

## **THE ABERDEENSHIRE LICENSING BOARD**

**Minute of the Meeting of the ABERDEENSHIRE LICENSING BOARD, held by MICROSOFT TEAMS only on WEDNESDAY 14<sup>th</sup> December 2022 at 10.15 a.m.**

*Sederunt:*

*Board Members:*

*Mrs Marion Ewenson (Convenor); Ms Dawn Black (Vice-Convenor), Mr Stewart Adams; Mr Geoff Crowson; Mr Jeff Goodhall; Mr Trevor Mason; Mr Richard Menard; Mrs Jenny Nicol*

*In Attendance:*

*Lauren Cowie, Jill Joss, Fiona M. Stewart and Lynsey Kimmitt, Depute Clerks to the Board; Lisa Godini, Sarah Ward and Kevin MacDonald, Licensing Standards Officers; Sergeant Neil Grant, Police Scotland;*

*Observing:*

*Jenny Mearns, Administrator (Livestream), Harriet Tevendale, Paralegal; Cian Gullen, Trainee Solicitor; Delsya Borland, Administrator*

*Forum Members:*

*None*

*The Convenor welcomed everyone to the meeting.*

### **1. APOLOGIES FOR ABSENCE**

*Keith Simpson, Senior Licensing Standards Officer had tendered his apologies for the meeting.*

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

*No declarations of interest were made.*

### **3. STATEMENT ON EQUALITIES**

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

*1. To have 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 Integrated Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.*

4. **MINUTES OF BOARD MEETING OF 12<sup>th</sup> OCTOBER 2022 – FOR APPROVAL**

*The Board agreed the Minutes were a correct record of the meeting.*

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

*Following consideration of a report by the Clerk, dated 1<sup>st</sup> December 2022 in respect of applications for premises/provisional premises licences, copies of which had been circulated in advance, the Board decided the applications as undernoted:*

1. **Leslie Castle, Leslie, Inch, AB52 6NX**

*Granted subject to*

- *the local conditions set out in the Board report,*

2. **Murdoch Allan, 7 Station Road, Hatton, Peterhead, AB42 0RY**

*Granted subject to*

- *the local conditions set out in the Board report,*

6. **LICENSING (SCOTLAND) ACT 2005 - MAJOR VARIATIONS – NON CONTENTIOUS**

*Following consideration of a report by the Clerk, dated 1<sup>st</sup> December 2022 in respect of applications for major variations of premises licences, copies of which had been circulated in advance, the Board decided the applications as undernoted:*

1. **Butchers Arms, 14 West High Street, Inverurie, AB51 3SA**

*Granted subject to*

- *the local conditions set out in the Board report,*
- *the specific conditions set out in the Board report*

2. **Maryculter House Hotel, Kirkton of Maryculter, South Deeside Road, Maryculter, AB12 5GB**

*Granted subject to*

- *the local conditions set out in the Board report, to include local condition 32- The Licence Holder must take reasonable steps to ensure that litter and, where used, glass and bottles are removed from beer gardens and outside drinking areas on a regular basis.*
- *the specific conditions set out in the Board report*

3. **The Grange Inn, West Road, Peterhead, Aberdeenshire, AB42 2AQ**

Granted subject to

- the local conditions set out in the Board report

4. **Spar, 7 Prince Street, Peterhead, AB42 1PL**

Granted subject to

- the local conditions set out in the Board report

5. **Deeside Gliding Club (Aberdeenshire Ltd), Aboyne Airfield, Dinnet, Aboyne, AB34 5LB**

Granted in principle subject to

- receipt of the amended layout plans
- the local conditions set out in the Board report,

7. **LICENSING (SCOTLAND) ACT 2005 – APPLICATION FOR OCCASIONAL LICENCE – HEARING – INVERURIE BOWLING CLUB**

1. The applicant was not represented at the hearing and the Depute Clerk confirmed that the applicant had advised that he would not be in attendance.
2. Lisa Godini, Licensing Standards Officer was present at the hearing
3. Sergeant Grant represented the Chief Constable at the hearing.
4. The Board afforded the Licensing Standards Officer an opportunity to speak to her notice.
5. The Board afforded Police Scotland an opportunity to speak to their response.
6. Members were then afforded an opportunity to ask questions of all parties
7. Police Scotland and the Licensing Standards Officer were then afforded an opportunity to make concluding remarks.
8. The Depute Clerk advised everyone present of the Legal Test.
9. Members then debated the application in public.
10. The Convenor confirmed that Members had sufficient evidence before them on which to reach a decision
11. Mr Menard, seconded by Mr Goodhall, moved as a motion to refuse the application on the basis that granting the application would be contrary to paragraph 4.18 of the Boards policy statement and therefore granting the application would be inconsistent with the licensing objective of protecting children and persons from harm in terms of Section 59(6)c) of the Licensing (Scotland) Act 2005.
12. No other amendment was proposed.
13. The unanimous decision of the Board was therefore that the application was **refused** in terms of Section 59(6)(c) of the 2005 Act.

8. **LICENSING (SCOTLAND) ACT 2005 – PERSONAL LICENCE – NOTICE OF CONVICTION – HEARING – GAIL CLEAVER**

1. The licence holder was not represented at the hearing. The Board confirmed they would proceed in her absence.
2. Sergeant Grant represented the Chief Constable at the hearing.
5. The Board afforded Sergeant Grant from Police Scotland an opportunity to speak to their notice.

6. Members were then afforded an opportunity to ask questions.
7. Sergeant Grant from Police Scotland was afforded an opportunity to make concluding remarks.
8. The Board agreed to adjourn to seek legal advice in private.
10. On resuming the bench, the Depute Clerk advised that the Board had discussed the Legal Test, the relevancy of the evidence and confirmed that no decision had been made.
11. The Depute Clerk advised everyone present of the Legal Test.
12. The Convenor confirmed that Members had sufficient evidence before them on which to reach a decision
13. Mr Crowson, seconded by Mrs Nicol, moved as a motion to make an order that the Personal licence of Gail Cleaver should be **endorsed**, as having considered the nature of the relevant conviction, they were satisfied that it was necessary to do so for the purpose of the licensing objectives, namely the licensing objective of preventing crime and disorder.
14. Mr Adams, seconded by Mr Menard moved as an amendment to make an order that the Personal licence of Gail Cleaver should be **suspended for a period of 6 months**, as having considered the nature of the relevant conviction, they were satisfied that it was necessary to do so for the purpose of the licensing objectives, namely the licensing objective of preventing crime and disorder.
15. Members voted: - 6 votes for the motion (Mrs Black (Vice-Convenor), Mr Crowson, Mrs Ewenson (Convenor), Mr Goodhall, Mr Mason and Mrs Nicol) and 2 votes for the amendment (Mr Adams and Mr Menard). The motion was carried.
16. The decision of the Board was therefore to make an order that the Personal licence of Gail Cleaver should be **endorsed**, as having considered the nature of the relevant conviction, the Board were satisfied that it was necessary to do so for the purpose of the licensing objectives, namely the licensing objective of preventing crime and disorder.

**9(i). LICENSING (SCOTLAND) ACT 2005 - FEE REVIEW**

Following consideration of a report by the Clerk, dated 30<sup>th</sup> November 2022 in respect of proposals to increase fees to ensure that the costs of providing the licensing service is met by licensing income, the Board:

- (a) Agreed to a formal consultation on proposed changes to certain Licensing Board fees as detailed in this report and in Appendix 1, with amendment to £225 for s.33 and s.34 Transfer applications and £420 for Major variation applications, from the 15th December 2022 to the 23rd January 2023.
- (b) Agreed that the results of the consultation exercise be reported back to the Licensing Board in February with a view to introducing any changes to the fees from 1st April 2023

**9(ii). UPDATED TIMELINE- REVIEW OF STATEMENT OF LICENSING POLICY 2023-2028**

Following consideration of the updated timeline in respect of the review of the Board's Statement of Licensing Policy and Overprovision Policy, copies of which had been circulated in advance, the Board:

- (a) Noted the updated timeline attached to the report and that the Board is on schedule with the timeline
- (b) Discussed the content of the timeline.

10. **DATE OF NEXT MEETING – 22<sup>nd</sup> February 2023**

*Noted*

*The Convenor drew the meeting to a close, at which point the recording of the meeting ended.*

**The recordings of the meeting can be found at the following links:**

[Part One](#)

[Part Two](#)

[Part three](#)

