

APPENDIX 2

COPY REPRESENTATIONS

Licensing Standard Officer



Our Ref: SMW / SR 936307
Ask for: Sarah Ward
Direct Dial: [REDACTED]
Email: [REDACTED]

Infrastructure Services

Environmental Health
St Leonards
Sandyhill Road
Banff
AB45 1SD

Date: 5th February 2023

FAO: The Depute Clerk to the Aberdeenshire Licensing Board

**Licensing (Scotland) Act 2005- Representations to Application
Provisional Premise Licence**

Premises: ALDI Duff Street, Macduff - LAPROV/02147/22

Applicant: Aldi Stores Limited (Agent Caroline Loudon- TLT Solicitors)

I refer the applicant to Aberdeenshire Licensing Boards Policy Statement, specifically Supplementary Policy 3 - Overprovision which refers @ 3.28, 2 (a):

“ a rebuttable presumption against the potential grant of applications for premises licences, provisional premises licences or variation of premises licences in relation to off sales (in terms of the grounds of refusal set out in section 23(5)(e) of section 30(5)(d) of the Act where: (a) The grant of the application would result in the premises having an off sales capacity in excess of 34.3 square metres”

The policy reflects: *“It will be for the applicant to demonstrate to the Board, by providing robust and reliable evidence, that the grant of the application would not undermine the licensing objectives or that the benefits in granting the application outweigh the Board’s overprovision policy.”*

With above in mind the application may need to be considered by the licensing board in respect of their policy, where the alcohol display refers to capacity of 40.29051m² within the operating plan and layout plan.

Please note I have no objections to said application, merely referring to the licensing board’s policy.

In respect of the documents received as part of the consultation:

I would like to recommend the following local conditions are attached to the provisional premises licence, should the Licensing Board see fit to grant this application: 1, 2, 3, 4, 6, 19, 21, 43 & 44

I also request for the licensing objectives risk assessment is updated and resubmitted, in line with online sales and deliveries.

In respect of the site notice, they were checked on the 22nd January and 3 were found to be on display: x 1 dated for current provisional application and x 2 dated from previous

provisional licence application. This was highlighted to the agent and resolved by the 31st January, reflecting all 3 site notices for the current provisional application.

I've no further comments or observations with regards to this application.

Yours faithfully,

Sarah Ward
Civic Licensing Standards Officer

