



## **APPENDIX 2**

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

Our Ref: LG  
Ask for: Lisa Godini  
Direct Dial: [REDACTED]  
Email: [REDACTED]

03 April 2024

Depute Clerk to the Aberdeenshire Licensing Board

Dear Sir/Madam

Licensing (Scotland) Act 2005  
Section 56 – Application for Occasional Licence  
Premises: 55-57 Market Place, Inverurie AB51 3PY  
Per: Oscar Ortega Tajuelo [REDACTED]

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

On 30 March 2024 the applicant applied for four occasional licences:

LAOCC/03986/23 15/05/2024 – 28/05/2024  
LAOCC/03987/23 29/05/2024 – 11/06/2024  
LAOCC/03988/23 12/06/2024 – 25/06/2024  
LAOCC/03985/23 26/06/2024 – 09/07/2024

These applications are the latest in a series of occasional licence applications which date back to 01 December 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 application for the premises was submitted on 29 January 2024. I understand the applicant is currently working with Harriet Tevendale, Paralegal, in order to have the application ready to go through the consultation process in due course.**

**If the Aberdeenshire 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 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
11. The Licence Holder shall ensure that children (0-15 years) are accompanied by a responsible person over the age of 18.
12. The Licence Holder shall ensure that young persons (16 & 17 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 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.**

**Yours faithfully**



**Lisa Godini**  
**Licensing Standards Officer**