

## **APPENDIX 2**

### **COPY REPRESENTATIONS**

**Licensing Standards Officer**



Our Ref: SW  
Ask for: Sarah Ward  
Direct Dial: [REDACTED]  
Email: [REDACTED]

08 April 2024

Depute Clerk to the Aberdeenshire Licensing Board

Dear Sir/Madam

Licensing (Scotland) Act 2005  
Section 56 – Application for Occasional Licence  
Premises: Stag & Thistle Hotel and Restaurant AB43 9AJ  
Per: Esther Ritchie Slater [REDACTED]

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

On 28 March 2024 the applicant's agent submitted ten occasional licences to cover the unlicensed area of the premises covered by premises licence AB-P-046:

LAOCC/00019/24 09/04/2024 – 22/04/2024 (application not progressed)

LAOCC/00020/24 23/04/2024 – 06/05/2024

LAOCC/00021/24 07/05/2024 – 20/05/2024

LAOCC/00023/24 21/05/2024 – 03/06/2024

LAOCC/00024/24 04/06/2024 – 17/06/2024

LAOCC/00025/24 18/06/2024 – 01/07/2024

LAOCC/00026/24 02/07/2024 – 15/07/2024

LAOCC/00027/24 16/07/2024 – 29/07/2024

LAOCC/00028/24 30/07/2024 – 12/08/2024

LAOCC/00029/24 13/08/2024 – 26/08/2024

These applications are the latest in a series of occasional licence applications which date back to 17 November 2023 therefore I believe that the recent 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.***

**A premises licence variation application for the premises was submitted on 03 April 2024.**

**If the Aberdeenshire Licensing Board are minded granting the licences 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 that 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 of 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 3 of Schedule 3 of the Licensing (Scotland) Act 2005. Evidence of this must be available for inspection by Police Scotland and the LSO 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.
6. Bar Staff must be able to identify and refuse service of alcohol to intoxicated/drunken persons.
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 the LSO on request
  - iii) brought to the attention of and signed by all parties and
  - iv) enforced by a Personal Licence Holder

10. The Licence Holder shall take reasonable steps to inform customers of the existence and effect of the Byelaw.

The Licence Holder must display visible signage to this effect, at exit points from the licensed area, the minimum size of which will be A4.

16. The Licence Holder must have in place a Duty of Care policy to ensure a standard approach is taken when any patrons appears to be displaying signs of excessive intoxication or distress.

The Licence Holder must ensure that all staff, volunteers and stewards have additional training in identifying signs of excessive intoxication and enhanced awareness of vulnerability through intoxication.

The Licence Holder shall ensure that staff training records are made accessible for inspection by Police Scotland and LSO on request.

**17. Noise from amplified and non-amplified music, signing and speech sourced from licensed premises shall not be audible in adjoining properties after 11pm.**

**42. The Licence Holder shall ensure that:**

- (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 customer signs on receipt of delivery of alcohol.**
- (d) The 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.**

**Additional recommended conditions:**

**1. Section 110 notice must be displayed at each place on the premises where sales of alcohol are made:**

**“It is an offence for a person under the age of 18 to buy or attempt to buy alcohol on these premises.**

**It is also an offence for any other person to buy or attempt to buy alcohol on these premises for a person under the age of 18.**

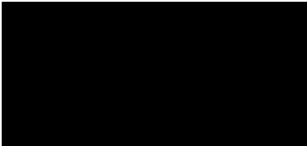
**Where there is doubt as to whether a person attempting to buy alcohol on these premises is aged 18 or over, alcohol will not be sold to the person except on production of evidence showing the person to be 18 or over.”**

**2. Admission of persons under 18 notice to be displayed at all points to the premises.**

**3. All alcohol not on display within the premises must be kept within a designated lockfast store on the premises.**

**4. The Licence Holder shall ensure that all non-residential children and young persons are accompanied by a responsible person over the age of 18.**

**Yours faithfully**



**Sarah Ward**  
Licensing Standards Officer

**Additional Information – Previous Occasional Licence Applications**

<u>Application Date</u>	<u>Licence Number</u>	<u>Dates of Licence</u>
23/10/2024	LAOCC/02366/23	26/03/2024 - 09/04/2024
23/10/2024	LAOCC/02365/23	12/03/2024 – 25/03/2024
23/10/2024	LAOCC/02364/23	27/02/2024 – 11/03/2024
23/10/2024	LAOCC/02363/23	13/02/2024 – 26/02/2024
23/10/2024	LAOCC/02362/23	30/01/2024 – 12/02/2024
23/10/2023	LAOCC/02360/23	16/01/2024 – 29/01/2024
23/10/2023	LAOCC/02359/23	02/01/2024 – 15/01/2024
23/10/2023	LAOCC/02358/23	19/12/2023 – 01/01/2024
23/10/2023	LAOCC/02357/23	05/12/2024 – 18/12/2023
23/10/2023	LAOCC/02355/23	21/11/2023 – 04/12/2023
23/10/2023	LAOCC/02355/23	21/11/2023 – 04/12/2023
23/10/2023	LAOCC/02354/23	17/11/2023 – 20/11/2023 Application dates originally 07/11/2023 – 23/11/2023, however, agent was advised applications must be submitted at least 4 weeks in advance.
23/10/2023	LAOCC/02353/23	24/11/2023 – 06/11/2023 Application withdrawn – agent was advised applications must be submitted at least 4 weeks in advance.