

**ABERDEENSHIRE LICENSING BOARD  
NORTH DIVISION**

Minute of Meeting of the **LICENSING BOARD** for the  
**NORTH DIVISION of ABERDEENSHIRE**, held in the  
**COUNCIL CHAMBER, ARBUTHNOT HOUSE,**  
**BROAD STREET, PETERHEAD** on **24<sup>th</sup> WEDNESDAY**  
**FEBRUARY 2010 AT 10.00a.m.**

**- Present –**

Mrs. A. Allan, Mr. J. Duncan, Mr. A. Duncan, Mr. I. Gray, Mr. S. Pratt,  
Mr. N. Smith and Mr. R. Thomas

**- In Attendance -**

Fiona M. Stewart, Depute Clerk to the Board and Beatrice Hay,  
Administration Assistant

The Board agreed to accept as late items, applications for Iceland, Peterhead; Mintlaw Service Station; and Barbour's Service Station, Fraserburgh and further agreed to consider same under "AOCB" on the agenda.

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Mr. S. Mair and Mrs. A. Norrie

**2. MINUTES OF SITE INSPECTIONS ON FRIDAY 22<sup>nd</sup> JANUARY 2010  
AND BOARD MEETING OF 29<sup>th</sup> JANUARY 2009**

The Minutes of the Site Inspection of 22<sup>nd</sup> January 2010 and Board Meeting of 29<sup>th</sup> January 2010 were submitted and approved.

**3. LICENSING (SCOTLAND) ACT 2005 - SECTION 74  
APPLICATIONS FOR PERSONAL LICENCES ISSUED UNDER DELEGATED POWERS**

Following consideration of a report by the Clerk the Board NOTED the action taken by the Clerk in approving in terms of the Scheme of Delegation the applications for Personal Licences listed at Appendix 1 to this Minute and as shown in the Register of Applications appointed to be kept in terms of Sections 9(2) and 146(2) of the Licensing (Scotland) Act 2005 and paragraph 7 of the Licensing Register (Scotland) Regulations 2007.

**4. LICENSING (SCOTLAND) ACT 2005 - SECTION 59  
OCCASIONAL LICENCES – LICENCES ISSUED UNDER DELEGATED POWERS**

Following consideration of a report by the Clerk the Board NOTED the action taken by the Clerk in approving in terms of the Scheme of Delegation the applications for Occasional Licences listed at Appendix 2 to this Minute and as shown in the Register of Applications appointed to be kept in terms of Sections 9(2) and 146(2) of the Licensing (Scotland) Act 2005 and paragraphs 5 and 6 of the Licensing Register (Scotland) Regulations 2007.

**5. LICENSING (SCOTLAND) ACT 2005 - SECTION 34  
TRANSFER OF PREMISES LICENCES GRANTED UNDER DELEGATED POWERS**

Following consideration of a report by the Clerk the Board NOTED the action taken by the Clerk in approving in terms of the Scheme of Delegation the applications for Transfer of Premises Licences listed at Appendix 3 to this Minute and as shown in the Register of Applications appointed to be kept in terms of Sections 9(2) and 146(2) of the Licensing (Scotland) Act 2005 and paragraphs 5 and 6 of the Licensing Register (Scotland) Regulations 2007.

**6. LICENSING (SCOTLAND) ACT 2005 - SECTION 29  
MINOR VARIATIONS OF PREMISES LICENCES GRANTED UNDER DELEGATED POWERS**

Following consideration of a report by the Clerk the Board NOTED the action taken by the Clerk in approving in terms of the Scheme of Delegation the applications for Minor Variations of Premises Licences listed at Appendix 4 to this Minute and as shown in the Register of Applications appointed to be kept in terms of Sections 9(2) and 146(2) of the Licensing (Scotland) Act 2005 and paragraphs 5 and 6 of the Licensing Register (Scotland) Regulations 2007.

**7. LICENSING (SCOTLAND) ACT 2005 - SECTION 29  
APPLICATION FOR NON-CONTENTIOUS MAJOR VARIATIONS OF PREMISES LICENCES**

Following consideration of a report by the Depute Clerk in respect of applications for Major Variation of premises licence that were considered to be non-contentious, dated 16<sup>th</sup> February 2010, copies of which had been circulated to Members in advance, the Board GRANTED the applications as listed at Appendix 5 to this Minute and as shown in the Register of Applications appointed to be kept in terms of Sections 9(2) and 146(2) of the Licensing (Scotland) Act 2005 and paragraphs 5 and 6 of the Licensing Register (Scotland) Regulations 2007.

**8. LICENSING (SCOTLAND) ACT 2005 - SECTION 29  
APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCE  
SCOTMID, 78 COLLEGE BOUNDS, FRASERBURGH**

Deferred to the Board Meeting on 28<sup>th</sup> April 2010 at the request of the applicant's agent, with the consent of the objector, to see if the matters relating to the objection can be resolved.

**9. REVIEW OF BOARD'S POLICY STATEMENT 2010 - 2013**

The Board agreed to revisit conditions for children and young persons, particularly in light of the outcome of the Dialogue Youth Event. It was further agreed to publish the draft policy for consultation on the Board's website so that the trade could access it in advance of the annual meeting.

**10. DIALOGUE YOUTH EVENT 11<sup>th</sup> FEBRUARY 2010**

The Board noted the terms of a report by the Clerk on the Dialogue Youth Event. The Board instructed the Clerk to contact the Head of Service in Education to see if a similar exercise could be carried out within Secondary Schools in North Aberdeenshire.

**11. DRAFT LOCAL CONDITIONS FOR OCCASIONAL LICENCES**

Chief Inspector Cronin advised the Board that following meetings of ACPOS and the Police Forum, the Police were not in a position to advise on numbers of Stewards required for events, rather that was a matter for the applicant to determine in conjunction with the Board. He further advised that applicants required to be made aware that if events were run with no SIA registered Stewards present, volunteers could be liable to assault charges if required to restrain people.

The Police agreed to revisit the wording of proposed condition 4 as soon as possible.

Subject to condition 4 being revised, the Board made minor changes to Conditions 3(a), 4, 5 and 6, as shown at appendix 6 to this Minute.

The Board agreed that additional information sheets for applicants should be implemented and instructed the Clerk to draft a template in conjunction with the Police and Licensing Standards Officers, based on the supplementary information sheet used by the Moray Licensing Board.

**12. MINUTES OF NORTH LICENSING FORUM – 21<sup>st</sup> OCTOBER 2009**

The Board Noted the Minutes of the North Licensing Forum of 21<sup>st</sup> October 2009 and Agreed that future Minutes should be circulated to Board Members by means of e-mail.

### **13. JUDICIAL REVIEW. Wm MORRISONS SUPERMARKETS PLC v SOUTH ABERDEENSHIRE LICENSING BOARD**

The Board Noted the update on the Judicial Review.

### **14. BEST BAR NONE AWARDS**

The Board noted the grant of the awards and asked the Clerk to write to the winners in the North Board area to express their congratulations.

### **15. JOINT FORUM MEETING – 8<sup>th</sup> FEBRUARY 2010**

The Clerk provided a verbal update to Board Members on the outcome of the Meeting and advised that a note of the meeting would be circulated by e-mail.

### **16. ANY OTHER COMPETENT BUSINESS**

#### **a) APPLICATION FOR GRANT OF PREMISES LICENCE – ICELAND, PETERHEAD**

Having heard the representative of the applicant's agent, the Board GRANTED the Licence for the above premises.

#### **b) APPLICATION FOR GRANT OF PREMISES LICENCE – MINTLAW SERVICE STATION, MINTLAW**

Having heard the representative of the applicant's agent, the Board GRANTED the Licence for the above premises.

#### **c) EXCLUDED PREMISES – REQUEST TO ACCEPT PROVIIONAL PREMISES LICENCE APPLICATION IN TERMS OF SECTION 123(5) OF THE ACT – BARBOURS SERVICE STATION, FRASERBURGH.**

Having considered the terms of a report by the Depute Clerk, dated 19<sup>th</sup> February 2010 to consider a preliminary matter in relation to the above premises, copies of which had been circulated to Members in advance, and, having considered the terms of written submissions lodged by the applicant's agent, the Board agreed to accept the application in terms of Section 123(5) of the Act on the basis that persons resident in the locality in which the premises are situated are reliant to a significant extent on the premises as a principal source of petrol/derv and groceries.

After consideration of the above three applications, the Board instructed the Clerk not to accept any applications in future that did not have all the necessary paperwork attached. The Board also agreed that where there was an urgent need to consider a non-contentious application in between Board Meetings that these should be considered by the Convener and ratified by the Board at their next available meeting.

#### **d) SCOTTISH GOVERNMENT – CONSULTATION ON ALCOHOL LABELLING**

The Clerk advised the Board of the above consultation document. It would be circulated to Board Members by e-mail and the Board would consider a response at their meeting on 28<sup>th</sup> April 2010.

#### **e) MEETING WITH NIGHTCLUB OPERATIVES**

The Board agreed to hold a meeting with Nightclub Operators, the Police and the Licensing Standards Officers to discuss dispersal policies

The Board instructed the Clerk to invite the relevant persons to a meeting at 2:00pm on 31<sup>st</sup> March 2010 in the Council Chamber, Arbuthnot House, Peterhead.

The Board asked the Clerk to invite the Licence Holder of Deejays, Fraserburgh to speak about his dispersal policy at the meeting.

f) **FESTIVE SEASON REPORT**

Chief Inspector Cronin advised that the festive season hours had operated well and there were no incidents to report.

g) **VISITS TO LICENSED PREMISES**

The Board agreed to carry out spot checks of licensed premises and marquee dances in conjunction with Grampian Police and agreed that Forum Members should be invited to accompany the Board. The Clerk would arrange suitable dates in conjunction with the Chief Inspector and the Convener

The Board additionally agreed to carry out random inspections of licensed premises and registered clubs to monitor compliance with the terms of their premises licence.

h) **OCCASIONAL LICENCES**

The Clerk advised the Board that there had been recent correspondence with MSPs in relation to occasional licence applications for registered clubs. Registered clubs were under the misapprehension that the Licensing Board were restricting the number of occasional licences that clubs could apply for in any 12 month period.

The Clerk advised the Board that it was the 2005 Act and its related Regulations that imposed the restrictions and not the Board and that the Board had no power to alter these restrictions.

**S. PRATT  
CONVENER**