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To: Councillor Boulton, Convener; and Councillors Cameron, Carle, Dickson, Forsyth, Grant, Lawrence, Townson and Yuill.

FIRST ADDITIONAL CIRCULATION

Town House,
ABERDEEN 17 June 2015

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 23 JUNE 2015 at 10.30 am.**

ALYSON MOLLISON
CLERK TO THE LICENSING BOARD

BUSINESS

- 1.5 Application for variation of a premises licence: Belmont Cinema, 49 Belmont Street (Pages 1 - 2)

5. Premises Licence Review Hearing - Noose and Monkey

Should you require any further information about this agenda, please contact Jacquie Wallace, e-mail jwallace@aberdeencity.gov.uk or tel. 01224 522985

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Agenda Item 1.5

Annex to the application for variation of premises licence for the below;

Belmont Cinema,
49 Belmont Street,
Aberdeen,
AB10 1JS

ADDITIONAL PROPOSED CONDITIONS AND CONTROL MEASURES

1. Alcohol will only be sold from the bar counter and from no other point in the premises.
2. Alcohol may only be consumed within the auditoria subject to the restrictions set out below in relation to U and PG films.
3. Each customer wishing to take alcohol into the auditoria will be restricted to purchasing a maximum number of two alcoholic drinks or one bottle of wine at any one time;
4. All drinks purchased for consumption within the auditoria will be served in plastic bottles, cups or be transferred to plastic receptacles, with the exception of a bottle of wine, which will be allowed, with plastic wine glasses;
5. No glass will be permitted beyond the bar area excepting a bottle of wine;
6. Signs will be placed at all entrance and exit points of the bar area advising customers that they cannot take glass from that area;
7. The auditoria will be monitored with staff conducting visual checks within the auditoria frequently. This will include aisle walks and the use of night vision goggles;
8. For auditoria showing U and PG films alcohol will only be sold to customers attending those films after 5.30pm.
9. Strictly no alcohol will be allowed to be purchased by persons attending our Monday morning Carer and Baby shows or Saturday morning Filmhouse Juniors shows, regardless of certification.
10. Customers buying alcohol for consumption within the screens must produce a current valid ticket to ensure that film is being permitted at that time.
11. Auditoria checks will be recorded and made available to the Police and the LSO on request.
12. During licence training, prior to working in any area of the cinema, all staff will be trained in the correct procedure for drinks to be consumed within the bar area and auditoria. This will include but not be limited to:
 - Checking of customers age;
 - Check with customer whether or not they intend to consume alcohol in the auditorium;
 - Ensure customers are attending films where consumption of alcohol is permitted;
 - Decanting of drinks in to a plastic cup;
13. All members of staff on the bar or ticket check leading into the screens will be trained to ensure any alcohol passing check point is going into a permitted film and will be trained to look out for young persons with individuals with alcohol and will note seat numbers if concerned to monitor customers within screens.

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Our Ref. LJM premises review
Your Ref.
Contact Lynn J May
Email licensing@aberdeencity.gov.uk
Direct Dial 01224 523173
Direct Fax 01224 522937

16 June 2015

Sent by email to Agent

Gray Pub Company Limited
C/o James Gray
Noose & Monkey
Rosemount Viaduct
Aberdeen
AB24 1NQ

Legal and Democratic Services
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Dear Sirs

**LICENSING (SCOTLAND) ACT 2005 ("THE ACT")
APPLICATION FOR REVIEW OF PREMISES LICENCE
PREMISES: Noose & Monkey, Rosemount Viaduct, Aberdeen, AB25 1NQ**

I refer to my letter of 12 February 2015 and the application dated 11 November 2014 from Andrew Gilchrist, Principal Environmental Health Officer, Environmental Health and Trading Standards, Aberdeen City Council for a review of the premises licence held in respect of the above premises. The Review application was last considered by the Licensing Board at their meeting on 3 February 2015 when they agreed that they would further continue the review hearing until the next meeting of the Board after the end of April 2015 in order to allow for the completion of the noise consultant's report, works to be completed and for the matter to be resolved to the satisfaction of the applicant. However if the applicant found that there were further instances of noise nuisance this matter should be reported to the Board who would convene an earlier hearing and reconsider the review application.

My aforementioned letter of 12 February advised that the next meeting of the Board at which this matter would be considered would be 23 June 2015.

To reiterate, for your information, the application alleges incidents of noise complaints at the premises from 6 November 2013 to 4 September 2014 and submits that the premises are causing a Public Nuisance in terms of the Licensing (Scotland) Act 2005 and the Boards Statement of Licensing Policy. He asks that the Licensing Board take whatever action is necessary under section 39 of the 2005 Act, including varying the premises licence to include additional conditions, to ensure that the licence holder complies with their duty to promote the licensing objective of preventing public nuisance.

The grounds for review are that :

ANGELA SCOTT
CHIEF EXECUTIVE AND INTERIM DIRECTOR OF CORPORATE GOVERNANCE



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(i) Grounds exist relevant to the licensing objective of Preventing Public Nuisance.

The Board has therefore agreed to hold a continued review hearing and this will take place at the Board Meeting on 23 June 2015 at 10.30am in the Town House, Broad Street, Aberdeen.

In terms of section 38(3) of the Act I hereby give notice of the hearing and invite you and your representative to attend. I confirm that the applicant and Licensing Standards Officer have also been given notice.

Yours faithfully

Lynn J May
Solicitor

For up to date information and to download application forms please visit our website at www.aberdeencity.gov.uk

Our Ref. L038137
Your Ref. LJM premises review
Contact Andrew McLaughlin
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16 June 2015

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Dear Madam

**Licensing (Scotland) Act 2005 - Section 36
Premises Licence Review Application
Noose and Monkey, 31 Rosemount Viaduct, Aberdeen
Premises Licence Number AC0377
Premises Licence Holder - Gray Pub Company Limited, c/o James Gray, Noose
& Monkey, Rosemount Viaduct, Aberdeen, AB25 1NQ**

Following the meeting of the Licensing Board on 3 February 2015, it can be reported that substantial works have been carried out on the premises in an effort to negate the noise nuisance.

Environmental Health was advised on 19 May 2015 that works had completed. Following this notification, Nick Glover, Principal Environmental Health Officer, attended the premises to view the works. It initially appeared that the works and measures in place may be successful in preventing noise nuisance. However it was not possible to fully assess the effectiveness at that time. The complainant has reported that there is still a disturbance emanating from the premises. Specifically, the complainant reports that on Tuesday 2 June she was unable to sleep until after midnight due to bass noise. Following this notification, it has been arranged for the noise consultant instructed by the Licence Holder to visit the complainant's property to determine what further measures can be put in place to prevent the transmission of bass noise to the flat.

At present, Environmental Health has not been advised of the outcome of this visit. However, given that the Licence Holder has now shown a commitment to resolving the problem, Environmental Health are willing to withdraw the application on the basis that the Licence Holder undertakes to carry out any works and put in place any measures recommended by the noise consultant.

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If the Licence Holder does not provide this undertaking, then Environmental Health respectfully requests that the review be continued for a short period to allow the service to inspect the complainant's property in order to assess whether the premises are causing a nuisance. Such an inspection is not possible prior to the Board meeting on 23 June 2015 as the complainant is on holiday from 18 June to 29 June 2015.

Andrew McLaughlin, solicitor, and Nick Glover, Principal Environmental Health Officer, will attend the Board meeting on 23 June to make this request and answer any questions that the Board may have.

Yours faithfully

Andrew McLaughlin
Solicitor

Cc Andrew Hunter, Harper MacLeod