

## **APPENDIX 2**

**COPY REPRESENTATIONS**

**Licensing Standards Officer**

Our Ref: KS  
Ask for: Keith Simpson  
Direct  
Email:

02 February 2024

Depute Clerk to the Aberdeenshire Licensing Board

Dear Sir/Madam

Licensing (Scotland) Act 2005  
Section 56 – Application for Occasional Licence  
Premises: Mamma Mia, 71 High Street, Banchory  
Per: Ms Lesia Robertson

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

Please note that the applicant has used a personal licence training certificate number (PLH5271832) to apply for these occasional licences, however, the applicant holds a valid personal licence issued by Aberdeenshire Licensing Board - AB-PER326.

On 08.01.2024 the applicant applied for the following 4 x occasional licences:

**LAOCC/02999/23 21/02/2024 – 04/03/2024**  
**LAOCC/02998/23 05/03/2024 – 18/03/2024**  
**LAOCC/03001/23 19/03/2024 – 01/04/2024**  
**LAOCC/03000/23 02/01/2024 – 15/04/2024**

These applications are the latest in a series of occasional licence applications which date back to 09 August 2022. I therefore believe that the occasional licence applications 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.*

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

In addition to the mandatory conditions set out in Schedule 4, for Occasional licences, I recommend the following new local conditions attached to the above application:

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.

17 Noise from amplified and non-amplified music, singing and speech sourced from licensed premises shall not be audible in adjoining properties after 11.00 p.m.

37 The Licence Holder must take reasonable steps to ensure that litter and, where used, glass and bottles are removed from street cafes, beer gardens and outside drinking areas on a regular basis.

40 Children and Young Persons may be present in the street café, beer garden or the outside drinking area for the purpose of consumption of food.

41. The licence holder shall ensure that there is a Street Café consent in place and shall comply with the street café consent conditions including (but not limited to)

- (a) Barriers, Tables and chairs are only allowed on the pavement between 0900 hrs and 2100hrs and must be removed from the area promptly at 2100hrs, and
- (b) Alcohol can only be consumed within the Street café when it accompanies food served from the premises.

Yours faithfully

Keith Simpson  
Senior Licensing Standards Officer