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ABERDEEN CITY COUNCIL

To: Allan McIntosh, Convener; Craig Adams, Derek Murray, Gerard Rattray and George Wyatt (Representatives of Holders of Premises Licences/Personal Licences); Inspector John Soutar, Grampian Police; Sandy Kelman (Alcohol and Drugs Partnership); Sohail Faruqi (Education); Linda Smith (Health); Ian Donaldson, Mark Donlevy and Bob Westland (Community Safety); Mary Crawford, Ken Eddie, Councillors Martin Greig and John West (Representatives of Residents within the Forum's Area); Barry Black (Representative of Youth) and Diane Sande (Licensing Standards Officer).

Town House,
ABERDEEN 17 February, 2011

LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in Summerfield House on **FRIDAY, 25 FEBRUARY 2011 at 2.00 pm.**

RODERICK MACBEATH
ACTING SENIOR DEMOCRATIC SERVICES MANAGER

BUSINESS

- 1 Minute of Forum meeting held on 11 November 2010 (Pages 1 - 6)
- 2 Minute of Joint Forum/ Board Meeting held on 1 December 2010 (Pages 7 - 12)
- 3 Agenda and Minute of Licensing Board meeting of 16 November 2010 (Pages 13 - 42)

Members are advised to note that the next meeting of the Licensing Board is scheduled for Tuesday, 8 March 2011, at 10:30am in the Town House, Broad Street.

- 4 Review of Statement of Licensing Policy - Response from Licensing Board (Pages 43 - 48)
- 5 Statistical Information
- 6 Workplan (Pages 49 - 54)
- 7 Community Representation (Pages 55 - 56)
- 8 Late Night Bus Services - An Update (Pages 57 - 58)
- 9 Update from Licensing Standards Officer
- 10 Any Other Competent Business
- 11 Date of Next Meeting

Members are advised to note that the date of the next meeting of the Local Licensing Forum is Thursday, 14 April 2011, at 2pm in the Town House, Broad Street

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Grant Webster on 01224 522607 or email gwebster@aberdeencity.gov.uk

Agenda Item 1

ABERDEEN LOCAL LICENSING FORUM

Thursday, 11 November, 2010

Present: Allan McIntosh, Convener; Ken Eddie, Gerard Rattray, Bob Westlands, Mary Crawford, Martin Greig, Inspector John Soutar, Sandy Kelman, Linda Smith, Mark Donlevy and Sohail Faruqi

Also Present: Vikki Cuthbert and Grant Webster

Apologies: Derek Murray, Barry Black, George Wyatt, Diane Sande

MINUTE OF FORUM MEETING HELD ON 9 SEPTEMBER 2010

1. The Forum had before it the minute of the meeting held on 9 September 2010.

With reference to Article 12 of the minute (Alcohol Awareness Week), the Forum was advised that there had not been a visit from an MSP, but that organising Committee members had been present. "How Much Do I Drink?", a confidential drinks diary, was launched during Alcohol Awareness Week.

The Forum resolved:-

to note the relevant updates and approve the minute.

STATISTICAL INFORMATION

2. The Chairperson asked if the representatives present had any statistical information they wished to share with the Forum.

Inspector John Soutar notified the Forum that he was in a position to obtain certain statistical information for future meetings of the Forum if it was made clear what they were looking for.

Items highlighted by the Forum included:

- Incidents in city centre within or outwith licensed premises.
- Trends / changes for example, new licences granted.
- Number of serious assaults / reviews.
- Information on designated places within the city centre.

Mark Donlevy of UNIGHT provided an update to the Forum. He advised that they had recently contacted both universities to invite representatives to the Group. He also advised that Cocaine Awareness Week was imminent and that they would be working alongside the Crime Prevention Unit and taxi trade over the festive period. UNIGHT have a joint meeting with the Licensing Board on 24 November to discuss members' issues and concerns. He also advised the Forum of the ongoing list of

members of the public who are banned from all UNIGHT premises. Currently there are fifteen individuals on the list, with thirteen bans expiring in October. The scheme is seen to be effective. The membership of UNIGHT was then discussed. Issues raised include irresponsible promotions by non members undercutting members' prices meaning it appears more profitable to not be a member, perceived image of no action by Licensing Board sending wrong signal to premises, and the precedent of deemed acceptable operating standards.

The Clerk advised in terms of statistical information from the Licensing Board, that this would only be provided when the Board had requested certain types of information from the Council or another local authority. As such information had not been requested by the Board, there was no information to provide to the Forum at present.

The Forum resolved:-

to note the relevant updates.

WORKPLAN

3. The Forum had before it the workplan of the Local Licensing Forum. The Convener went through each issue on the workplan and updates were noted.

The Forum resolved:-

- (i) for the Clerk to update the workplan as agreed; and
- (ii) to note the relevant updates.

UPDATE FROM LICENSING BOARD

4. The Forum had before it a list of decisions of the Licensing Board in respect of licenses which had been granted over the last period. Questions were once again raised as to whether there was scope for the Forum to receive further information. The Clerk advised that the Licensing Board published their agendas and minutes on the Aberdeen City Council website, www.aberdeencity.gov.uk. The Forum agreed to include these public documents in the Forum's agenda next time.

The Forum resolved:-

to include the most recent agenda and minute of the Licensing Board in the agenda for the next Forum meeting for information.

UPDATE FROM LICENSING STANDARDS OFFICER

5. This item was withdrawn due to apologies from the Licensing Standards Officer.

MEETING DATES FOR 2011

6. The Forum had before it a list of proposed meeting dates and times for 2011 for approval.

The Forum resolved:-

to agree the proposed meeting dates and times.

CHANGES TO THE CONSTITUTION

7. The Forum had before it a copy of the Constitution with proposed changes highlighted. It was advised that the changes were mainly administrative in function.

The Forum resolved:-

to agree the proposed changes.

AVAILABLE INFO FROM OTHER FORUMS

8. With reference to item 11 of the minute of the meeting of the Forum of 9 September, 2010, the Forum had before it a report highlighting the work that other licensing forums are undertaking. It was noted that Moray Council operate an online discussion forum for licensing issues. The Forum felt it may be worthwhile considering whether our Licensing Board should be operating a similar system. The Clerk advised the Forum that Aberdeenshire Council had been in discussion with Linda Bowie of Alcohol Focus Scotland regarding sharing information. Subsequently, they are currently investigating the possibility of having all of the different Scottish forums' agendas available on the local licensing forum site. It was advised, however, that this was still in the early stages of discussion.

The Forum resolved:-

to note the update and information given.

ALCOHOL LAW – MINIMUM PRICING

9. With reference to Article 12 of the minute of its meeting of 9 September, 2010, the Forum had before it a copy of the letter sent to Aberdeen's local MSPs supporting the proposal for minimum pricing on units of alcohol. Also attached were copies of the responses received.

The Alcohol (Scotland) Bill was passed on 10 November, 2010, without plans to bring in minimum alcohol pricing. The Forum expressed general disappointment at this.

The Forum resolved:-

to note the information given.

SAFER ABERDEEN FORUM ACTION PLAN

10. The Forum had before it a copy of the Safer Aberdeen Forum Action Plan, produced by the Safer Aberdeen Forum. This report, along with the minutes from the most recent Safer Aberdeen Forum meeting were initially issued at the Licensing Forum's meeting of 9 September, 2010, but had been received too late to be officially part of the agenda. Subsequently, it has been placed on this agenda so the Forum can officially note the proposed Action Plan.

The Forum resolved:-

to note the information given.

JOINT MEETING WITH THE LICENSING BOARD / LOCAL LICENSING FORUM

11. The Forum were reminded that there was a joint meeting with the Licensing Board scheduled for 1 December, 2010 and asked if there were any issues they would wish to discuss.

Items which the Forum highlighted included:

- Addressing the five licensing policies.
- Number of review hearings.
- Prevention of violent behaviour.
- Criteria used in determining licenses.
- Statistical information.
- Understanding of night time economy.

The Clerk agreed to discuss these items with the Depute Clerk to the Licensing Board for inclusion on the agenda.

The Forum resolved:-

to allow the Clerk to discuss the highlighted issues with the Depute Clerk to the Licensing Board with a view to compiling an agenda for the joint meeting scheduled for 1 December, 2010.

ANY OTHER COMPETENT BUSINESS

12. The Forum were advised that Alcohol Awareness Week had taken place in October and the online drinks diary, "How Much Do I Drink?", had been launched. Sandy Kelman advised the Forum that Fraser Hoggan (Alcohol and Drugs Partnership) would be able to talk them through the ADP strategy and campaign. To facilitate this, it was decided that the next meeting of the Forum should be held at Summerfield House.

The Forum resolved:-

to note the update and to schedule the next meeting to take place at Summerfield House.

DATE OF NEXT MEETING

13. It was confirmed that the next meeting of the Forum would be held on Friday, 25 February, 2011.

- **ALLAN MCINTOSH, Convener.**

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Agenda Item 2

ABERDEEN CITY COUNCIL JOINT MEETING OF ABERDEEN CITY LICENSING BOARD AND ABERDEEN LOCAL LICENSING FORUM

Wednesday, 1 December, 2010

Present: Councillors Jaffrey, Boulton (for DVD presentation), Clark, Cormie, Donnelly, Penny and Robertson (Licensing Board); Gerard Rattray, Ken Eddie, Sandy Kelman, Diane Sande, Linda Smith, Inspector John Soutar, Arthur Mustard (substituting for Mark Donlevy), (Local Licensing Forum).

In attendance: Eric Anderson, Depute Clerk to the Licensing Board, Vikki Cuthbert and Grant Webster, Clerks to the Local Licensing Forum.

Apologies: Allan McIntosh, Mary Crawford, Mark Donlevy, Ian Donaldson, Derek Murray, and George Wyatt.

DVD PRESENTATION

1. The joint meeting of Aberdeen City Licensing Board and Aberdeen Local Licensing Forum started with an informal presentation of a training DVD produced by Alcohol Focus Scotland, for Local Licensing Forum members.

Following the DVD there was some informal discussion relating to the Forum. They discussed the membership and remit of the Forum, underlying attitudes towards licensing and alcohol, and the relationship between the Licensing Board and the Licensing Forum. There was a particular focus on the extent of community representation on the Forum, and it was noted that this could be discussed by the Forum at its next meeting.

WELCOME AND APPOINTMENT OF CHAIRPERSON

2. Sandy Kelman as a member of Licensing Forum welcomed everyone to the joint meeting and it was agreed that he should chair the meeting in accordance with the approved rota and the apologies from both the Convener and Vice-Convener of the Licensing Forum.

UPDATE FROM DEPUTE CLERK TO LICENSING BOARD

3. Eric Anderson, Depute Clerk to Aberdeen City Licensing Board addressed the meeting.

The Board's Statement of Licensing Policy must be reviewed every three years. This review was approved on 16 November 2010 and published on 30 November 2010. As part of the review, the policy was put out to consultation with key stakeholders, notably the Licensing Forum. As part of the consultation process some of the Forum's suggestions were accepted and some were rejected. As per the Licensing (Scotland) Act 2005, the Board are obligated to feedback to the Forum reasons why some of their suggestions were not accepted. Mr Anderson

stressed that this would be available to the Forum before their next meeting in February.

The joint meeting was advised that the Statement of Licensing Policy, even after publication, was still a working document and, as such, was still open to amendment if necessary. This could also be done with the publication of a Supplementary Statement of Licensing Policy.

Two provisions that were incorporated into the Policy are:

- First Aid qualification required for late-night operations. If premises intend to stay open past 1am, they must have someone on the site trained in First Aid to a standard deemed acceptable by the Board. The minimum standard adopted by the Board is the Health and Safety Executive First Aid qualification.
- Premises ceased to be used for sale of alcohol i.e. if closed. The Act describes this as ceased to have effect but there was no clear definition as to what this may entail. As such, the Board have set out a balanced approach to this. For example, if the premises are closed for more than 30 days, the Board would seek advice within 14 days as to when they would be expecting to reopen. If the premises continued to be closed for over 6 months, there would be a review and action taken if necessary. If the premises were closed and their annual licence fee was not paid, the assumption would be made that they were not trading and the licence would cease to have effect. At the very minimum, there would need to be ongoing communication with the licence holder.

With regards to the new Criminal Justice and Licensing (Scotland) Act which was now in place, Mr Anderson advised the joint meeting that the Act must be fully bedded in and any initial issues identified before looking at any major new strategies. The Act will take effect over numerous stages as it covers a number of fields, some of which will affect Licensing Committee. Subsequently, this may require further consultation.

There have been 12 amendments, including adjustments to the Licensing (Scotland) Act 2005, which will take effect on 13 December 2010. In summary, these amendments cover:

- Anti Social Behaviour Reports – Police are no longer required to provide an anti social behaviour report for every new licence. Now, the Licensing Board can request one and the Police can offer to provide one if it is felt necessary.
- The Police now have greater scope to provide objections in relation to the 5 Licensing Objectives.
- Various amendments have streamlined the Appeals procedure, making it more efficient and less bureaucratic.
- Various changes relate to the Police. Mr Anderson will discuss these direct with Grampian Police at a later date.

The Alcohol Etc. (Scotland) Act was passed on 10 November, 2010. The joint meeting was advised that it wasn't ratified yet but would be before the end of the year. The Act contains more strategic provisions which will require more consultation as to how they will be workable. Minimum pricing on Alcohol was not included this time around. It is dependent upon Scottish Government elections whether it will be included at a later date. The Act contained provisions for

restricting promotions on offsales, for example, alcohol display areas, and a quantity discount ban to be brought in line with onsale provisions. The Act also contains an age restriction policy known as 'Challenge 25' as opposed to the previous Age 21 policy which was only targeted on certain areas of the city.

In conclusion, Mr Anderson noted the annual Chief Constable's report which will be due at the end of the financial year, and some discussion was held regarding Social Responsibility Levy, which will aid the cost of the aftermath of revellers. He stated that there was still a lot of work to be done within a complex legislative picture.

Sandy Kelman thanked Mr Anderson for his informative update on the Board's Statement of Licensing Policy.

The joint meeting discussed many of the points above, and an issue regarding door stewards was raised. It was recognised that the biggest cost to premises is having door stewards in place. It was asked if some sort of guidelines could be drawn up perhaps for smaller, quieter premises wherein door stewards would not be necessary. The Board informed that there were no such guidelines in place and, indeed, if it were possible to do so, it would have been done in the past, although a guidance note in this vein could be considered. It is imperative that door stewards are utilised in overprovision areas as they are the first line of 'policing' for premises. The meeting expressed disappointment that door stewards are no longer provided with First Aid training, feeling that this would be appropriate. UNIGHT are currently working on risk assessments for all of their members with regards to door stewards. They offered to show this to the Board once complete.

FORUM WORK PLAN

4. The joint meeting considered the Work Plan and noted updates on actions / decisions taken by the Forum. Sharing information and statistics was identified as a useful two way process between the Board and the Forum.

The Depute Clerk to the Licensing Board confirmed that statutory information on liquor licensing will be shared with the Licensing Forum in accordance with the requirement of the Licensing (Scotland) Act 2005. He confirmed that the Board would scrutinise all relevant statistical information at the appropriate time when reviewing the impact of its policies and conditions. In explanation, he advised that guidance from the Scottish Government has been slow in relation to the sharing of statistics.

In relation to an item on the Forum's workplan expressing concern over the workload of Aberdeen City's only Licensing Standards Officer, Mr Anderson explained that this item was outwith the remit of the Board. The joint meeting did express concern about this but conceded that the only appropriate action the Board could pursue would be to approach the Council with their concerns.

ADDRESSING THE 5 LICENSING OBJECTIVES

5. The joint meeting then turned to discuss the ways in which the Board were seeking to address the 5 Licensing objectives as set out in the Licensing (Scotland) Act 2005.

Mr Anderson advised the joint meeting that the decisions of the Licensing Board have to be on certain grounds. The grounds of refusal are based on the 5 objectives. In relation to the Health objective (Protecting and Improving Public Health), Mr Anderson conceded that this has been difficult to incorporate in practice in the past, but hopefully the new act will address this with appropriate guidance.

It was felt by the Forum that the Board could take a more focused approach to health issues, perhaps using hospital admission and ambulance call-out statistics to identify hotspots.

In conclusion, Councillor Jaffrey reminded the joint meeting that all Licensing Board meetings are open to the public. The Forum asked to be advised of future Board meetings so that they would be able to attend.

NUMBER OF REVIEW HEARINGS

6. In relation to this item, Mr Anderson advised that, with regards to premises licenses, there had been 9 to date (more comprehensive procedure). With regards to personal licenses, it was advised that it was difficult to garner a figure due to them usually being contained within Board meetings. Mr Anderson advised that there were usually 1 or 2 at each meeting. He concluded by stating that the Forum are more than welcome to contact his office to find out this information.

PREVENTION OF VIOLENT BEHAVIOUR/CRITERIA USED IN DETERMINING LICENSES/STATISTICAL INFORMATION/UNDERSTANDING OF NIGHT TIME ECONOMY

7. The Forum stated that there were concerned about the disposal of review hearings leading to an image or message of reduced standards from the Board. The Board sympathised but reiterated that they can only act on the evidence before them so that they are able to justify any action taken.

The joint meeting discussed issues regarding people hanging around in the streets after closing time, late night food establishments, and statistics on serious and minor assaults. In summary, Inspector John Soutar advised the joint meeting that serious assaults are at a 5yr low while minor assaults are at a 5yr high. He suggested that this may be because premises now feel more comfortable reporting minor assaults to the police. Hopefully, this will lead to further reductions in serious assaults as more are reported and charged.

It was advised that, as per the Criminal Justice Act, personal licence holders can now be reported to the Board before conviction. This should have a considerable impact moving forward.

There was further discussion regarding statistics including the formulation of a 'report card' of key performance indicators which could be the basis for future joint meetings.

Articles 8, 9 and 10 were also discussed at this time.

ANY OTHER COMPETENT BUSINESS

11. Brought to the table by Arthur Mustard on behalf of UNIGHT was the issue regarding occasional extensions specifically for events such as Halloween, Monday holidays etc. Mr Anderson advised the joint meeting that the policy covered Christmas, Hogmanay and the 4 local holidays as standard. For any other occasions which UNIGHT felt were important and not covered, they should write to the Board to request an extension.

Councillor Donnelly extended his thanks to the Licensing staff on behalf of the Licensing Board and hoped that the Forum felt the same. Sandy Kelman agreed and extended the Forum's thanks also while advising that it was the Forum's role to ask the difficult questions and hopefully the Forum and the Board can continue to work together.

NEXT MEETING

12. It was confirmed that the next joint meeting between the Licensing Board and the Licensing Forum would take place in approximately six months time and that the Forum would be consulted on a date and time in due course.

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Public Document Pack Agenda Item 3



To: Councillor Jaffrey, Convener; and Councillors Boulton, Clark, Cormie, Donnelly, Hunter, Penny, Robertson and Young.

Town House,
ABERDEEN 03 November 2010

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in on **TUESDAY 16 NOVEMBER 2010 at 9.30am for 10.30 am.**

Jane G MacEachran
Clerk to the Licensing Board

BUSINESS

- 1 **List of Applications - Items 1-28** (Pages 1 - 12)
- 2 **Application for Premises Licence - Aberdeen Grammar Former Pupils' Club**
- 3 **Notice of Convictions - Personal Licence No. AC2018** (Pages 13 - 14)
- 4 **Review of Statement of Licensing Policy 2010 - 2013**
- Report by Clerk of the Board (papers to follow)

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

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ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

New Grant(s)	Premises	Applicant	Date Received	Comments
1	384-386 GREAT NORTHERN ROAD 384-386 GREAT NORTHERN ROAD ABERDEEN AB24 2AX	PIOTR SERAFIN LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	2 September 2010	General convenience store located on the ground floor of a tenement block.
2	DENMORE SZECHUAN UNIT 19 MURCAR INDUSTRIAL ESTATE DENMORE ROAD BRIDGE OF DON ABERDEEN	FONG SAM CHAN C/O GRANT SMITH LAW PRACTICE AMICABLE HOUSE 252 UNION STREET ABERDEEN AB10 1TN	18 August 2010	Restaurant and takeaway offering receptions, recorded music and indoor/outdoor sports.
3	GURKHA CHEF 5 PALMERSTON ROAD ABERDEEN AB11 5QP	GURKHA CHEF (ABERDEEN) LTD C/O GRANT SMITH LAW PRACTICE AMICABLE HOUSE 252 UNION STREET ABERDEEN AB10 1TN	23 August 2010	The premises is a restaurant specialising in Nepalese and Indian Cuisine located on the ground floor of a larger building which incorporates an existing hotel. The premises is located in a predominantly commercial area. On consumption only . Mon - Sun 11:00 to 00:00

ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

New Grant(s)

Premises	Applicant	Date Received	Comments
4 LANE 9 ABERDEEN SPORTS VILLAGE LINKSFIELD ROAD ABERDEEN AB24 5RU	ABERDEEN SPORTS VILLAGE LTD C/O MCGRIGORS LLP SOLICITORS 141 BOTHWELL STREET GLASGOW G2 7EQ	23 September 2010	Cafe/Snack Bar for meals, tea, coffee, soft drinks and provision of alcohol. Outside drinking facilities. Hospitality Services.

ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
5	SAINSBURY STORE 97-99 ROSEMOUNT PLACE ABERDEEN AB25 2YE	SAINSBURY'S SUPERMARKETS LTD C/O SHEPHERD & WEDDERBURN LLP SOLICITORS 1 EXCHANGE CRESCENT CONFERENCE SQUARE EDINBURGH EH3 8UL	15 September 2010	Supermarket with off sales facility.
6	TESCO EXPRESS 207 HOLBURN STREET ABERDEEN AB10 6BL	TESCO STORES LIMITED C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	12 August 2010	Supermarket with off sales facility.

ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
7 THE SPIDER'S WEB 19 STATION ROAD DYCE ABERDEEN AB21 7BA	THE FIRM OF THE SPIDER'S WEB C/O MR JACK DEMPSTER OLNADALE CRAIGDAM TARVES ABERDEENSHIRE AB41 7NR	23 September 2010	11:00 hrs Sunday opening is sought to cater for customer demand. This is due to many high profile sporting events, either live within the city, or broadcast via Sky TV commencing on or before lunchtime on Sunday. There is also a growing demand for Sunday "brunch" prior to lunchtime. Amendment to operating plan to allow indoor/outdoor sports.
8 ABERDEEN EXHIBITION & CONFERENCE CENTRE PARKWAY EAST BRIDGE OF DON ABERDEEN AB23 8BL	ABERDEEN EXHIBITION & CONFERENCE CENTRE LIMITED C/O STRONACHS SOLICITORS 34 ALBYN PLACE ABERDEEN AB10 1FW	7 June 2010	Addition of off sales from 11:00 to 19:00 on Monday to Saturday and from 12:30 to 19:00 on Sunday.
9 ABERDEEN NORTHERN HOTEL 1 GREAT NORTHERN ROAD ABERDEEN AB24 3PS	GARY ROBERT COX C/O ESSELMONT CAMERON GAULD SOLICITORS 18 CARDEN PLACE ABERDEEN AB10 1UQ	12 August 2010	Extension of opening hours on a Sunday from 12:30 to 11:00.

ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
10 ALDI UNITS 9 & 10 BEACH BOULEVARD RETAIL PARK LINKS ROAD ABERDEEN AB11 5EJ	ALDI STORES LIMITED C/O JOHN BATTERS LICENSING LIMITED SOLICITORS 17 MARINE CRESCENT KINNING PARK GLASGOW G51 1HD	27 September 2010	To increase the size of the alcohol display area to 39.39 sq metres.
10 CAFE DRUMMOND 1 BELMONT STREET ABERDEEN AB10 1JR	ABERDEEN MUSIC AND COLLECTABLES LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	7 September 2010	Operating Plan -Amend opening time on a Sunday to 11:00 (currently 12:30) for provision of alcohol with food. Deletion of reference to small external decking area in description of premises but to continue to include small service café bar. Background music activity outwith core hours changed to "yes". Tidying up of 6(b) relating to terms under which children are allowed entry.

ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
12 COCOA 11-11A MARKET STREET ABERDEEN AB11 5PY	MICASA APARTHOTEL LIMITED C/O ABERDEEN EXCISE LICENCE HOLDERS ASSOCIATION PER J DEMPSTER (SECRETARY) OLNADALE CRAIGDAM TARVES ABERDEENSHIRE	16 August 2010	Requested amendment to children's hours and parts of the premise to which children and young persons will be allowed entry. The Variation is to request an additional two hours in the evening until 22:00. During these additional two hours children would only be allowed in the upstairs Bistro area which does not have a bar and they would at all times be accompanied by their parents or an adult over 18 years of age.
13 COOPERS BAR 43 JOHN STREET ABERDEEN AB25 1LN	GREENE KING BREWING & RETAILING LIMITED C/O BELHAVEN PUBS LICENSING TEAM ATRIUM HOUSE 6 BACK WALK STIRLING FK8 2QA	23 August 2010	Changes to Operating Plan Question 2 - amend commencement for on and off sales on Sunday to 10:00 (currently 12:30). Amend terminal hour for on sales on Tuesday to 23:00 (currently 22:00) to accommodate Dart League. Question 5(c) - amend Activity Indoor/Outdoor Sports to 'Yes' outwith core hours to accommodate the Dart League.

ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
14 COSTCUTTER 823 GREAT NORTHERN ROAD ABERDEEN AB24 2BR	MESSRS M & S BASHEER C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	16 August 2010	Extension to alcohol display shelving and increase in capacity.
15 MCNASTY'S 37 SUMMER STREET ABERDEEN AB10 1SB	BOOKTWIN LIMITED C/O RAEBURN CHRISTIE CLARK & WALLACE SOLICITORS 12-16 ALBYN PLACE ABERDEEN AB10 1PS	25 August 2010	Amendment to Sunday opening hours for consumption both on and off the premises. Current opening 12:30, seeks to open from 11:00
16 NORWOOD HALL HOTEL GARTHDEE ROAD CULTS ABERDEEN AB15 9FX	MONUMENT LEISURE LIMITED C/O LORNA MURRAY SOLICITOR 45 CULDUTHEL ROAD INVERNESS IV2 4HQ	18 August 2010	Increase to capacity, variation of layout to incorporate bedroom extension, conference centre and crush hall. Terminal of 01:00 for private functions only to extend to the crush hall.

ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
17 REVOLUTION 25 BELMONT STREET ABERDEEN AB10 1JS	INVENTIVE LEISURE SERVICES LIMITED C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW G20 6NB	23 September 2010	The area to which Children/Young Persons are admitted in the lower ground floor has been extended slightly as a result of the bar counter being shortened. This has also increased the occupant capacity to 408.
SPIRIT LEVEL 24 EXCHANGE STREET ABERDEEN AB11 6PH	DAVID TAYLOR C/O ABERDEEN EXCISE LICENCE HOLDERS ASSOCIATION PER J DEMPSTER (SECRETARY) OLNADALE CRAIGDAM TARVES ABERDEENSHIRE	1 September 2010	11:00 opening on Sunday mornings is requested due to customer demand. This is to enable viewing of sporting events, usually via SKY TV, who are showing these events prior to 12:30.
19 THE ARCHIBALD SIMPSON 5 CASTLE STREET ABERDEEN AB11 5BQ	J D WETHERSPOON PLC C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW G20 6NB	22 September 2010	To vary the commencement time of the core licensed hours for both on and off sales on a Sunday to 11:00 hrs.

ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
20 THE GORDON HOTEL WELLINGTON ROAD ABERDEEN AB12 4GH	GREENE KING BREWING & RETAILING LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	9 September 2010	Major refurbishment and upgrade. Public bar and lounge bar replaced by large restaurant.Old public bar replaced by indoor children's play area with outdoor facility.
21 THE GRANITE CITY ABERDEEN AIRPORT DYCE ABERDEEN AB21 7DU	J D WETHERSPOON PLC C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW G20 6NB	22 September 2010	To vary the commencement time of the core licensed hours for on sales on a Sunday to 09:00 hrs (currently 12:30)
22 THE NEW ALBYN 11 ALBYN PLACE ABERDEEN AB10 1YE	VERASE LIMITED C/O PAULL & WILLIAMSONS LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	9 September 2010	Change to Operating Plan Core times for on-sales on a Sunday to commence at 11:00 instead of 12:30.
23 THE THISTLE BAR 70 HUTCHEON STREET ABERDEEN AB25 3TB	RONALD MAIN GAMMACK C/O LEDINGHAM CHALMERS LLP SOLICITORS JOHNSTONE HOUSE 52-54 ROSE STREET ABERDEEN AB10 1HA	23 August 2010	Change to Operating Plan Question 2 - amend the opening time on a Sunday for on-sale from 12:30 to 11:00.

ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
24 WILD BOAR 19 BELMONT STREET ABERDEEN AB10 1JR	GREENE KING BREWING & RETAILING LIMITED C/O BELHAVEN PUBS LICENSING TEAM ATRIUM HOUSE 6 BACK WALK STIRLING FK8 2QA	23 August 2010	Amend local condition for Door Supervisors to be applicable only on Fridays and Saturdays. Effectively the applicant is requesting the condition to be removed to allow them to trade Sunday to Thursday inclusive without Door Supervisors.
WILSON'S SPORTS BAR 19 MARKET STREET ABERDEEN AB11 5PX	WILSON'S SPORTS BAR (A FIRM) C/O PAULL & WILLIAMSONS LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	3 September 2010	Change to Operating Plan Amendment to core times for on and off sale consumption on a Sunday to commence at 11:00 instead of 12:30.

ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Personal Licence(s)

Premises

Applicant

Date Received

Comments

26

EMMA LAWSON

13 September 2010

ABERDEEN CITY LICENSING BOARD

Meeting 16 November 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Gambling Act 2005

Betting (Other) - Variation(s)

Premises	Applicant	Date Received	Comments
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27 WILLIAM HILL
29 VICTORIA ROAD
ABERDEEN
AB11 9LS

WILLIAM HILL

20 September 2010

28 WILLIAM HILL
78-80 HOLBURN STREET
ABERDEEN
AB10 6BY

WILLIAM HILL

20 September 2010

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LICENSING BOARD

ABERDEEN: Tuesday, 16 November 2010 Minute of Meeting of the LICENSING BOARD. Present:- Councillor Jaffrey, Convener; and Councillors Boulton, Clark, Cormie, Donnelly, Hunter, Penny and Robertson.

1 LIST OF APPLICATIONS - ITEMS 1-28

Items 1-28 see marked copy agenda.

LICENSING BOARD
16 November 2010

ABERDEEN CITY LICENSING BOARD LICENSING BOARD

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MEETING, 16 NOVEMBER 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

New Grant(s)			
Premises	Applicant	Date Received	Decision
1 DENMORE SZECHUAN UNIT 19 MURCAR INDUSTRIAL ESTATE DENMORE ROAD BRIDGE OF DON ABERDEEN	FONG SAM CHAN C/O GRANT SMITH LAW PRACTICE AMICABLE HOUSE 252 UNION STREET ABERDEEN AB10 1TN	18 August 2010	Granted Local Condition(s).
2 GURKHA CHEF 5 PALMERSTON ROAD ABERDEEN AB11 5QP	GURKHA CHEF (ABERDEEN) LTD C/O GRANT SMITH LAW PRACTICE AMICABLE HOUSE 252 UNION STREET ABERDEEN AB10 1TN	23 August 2010	Continued
3 LANE 9 ABERDEEN SPORTS VILLAGE LINKSFIELD ROAD ABERDEEN AB24 5RU	ABERDEEN SPORTS VILLAGE LTD C/O MCGRIGORS LLP SOLICITORS 141 BOTHWELL STREET GLASGOW G2 7EQ	23 September 2010	Granted Local Condition(s).

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ABERDEEN CITY LICENSING BOARD LICENSING BOARD

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Licensing (Scotland) Act 2005

List of Decisions

New Grant(s)			
Premises	Applicant	Date Received	Decision
4 384-386 GREAT NORTHERN ROAD 384-386 GREAT NORTHERN ROAD ABERDEEN AB24 2AX	PIOTR SERAFIN LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 8YQ	2 September 2010	Granted Local Condition(s).

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ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 16 NOVEMBER 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Provisional(s)			
Premises	Applicant	Date Received	Decision
5 SAINSBURY STORE 97-99 ROSEMOUNT PLACE ABERDEEN AB25 2YE	SAINSBURY'S SUPERMARKETS LTD C/O SHEPHERD & WEDDERBURN LLP SOLICITORS 1 EXCHANGE CRESCENT CONFERENCE SQUARE EDINBURGH	15 September 2010	Granted
6 TESCO EXPRESS 207 HOLBURN STREET ABERDEEN AB10 6BL	TESCO STORES LIMITED C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	12 August 2010	Granted

LICENSING BOARD

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ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 16 NOVEMBER 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)			
Premises	Applicant	Date Received	Decision
7 THE SPIDER'S WEB 19 STATION ROAD DYCE ABERDEEN AB21 7BA	THE FIRM OF THE SPIDER'S WEB C/O MR JACK DEMPSTER OLNADALE CRAIGDAM TARVES ABERDEENSHIRE	23 September 2010	Granted
8 ABERDEEN EXHIBITION & CONFERENCE CENTRE PARKWAY EAST BRIDGE OF DON ABERDEEN AB23 8BL	ABERDEEN EXHIBITION & CONFERENCE CENTRE LIMITED C/O STRONACHS SOLICITORS 34 ALBYN PLACE ABERDEEN	7 June 2010	Granted
9 ABERDEEN NORTHERN HOTEL 1 GREAT NORTHERN ROAD ABERDEEN AB24 3PS	GARY ROBERT COX C/O ESSEMONT CAMERON GAULD SOLICITORS 18 CARDEN PLACE ABERDEEN AB10 1UQ	12 August 2010	Granted

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MEETING, 16 NOVEMBER 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)			
Premises	Applicant	Date Received	Decision
10 ALDI UNITS 9 & 10 BEACH BOULEVARD RETAIL PARK LINKS ROAD ABERDEEN AB11 5EJ	ALDI STORES LIMITED C/O JOHN BATTERS LICENSING LIMITED SOLICITORS 17 MARINE CRESCENT KINNING PARK	27 September 2010	Granted
11 CAFE DRUMMOND 1 BELMONT STREET ABERDEEN AB10 1JR	ABERDEEN MUSIC AND COLLECTABLES LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN	7 September 2010	Granted
12 COCOA 11-11A MARKET STREET ABERDEEN AB11 5PY	MICASA APARTHOTEL LIMITED C/O ABERDEEN EXCISE LICENCE HOLDERS ASSOCIATION PER J DEMPSTER (SECRETARY) OLNADALE CRAIGDAM	16 August 2010	Granted

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ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 16 NOVEMBER 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)			
Premises	Applicant	Date Received	Decision
13 COOPERS BAR 43 JOHN STREET ABERDEEN AB25 1LN	GREENE KING BREWING & RETAILING LIMITED C/O BELHAVEN PUBS LICENSING TEAM ATRIUM HOUSE 6 BACK WALK	23 August 2010	Granted
14 COSTCUTTER 823 GREAT NORTHERN ROAD ABERDEEN AB24 2BR	MESSRS M & S BASHEER C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	16 August 2010	Granted
15 MCNASTY'S 37 SUMMER STREET ABERDEEN AB10 1SB	BOOKTWIN LIMITED C/O RAEBURN CHRISTIE CLARK & WALLACE SOLICITORS 12-16 ALBYN PLACE ABERDEEN	25 August 2010	Granted

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ABERDEEN CITY LICENSING BOARD LICENSING BOARD

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Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)			
Premises	Applicant	Date Received	Decision
16 NORWOOD HALL HOTEL GARTHDEE ROAD CULTS ABERDEEN AB15 9FX	MONUMENT LEISURE LIMITED C/O LORNA MURRAY SOLICITOR 45 CULDUTHEL ROAD INVERNESS IV2 4HQ	18 August 2010	Granted
17 REVOLUTION 25 BELMONT STREET ABERDEEN AB10 1JS	INVENTIVE LEISURE SERVICES LIMITED C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET	23 September 2010	Granted
18 SPIRIT LEVEL 24 EXCHANGE STREET ABERDEEN AB11 6PH	DAVID TAYLOR C/O ABERDEEN EXCISE LICENCE HOLDERS ASSOCIATION PER J DEMPSTER (SECRETARY) OLNADALE CRAIGDAM	1 September 2010	Granted

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ABERDEEN CITY LICENSING BOARD LICENSING BOARD

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Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)			
Premises	Applicant	Date Received	Decision
19 THE ARCHIBALD SIMPSON 5 CASTLE STREET ABERDEEN AB11 5BQ	J D WETHERSPOON PLC C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW	22 September 2010	Granted
20 THE GORDON HOTEL WELLINGTON ROAD ABERDEEN AB12 4GH	GREENE KING BREWING & RETAILING LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN	9 September 2010	Granted
21 THE GRANITE CITY ABERDEEN AIRPORT DYCE ABERDEEN AB21 7DU	J D WETHERSPOON PLC C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW	22 September 2010	Granted

LICENSING BOARD
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ABERDEEN CITY LICENSING BOARD LICENSING BOARD

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Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)			
Premises	Applicant	Date Received	Decision
22 THE NEW ALBYN 11 ALBYN PLACE ABERDEEN AB10 1YE	VERASE LIMITED C/O PAULL & WILLIAMSONS LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN	9 September 2010	Granted
23 THE THISTLE BAR 70 HUTCHEON STREET ABERDEEN AB25 3TB	RONALD MAIN GAMMACK C/O LEDINGHAM CHALMERS LLP SOLICITORS JOHNSTONE HOUSE 52-54 ROSE STREET ABERDEEN	23 August 2010	Granted
24 WILD BOAR 19 BELMONT STREET ABERDEEN AB10 1JR	GREENE KING BREWING & RETAILING LIMITED C/O BELHAVEN PUBS LICENSING TEAM ATRIUM HOUSE 6 BACK WALK	23 August 2010	Refused - Section 32 Approved

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Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)			
Premises	Applicant	Date Received	Decision
25 WILSON'S SPORTS BAR 19 MARKET STREET ABERDEEN AB11 5PX	WILSON'S SPORTS BAR (A FIRM) C/O PAULL & WILLIAMSONS LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN	3 September 2010	Granted

LICENSING BOARD
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ABERDEEN CITY LICENSING BOARD LICENSING BOARD				<i>Page: 11</i>
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Licensing (Scotland) Act 2005				
List of Decisions				
Personal Licence(s)				
Premises	Applicant	Date Received	Decision	
<hr/>				
26	EMMA LAWSON	13 September 2010	Granted on 16/11/2010	

LICENSING BOARD
16 November 2010

ABERDEEN CITY LICENSING BOARD LICENSING BOARD			
<i>Page: 12</i>			
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Gambling Act 2005			
List of Decisions			
Betting (Other) - Variation(s)			
Premises	Applicant	Date Received	Decision
27 WILLIAM HILL 29 VICTORIA ROAD ABERDEEN AB11 9LS	WILLIAM HILL	20 September 2010	Granted
28 WILLIAM HILL 78-80 HOLBURN STREET ABERDEEN AB10 6BY	WILLIAM HILL	20 September 2010	Granted

2 APPLICATION FOR PREMISES LICENCE - ABERDEEN GRAMMAR FORMER PUPILS' CLUB

With reference to the Licensing Board's meeting of 30 June 2009 wherein the Board, in granting the premises licence for Aberdeen Grammar Former Pupils' Club, invoked the terms of Article 17(5) of The Licensing (Transitional and Saving Provisions) (Scotland) Act 2007 [SSI 2007/454] which states that where the Board was minded to refuse the application in terms of paragraph (d) of section 23(5) of the Act but would not be so minded if certain modifications were made to the character and condition of the premises, the Board is to grant the application and, following a period of 12 months, is to hold a hearing where it may decide that the modifications have been made, the Board this day held the hearing.

It was confirmed to the Board that the required modifications had been satisfactorily completed.

The Board resolved:

to note the position and determine that no further action was required.

LICENSING BOARD
16 November 2010

3 NOTICE OF CONVICTIONS - PERSONAL LICENCE NO. AC2018

The Board was required to hold a review hearing in terms of section 83(7) of the Act following confirmation by the police that a relevant offence had been committed by the holder of personal licence AC2018.

The Board heard from the licence holder and a representative of the Chief Constable.

The Board resolved:

that it was not necessary for the purposes of the crime prevention objective to make an order under Section 83(9) of the Act.

4 REVIEW OF STATEMENT OF LICENSING POLICY 2010 - 2013

The Board had before it for consideration a report from the Clerk regarding the review of its Statement of Licensing Policy 2010-2013.

The Board resolved to:

endorse its new licensing policy statement and instruct the Clerk to publish the statement by 30 November 2010.

5 REVIEW OF STATEMENT OF LICENSING POLICY - EQUALITY AND HUMAN RIGHTS IMPACT ASSESSMENT

The Board had before it for consideration an EHRIA from the Clerk in relation to its Statement of Licensing Policy 2010-2013.

The Board resolved to:

approve the EHRIA and instruct the Clerk to arrange for the publication assessment.



ABERDEEN CITY COUNCIL

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
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Aberdeen AB10 1AQ

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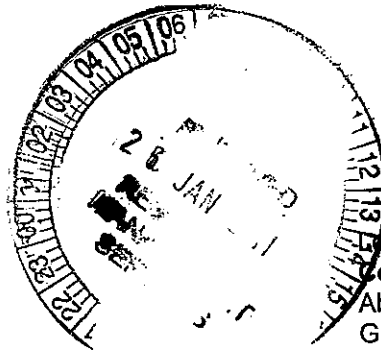
Our Ref. bf/bf3340 9/30/21(c)
Your Ref.
Contact Brenda Flaherty
Email licensing@aberdeencity.gov.uk
Direct Dial 01224 522624
Direct Fax 01224 522491

24th January 2011

Local Licensing Forum
Democratic Services
Town House

FOA Grant Wiseman

not licensing



Dear Sirs

Licensing (Scotland) Act 2005 Review of Statement of Licensing Policy

I refer to the Forum's response to the consultation on the Licensing Board's review of its Statement of Licensing Policy. In terms of section 12 of the 2005 Act, where the Board decides not to follow advice or recommendations given to it by the Forum, it must give reasons for not doing so. Where the Forum makes recommendations it would be helpful if it also explained its reasoning as to why the recommendation has been made. This would assist the Board in its assessment of the recommendation.

The Forum provided two responses. The Board, for a variety of reasons, may elect not to adopt recommendations from the LLF. Failure to adopt advice or recommendations does not mean that the advice or recommendation was without merit.

Response received Summer 2010

The first response from the Forum primarily consists of a series of statements. With regard to the few specific comments raised by the Forum, the response from the Board is as follows:

In respect of the report 'Licensing Law and the Public Health Objective' produced in August 2008:

1. Page 28 states that only a small number of Boards link within their public health section an encouragement to provide food on the premises:

Response: See para 27.8 of the Policy Statement which provides that 'applicants are encouraged to provide food on the premises, so that patrons may eat at the same time as consuming alcohol if they wish'.

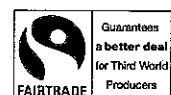
2. Page 28 states that only a small number of Boards link within their public health section a requirement for adequate ventilation and sanitary provision.

Response: These matters are dealt with under other legislation and therefore are outwith the Board's remit.



STEWART CARRUTH

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3. A small number of Boards request the provision of free tap water for drinking.

Response: The provision of free tap water fit for drinking is a mandatory condition of a premises licence therefore there is no need to make reference to this in the Policy Statement.

4. The same report suggests that Boards undertake Health Impact Assessments. It is noted that Glasgow Licensing Board has undertaken such an assessment.

Response: at the present time Aberdeen City Licensing Board is not in a position to undertake such an assessment. There are however many initiatives which the Board is taking forward in partnership with other organisations and the licensed trade which contribute to the licensing objectives and which in turn should have a domino effect on public health.

5. With regard to the letter from Gary Cox (Scottish Government) dated 4 April 2007: Paragraph 102 of that letter states the legal position in relation to review of premises licences.

Response: Paragraph 10 of the Policy Statement covers the review of premises licences.

6. It is noted that paragraph 193 of the Guidance makes reference to Closure Orders and that the Policy Statement makes no reference to them.

Response: The Board's view is that there is no need to make reference to these Orders in its Policy Statement. The issue of Closure Orders is clearly provided for in the 2005 Act and is a legislative rather than a policy issue.

7. The Forum asks the Board to take the opportunity to canvass views from economic development bodies and tourism bodies as well as the trade if it has not already done so.

Response: The consultation process undertaken by the Board was very wide. This recommendation is noted for future reference.

8. The Forum suggests that the Board might like to reflect in the Policy Statement its position with regard to the decision of the Glasgow Board refusing variation applications from large supermarkets to increase capacity of alcohol displays.

Response: Any decisions taken by other Licensing Boards must be treated with caution as such decisions may reflect the position in an area which may be quite different to Aberdeen. In any event Glasgow Licensing Board has since changed its position on this issue.

9. With regard to the publication 'Licensing for Public Health' and page 11 'Developing a Licensing Strategy to Promote and Protect Public Health' the Forum recommends that the Board considers producing such a strategy.

Response: This issue cannot be considered in terms of the current review of the Statement of Licensing Policy as it requires further discussion. Perhaps the Forum would wish to consider this matter in greater depth and advise the Board how it should proceed and what should be considered in terms of such a strategy?

10. Re the 'Licensing Toolkit' produced by Alcohol Concern and the recommendation that the Board accesses statistical data from the Alcohol and Drugs Partnership:

Response: This issue cannot be considered in terms of the current review of the Statement of Licensing Policy as it requires further discussion. Perhaps the Forum could explain in greater detail how such information could be used in practice and what benefit it thinks can be derived from the outcome?

11. The Forum suggests that the Board lists the tasks/actions that it has endorsed in relation to the Aberdeen Alcohol Strategy 2009-2019

Response: the Board has endorsed the strategy and the policy states this.

Response received 12th October 2010

1) layout of statement

Response: we consider that the layout does refer to the licensing objectives.

2) place licensing objectives earlier in statement

Response: This is a matter of style. Ours follows that adopted by other Licensing Boards

3) specific reference should be made to Aberdeen Alcohol Strategy, Licensing for Public Health (June 2009 and considered by LB 15/12/09), Community Safety Partnership Action Plan, Single Outcome Agreement, and input from Social Care and Wellbeing. Also Council Transportation Strategy and Single Equalities Scheme.

Response: The Board does not yet have a single equalities plan to refer to although this is under consideration. Social Care and Wellbeing are consulted on various matters pertaining to the Licensing Board and we would include relevant material as appropriate. Section 2 of the Policy makes reference to this.

4) Misleading to call Section 13 Enforcement & Licensing Standards Officers. Should have separate section on role of Licensing Standards Officers as their role is more than enforcement.

Response: Again this is a matter of style. In practice the Licensing Standards Officer's role is mainly enforcement.

5) Add a contacts section.

Response: there has always been a contacts section at the beginning of the document. It is contained in the preamble and has been updated.

6) add glossary of terms or a briefing paper explaining different remits and functions of Licensing Board, Committee and Local Licensing Forum

Response: We do not consider this to be necessary. The Licensing Committee is not involved in liquor licensing matters. Applicants to the Board, by definition should understand the role of the Board. We can add a section of the role of the Local Licensing Forum at a future review if Board Members think it desirable.

7) Use publicity about the Policy to have an alcohol awareness campaign

Response: the Board has no resources of any kind to launch a public awareness campaign (presumably on the misuse of alcohol). It is not part of the Board's judicial function to do this.

8) Add procedures to assist the public to make objections/representations. Add complaints procedure eg what triggers a licence review.

Response: The neighbour notification and display notices give details of how to object or make representation to the Board. The Board is not in a position to say what triggers a review of a licence. "Any person" can complain to the Board and trigger a review on any relevant issue. In these circumstances the complainer should be taking independent legal advice. The Board has an independent judicial role in review hearings and it would be inappropriate for it to give advice to a party on an issue it would later be adjudicating on.

9) add section on monitoring and evaluation of policy itself and Licensing Board's contribution to other strategies.

Response: the Board reviews the policy as necessary and issues supplementary policies as appropriate.

10) 10.4 & 25.7 of the policy regarding Door Supervisors should have their role expanded and discussed in context of risk assessment on employee safety and ratio to occupancy capacity

Response: Occupancy capacity is for the purpose of calculating overprovision only and the policy states this. The Board has discussed this issue and is of the opinion that it is too complex and variable to be enforceable as a policy decision. The Board has no power to insist upon risk assessments from licence holders with regard to their employees in licensed premises.

11) Section 11 review of premises licence - state what triggers a review and relevant grounds.

Response: the relevant grounds for review are contained in the Act and therefore need not be replicated in the Policy. See also Response 8.

12) Section 2.6 mentions Aberdeen Alcohol Strategy and Alcohol and Drugs Partnership + community safety

Response This has been included in the Policy.

13) Section 2.8 expand. Licensing Board to offer advice/ make recommendations to other bodies and invite them to take action or explain why they have not done so.

Response: We do not fully understand this point. The Board relies on other experts to give it advice eg building standards, environmental health. These bodies have their own enforcement regimes and will make their own decisions as to what actions are appropriate or otherwise in terms of their own remits. If the Board has concerns it will always draw these to the attention of its advisers. We consider that section 2.8 deals adequately with this point.

14) Section 2.10 delete ref to planning permission.

Response We are unsure what is meant here. We consider that section 2.10 is giving procedural advice to an applicant.

15) Section 6.3 reword to confirm model conditions adopted and state they are to have equivalent of statutory status. Attach conditions to policy.

Response local conditions are now spelt out in Policy. We do not have any model conditions.

16) Section 8.1 Licensing Board assessing application against licensing objectives should be more positive. Test should be does application promotes licensing objectives.

Response the Board do test applications against the licensing objectives when they call before it, and have refused applications as not promoting the objectives when Members consider it necessary.

17) Section 9.6 explain what evidenced complaints are and not just regarding overprovision. Clarify if a member of the public can trigger a complaint.

Response See response 8.

18) Section 22.5 – add a recommended template for risk assessments.

Response: the Board has no power to do this.

19) Section 25.3 – what are relevant representations? Add assurance re monitoring/review of compliance with licence conditions and operating plan.

Response Monitoring is an ongoing joint role undertaken by the police, the Licensing Standards Officer and the Licensing Team.

20) Section 20.10 – change heading as refers to more than hours of trading. Working Group for dispersal

Response: headings have been changed. There have been numerous attempts over the years to devise a strategy for dispersal of patrons from licensed premises and many initiatives have been instigated eg night time taxi ranks, taxi marshals, police operations, street pastors. The Council is constantly striving to address this which in any case is a corporate issue and not just one for the Board to solve. We do not see what yet another group will achieve in this area.

21) Adopt similar to Edinburgh's policy condition re ATMs.

Response This has not been brought to the attention of the Board hitherto. We are not aware of any licensed premises (apart from supermarkets) which have ATMs and we do not consider this to be an issue which requires a policy to be formulated.

22) Licensing Board to consider its position regarding food & non alcoholic drinks if Dundee wins its case.

Response The Board will take cognisance of any relevant legal precedent.

23) Establish a working group to devise a comprehensive solution to crowd dispersal in city centre at weekends.

Response See response 20.

24) Include conditions on pavement cafes and the Board's own position on irresponsible drinks promotions as per Dundee.

Response Pavement cafes, if licensed, may have conditions attached by the Licensing Board on a case by case basis. However, most are unlicensed, the permit being granted by the Council (Roads) and consumption of alcohol being allowed on an off sale basis only. Irresponsible Alcohol promotions – these are set out in the Act. Guidance is required from the Government where new types of promotion challenge the provisions. The Dundee Licensing Board has now lost its court case on irresponsible promotions.

25) Expand the policy to reflect Dumfries and Galloway policy

Response It is presumed that Dumfries and Galloway have specific issues they wish to address and have included these in their policy as a result. Should any

issues be drawn to our attention as problems specific to Aberdeen, they will be addressed in future statements.

26) address multiple audiences including citizens who want reassurance the licensing objectives are given prominence in decision making. Add Dumfries & Galloway statement of intent. See response doc.

Response (a) this matter may be better addressed when considering the terms of the Social Responsibility Levy which will be introduced later this year in the Alcohol etc Act 2010, following an extensive consultation by the Scottish Government.

(b) we consider this to be out with the remit of the Board.

(c) This appears to be a statement rather than a recommendation. The Board already takes a multi agency approach to matters within its remit.

Thank you for responding to the consultation.

Yours faithfully



Brenda Flaherty
Legal Manager
Licensing Team

ABERDEEN LOCAL LICENSING FORUM

WORKPLAN AS AT DECEMBER, 2010

Licensing Objectives (for reference) –

- (1) Preventing Crime and Disorder,
- (2) Securing Public Safety,
- (3) Preventing Public Nuisance,
- (4) Protecting and Improving Public Health, and
- (5) Protecting Children from Harm.

Remit of Local Licensing Forums as set out in the Licensing (Scotland) Act 2005 – keeping under review the operation of the Act in the Forum's area and in particular the exercise by the Licensing Board of their functions including giving advice and making recommendations to the Board in relation to those matters where the Forum considers it appropriate. The Act does not enable a Forum to review or give advice or make recommendations in relation to the exercise by a Board of their function in relation to a particular case. "Case" is taken to mean an application before a Board and in the interests of natural justice is also taken to mean individual licensed premises. The preferred route for consideration of complaints about the running of licensed premises is to write directly to the Clerk or Depute Clerk to the Licensing Board.

The Licensing (Scotland) Act 2005 requires Licensing Boards in exercising any of their functions to have regard to any advice given or recommendations made to them by a Local Licensing Forum and where the Board decides not to follow the advice or recommendation to give the Forum reasons for that decision, the Board must provide copies of relevant statistical information to the Forum as it may reasonably require for the purposes of its general functions.

Licensing Standards Officers have a general function of providing to interested persons information and guidance concerning the operation of the Act, supervising compliance with the Act and the conditions of their licences by holders of Premises Licences and Occasional Licences and mediate between communities and the trade or between any two parties where there is a need to resolve a local problem and develop a local solution. LSOs do not act as "policemen" with regard to licensing but they will liaise with the police and other relevant officials such as Environmental Health Officers in pursuit of the objectives of the Act.

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
(1)	Find out from communities what are their areas of concern	Issues raised by Community Councils, etc have been considered by the Forum and where appropriate action has been taken to make further enquiries. The Forum will await any further referrals from Community Councils or individuals.		
(2)	Improve intelligence in relation to statutory bodies.	The Forum is gaining experience as it considers topics and input from Forum members who are representatives of relevant agencies. The Forum has been represented at conferences and training events and will continue to do so.		
(3)	To receive reports from the Licensing Board containing relevant statistical information.	031110 – In discussion with Clerk to Licensing Board, sections 12 and 6(5) were cited as grounds to refuse statistical information being provided to the Forum.		
(4)	To request an outline from the Licensing Board on measures it will employ to ensure compliance with the five	An assurance has been given by the Board at the second joint meeting with the Forum that the current Licensing Policy makes		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
	<p>licensing objectives.</p> <p>This is being addressed as part of the review of the Statement of Licensing Policy.</p>	<p>appropriate references to the objectives. At the joint meeting with the Board on 23/4/10 it was confirmed that it will continue to monitor statistical trends in relation to crime and if possible health and other indicators in order to evaluate contributions to the achievement of the licensing objectives.</p>		
(5)	Public Safety in the City Centre	<p>Safer Aberdeen Forum Action Plan was circulated at last meeting (09/09/10) and is on agenda. Forum is asked to note information.</p> <p>For Removal</p>		
(6)	Late Night Bus Services	<p>A paper will be presented to Enterprise, Planning and Infrastructure on 9/11/10. An update has been provided.</p> <p>Leave on for future updates</p>		
(7)	Staffing Levels – the Forum and the Sub-Committee noted that Aberdeen is the only city in Scotland to employ only one Licensing Standards Officer. Although information on staffing levels elsewhere in Scotland may be out-of-date there is no	<p>A response to the issues raised was received on behalf of the relevant Head of Service (Housing and Environment) in the City Council. The views of the Clerk to the Licensing Board were also sought. It was agreed it would be premature</p>		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
	<p>doubt the majority of local authority areas employ more than one Licensing Standards Officer.</p> <p>The Forum at its meeting on 25/2/10 noted the response set out in this Plan but agreed to write to the Chief Executive of the City Council now seeking her views on increasing the establishment of Licensing Standard Officers.</p> <p>The Chief Executive has asked the Director of Housing and Environment to reply to the Forum and thanked the Forum for drawing this matter to her attention.</p>	<p>to formally request the Forum to write to the Chief Executive of the City Council requesting an increase in the number of Licensing Standards Officers employed by the City Council. The professional opinion is that as the Licensing (Scotland) Act 2005 has only been operational since 1/9/09, it is too soon to accurately assess workload. It is anticipated that demand for advice will decline and from experience in dealing with the trade there is evidence of a high level of co-operation and willingness to comply. The officers concerned have given a commitment to review the position to decide whether or not to prepare a business case to support a request for additional staff resources. Meantime the Forum is asked to note that in addition to the Licensing Standards Officer one other officer has been trained in the Licensing Act duties. During 2010 more of his time will be freed up to undertake some of the duties. Other staff have also received elements of LSO training and</p>		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
		<p>this should facilitate a more proactive approach in relation to visiting licensed premises. The LSO's Line Manager will continue to monitor her workload which is standard Council practice. Raised with the Board at the joint meeting of 011210, who advised that the appropriate action would be for them to raise concerns with Council.</p> <p>Ongoing</p>		

ACTIONS FOR LICENSING FORUM IN

ALCOHOL STRATEGY 2009 – 2019 AND IN ALCOHOL RELATED DISORDER IN THE CITY CENTRE ACTION PLAN

- (1) Reducing Consumption – The Licensing Board will consult widely on specific measures to deliver and enhance their policy including receiving advice from the Licensing Forum.

- (2) Prevention (a) – Encouraging developments to increase access to food and non-alcoholic drinks in clubs and the licensed premises at night in liaison with Unight, the Licensing Board and City Centre/Safer Aberdeen Forum.
- (3) Prevention (b) – Review to establish how a more preventative approach to over-consumption of alcohol can be devised in partnership between the Licensing Board and the trade.
- (4) Prevention (c) – Attract different types of premises to offer family orientated entertainment such as late night coffee shops, cafes, etc. in liaison with the Licensing Board, Unight, Safer Aberdeen Forum and Economic Development staff.

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Community Representation

With reference to article 1 of the minute of the joint meeting between the Licensing Board and the Local Licensing Forum of 1 December 2010, it was noted that further discussion was required by the Forum with regards to extending their engagement with the community. One part of this issue is included as a standing item on the Forum's workplan. Item 1 states that we will "Find out from communities what are their areas of concern". This may involve re-engaging with Community Councils across Aberdeen.

Another aspect of this item involves the scope of community representation in the membership of the Forum. At present, the Aberdeen University Student Association have a vacant spot on the Forum. Last October, the Clerk to the Licensing Forum contacted Aberdeen University Student Association to advise them of this. It was noted that Aberdeen University and Robert Gordon's University normally share this spot and it was the turn of a representative of Robert Gordon's to attend for this term. As such, Aberdeen University Student Association forwarded on the Forum's details to Robert Gordon's. At present, we haven't received a response from Robert Gordon's University.

It is recommended that:

- (i) the Forum write to all Community Councils advising them of the Forum's role in licensing and that representation of concerns can be made for discussion at Forum level; and
- (ii) the Forum contact Robert Gordon's University to source an appropriate student representative to fill the vacant spot currently held by Aberdeen University Student Association.

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Extract from the minute of the Enterprise, Planning & Infrastructure Committee of 9 November 2010 in relation to item 6 of the Local Licensing Forum workplan.

NIGHT TIME BUS IMPROVEMENTS – EPI/10/256

20. There had been circulated a report by the Director of Enterprise, Planning and Infrastructure describing emergent proposals under discussion between the Council and public transport operators, proposals designed to improve night-time bus services in Aberdeen by introducing amalgamated bus stop locations (to create fewer dedicated night time stops, to revise stopping times at these locations to minimise potential conflict and maximise passenger numbers, to establish lit pillars and night bus flags on shelters and dedicated stops, to make the stopping places highly visible to customers (these to be lit during operational times, and to be in keeping with the night-time taxi rank pillars), and to establish individualised night-time bus tables at all dedicated stops.

All of this was of course dependent on funding, and expenditure would be greater if possible *extensions* to bus shelters were to be included within the overall plan. Again, the context at the moment was that of continuing discussions with operators, and reports back to Committee were contemplated.

The Committee resolved:-

to request the officials to continue discussions with public transport operators on all of these matters, and to report back in due course.

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