

*Aberdeenshire Licensing Boards*  
*North Divisional Licensing Board*

Licensing (Scotland) Act 2005

List of applications for Variation of Premises Licences requiring to be advertised in terms of Paragraph 6 of the Licensing (Procedure)(Scotland) Regulations 2007.

Advert Published: 8th January 2010

Last Date for Objections: 29th January 2010

***Aberdeenshire Licensing Boards  
North Divisional Licensing Board***

**Licensing (Scotland) Act 2005  
The Licensing (Procedure)(Scotland) Regulations 2007**

**List of Variation of Premises Licence Applications**

<b>No.</b>	<b>Premises</b>	<b>Address</b>	<b>Applicant</b>	<b>On Sales</b>	<b>Off Sales</b>
1.	Boyne Hotel	2 North High Street Portsoy  AB45 2PA	Belhaven Brewery Co. Ltd.  C/O Belhaven Pubs Atrium House 6 Back Walk Stirling FK8 2QA	YES	YES
2.	The Ark Inn	Shore Street Sandhaven Fraserburgh  AB43 7ER	Colin Smith  134 Queens Road Fraserburgh  AB43 9PU	YES	NO

**In terms of Section 22(1) of the Licensing (Scotland) Act 2005, where a variation of premises licence application is made to a Licensing Board, any person may, by notice to the Licensing Board –**

- (a) Object to the application on any ground relevant to one of the grounds for refusal specified in Section 23(5) of the Act, or**
- (b) Make representations to the Board concerning the application, including, in particular, representations –**
  - (i) In support of the application,**
  - (ii) As to modifications which the person considers should be made to the operating plan accompanying the application, or**
  - (iii) As to conditions which the person considers should be imposed.**

**Section 23(5) of the Licensing (Scotland) Act 2005 provides that the grounds for refusal of a premises licence are –**

- (a) That the subject premises are excluded premises,**
- (b) That the application must be refused under Section 35(2), 64(2) or 65(3) of the Act,**
- (c) That the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives,**
- (d) That, having regard to –**
  - (i) The nature of the activities proposed to be carried on in the subject premises,**
  - (ii) The location, character and condition of the premises, and**
  - (iii) The persons likely to frequent the premises,**

**The Board considers that the premises are unsuitable for use for the sale of alcohol**
- (e) That, having regard to the number and capacity of –**

**(i) Licensed premises, or**

**(ii) Licensed premises of the same or similar description as the subject premises,**

**In the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of that description, in the locality.**

**For further details on an application, please see the document entitled “site notices” with the same date as this advert, listed on the Board’s website at the same location as this advert. Alternatively, applications can be viewed at the undernoted address between the hours of 9.00a.m. and 5.00p.m. Mondays – Fridays.**

**Any person wishing to object or make a representation in respect of any premises licence is referred to the Board’s guidance document on Objections and Representations, which is listed on the Board’s website at the same location as this advert.**

**Please note that the Board may discount any objection or representation that it considers to be frivolous or vexatious and is entitled to recover the costs of so deciding from the person making the objection or representation.**

**Any person considering making an objection or representation is advised to consult their solicitor before lodging the objection or representation.**

**Any person wishing to object or make a representation in respect of any of the premises licences advertised in this document should do so in writing by the date stated against each application. Objections or representations should be received by the Clerk, by the date stated against each application, at the undernoted address.**

**Date: 22nd January 2010**

**Fiona M. Stewart  
Depute Clerk to the Board  
St. Leonard’s**

**Sandyhill Road  
Banff  
AB45 1BH**