

## **APPENDIX 2**

**COPY REPRESENTATIONS**  
**Licensing Standards Officer**



Our Ref: LG  
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14 November 2023

Depute Clerk to the Aberdeenshire Licensing Board

Dear Sir/Madam

**Licensing (Scotland) Act 2005**  
**Section 56 – Application for Occasional Licence**  
**Premises: Unit 4, Woodburn Road, Blackburn Industrial Estate,**  
**Aberdeenshire AB21 0RX**  
**Per: Oliver James Payne per Janet Hood Training and Consulting Limited**

Infrastructure Services

**Environmental Health**

**Gordon House**

**Blackhall Road**

**Inverurie**

**Aberdeenshire**

**AB51 3WA**

[www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk)

Under Section 57 (3) of the Licensing (Scotland) Act 2005 I wish to make the following representation:

On 6 November 2023 the applicant applied for 10 occasional licences:

LAOCC/02471/23 16/11/2023 – 29/11/2023  
LAOCC/02472/23 30/11/2023 – 13/12/2023  
LAOCC/02473/23 14/12/2023 – 27/12/2023  
LAOCC/02474/23 28/12/2023 – 10/01/2024  
LAOCC/02475/23 11/01/2023 – 24/01/2024

LAOCC/02476/23 25/01/2024 – 07/02/2024  
LAOCC/02477/23 08/02/2024 – 21/02/2024  
LAOCC/02478/23 22/02/2024 – 06/03/2024  
LAOCC/02479/23 07/03/2024 – 20/03/2024  
LAOCC/02480/23 21/03/2024 – 03/04/2024

These applications are the latest in a series of occasional licence applications which date back to 26 October 2023 (LAOCC/02021/23 26/10/2023 – 08/11/2023 – please note a break in applications from 8 November to 16 November 2023 due to an admin error by the applicant's agent). I therefore believe that the last 5 occasional licence applications detailed above are inconsistent with the Aberdeenshire Licensing Board Policy Statement 2023 – 2028:

*The Aberdeenshire Licensing Board Statement of Licensing Policy 2023-2028*

*Supplementary Policy 4: Operating Hours*

*Repeated Occasional Licence Applications*

*4.45 Repeated applications for occasional licences for the same unlicensed premises and which are – Not for detailed specific events; and/or*

*For activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months.*

*Will not generally be considered to be suitable for the grant of an occasional licence and will not be granted by the Board under delegated authority but will require a hearing before the Board.*

*The Board may consider the grant of such occasional licences to be appropriate where there is sufficient evidence that there is movement towards an application for a premises licence or a major variation of a premises licence being progressed or under adequate explanation as to why a premises licence or major variation of a premises licence is not being applied for. This will be considered on a*

*case-by-case basis. The Board expects such premises to be operating under a premises licence and occasional licences should not be used as an alternative.*

*4.46 Section 59(6) of the Act specifies the grounds for refusal of an application for an Occasional Licence. These grounds include “that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licence objectives.” These licensing objectives include:-  
Securing public safety  
Protecting and improving public health*

*The degree of scrutiny afforded by an application for a Premises Licence is not present where premises operate under a series of consecutive Occasional Licences. Accordingly, in the interests of better securing public safety and/or for better protecting and improving public health, the Board considers that it is not generally appropriate for a Premises Licence and, in these circumstances, the Board will require an applicant to explain why an application for a Premises Licence is not being made.*

If the Licensing Board are minded granting the licence then I would recommend that the following conditions be applied to the event:

1. The Licence Holder or Responsible Person must be present at the event and must ensure all staff, volunteers and stewards comply with the requirements of the Licensing (Scotland) Act 2005. This includes awareness of the policies and procedures relating to the event and the contents of Appendix 1 to the Licensing Board’s current Policy Statement.
  
3. The Licence Holder must ensure that all staff employed in the sale or supply of alcohol have received staff training to the standard provided for in Paragraph 6 of Schedule 3 of the Act 2005 Act. Evidence of this must be available for inspection by Police Scotland and the LSOs on request. Training must be delivered by a person who holds a personal licence or who is an accredited trainer only.
  
4. Alcohol shall only be displayed and sold in accordance with the layout plan submitted with the application for a licence and consulted on.
  
8. The Licence Holder must ensure that any general authorisation for the sale of alcohol, as required by Schedule 4 of the Licensing (Scotland) Act 2005 required within the area covered by the occasional licence is –
  - (i) In writing,
  - (ii) Available for inspection by Police Scotland and Licensing Standards Officers on request,
  - (iii) Brought to the attention of and signed by all parties and
  - (iv) Enforced by Personal Licence Holder.
  
42. The Licence Holder shall ensure that, in respect of non-trade sales:
  - (a) There is an age verification policy for delivery drivers and at click and collect locations where the recipient of the alcohol is believed to be under the age of 25.
  - (b) Delivery drivers and click and collect staff are trained to the same level as staff who sell or supply alcohol within licensed premises.
  - (c) That the customers signs of receipt of delivery of alcohol.
  - (d) Delivery drivers and click and collect staff keep refusal registers.
  - (e) That orders are not left in nominated places.
  
43. The Licence Holder shall ensure compliance with Section 119 of the 2005 Act which requires the following in relation to delivery of alcohol from vehicles –
  - (a) A daybook kept on the premises from which the alcohol is dispatched, and
  - (b) A delivery book or invoice carried by the person delivering the alcohol.Information referred to above must include –
  - (i) The quantity, description, and price of the alcohol, and
  - (ii) The name and address of the person to whom it is to be delivered to.

Yours faithfully



Lisa Godini  
Licensing Standards Officer