

FIFE LICENSING BOARD

The Meeting of the Fife Licensing Board will be held within the Council Chambers, Town House, Wemyssfield, Kirkcaldy, Fife, KY1 1XW on MONDAY, 3rd April, 2023 at 10.00 a.m.

Lindsay Thomson
Clerk to the Licensing Board

UNDER THE LICENSING (SCOTLAND) ACT 2005

1. Report from the Clerk – Initiate Review of Licensing Board’s Statement of Licensing Policy
2. Report from the Clerk – Update & Amendment to Appendix 3(b) in Licensing Board’s Statement of Licensing Policy
3. Application for Provisional Premises Licence
4. Application for Premises Licence
5. Application for Major Variation of Premises Licence
6. Application for Personal Licence
7. Application for Review of Premises Licence

FIFE LICENSING BOARD

Meeting 3 April 2023 at 10:00am in Council Chambers, Town House, Wemyssfield, Kirkcaldy, Fife, KY1 1XW

Licensing (Scotland) Act 2005

Provisional(s)

Premises

Applicant

Date Received

Comments

1	ATTICA 2 - 8 CROSS WYND DUNFERMLINE FIFE KY12 7AP	ATTICA GREEK LIMITED C/O MACDONALD LICENSING 21A RUTLAND SQUARE EDINBURGH EH21 2BB	29 December 2022	FLB 1441 New Premises Licence POLICE REPRESENTATION LSO Comments BS Comments - Amended Plans Required to confirm capacity Clerk's Comments 1. Confirmation of Site Notice
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FIFE LICENSING BOARD

Meeting 3 April 2023 at 10:00am in Council Chambers, Town House, Wemyssfield, Kirkcaldy, Fife, KY1 1XW

Licensing (Scotland) Act 2005

New Grant(s)

	Premises	Applicant	Date Received	Comments
2	MELDRUMS HOTEL 56 MAIN STREET CERES FIFE KY15 5NA	MELDRUMS HOTEL LTD	19 January 2023	FLB 1442 New Premises Licence POLICE REPRESENTATION Capacity confirmed at Onsales 40
3	ONE ONE FOUR 114 HIGH STREET BURNTISLAND FIFE KY3 9AR	FRANCOISE BLANCHARD C/O INNES JOHNSTON & CO (KIRKCALDY) SOLICITORS 95 - 99 ESPLANADE KIRKCALDY	6 December 2022	FLB 1440 New Premises Licence PUBLIC OBJECTION x 1 Capacity confirmed at Offsales 22.16m2 Clerk's Comments 1. Confirmation of Site Notice

FIFE LICENSING BOARD

Meeting 3 April 2023 at 10:00am in Council Chambers, Town House, Wemyssfield, Kirkcaldy, Fife, KY1 1XW

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
4	CRAIL BOWLING CLUB KIRKMAY ROAD CRAIL ANSTRUTHER FIFE KY10 3RY	CRAIL BOWLING CLUB	9 December 2022	FLB 881 Major Variation Application POLICE REPRESENTATION PUBLIC OBJECTION x 1 Capacity confirmed as Onsales 70 Clerk's Comments 1. Confirmation of Site Notice
5	KINGS 2-8 MAIN STREET KELTY FIFE KY4 0AA	ASIF ENTERPRISES LTD C/O LUNDIN CONSULTANCY SERVICES LIMITED LUNDIN MILL FARMHOUSE 15 LARGO ROAD LUNDIN LINKS	19 December 2022	FLB 1024 Major Variation Application Withdrawn
6	KINGSWOOD HOTEL KINGHORN ROAD BURNTISLAND FIFE KY3 9LL	SPICE LOUNGE HOLDINGS LIMITED C/O MACDONALD LICENSING 21A RUTLAND SQUARE EDINBURGH EH1 2BB	20 January 2023	FLB 334 Major Variation Application Capacity confirmed as Onsales 950 Clerk's Comments 1. Confirmation of Site Notice

FIFE LICENSING BOARD

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Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises

Applicant

Date Received

Comments

7	KIRKCALDY RUGBY FOOTBALL CLUB THE PAVILION BEVERIDGE PARK KIRKCALDY FIFE KY2 5LT	KIRKCALDY RUGBY FOOTBALL CLUB C/O MCKENZIES 26 EAST FERGUS PLACE KIRKCALDY FIFE KY1 1XT	17 January 2023	FLB 914 Major Variation Application Capacity confirmed as Onsales 345
8	NISA LOCAL 1-3 ABBEYVIEW DUNFERMLINE FIFE KY11 4HA	MOHAMMED JAVID C/O GNE CONSULTANCY LTD 47 WALLACE BRAE DRIVE REDDINGMUIRHEAD FALKIRK FK2 0FB	5 December 2022	FLB 1144 Major Variation Application POLICE REPRESENTATION Capacity confirmed as Offsales 33.18m2
9	SHIP TAVERN 49 SHORE STREET ANSTRUTHER FIFE KY10 3AQ	THUNDER HOLDINGS LTD C/O TLT LLP 41 WEST CAMPBELL STREET GLASGOW G2 6SE	19 December 2022	FLB 136 Major Variation Application Licensing Standards Comments Capacity confirmed as Onsales 60

FIFE LICENSING BOARD

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Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises

Applicant

Date Received

Comments

10	THE QUEENS HOTEL 1 DERRAN DRIVE CARDENDEN LOCHGELLY FIFE KY5 0JG	ASIF ENTERPRISES LTD C/O PETER AITKEN LUNDIN CONSULTANCY SERVICES LUNDIN MILL FARMHOUSE 15 LARGO ROAD LUNDIN LINKS	19 December 2022	FLB 1006 Major Variation Application Building Standards Info Capacity confirmed as Onsales 246
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FIFE LICENSING BOARD

Meeting 3 April 2023 at 10:00am in Council Chambers, Town House, Wemyssfield, Kirkcaldy, Fife, KY1 1XW

Licensing (Scotland) Act 2005

Personal Licence(s)

Applicant

Date Received

Comments

11 KELLYANN GRUBB

24 November 2022

FI 6324
POLICE REPRESENTATION
Notice of Conviction

FIFE LICENSING BOARD

Meeting 3 April 2023 at 10:00am in Council Chambers, Town House, Wemyssfield, Kirkcaldy, Fife, KY1 1XW

Licensing (Scotland) Act 2005

Premises Licence Review(s)

	Premises	Applicant	Date Received	Comments
12	KANDY 1 HUNTER STREET KIRKCALDY FIFE KY1 1ED	FIFE LICENSING BOARD	1 March 2023	FLB 1276 Non payment of annual fee 2022/2023
13	NEW CARDEN OLD FOLKS CLUB 84C CARDENDEN ROAD CARDENDEN LOCHGELLY FIFE KY5 0PD	FIFE LICENSING BOARD	1 March 2023	FLB 826 Non payment of annual fee 2022/2023
14	PREMIER STORE 36 SHAW STREET BRUCEFIELD DUNFERMLINE FIFE KY11 4AX	FIFE LICENSING BOARD	1 March 2023	FLB 1038 Non payment of annual fee 2022/2023

FIFE LICENSING BOARD

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Licensing (Scotland) Act 2005

Premises Licence Review(s)

Premises	Applicant	Date Received	Comments
15 QUEENS PREMIER STORE 3 QUEENS BUILDINGS QUEENSFERRY ROAD ROSYTH DUNFERMLINE FIFE	FIFE LICENSING BOARD	1 March 2023	FLB 1210 Non payment of annual fee 2022/2023
16 THE HABERDASHERY BAR 123 NEW ROW DUNFERMLINE FIFE KY12 7DZ	FIFE LICENSING BOARD	1 March 2023	FLB 1394 Non payment of annual fee 2022/2023

Review of Statement of Licensing Policy

Report by: Lindsay Thomson, Clerk to Fife Licensing Board

Wards Affected: N/A

Purpose

The purpose of this report is to invite the Board to commence the review of the Board's Statement of Licensing Policy.

Recommendation(s)

The Board is asked to note the process for preparing a Statement of Licensing Policy, to consider the existing Statement and to provide comments to the Clerk on any matters in the Statement that members wish to examine as part of the review of Policy.

Resource Implications

N/A.

Legal and Risk Implications

The review and publication of a Statement of Licensing Policy will fulfil the duty on the Board required by section 6 of the Licensing (Scotland) Act 2005.

Policy & Impact Assessment

An Equalities Impact Assessment has not been carried out at this stage but will be carried out, if required, prior to the adoption of the Statement of Licensing Policy.

Consultation

Consultation as required by the 2005 Act on the Board's proposed Statement of Licensing Policy will be carried out once the proposed Statement has been agreed by the Board.

1.0 Background

- 1.1 Every Licensing Board is required to publish a statement of their policy with respect to the exercise of their functions under the 2005 Act. The Statement must be published within 18 months after each ordinary election of councillors to the Council. This means that this Board's policy must be in place by 5 November 2023.
- 1.2 In preparing the Statement, the Board must ensure that the policy stated in the Statement seeks to promote the licensing objectives. Before publishing the Statement, consultation on the Statement must be carried out with the local Licensing Forum for the Board's area, the health board and such other persons as the Board thinks appropriate.
- 1.3 Each policy statement published by a licensing board must include a statement as to the extent to which the board considers there to be overprovision of licensed premises, or licensed premises of a particular description, in any locality within the Board's area. It is a decision for the Board to determine the localities. As a result of a change in the law in 2015, a Board may determine that the whole of the board's area is a locality. In considering whether there is overprovision, the board must have regard to the number and capacity of licensed premises in the locality and may have regard to other matters as the board thinks fit including the licensed hours of licensed premises in the locality. The Board must consult the chief constable, the health board, representatives of holders of premises licences and residents in the locality and such other persons as the Board thinks fit in considering whether there is overprovision.
- 1.4 The Board must have regard to the licensing policy statement in exercising their functions under the 2005 Act.
- 1.5 The current Statement of Licensing Policy has been circulated to members.

2.0 Issues and Options

- 2.1 The Fife Alcohol and Drug Partnership (ADP) is currently preparing an alcohol profile for Fife with NHS Fife taking the lead role. The ADP brings together representatives from NHS Fife, Police Scotland, Fife Council and other non-statutory sector drug and alcohol agencies. The alcohol profile will contain valuable information collated from the various representatives in the ADP which will assist the Board in the formulation of the Statement. The NHS Fife representative has indicated that work towards completion of the alcohol profile has been commenced and it is likely to take around ten weeks to complete. It is hoped the alcohol profile will be available for the Board to consider at a meeting in June 2023.
- 2.2 New statutory guidance on the 2005 Act was published by the Scottish Government in January 2023. The Board must have regard to the guidance in carrying out its functions under the Act. This updated guidance will assist the board in the preparation of the Statement.
- 2.3 Members are asked to consider the current Statement of Licensing Policy and identify any areas of the Statement which should be reviewed.

- 2.4 Following this meeting, future meetings will be arranged as and when required to discuss and review the Policy Statement. Thereafter, a draft Statement will be prepared for presentation to a future meeting of the Board most likely in May or June 2023. Once the Board finalises the draft Statement, it will be issued for consultation, hopefully during the summer recess to enable the Board to consider the responses to the consultation in late summer 2023. This timescale will give sufficient time for the Statement to be published in November 2023.

3.0 Conclusions

The Board is invited to consider the current Statement of Licensing policy and identify areas of the policy that should be reviewed.

List of Appendices

None.

Background Papers

None.

Report Contact

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Depute Clerk to Fife Licensing Board,
2nd Floor Fife House,
North Street,
Glenrothes.
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Email – Kimberley.Langley@fife.gov.uk

Revised Written Procedure for Applications for Premises Licences and Variations to Premises Licences – Appendix 3(b) Statement of Licensing Policy

Report by: Lindsay Thomson, Clerk to Fife Licensing Board

Wards Affected: N/A

Purpose

The purpose of this report is to invite the Board to amend the written procedure for applications for premises licences contained in Appendix 3(b) of the Board's Statement of Licensing Policy and to include a written procedure for applications to vary premises licences.

Recommendation(s)

The Board is asked to consider amending the written procedure followed when determining an application for premises licence in terms of Section 23 of the Licensing (Scotland) Act 2005 to accurately reflect the procedure followed by the Board when considering applications of this type. The Board is also asked to agree and include within this written procedure, a procedure to be followed when determining an application to vary a premises licence in terms of Section 30 of the Licensing (Scotland) Act 2005.

Resource Implications

N/A.

Legal and Risk Implications

N/A

Policy & Impact Assessment

N/A

Consultation

This is an internal procedure of the Board and therefore consultation does not require to be undertaken.

1.0 Background

- 1.1 Fife Licensing Board has a written procedure to be followed when considering applications for premises licences. This procedure is contained at Appendix 3(b) of the Board's Statement of Licensing Policy. This procedure no longer accurately reflects the procedure followed when considering these types of applications.
- 1.2 There is reference in the Board's Statement of Licensing Policy at 1.24 to Hearings for Applications for Premises licences and Variation of premises Licences being undertaken in accordance with the procedures adopted as set out in Appendix 3(b). There is an omission within these written procedures as currently they do not include reference to the procedure to be followed when considering an Application for Variation of Premises Licence.
- 1.3 In terms of the Board's Rules set out at Appendix 3(a) of the Board's Statement of Licensing Policy, the Board can revise these written procedures from time-to-time and adopt new agreed procedures to be followed when considering applications for premises licence or to vary a premises licence.
- 1.4 The Board must follow its written procedures when dealing with applications for premises licence or applications to vary a premises licence.

2.0 Issues and Options

- 2.1 Members are asked to consider the proposed revised written procedures attached to this report.
- 2.2 Members are asked to agree to adopt the new proposed written procedures as set out in the attached document.
- 2.3 Members are asked to consider substituting the proposed written procedures for those currently set out at Appendix 3(b) of the Board's Statement of Licensing Policy.

3.0 Conclusions

The Board is invited to consider revising and agreeing the written procedure for considering applications for premises licences or to vary premises licences as set out in the 'Fife Licensing Board – Procedure for Applications for Premises Licences and Variation to Premises Licences' document attached to this report.

The Board is invited to substitute the revised written procedures referred to above into the Board's Statement of Licensing Policy at Appendix 3(b).

List of Appendices

Fife Licensing Board – Procedure for Applications for Premises Licences and Variation to Premises Licences.

Background Papers

None.

Report Contact

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FIFE LICENSING BOARD

PROCEDURE FOR APPLICATIONS FOR PREMISES LICENCES AND VARIATIONS TO PREMISES LICENCES

1. The **CONVENER** will ascertain whether or not the applicant is present or represented or both.
2. The **CLERK** will advise if there are Objections or Representations to the application and will ascertain whether or not the persons making these are present or represented or both.
3. The **CONVENER** will advise the applicant or their agent that unless they wish to make any preliminary submissions or remarks, the **BOARD** will proceed to hear the Objections/Representations. If there are any such preliminary submissions or remarks, any issues or questions arising should be dealt with at this stage.
4. If there are competent Objections or Representations the **CONVENER** will invite the persons making these to state their Objections or Representations. The **CONVENER** will also advise those persons that this is the only opportunity to speak to their objection/representation other than to answer any questions put to them by members of the **BOARD** or to make concluding remarks prior to the Board making a determination on the Application.
5. The **CLERK** will advise of any outstanding matters or other issues relating to the application, operating plan or layout plan.
6. The **CONVENER** will invite the applicant or their representative to speak to the application.
7. The **BOARD** may ask questions of the applicant, persons who have objected or made Representations and any other person in accordance with rules promulgated by the **BOARD**.
8. The **CONVENER** will invite those making representations or objections if they wish to make any concluding remarks.
9. The **CONVENER** will then invite the applicant or their representative if they wish to make any concluding remarks.
10. The **BOARD** will consider the application and reach a decision.