

# ***THE ABERDEENSHIRE LICENSING BOARD***

**REPORT TO LICENSING BOARD – 20 DECEMBER 2023**

**LICENSING (SCOTLAND) ACT 2005**

**APPLICATION FOR A PREMISES LICENCE - HEARING**

**FARM TO TABLE, LAURENCEKIRK**

## **1 Executive Summary/Recommendations**

- 1.1 This report relates to an application for a grant of a premises licence where a representation has been received due to the application being out with the terms of the Board's Licensing Policy Statement and which requires consideration by the Board. Premises Licences can only be determined by the Licensing Board.

### **Recommendations**

#### **1.2 It is recommended that the Board considers the materials before them and:-**

- (a) Determines whether there is enough evidence before the Board to allow a determination to be made, or whether the Board needs to defer consideration of the matter to the next available Board Meeting for further material to be made available;**
- (b) Where the Board has concluded that there is sufficient evidence to allow a decision to be made, to consider the application, the representation made, the submissions made by the parties at the hearing and determine whether the application should be granted or refused in line with the legal test; and**
- (c) If granting the application, to determine whether to attach the specific conditions as set out at Section 3.13 of this report and grant same subject to the local conditions set out at Section 3.15 of this report.**

## **2 Decision-Making Route**

- 2.1 An application was lodged for a grant of a premises licence for Farm to Table, Westerton of Pitarrow, Laurencekirk AB30 1RT. The application was lodged on 28<sup>th</sup> March 2023 by Westerton Farmers, Farm Office, 7 Cairnton Cottages, Cairnton Farm, Fordoun, Laurencekirk AB30 1SN by their agent Ross

Adamson, General Manager . A revised application form was subsequently lodged on 11th September 2023.

## **Proposal**

2.2 A copy of the Application including the proposed Operating Plan, proposed Layout Plan, proposed Activities Matrix and Risk Assessment are attached as **Appendix 1** to this report and referred to for their terms.

2.3 This application has not previously been before the Board.

## **3 Discussion**

### **Consultations**

3.1. The Depute Clerk carried out an initial examination of the application, following which, various matters required to be rectified by the applicant to enable the application to be processed. The application was then processed and the following bodies were consulted thereon:

- (a) Police Scotland
- (b) Scottish Fire and Rescue Service
- (c) The Environmental Health, Planning and Building Standards Services of Aberdeenshire Council
- (d) The Licensing Standards Officer
- (e) Public Health
- (f) The appropriate Community Council and
- (g) Neighbouring Occupiers.

3.2. At the same time as the application was 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 had been

made. The Licensing Standards Officers checked to ensure that the site notice had been appropriately displayed.

3.3. The application was also advertised on the Council's Website.

### **Objections and Representations**

3.4. Representations were made as follows:

(a) Licensing Standards Officers

3.5. The representations are attached and form **Appendix 2** to this report.

3.6. The representations were copied to the applicant on 24 October 2023

### **Implications**

3.7. If the Board determines that the premises licence should be granted, the lockfast store shall be located out with the premises, which is contrary to the licensing policy.

### **Conditions**

3.8. If granted, certain mandatory conditions listed in the Licensing (Scotland) Act 2005 will attach to premises licences.

3.9. If granting the application, the following local conditions will apply to the licence, as agreed in advance with the applicant:

- General Management for All Premises – Conditions 1 – 4
- Noise – All Premises – Condition 5
- Lockfast Store – All Premises – Condition 6 (Subject to hearing)
- Vulnerability – All Premises – Condition 19
- CCTV – All Premises – Condition 21

3.10. The Board may also attach conditions which are specific to the premises where required. There are none applied to this application.

**Appendix 3** contains the list of available local conditions, as set out in the Board's Policy Statement.

## **Procedure**

- 3.11 Each application should be considered on its own merits.
- 3.12 The legal test is attached as **Appendix 4** to this report.
- 3.13 The Applicant has been requested to attend the Board
- 3.14 Those consultees who have lodged representations have been asked to attend the Board.
- 3.15 Copies of this report together with the Legal Test and Board's Guidance on procedures for Hearings, were issued to all Parties .
- 3.16. All parties have been given the opportunity to attend the Board Meeting by phone, to lodge written submissions or both. Any written submissions lodged will be circulated to all parties prior to the meeting and will form **Appendix 5** to this report.
- 3.17. Members should follow the procedure outlined at **Appendix 6** of this report.
- 3.18. Members' options in disposing of the application are:-
- (a) To grant the application;
  - (b) Refuse the application;
  - (c) Grant subject to varied hours and/or additional conditions; or
  - (d) Determine that further evidence is required in which case 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.
- 3.19. When coming to a decision the Board must consider the evidence provided and the contents of the legal test. Supplementary advice and information can be made available by Officers, if required.

## **4 Priorities, Implications and Risk**

- 4.1 The Board must determine this matter on its own merits in accordance with the legal tests set out in the relevant legislation. The Board is a separate legal entity

to Aberdeenshire Council and therefore the Council's priorities do not apply to this report. The application is out with the terms of the Board's policy.

4.2 The table below shows whether risks and implications apply if the recommendations are agreed.

<b>Subject</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Financial		X	
Staffing		X	
Equalities and Fairer Duty Scotland			<b>x</b>
Children and Young People's Rights and Wellbeing			<b>x</b>
Climate Change and Sustainability			<b>x</b>
Health and Wellbeing		X	
Town Centre First		X	

4.3 An Integrated Impact Assessment (IIA) has not been carried out as the processing of the application has not identified any issues that would fall within the remit of the IIA and the Board must determine this matter in line with the legal test.

4.4. There are no staffing and financial implications.

4.5. The Council's Corporate and Directorate Risk Registers do not apply to the Licensing Board as it is a separate legal entity.

4.6. The Council's Town Centre Principle does not apply in respect of this matter as the Licensing Board is a separate legal entity.

## **5 Governance**

5.1 The Board can consider this application in terms of paragraph 1.5 of the Scheme of Delegation which provides that consideration of a premises/provisional premises licence is a matter reserved to the Board.

**Karen Wiles**

**Clerk to the Board**

**Report Prepared by** Fiona Stewart, Senior Solicitor (Governance), Depute Clerk to the Board and Harriet Tevendale, Paralegal

**Date: 5th December 2023**

**IDOX REFERENCE NUMBER: LAPREM/00252/22**

**List of Appendices:**

Appendix 1 – Application

Appendix 2 – Representations

Appendix 3 - Local Conditions

Appendix 4– Legal Test

Appendix 5 – Procedure for Hearing

Appendix 6 – Written Submissions – where made

