

**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 **WEDNESDAY 30<sup>th</sup>**  
**SEPTEMBER 2009 AT 10.00a.m.**

- Present –

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

- In Attendance -

James R. Buchan, Depute Clerk to the Board and Beatrice Hay,  
Administration Assistant

**1. APOLOGIES FOR ABSENCE**

No apologies were received.

**2. MINUTES OF SITE INSPECTIONS OF FRIDAY 21<sup>st</sup> AUGUST 2009 AND  
BOARD MEETING OF FRIDAY 26<sup>th</sup> AUGUST 2009**

The Minutes of the Site Inspections of 21<sup>st</sup> August 2009 and the Board Meeting of 26<sup>th</sup> August 2009 were submitted and approved.

**A: LICENSING (SCOTLAND) ACT 2005**

**3. 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. APPLICATIONS FOR PERSONAL LICENCE  
BRIAN L. SMITH**

Following consideration of a report by the Clerk and, having heard the representatives of the applicant and the Chief Constable, the Board GRANTED the application 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.

**5. 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.

**6. TRANSFER OF PREMISES LICENCES**

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 Licence 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 3 and 4 of the Licensing Register (Scotland) Regulations 2007.

#### **7. TRANSFER OF PREMISES LICENCES**

Following consideration of a report by the Clerk and having heard the representatives of the applicant and the Chief Constable, the Board GRANTED the application as shown below 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 3 and 4 of the Licensing Register (Scotland) Regulations 2007:-

	<b>Name and address Of Applicant</b>	<b>Address of Premises</b>	<b>Decision</b>
a)	Tesco Stores Limited Tesco House Delamare Road Cheshunt Hertfordshire EN8 9SL	Tesco (currently Somerfield) High Street/Main Street Turrieff AB53 4EN	GRANTED

#### **8. SECTIONS 36 - 44 – APPLICANT’S DUTY TO NOTIFY BOARD OF CONVICTIONS – REVIEW OF PREMISES LICENCE - TESCOS, BANFF**

Following consideration of a report by the Clerk and having considered the written submissions from the Licence Holder, the Chief Constable and the Licensing Standards Officer, the Board NOTED the relevant offences and determined to take no further action.

#### **9. SECTIONS 36 - 44 – APPLICANT’S DUTY TO NOTIFY BOARD OF CONVICTIONS – REVIEW OF PREMISES LICENCE - TESCOS, FRASERBURGH**

Following consideration of a report by the Clerk and having considered the written submissions from the Licence Holder, the Chief Constable and the Licensing Standards Officer, the Board NOTED the relevant offences and determined to take no further action.

#### **10. SCHEME OF DELEGATION**

Following consideration of a Report by the Depute Clerk, the Board agreed to amend the Scheme of Delegation as follows:

- (a) Remove all references to the Licensing (Scotland) Act 1976 procedures;
- (b) In relation to matters requiring a hearing, that these be conducted by way of written submissions in the first instance, where it is appropriate to do so;
- (c) Remove paragraph 1.10 as it is no longer required, the transition period now being over.
- (d) Remove paragraph 1.11 as it is no longer required, the transition period now being over;
- (e) Replace paragraph 1.11 with a new paragraph 1.10 as follows - “determining whether to reject a notice of objection or representation received by the Board where the Board considers the objection or representation to be frivolous or vexatious.
- (f) In respect of paragraphs 2.5 and 2.6 to amend the wording of the same to allow delegation to the Convener, to determine applications for occasional licences and extensions where representations have

been made and it is possible to find a solution to the representations without requiring a full hearing of the Board.

- (g) To allow delegation to the Convener to determine applications for occasional licences and extensions that have been lodged late or that are outwith the terms of the Board's Policy in terms of the days and hours that can be applied for.
- (h) To allow delegation to the Convener to determine "fast track" occasional licence applications for funeral teas.
- (i) To remove paragraph 2.8, as it is no longer required, the transition period now being over.

#### **11. LETTER FROM GRAMPIAN POLICE**

The Board Noted the terms of the letter from Grampian Police

#### **12. UPDATED LIST OF PREMISES LICENCES**

The Board NOTED a report by the Depute Clerk in relation to the updated list of Premises Licences as listed at Appendix 4 to this Minute and agreed that these be circulated electronically in future.

#### **13. SCOTTISH GROCER'S FEDERATION LICENSING SPECIAL AUGUST 2009**

The Board NOTED the Scottish Grocer's Federation Licensing Special, August 2009 and agreed that this be circulated electronically in future.

#### **14. THE BARRED CAMPAIGN**

The Board NOTED the brief details of the Barred Campaign and authorised the Depute Clerk to investigate this further and report back to a future meeting of the Board.

#### **15. ANY OTHER COMPETENT BUSINESS**

##### **a. Change of January Board Date**

The date of the January Board has had to be changed because the Council Chambers in Peterhead is not available on Wednesday 27<sup>th</sup> January 2010. The Board will now take place on Friday 29<sup>th</sup> January 2010.

##### **b. Feedback on Licensing Seminar at Aviemore 9<sup>th</sup> & 10<sup>th</sup> September 2009**

General Feedback from those Board Members who attended the Seminar was noted; it was agreed to write to the Justice Minister commissioning for more flexibility in the holding of Hearings.

##### **c. The Depute Clerk was instructed to schedule a meeting with the Police to consider Standard Local Conditions for Occasional Licences.**

##### **d. The Depute Clerk was instructed to schedule a meeting with the Licensed Trade.**

**S. PRATT  
CONVENER**