

ABERDEENSHIRE LICENSING BOARD

Minute of the Meeting of the ABERDEENSHIRE LICENSING BOARD, held by MICROSOFT TEAMS only on 20 DECEMBER 2023 at 10.15 am

Sederunt:

Board Members:

Mrs M 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, Mrs Mel Sullivan and Mr Iain Taylor

In Attendance:

Fiona M Stewart, Depute Clerk to the Board; Keith Simpson, Sarah Ward and Lisa Godini, Licensing Standards Officers; Harriet Tevendale, Paralegal; Sergeant Neil Grant, Police Scotland.

Observing:

Jenny Mearns, Licensing Support Officer (Livestream); Kelly Bissett, Trainee Solicitor; Delsya Borland and Beatrice Hay, Administrators, PC Gary Forbes, Police Scotland

Forum Members:

None

Apologies:

There were no apologies from Board Members.

Jill Joss, Depute Clerk and Kevin MacDonald, Licensing Standards Officer had tendered their apologies for the meeting.

The Convenor welcomed everyone to the meeting.

1 Sederunt and Declaration of Members' Interests

The Chair asked Members if they had any interests to declare, in terms of the Councillors' Code of Conduct. No interests were declared.

2 Public Sector Equality Duty

In taking decisions on the undernoted items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act 2010:-

(1) To have due regard to the need to:-

(a) eliminate discrimination, harassment and victimisation;

(b) advance equality and 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, and

- (2) to consider, where an Integrated Impact Assessment has been provided, its contents and to take those into consideration when reaching a decision.

3 Minutes of the Meeting of 4th October 2023

On consideration of the circulated Minute of Meeting of the Committee of 4th October 2023, Members **agreed** to approve it as a correct record.

4 Minutes of Board Meeting of 25th October 2023

On consideration of the circulated Minute of Meeting of the Committee of 25th October 2023, Members **agreed** to approve it as a correct record.

5 LICENSING (SCOTLAND) ACT 2005 - APPLICATIONS FOR GRANT OF PREMISES AND PROVISIONAL PREMISES LICENCES - NON-CONTENTIOUS - FOR APPROVAL

Following consideration of a Report by the Clerk, relating to applications for the grant of premises/provisional premises licences, dated 12th December 2023, copies of which had been circulated to Members in advance, the Board determined the applications as follows;

- (1) Whiskyquest Ltd, 28 Lawsondale Terrace, Westhill, AB32 6SE

Granted subject to:

- The local conditions set out in the report
- The specific conditions set out in the report.

- (2) Whisky Action House, Office 3, Burnside Business Centre, Burnside Road, Peterhead, AB42 3AW

Granted subject to:

- The local conditions set out in the report
- The specific conditions set out in the report.

6 LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCES - NON-CONTENTIOUS - FOR APPROVAL

Following consideration of a report by the Clerk relating to applications for major variations of premises licences, dated 12th Decemer 2023, copies of which had been circulated in advance, the Board determined the applications as follows:

- (1) Milton Brasserie, J&R Restaurants Ltd, Milton of Crathes, Banchory, AB31 5QH

Granted subject to:

- The local conditions set out in the report.

- (2) Kessock Service Station, South Road, Fraserburgh, AB43 8TJ

Granted subject to:

- The local conditions set out in the report.

(3) Duncanos, Unit 17, Westhill Shopping Centre, Westhill, AB32 6RL

Granted subject to;

- The local conditions set out in the report.
- The specific conditions set out in the report

(4) Tarland Golf Club, Aberdeen Road, Tarland, Aboyne, AB34 4TB

Granted subject to:

- The local conditions set out in the report.

(5) Cheers Bar, 10A Broad Street, Fraserburgh, AB43 9AH

Following receipt of amended documentation, Granted subject to:

- The local conditions set out in the report
- The specific conditions set out in the report

7 LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE - HEARING - FARM TO TABLE

1. The applicant, Mr Ross Adamson, was present at the meeting.
2. Keith Simpson, Licensing Standards Officer was present at the meeting.
3. The Board heard Mr Adamson's submissions
4. The Board heard Mr Simpson's submissions
5. Mr Adamson was afforded an opportunity to respond.
6. An opportunity was given to Board Members to ask questions of both parties.
7. Mr Simpson was given an opportunity to make concluding remarks.
8. Mr Adamson was given an opportunity to make concluding remarks.
9. The Board did not require legal advice from the Clerk and opted to debate the application in public.
10. The Clerk read out the terms of the grounds of refusal set out in the Legal Test.
11. The Board confirmed that they had sufficient evidence upon which to make a decision.
12. Ms Sullivan, seconded by Ms Black, moved as a motion that the application be granted, with the recommended conditions, subject to an extra condition that the Crime Prevention Officer at Police Scotland conduct a safety check of the premises and that the Licence Holder implement any measures recommended arising from that safety check within a period of 6 months from the date of grant of the licence.
13. No amendment was proposed.
14. The Convenor confirmed that the motion was agreed unanimously by the Board.

The decision of the Board was therefore that the application be granted with the recommended conditions, subject to an extra condition that the Crime Prevention Officer at Police Scotland conduct a safety check of the premises and that the licence holder implement any safety measures recommended arising from that safety check within a period of 6 months from the date of grant of the licence.

8 LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR GRANT OF PERSONAL LICENCE - NOTICE OF RELEVANT CONVICTION - HEARING (CONFIDENTIAL)

1. Chelsea Brown, the applicant was present at the meeting
2. Sergeant Neil Grant represented the Chief Constable at the meeting.
3. The Board heard the Ms Brown's submissions.
4. The Board heard Sergeant Grant's submissions
5. Ms Brown was afforded an opportunity to respond.
6. An opportunity was given to Board Members to ask questions of both parties.

7. Sergeant Grant was afforded an opportunity to make concluding remarks
8. Ms Brown was afforded an opportunity to make concluding remarks.
9. The Board did not require legal advice and opted not to adjourn to debate the application but to debate in public.
10. The Clerk read out the terms of the grounds of refusal in respect of the Legal Test.
11. The Board confirmed they had sufficient evidence upon which to make a decision.
12. Ms Sullivan, seconded by Ms Black, moved as a motion, that the application be granted on the basis that the applicant was a fit and proper person to hold a licence despite the existence of the previous conviction due to the distance of time since the incident had occurred.
13. Mr Adams, seconded by Mr Menard, moved as an amendment, that the application be refused on the basis that the applicant was not a fit and proper person to hold a licence be reason of the prevention of crime and disorder licensing objective on the basis of the previous conviction.
14. On a division there voted:

| <u>For the Motion</u> | <u>For the Amendment</u> | |
|-----------------------|--------------------------|-----------|
| Ms Dawn Black | Mr Stewart Adams | |
| Mr Geoff Crowson | Mrs Marion Ewenson | |
| Mr Jeff Goodhall | Mr Richard Menard | |
| Mr Trevor Mason | Mr Iain Taylor | [4 votes] |
| Mrs Jenny Nicol | | |
| Ms Meil Sullivan | | [6 votes] |
15. The Convenor accordingly declared the motion carried in terms.

The decision of the Board was therefore that the application be GRANTED.

9 LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR OCCASIONAL LICENCES - REPEATED APPLICATIONS POLICY - DUNECHT WHISKY - HEARING

1. The applicant was represented by Janet Hood, Solicitor, Edzell.
2. Lisa Godini, Licensing Standards Officer was present at the meeting.
3. The Board heard Mrs Hood's submissions.
4. The Board heard Lisa Godini's Submissions.
5. The Board then afforded Mrs Hood an opportunity to respond.
6. An opportunity was given to Members to question both parties.
7. Lisa Godini was given an opportunity to make concluding remarks,
8. Mrs Hood was given an opportunity to make concluding remarks.
9. The Board did not require legal advice and opted to debate the application in public.
10. The Clerk read out the terms of the Legal Test.
11. The Board agreed there was sufficient evidence upon which to make a decision.
12. Ms Black, seconded by Mr. Adams, moved as a motion that the Board was sufficiently reassured by the submission of the premises licence application that the applications should be granted. Further, future applications should be determined under delegated powers.
13. No amendment was proposed.
14. The Convenor determined that the decision of the Board was unanimous.

The decision of the Board was therefore to grant to the applications as applied for subject to the conditions recommended by Police Scotland and the Licensing Standards officers.

Future applications for occasional licences to be granted by the Clerk using delegated powers until such time as the premises licence application has been processed and determined by the Board.

10 LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR OCCASIONAL LICENCES - REPEATED APPLICATIONS POLICY - TOR WORKSHOP - HEARING

1. Mr Addy, the applicant was present at the meeting.
2. Keith Simpson, Licensing Standards Officer was present at the meeting.
3. The Board heard Mr Addy's submissions.
4. The Board heard Mr Simpson's Submissions.
5. The Board then afforded Mr Addy an opportunity to respond.
6. An opportunity was given to Members to question both parties.
7. Mr Simpson was given an opportunity to make concluding remarks,
8. Mr Addy was given an opportunity to make concluding remarks.
9. The Board did not require legal advice and opted to debate the application in public.
10. The Clerk read out the terms of the Legal Test.
11. The Board agreed there was sufficient evidence upon which to make a decision.
12. Mr Crowson, seconded by Ms Black, moved as a motion that the Board grant the applications on the basis that a premises licence application was forthcoming. Further, that future applications for occasional licences should be determined by the Clerk, following consultation with the Convenor.
13. No amendment was proposed.
14. The Convenor determined that the decision of the Board was unanimous.

The decision of the Board was therefore to grant to the applications as applied for subject to the conditions recommended by Police Scotland and the Licensing Standards officers.

All future applications to be determined by the Clerk in consultation with the Board Convenor pending receipt of a premises licence application, processing thereof and determination by the Board.

11 LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR REVIEW OF PREMISES LICENCE - DURN HOUSE, PORTSOY - HEARING

The Licence Holder having paid the annual fee for the premises licence on the morning of the Board meeting, the Licensing Standards Officer withdrew the review application and therefore the hearing did not proceed.

The Clerk advised that further work would continue with the licence holder regarding the ongoing operation of the business and that the licence holder had already been informed of this by the Licensing Standards Officer and the Clerk.

12 Date of Next Board Meeting

The Board noted that the next Board would take place on 28th February 2024.