

APPENDIX 2

COPY REPRESENTATIONS
Licensing Standards Officer

Our Ref: KJM
Ask for: Kevin MacDonald
Direct Dial: [REDACTED]
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28 March 2024

Depute Clerk to the Aberdeenshire Licensing Board

Dear Sir/Madam

Licensing (Scotland) Act 2005
Section 56 – Application for Occasional Licence
Premises: Palace Hotel, Prince Street, Peterhead, Aberdeenshire, AB42 1PL
Per: Kenneth Watt c/o Palace Hotel, Peterhead

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

On 19 March 2024 the applicant applied for a further 4 occasional licences:

LAOCC/03820/23 for period 14/05/2024 – 27/05/2024
LAOCC/03821/23 for period 28/05/2024 – 10/06/2024
LAOCC/03822/23 for period 11/06/2024 – 24/06/2024
LAOCC/03823/23 for period 25/06/2024 – 08/07/2024

These applications are the latest in a series of occasional licence applications which date back to May 2021 with only two breaks in these continuous applications, one being in relation to a COVID lockdown and the other appears to have been a minor administrative error. There have been 49 previous applications in total.

The premises also acted as the main vaccination centre for the area for a significant period which reduced the number of occasional licences applied for before May 2021.

A variation application was received in April 2022 to include the outside area within the premises licence however this application was closed prior to the consultation process with a last recorded correspondence dated 25 October 2022 (LAPREM/00008/22 refers). This last correspondence related to a request for additional information from the applicant's agent.

Businesses had no option at the outset but to comply and work around the restrictions imposed at the time however there is no reason now as to why this should continue indefinitely.

I therefore believe that the last 4 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 these occasional licences, then I would recommend that the following conditions be applied to the event:

1 - The Licence Holder or a 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 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 Schedule Paragraph 6 of Schedule 3 to the 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.

11 - The Licence Holder shall ensure that Children (0 - 15 years) are accompanied by a responsible person over the age of 18.

16 - The Licence Holder must have in place a Duty of Care policy to ensure a standard approach is taken when any patron 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 an enhanced awareness of vulnerability through intoxication. The Licence Holder shall ensure that staff training records are made accessible for inspection by Police Scotland and LSOs on request.

36 - Beer Gardens and outside drinking areas must not be used for activities linked to the sale or consumption of alcohol after 10.00pm. These areas may be used after 10.00pm for the purposes of smoking only.

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.

38 - The Licence Holder shall consider the use of safe alternatives to glass containers and bottles in street cafes, beer gardens and outside drinking areas.

39 - The Licence Holder shall ensure that: - (a) No amplified music or noise emitted from the use of microphones, speakers or other forms of music entertainment shall be played within the area; (b) The area is delineated by a physical barrier; (c) Signage is displayed indicating that alcohol is not to be removed from the area.

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.

Yours faithfully


Licensing Standards Officer