 - C) All skills with prizes machines will be removed from the premises. No skills with prizes machines are to be located in the premises at any time.
 - D) A maximum of 3 gaming machines are permitted in the public bar of the premises only, subject to the issue of a gaming machine permit.
 - E) A hatch, or some means of preventing public access will be installed at the end of the bar counter located within the public bar.
 - F) The floors and doors of the premises are to be made sound and secure.
 - G) The licence holder shall produce an updated layout plan to show there is no longer a bar counter in the downstairs lounge bar.
 - H) The CCTV system at the premises shall be connected and maintained in working order.
 - I) The rear exit and storage area shall be kept clear, clean and free from bird excrement at all times.
 - J) No gaming or skills with prizes machines will be located within the store at the rear of the premises at any time.
 - K) The provisional premises will not be confirmed until such time as the Board has carried out a further site visit at the premises.
- 14) No amendment was proposed

- 15) The motion was passed unanimously on a show of hands.
- 16) The decision of the Board was therefore that the provisional premises licence be granted subject to the usual local conditions and the conditions A-K outlined above.

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

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:

<u>Applicant</u>	<u>Premises</u>	<u>Decision</u>
Clara House PHD Limited	Four Chapel Street Peterhead	Granted
I & L Turriff Limited	White Heather Hotel 14 High Street Turriff	Granted
City Centre Pubs (Dundee) Limited	Déjà vu, 30 Queen Street Peterhead	Granted

8. LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR PERSONAL LICENCE – ANDREW WEIR - HEARING

- 1) The applicant was present at the hearing.
- 2) Sergeant Flett represented the Chief Constable at the hearing.
- 3) The Board heard the submissions of the applicant
- 4) The Board heard Sergeant Flett's submissions.
- 5) The Board afforded the applicant a chance to respond to the submissions made by Sergeant Flett.
- 6) Members were then afforded an opportunity to ask questions of both parties.
- 7) Sergeant Flett was provided an opportunity to make concluding remarks.
- 8) The applicant was afforded the opportunity to make concluding remarks.
- 9) Mrs Stirling, seconded by Mr. Roy, moved as a motion that the application be granted.
- 10) No amendment was proposed.

- 11) The motion was passed unanimously on a show of hands.
- 12) The decision of the Board was therefore that the application be granted.

9. LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR REVIEW OF PERSONAL LICENCE – MARK DOWNIE FORSYTH – HEARING

- 1) Sergeant Flett represented the Chief Constable at the hearing.
- 2) The licence holder was present and was represented by Mr Graeme Walker, Solicitor, Fraserburgh.
- 3) The Depute Clerk highlighted the reasons for the hearing and advised that Mr Walker had submitted written submissions on behalf of his client, copies of which had been circulated to all parties in advance.
- 4) The Board invited Sergeant Flett to speak to the review application.
- 5) The Board invited Mr Walker to speak on behalf of the licence holder.
- 6) The Board invited Sergeant Flett to respond to Mr Walker's submissions.
- 7) Board Members were then afforded an opportunity to speak to both parties.
- 8) An opportunity was afforded to Mr Walker to make concluding remarks.
- 9) An opportunity was afforded to Sergeant Flett to make concluding remarks.
- 10) Mrs Stirling, seconded by Mr Forsyth, moved as a motion, agreeing with the Chief Constable's position that, Mr Mark Forsyth, whilst not officially on duty, was Designated Premises Manager at the time and could have been called upon by staff to deal with the situation but clearly was not capable of doing so, his conduct was inconsistent with the preventing of crime and disorder and preventing public nuisance licensing objectives and his licence be endorsed to that effect.
- 11) Mr Topping moved as an amendment that the Board take no action. The amendment did not receive a seconder and therefore fell.
- 12) The motion was passed by a majority vote, Mr. Topping abstaining.
- 13) The Board's decision was therefore that Mr Forsyth's personal licence be endorsed to reflect that his conduct was inconsistent with the preventing crime and disorder and preventing public nuisance licensing objectives.

10. DATE OF NEXT MEETING - 24 APRIL, 2019

Noted.