

# Public Document Pack



## 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); 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 5 April, 2011

### LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in Committee Room 5 - Town House on **THURSDAY, 14 APRIL 2011 at 2.00 pm.**

RODERICK MACBEATH  
ACTING SENIOR DEMOCRATIC SERVICES MANAGER

### **BUSINESS**

- 1 Minute of Forum meeting held on 25 February 2011 (Pages 1 - 6)  
Members are advised to note that this meeting was not quorate so all decisions contained within this minute are required to be approved.
- 2 Agenda of Licensing Board meeting of 11 January 2011 (Pages 7 - 48)  
Members are advised to note that the next meeting of the Licensing Board is scheduled for Tuesday, 3 May 2011, at 10:30am in the Town House, Broad Street.

- 3 Review of Statement of Licensing Policy - Response from Licensing Board (Pages 49 - 54)
- 4 Statistical Information
- 5 Update from Licensing Standards Officer
- 6 Workplan (Pages 55 - 60)
- 7 Alcohol Statistics Scotland 2011  
[http://www.alcoholinformation.isdscotland.org/alcohol\\_misuse/files/alcohol\\_stats\\_bulletin\\_2011.pdf](http://www.alcoholinformation.isdscotland.org/alcohol_misuse/files/alcohol_stats_bulletin_2011.pdf)
- 8 Door Stewards - Co-ordination across City Centre
- 9 Drink Deals in Evening Express
- 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, 23 June 2011, at 2pm in the Town House, Broad Street.

Website Address: [www.aberdeencity.gov.uk](http://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](mailto:gwebster@aberdeencity.gov.uk)

# Agenda Item 1

## ABERDEEN LOCAL LICENSING FORUM

Friday, 25 February, 2011

Present: Allan McIntosh, Convener; Ken Eddie, Bob Westlands, Inspector Robert McRobb (substituting for Inspector John Soutar), Sandy Kelman, Tom Cowan, and Diane Sande.

Also Present: Grant Webster, Clerk to the Local Licensing Forum

Apologies: Craig Adams, Derek Murray, Gerard Rattray, Inspector John Soutar, and Linda Smith

**As the meeting was not quorate as per the constitution, the Forum were advised that any decisions made would be deferred to the next meeting for approval.**

### **MINUTE OF FORUM MEETING HELD ON 11 NOVEMBER 2010**

1. The Forum had before it the minute of the meeting held on 11 November 2010.

With reference to Article 9 of the minute of its meeting of 11 November 2011, the Forum discussed the possibility of approaching the Licensing Board to once again raise the issue of minimum pricing. The Alcohol (Scotland) Bill was passed on 10 November, 2010, without plans to bring in minimum alcohol pricing. At the time, the Forum expressed disappointment at this.

#### **The Forum resolved:-**

- (i) to approve the minute, and
- (ii) to approach the deputy clerk to the Licensing Board regarding minimum pricing.

### **MINUTE OF JOINT FORUM/BOARD MEETING HELD ON 1 DECEMBER 2010**

2. The Forum had before it the minute of the joint meeting held on 1 December 2010.

With reference to Article 3 of the minute of the joint meeting of 1 December 2010, confirmation was sought regarding the discussion which focused on door stewards. It was clarified that the lack of door stewards on premises at weekends was posing a risk to staff and customers.

#### **The Forum resolved:-**

to approve the minute, subject to the above clarification being noted.

## **AGENDA AND MINUTE OF LICENSING BOARD MEETING OF 16 NOVEMBER 2010**

3. With reference to Article 4 of the minute of the meeting of 11 November 2010, the Forum had before it a copy of the agenda and minute of the meeting of the Licensing Board of 16 November 2010.

**The Forum resolved:-**

to note the information

## **REVIEW OF STATEMENT OF LICENSING POLICY – RESPONSE FROM LICENSING BOARD**

4. The Forum had before it a letter from Brenda Flaherty, Legal Manager, Licensing Team. In terms of section 12 of the Licensing (Scotland) Act 2005, where the Board decides not to follow advice or recommendations given to it by the Forum, it must give reasons for not doing so. The letter set out the Licensing Board response to the Forums submissions with regards the review of Statement of Licensing Policy.

The Forum queried some of the responses provided and it was decided to defer this item to the next meeting so that the response could be fully analysed.

**The Forum resolved:-**

to defer this item to the next meeting

## **STATISTICAL INFORMATION**

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

Inspector Robert McRobb advised the Forum of various City Centre statistics from the Police. The statistics showed that there had been an increase in counts of people being disorderly on premises (from 56 in 2009/10 to 122 in 2010/11); in counts of people refusing to quit Licensed Premises (from 68 in 2009/10 to 112 in 2010/11); and in counts of people attempting to re-enter premises (from 43 in 2009/10 to 79 in 2010/11). He advised the Forum that this may be due to more proactive work being done by Police and door stewards. He advised the Forum that Inspector John Soutar had recently arranged a meeting with the Police and representatives from security companies where the key message was 'Working Together'.

**The Forum resolved:-**

to note the update given

## **WORKPLAN**

6. 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

## **COMMUNITY REPRESENTATION**

7. With reference to Article 1 of the minute of the joint meeting of 1 December 2010, the Forum had before it a report outlining some methods the Forum could utilise to enhance its community representation.

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

The Forum discussed this item and advised the clerk to contact Charles Lowe, Civic Forum Development Officer, regarding the student representatives on the Civic Forum to see if an invitation to join the Forum could be extended to them.

### **The Forum resolved:-**

- (i) to contact Community Councils with a view of introducing the Licensing Forum to them and outlining its purpose in the licensing process
- (ii) to contact Charles Lowe with a view of extending an invite to the student representatives on the Forum

## **LATE NIGHT BUS SERVICES – AN UPDATE**

8. With reference to Article 4 of the minute of the meeting of 9 September 2010, the Forum had before it an update on the Night Time Bus Improvements in the form of an extract from the minute of the Enterprise, Planning & Infrastructure Committee of 9 November 2010.

The Forum were pleased to note that many of the suggestions they had made at the meeting of 9 September 2010 seemed to have been incorporated into the proposals.

### **The Forum resolved:-**

to note the update.

## UPDATE FROM LICENSING STANDARDS OFFICER

9. The Forum heard an oral update from Diane Sande, Licensing Standards Officer. She informed the Forum that over the last period, 1 September 2010 to 31 January 2011, 15 noise complaints had been received. These ranged from noise caused by smokers etc. outside clubs late at night to loud extractor fans. At present, 2 are still ongoing while 13 have been either resolved or closed. She advised the Forum that there had been 9 night visits to premises in November and 11 compliance notices were issued due to various non-compliance issues and/or breaches of licensing conditions. 9 of these notices were complied with and 2 led to the surrendering of licences. More night visits are planned for March 2011. Finally, Ms. Sande advised the Forum of the outcome of a recent decision by the Sheriff Principal in Dundee to overturn Dundee City Council's censure of a city pub over its drinks discount card.

The pub in question, part of a larger chain, offered discount to holders of a loyalty card. Dundee City Council argued that the scheme contravened licensing laws governing changes in the prices of products, but the Sheriff Principal took the view that this case was not a breach of the 72 hour price variation condition.

**The Forum resolved:-**  
to note the update given.

## ANY OTHER COMPETENT BUSINESS

10. The clerk brought to the attention of the Forum a potential contradiction contained within the constitution. He advised that, in relation to article 5 of the constitution, if any member of the Forum should miss three meetings consecutively, that person will be excluded from membership of the Forum on a permanent basis. In certain circumstances, however, this may cause a 'catch 22' scenario wherein a member may be permanently excluded even when that person is statutorily obliged to attend as per the Licensing (Scotland) Act 2005. He advised the Forum that he was recommending an amendment to the constitution wherein the decision of exclusion from the Forum after missing three consecutive meetings should be placed before the Forum.

Lack of co-ordination across the City Centre regarding door stewards was raised as an issue to be discussed at the next meeting. The Forum discussed this issue briefly and the clerk advised that he would place it on the agenda for next time.

Ken Eddie mentioned the possibility of discussing whether the drinks industry from manufacture to sales should be 'picking up the bill' for health, police and ambulance services involved in the aftermath of alcohol excess. He was advised that the Social Responsibility Levy was currently out for consultation. According to section 10(3) of the Alcohol etc. (Scotland) Bill, the purpose of the levy is to meet or contribute to expenditure incurred by any local authority in furtherance of the licensing objectives with a view to remedy or mitigate any adverse impact on those objectives attributable (directly or indirectly) to the operation of businesses of relevant license-holders in the local authority's area.

Sandy Kelman advised the Forum that the reason the meeting was being held at Summerfield House this time was so that Alcohol and Drugs Partnership (ADP) could show the Forum a presentation. The presentation would have outlined ADP's strategy. Unfortunately, this was unable to occur. However, he advised the Forum that ADP would be holding an event early next summer and the Forum would be invited to attend.

**The Forum resolved:-**

to note the information given and place the appropriate items on the agenda for the next meeting.

**DATE OF NEXT MEETING**

11. It was confirmed that the next meeting of the Forum would be held on Thursday, 14 April, 2011.

- **ALLAN MCINTOSH, Convener**.

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# Public Document Pack Agenda Item 2



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

Town House,  
ABERDEEN 22 December 2010

## LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in The Town and County Hall on **Tuesday, 11 January 2011 at 09:30am for 10:30am (Item 1) and at 2:00pm (Item 2).**

**Jane G MacEachran**  
Clerk to the Licensing Board

### B U S I N E S S

- 1 **List of Applications: Items 1-23** (Pages 1 - 12)
  - 1.1 Application for New Premises Licence Gurkha Chef : New Premises Licensing Report (Pages 13 - 20)
  - 1.2 Application for Variation: Balaclava Bar (no papers)
  - 1.3 Application For Variation: Bauhaus Hotel - Letters Of Objection (Pages 21 - 28)
  - 1.4 Application For Variation: Buckie Farm (no papers)
  - 1.5 Application For Variation: Bucksburn Manor (no papers)
  - 1.6 Application For Variation: Espionage (no papers)
  - 1.7 Application For Variation: Hunter Hall (no papers)

- 1.8 Application For Variation: Lidl, Lang Stracht (no papers)
- 1.9 Application For Variation: O'Neill's, Gnd Floor (no papers)
- 1.10 Application For Variation: Paramount Bar (no papers)
- 1.11 Application For Variation: Pittodrie Stadium Function Suites (no papers)
- 1.12 Application For Variation: Portals Bar (no papers)
- 1.13 Application For Variation: Regent Bridge Bar (no papers)
- 1.14 Application For Variation: Richmond Arms Hotel - Letter of Representation (Pages 29 - 32)
- 1.15 Application For Variation: Scotmid, Unit 1A Jesmond Drive (no papers)
- 1.16 Application For Variation: Simpson's Hotel & Brasserie (no papers)
- 1.17 Application For Variation: The Atholl Hotel (no papers)
- 1.18 Application For Variation: The Hawthorn Bar and Adam Lounge (no papers)
- 1.19 Application For Variation: The Justice Mill
- 1.20 Application For Variation: The Justice Mill (Pages 33 - 34)
- 1.21 Application For Variation: The Kings Bar (no papers)
- 1.22 Application for a Personal Licence: Paul Alexander Fraser (Pages 35 - 36)
- 1.23 Application for a Personal Licence: Grant Ross Stephenson (Pages 37 - 38)

## **2 Review Hearings in terms of section 38 of the Licensing (Scotland) Act 2005**

- 2.1 1 Albyn Place
- 2.2 Amore Ristorante
- 2.3 Arjamund Tandoori

- 2.4 Auriga Restaurant
- 2.5 Bassment
- 2.6 Bauhaus Hotel
- 2.7 Boots Stores Ltd
- 2.8 Brig O Dee Bar
- 2.9 Budz Bar
- 2.10 Creperie Jacques
- 2.11 Debenhams
- 2.12 Eljo's
- 2.13 The Glenburn Club
- 2.14 International Casino
- 2.15 Lochside Bar
- 2.16 Lodge of Old Aberdeen
- 2.17 McColls, 8 Abbotswells Crescent
- 2.18 Mono and Mix
- 2.19 My Club
- 2.20 O'Donaghue's
- 2.21 The Quarterdeck
- 2.22 Rosie's Mini Market
- 2.23 Saltoun Arms
- 2.24 Scotmid, Unit 1a Jesmond Drive

- 2.25 The Thistle Bar
- 2.26 Tien Restaurant
- 2.27 Tilted Wig
- 2.28 The Warehouse
- 2.29 The Waterwheel Inn

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

**ABERDEEN CITY LICENSING BOARD**

**Meeting 11 January 2011 at 10:00am in Town & County Hall, Union Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

New Grant(s)	Premises	Applicant	Date Received	Comments
1	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

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**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
2 BALACLAVA BAR 31 LOCH STREET ABERDEEN AB25 1DD	PUNCH TAVERNS (INNS) LIMITED C/O FORD & WARREN SOLICITORS WESTGATE POINT WESTGATE LEEDS LS1 2AX	15 October 2010	Operating Plan vary commencement time for sale of alcohol both on and off the premises to 11:00 on Sunday (currently 12:30)
BAUHAUS HOTEL 56-60 LANGSTANE PLACE ABERDEEN AB11 6EN	METRO LODGE LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	1 October 2010	Operating Plan:- Reinstatement of capacities. Reception/bar servery capacity omitted from last variation. Activities now include Conference facilities, Weddings, funerals etc. Outdoor drinking at front of hotel on its own ground. Layout Plan:- The incorporation into the Premises Licence of the recently completed bedroom block.

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**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
4 BUCKIE FARM THE PARKWAY DANESTONE ABERDEEN AB22 8AL	MITCHELLS & BUTLERS RETAIL LTD C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	27 October 2010	Variation to Sunday on-sales hours to commence at 11:00 (currently 12:30). Q4 current text to be replaced by "Christmas and New Year festive extensions, Bank or Local Holidays or other block extensions as granted from time to time in line with Aberdeen City Board Policy". Question 5(f) is amended to include the statement, 'Charity and community based events with associated activities will take place on an occasional basis' and layout plan amended

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**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
5 BUCKSBURN MANOR INVERURIE ROAD BUCKSBURN ABERDEEN AB21 9AP	MITCHELLS & BUTLERS RETAIL LTD C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	27 October 2010	Variation of on and off sale hours on Sundays from 12:30 to 11:00am Question 4 - Replace current statement with, 'Christmas and New Year festive extensions, Bank or Local Holidays or other block extensions as granted from time to time in line with Aberdeen City Board Policy'. Question 5 (b) amended to read YES to Receptions. Question 5 (f) add 'Charity and community based events with associated activities will take place on an occasional basis'.
6 ESPIONAGE 120 UNION STREET ABERDEEN AB10 1JJ	ESPIONAGE BARS LTD C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	13 October 2010	Increase capacity to 601 (presently 528) following changes to layout.



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**Licensing (Scotland) Act 2005**

Variation (Major)(s)

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
7 HUNTER HALL CRAIBSTONE ESTATE BUCKSBURN ABERDEEN AB21 9TR	THE SCOTTISH AGRICULTURAL COLLEGE C/O MORTON FRASER LLP SOLICITORS QUARTERMILE TWO 2 LISTER SQUARE EDINBURGH EH3 9GL	7 October 2010	Remove reference to off sales of alcohol. Admit 16/17 yr olds Outwith term times, premises may be used by third parties. If bar facilities required these would be operated by premises liceneholder. Outwith term time when premises let to external bodies, accompanied children between 5 - 15 yrs may be permitted entry.
8 LIDL UK GMBH LANG STRACHT ABERDEEN AB15 6HY	LIDL UK GMBH C/O LIDL UK GMBH LICENSING DEPARTMENT LOCK CASTLE BUSINESS PARK WEST WICK WESTON SUPER MARE BS24 7TG	19 October 2010	Re-merchandising of the store resulting in a minor change to the layout. As a result the capacity of the alcohol display area will be decreased from 21m length, 1.8m height (total capacity 37.8m2) to 16.9m length, 1.8m height (total capacity 30.42m2).

**ABERDEEN CITY LICENSING BOARD**

**Meeting 11 January 2011 at 10:00am in Town & County Hall, Union Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
9 O'NEILLS (GROUND FLOOR) 9 BACK WYND ABERDEEN AB10 1JP	MITCHELLS & BUTLERS RETAIL LTD C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	11 November 2010	Variation of on and off sale hours on Sundays from 12:30 to 10:00. Variation of on and off sales Monday - Thursday from 11:00 to 10:00 Question 4 - amend existing statement now to include New Year period and Bank or Local Holidays or other block extensions as per Licensing Board's Policy.
10 PARAMOUNT BAR 21 BON ACCORD STREET ABERDEEN AB11 6EA	PARAMOUNT BAR LIMITED C/O PAULL & WILLIAMSONS LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	17 November 2010	Operating Plan - Q5(c) Films - now to be Yes in cols. 2 & 3
11 PITTODRIE STADIUM FUNCTION SUITES CORPORATE HOSPITALITY AREAS PITTODRIE STADIUM PITTODRIE STREET ABERDEEN	ABERDEEN FOOTBALL CLUB PLC C/O PAULL & WILLIAMSONS LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	27 October 2010	Increase in core hours for on-sales on Saturdays and Sundays. Both days to commence at 10:00hrs (currently 11:00hrs on Saturdays and 12.30hrs on Sundays). Function suite hours remain unchanged.

**ABERDEEN CITY LICENSING BOARD**

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**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
12 PORTALS BAR 17 CASTLE STREET ABERDEEN AB11 5BQ	BALFORD LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	3 November 2010	Variation to both on and off sales hours on Sundays from 12:30 to 11:00
13 REGENT BRIDGE BAR 30 REGENT QUAY ABERDEEN AB11 5AH	L & L ENTERPRISES PARTNERSHIP	30 September 2010	Operating Plan:- Change operating hours on a Sunday to 11:00 - 22:00 (currently 12:30-23:00) and on a Monday to 10:00 - 23:00 (currently 09:00-22:00)
RICHMOND ARMS 327 NORTH DEESIDE ROAD PETERCULTER ABERDEEN AB14 0UL	ROB ROY BAR LTD C/O MR JACK DEMPSTER OLNADALE CRAIGDAM TARVES ABERDEENSHIRE AB41 7NR	24 September 2010	Operating Plan: Amendment to Q6 to allow children and young persons access only to the lounge bar area between opening hours and 20:00. Must be accompanied by an adult and at the discretion of the Premises Manager and Layout Plan:- also varied accordingly.

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**Licensing (Scotland) Act 2005**

Variation (Major)(s)

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
15 SCOTMID UNITS 1A JESMOND DRIVE BRIDGE OF DON ABERDEEN AB22 8UR	SCOTTISH MIDLAND CO-OPERATIVE SOCIETY LIMITED C/O ANDERSON STRATHERN LLP SOLICITORS 1 RUTLAND COURT EDINBURGH EH3 8EY	29 October 2010	To vary question 5 (f) to include: "The store contains an ATM for use by the general public for use both during and outwith core licensing hours." To vary question 5 to allow the premises to play recorded music during and outwith core licensed hours.
SIMPSON'S HOTEL & BRASSERIE 59 QUEEN'S ROAD ABERDEEN AB15 4YP	THE SIMPSON TRADING COMPANY LIMITED C/O PAULL & WILLIAMSONS LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	3 November 2010	Q5 Answer Yes to conference facilities, receptions and club or other group meetings. Q5(f) - add civil marriage ceremonies. Consequential amendments to question 6 to permit admission of children and young persons to "multi-purpose room" which is now marked on Layout plan.
17 THE ATHOLL HOTEL 54 KING'S GATE ABERDEEN AB15 4YN	THE ATHOLL HOTEL (A FIRM) C/O PAULL & WILLIAMSONS LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	17 November 2010	Operating plan Q5(d) Outdoor drinking - now Yes. Layout plan changed accordingly. Amendment to Q6(d) to reflect that children will be allowed on the external patio area. Increase in capacity from 228 to 252.

**ABERDEEN CITY LICENSING BOARD**

**Meeting 11 January 2011 at 10:00am in Town & County Hall, Union Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
18 THE HAWTHORN BAR AND ADAM LOUNGE 143 HOLBURN STREET ABERDEEN AB10 6BN	E ADAMS LIMITED C/O DAVIES WOOD SUMMERS SOLICITORS 8 ALBYN TERRACE ABERDEEN AB10 1YP	19 October 2010	On Sales hours on Sundays varied from 12.30hrs to 11.00hrs. Delete, from Q5 (f) of the operating plan, "Christmas and New Year extension of hours as permitted by the Licensing Board" and substitute "Christmas and New Year Festive Extensions, Bank Holidays or other block extensions as granted from time to time in line with Aberdeen City Board Policy".
19 THE JUSTICE MILL 425 UNION STREET ABERDEEN AB11 6DA	J D WETHERSPOON PLC C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW G20 6NB	6 October 2010	Operating Plan To vary the commencement time of the core licensed hours for On and Off Sales on a Sunday to 11:00 from 12:30.
20 THE JUSTICE MILL 425 UNION STREET ABERDEEN AB11 6DA	J D WETHERSPOON PLC C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW G20 6NB	6 October 2010	Change to Local Condition(s) To remove the local condition requiring Door Supervisors to be present on the premises.

**ABERDEEN CITY LICENSING BOARD**

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**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
21 THE KINGS BAR 97 KING STREET ABERDEEN AB24 5AB	JACQUELINE BUCHAN C/O DAVIES WOOD SUMMERS SOLICITORS 8 ALBYN TERRACE ABERDEEN AB10 1YP	19 October 2010	Vary the Operating Time for On Sales on Sundays from 12.30hrs to 11.00hrs. Q5 (f) of the operating plan, delete the words "Christmas and New Year extension of hours as permitted by the Licensing Board" and substitute "Christmas and New Year Festive Extensions, Bank Holidays or other block extensions as granted from time to time in line with Aberdeen City Board Policy"

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**ABERDEEN CITY LICENSING BOARD**

**Meeting 11 January 2011 at 10:00am in Town & County Hall, Union Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

<b>Personal Licence(s)</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
<b>Premises</b>			
22	PAUL ALEXANDER FRASER	14 October 2010	
23	GRANT ROSS STEPHENSON C/O SCOTMID IAN LOVIE COMPLIANCE OFFICER SCOTTISH MIDLAND CO-OP SOCIETY HILLWOOD HOUSE 2 HARVEST DRIVE NEWBRIDGE	3 November 2010	

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**GRAMPIAN**  
**P · O · L · I · C · E**

*Keeping our communities safe*

## **NEW PREMISES LICENSING REPORT**

**Gurkha Chef,  
5 Palmerston Road, Aberdeen**

**03/10/2009 – 02/10/2010**



Produced by: Graham Keith, Intelligence Analyst  
Last Updated/Printed: 18/10/2010  
Document Ref: 198/2010

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The contents of this report are

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and are passed to

**PI John Soutar  
GED Department**

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## RESTRICTED

### Introduction

As required by Section 21 (3) of the Licensing (Scotland) Act 2005 under subsection (1) (d), this report will provide details regarding all cases of antisocial behaviour identified within the relevant period of **03/10/2009 – 02/10/2010** by constables as having taken place on, or in the vicinity of the premises known as **Gurkha Chef, 5 Palmerston Road, Aberdeen**. Also all complaints or other representations made within the relevant period to constables concerning antisocial behaviour on, or in the vicinity of the premises known as **Gurkha Chef, 5 Palmerston Road, Aberdeen**.

Response to the notice must be provided within 21 days of the date of receipt.

- Date Received: **02/10/2010**
- Due Date Response required by: **23/10/2010**

### Methodology

In order to carry out any analysis, data has been obtained from Grampian Police databases.

The following sources of information were used for the extraction of data and information.

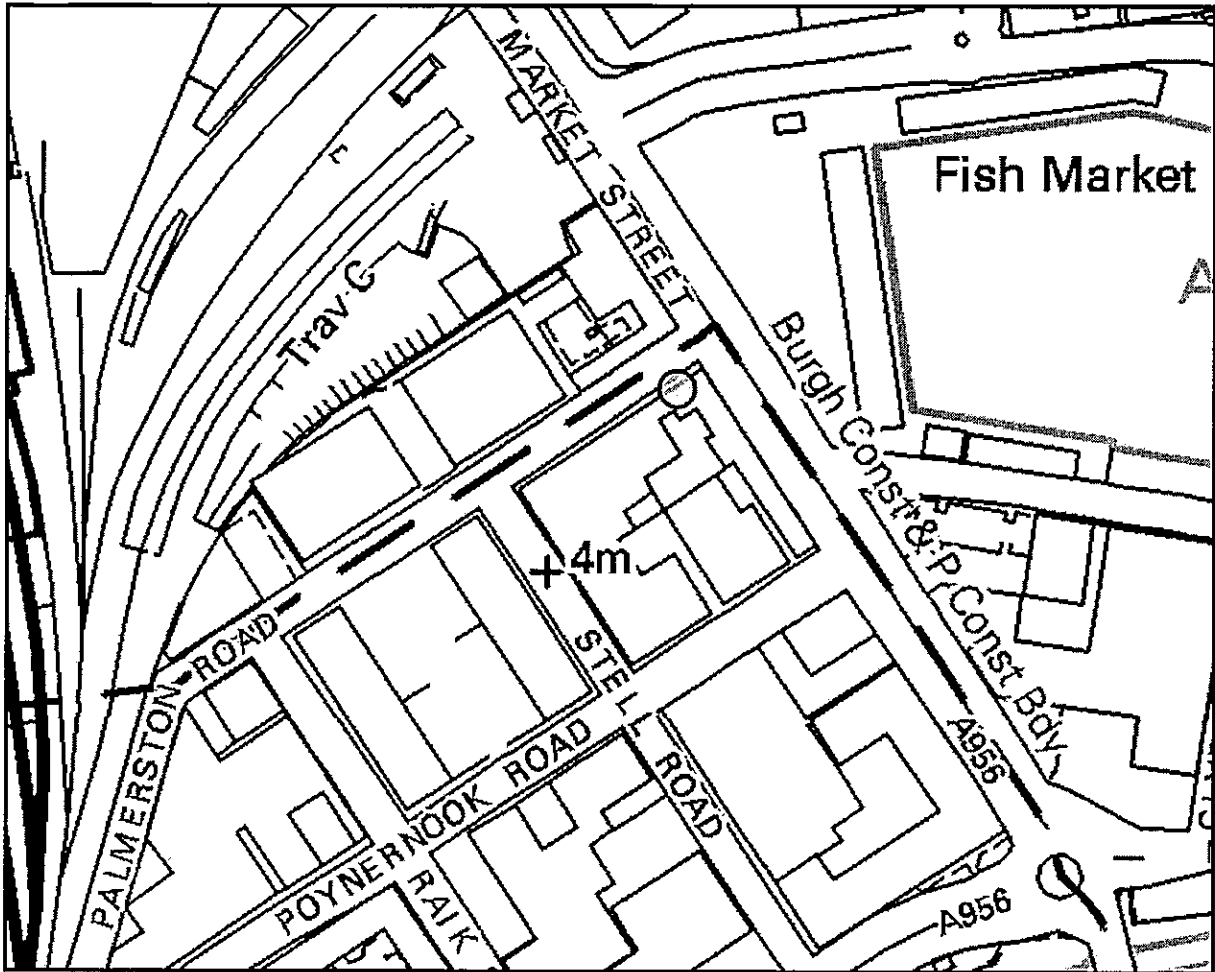
- **CrimeFile** Offence types and Crime Series information
- **STORM** Reported incidents
- **I>KAP** Extraction of Data
- **ASB Unit** Information regarding ASBO's, Closures etc.
- **PNC and CHS** Nominal background checks.

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You have a responsibility to ensure that the principles of the Data Protection Act (1998) are adhered to in terms of disclosing information from this report.

Overview

The below map shows Gurkha Chef, 5 Palmerston Road, Aberdeen and the streets surrounding.



The following information relates to the period 03/10/2009 – 02/10/2010.

<b>Building Address</b>	Gurkha Chef, 5 Palmerston Road, Aberdeen
<b>Total STORM incidents</b>	
<b>Total CrimeFile</b>	

STORM type breakdown:

The total reported incidents occurring at Gurkha Chef, 5 Palmerston Road, Aberdeen amounts to 0 between 03/10/2009 – 02/10/2010.

CrimeFile offence breakdown:

There were 0 crimes recorded at Gurkha Chef, 5 Palmerston Road, Aberdeen during 03/10/2009 – 02/10/2010.

<b>Building Vicinity</b>	Palmerston Road, Aberdeen
<b>Total STORM incidents</b>	63
<b>Total CrimeFile</b>	61

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**STORM type breakdown:**

The total reported incidents occurring at **Palmerston Road, Aberdeen** amounts to **294** during 03/10/2009 – 02/10/2010. The below table details the **Top 10 Incidents** that have been reported.

<b>Incident Tag / Final Call Type</b>	<b>Number of Incidents</b>
ROADS POL	18
OBSTRUCTION	10
RT - OTHER	7
DISTURBANCE	4
AMBULANCE CALL	2
INFO RECEIVED, PASSING ATT.	2
ABANDONED	1
ABANDONED VEHICLE	1
ADULT AT RISK	1
ALARM ACTIVATION	1
ASSISTANCE TO PUBLIC	1
BREACH OF THE PEACE	1
CID	1
COUNCIL CALL OUT	1
DRUGS-ILLEGAL POSSESSION	1
DRUG SQUAD	1
FSDU	1
JOINER	1
MISPER	1
MISPER/ABSCONDEE	1
OSCAR 2	1
POLICE DOG	1
REFUSING TO LEAVE	1
RTA - HIT & RUN	1
SUSPICIOUS INCIDENT	1
TRAFFIC LIGHT MALFUNCTION	1
Sum:	63

**CrimeFile offence breakdown:**

The total crimes recorded at **Palmerston Road** amounts to **61** during 03/10/2009 – 02/10/2010. The below table details the **Top 10 Offences** that have been reported.

<b>Crime Group Level 4</b>	<b>Number of Offences</b>
Vandalism	10
Theft, not elsewhere classified (excl motor vehicle)	8
Theft by HB, (other property)	5
Breach of the peace	4
Assault, minor	3
Driving carelessly	3
Theft by OLP from a motor vehicle	3
Accident Offences	2
Failure to Insure Against Third Party Risks	2
In building with intent to steal	2
Possession of drugs	2
Supply possession w.i. to supply etc of drugs	2
Theft by OLP (excl motor vehicle)	2

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You have a responsibility to ensure that the principles of the Data Protection Act (1998) are adhered to in terms of disclosing information from this report.

**Occupants**

No information available.

**ASBO's / Closures**

- During 03/10/2009 – 02/10/2010 there has been 0 breach of ASBO's at **Palmerston Road, Aberdeen.**
- During 03/10/2009 – 02/10/2010 there has been 0 closure orders granted at **Palmerston Road, Aberdeen.**

**Fixed Penalty Notices**

The number of Fixed Penalty Notices issued within **Palmerston Road, Aberdeen** during the report period was 0.

There have been 0 fixed penalties issued at **Gurkha Chef, Palmerston Road, Aberdeen.**

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# Agenda Item 1.3



Ms Kerrie Christie

[REDACTED]  
[REDACTED]  
[REDACTED]  
18th Nov 2010

REF - AJD.DM.A12050.1

Dear Sir / Madam

I am writing to you in connection with the application for variation in licensing at Bauhaus Hotel 56-60 Langstane Place . I am the owner and resident of the above address.

My concern / objection is solely around the use, or possible use, of the "Conference Room" situated at the rear of the Langstane Place building . Earlier this year the room was used for a Wedding Reception and the noise in my flat was as if the entire party was happening in my room. The rear of the Bauhaus faces onto residential property, mine being only one of a few. On the evening of the event when the noise was unbearable I went round in person and asked the DJ to lower the volume, which he did slightly. I then spoke to the Night Manager who was not entirely helpful. On returning to my flat even with the music at a lowered volume and with all windows (mine and theirs ) closed it was impossible to sleep. In the end I called the police who visited The Bauhaus. With the volume further lowered the sound of loud voices, conversations and music remained at a level that deprived myself and other residents of sleep .

The following morning I went once more to the Hotel. As no reassurances were given that the room would not again be used for functions I asked to speak to the overall Manager and was told she would be in touch with me when she returned from holiday. This never happened.

I have spoken to several other residents who were also distressed by that evening. At present there are several empty flats at 375 and some newly created flats in the neighbouring building these new residents / tenants will be unaware of the potential problem and therefore less people to petition against this application . Landlords of those flats will surely find it harder to rent their properties and impossible to keep tenants long term.

I have lived at this address for approximately 7 years and despite its central city location once through my door the sounds are left behind. I bought it because of the unique positioning making it, until this event, a peaceful home. This old building has been lucky to have residents who care about its welfare and the welfare of those who live under its roof. That sense of community is something valuable to the city as a whole and is threatened when noise pollution reaches a point that would severely damage our basic health,harmony and living conditions. Whilst I am aware business is difficult in these times I think any sane person would find the noise level from that conference room intolerable. I believe, and research shows, cities are safer if people live at their heart and therefore there should be some thought as to decisions that would greatly affect the sanctity of our homes.

Obviously I am also concerned about any negative effects the granting of this application would have on the value of my property.

On telephoning the planning department I understand there is Licensing Board Meeting on 11th of January. As I am away on business then and not back until the end of January unfortunately I am unable to be there in person. I would like to ask someone to attend on my behalf and will provide a name if that is needed.

Should I be incorrect about the use of the Conference room as a venue for evening events then I would be happy to withdraw my objection.

Yours sincerely

[REDACTED]  
Kerrie Christie

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Hollie Murdoch



Ref: AJD.DM.A12050.1  
Licensing Board  
Aberdeen City Council  
Broad Street  
Aberdeen  
AB10 1AQ

Dear Jacqui Wallace

I am writing to you in reference to the letter received regarding an application made by Metro Lodge Ltd. owners of Bauhaus Hotel on Langstane Place in Aberdeen to the licensing board. This license must not be approved on any level that will affect the residential homes so close to the applicant's operating plan. The hotel has previously held a function illegally in the room under consideration in this application and has given a terrifying insight into what the future will be like if this application is approved. The hotel provided facilities for a function in a room that looks directly onto several homes to the rear of the hotel with very little distance or sound proofing between them. I live in one of these homes. The noise created by the function was unacceptably loud. This function went on late into the evening which is again unacceptable. This was at a weekend and was unacceptable so during the week would be a living nightmare. The amount of noise that this hotel will produce in our homes would not be accepted by the police or council if it was a residential property making the same noise. The police were called and a complaint was made when this function took place and a complaint was also made to the hotel stating that this was unacceptable. The hotel was asked to close the windows and turn the volume down which they did. This made very little difference to the noise coming from the function room. This acknowledgement that the hotel knew they were in the wrong and were having an impact on their neighbours is significant to this application. Every word the DJ had to say could be clearly heard in my living room through amplified speakers and the disco light show could be seen dancing across my living room wall. I own my home and will not allow this hotel to devalue it with this excessive nuisance noise. If this application is approved the value of my property will automatically reduce due to the nuisance neighbours that nobody will want to live next to. I work in a full time position and get up early to go to work so cannot be kept awake to the limits of the licensing laws as this would have a detrimental effect on my health and ability to perform my job. This application could lead to causing un-necessary aggravation at my work and even cause me to lose my job due to lack of sleep and ill health. This is a realistic outcome if kept awake every night and only being aloud to get a few hours sleep each night due to this hotel and its inconsiderate owners plans. Again this would not be accepted if it was a residential property making this noise.

I am objecting to the application on the grounds of unacceptable noise that will:  
Cause mental anguish worrying when the next function is going to cause havoc to myself and my neighbours lives  
Physical ill health due to lack of sleep  
Reduce the value of my property  
Loss of income when job is affected by lack of sleep

I object to any activities in the application that will make use of the function room at the rear of the hotel that will create noise with electrical amplified sound. This will include conference facilities, weddings, funerals and parties.

I hope you will agree that this application will affect the lives and livelihoods of the few that live directly behind this hotels function room.

Please do not hesitate to contact me if you would like to discuss any of this information or any of the other residents that will be affected by this hotel. If there is anything I can do to add to this objection please let me know what is required as soon as possible.

I hope your board will do the right thing and deny the application to use a function room so close to people's homes.

Yours sincerely,



Hollie Murdoch

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# GRAMPIAN ACCOMMODATION AGENCY

Est. 1986

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Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Ground Floor  
Town House  
Broad Street  
Aberdeen - AB10 1AQ  
ATTENTION OF: Jacqui Wallace



7 December, 2010

Dear Ms Wallace,

**RE: Bauhaus Hotel License Application Objection to Aberdeen City Council Licensing Board  
AJD.DM.A12050.1**

Please be advised that we currently lease the one bedroom property at [REDACTED]  
Aberdeen on behalf of the owner Mr Richard Bean.

As the owner is presently overseas he has requested we write to you on his behalf. Please be informed that Mr Bean is objecting to the application made by Bauhaus Hotel. This is a residential building which will be directly affected should this licences be granted. Tenants/Owners will be affected by noise pollution at unreasonable hours of the day at a potential of seven days a week, this is clearly unacceptable.

We thank you in advance your lodging our objection and look forward to the outcome and if necessary the appeal procedures.

Yours sincerely,

Caren Gray

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The Scottish Parliament  
Pàrlamaid na h-Alba

Stewart Carruth  
Director of Corporate Governance  
Aberdeen City Council  
Town House  
Broad Street  
Aberdeen  
AB10 1FY

20 December 2010

Dear Mr Carruth,

**Bauhaus Hotel, 56-60 Langstane Place, AB11 6EN**

I have been contacted by a number of my constituents who reside in the vicinity of the Bauhaus Hotel and who have expressed concern over the Licensing application for change of use of the hotel's conference rooms lodged by the owners Metro Lodge Ltd.

While I very much welcome the expansion in hotel accommodation in the city centre in the last year or two, it is even more important that people who choose to live in the centre of the city are supported by the planning and licensing decisions taken on relevant grounds by the planning and licensing authorities. In this case a number of owner-occupiers at 375 Union Street will potentially be disadvantaged if the rooms in question are converted to use as licensed premises.

I would like to draw your attention to some of the concerns highlighted by my constituents. The conference room windows face directly into bedrooms of residents at 375 Union Street, dramatically reducing their privacy if these rooms were to become events suites where evening events would take place. Previous experience of this being allowed on a one-off basis confirmed this fear, as I understand that the police had to be called before hotel managers would agree to the music being turned down to an acceptable level.

I trust these concerns of local residents will be taken into account in determining this application.

Yours sincerely,

Lewis Macdonald MSP  
Aberdeen Central

Cc Bill Gordon, Admin Assistant, Legal & Democratic Services

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**GRAMPIAN**  
P.O.L.I.C.E

*Keeping our communities safe*

Aberdeen Division  
Police Headquarters  
Queen Street  
Aberdeen  
AB10 1ZA

Our Ref: AD/GED/0023/3672/10

Tel: 01224 306472

Your Ref:

Fax: 01224 306485

Date: 17 November 2010

ServiceCentre@grampian.pnn.police.uk

www.grampian.police.uk

Depute Clerk to the Licensing Board  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Ground Floor  
Town House  
Broad Street  
ABERDEEN  
AB10 1AQ

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**LICENSING (SCOTLAND) ACT 2005**  
**APPLICATION FOR THE VARIATION OF A PREMISES LICENCE**  
**RICHMOND ARMS, 323-327 NORTH DEESIDE ROAD,**  
**PETERCULTER, AB14 0UL**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

Currently, children and young persons are not allowed access to the premises, as defined in Question 6 of the current Operating Plan. At present no meals are offered at the premises.

The variation requested consists of an amendment to the operating plan to allow children and young persons access to the lounge bar between opening hours and 2000 hours when accompanied by an adult and at the discretion of the premises manager. There is no change to the current non-provision of meals.

Furthermore, the applicant states there is a demand for child access due to the close proximity of restaurants whereby patrons wish to drop in for refreshments with their families, either prior to or after having a meal.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(b)(ii) of the same Act, I make the following representation on behalf of the Chief Constable.

Notwithstanding the above, I have concern as to the lounge bar premises being suitable for children and young persons. The premises do not have restaurant facilities or bar meals therefore children and young persons would be accompanying

adults who are likely to be attending at the premises for the sole reason of consuming alcohol.

The operating plan has not highlighted how compliance with the 'Protecting Children from Harm' objective may be achieved in permitting such access.

Adults who are attending the premises accompanied by children will be responsible for their supervision. However, the responsible adult is likely to be under the influence of alcohol whilst in charge of a child and there is a potential risk to the child's safety in this situation.

In terms of section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005 the Chief Constable is of the opinion that the modification to the operating plan, and therefore the variation requested, should be refused on the grounds that it would be at odds with the licensing objectives of:

- protecting children from harm
- securing public safety

This representation is submitted for your attention in considering this application.

Yours faithfully



George MacDonald  
Chief Inspector



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Police Headquarters  
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Date: 26 November 2010

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Depute Clerk to the Licensing Board  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Ground Floor  
Town House  
Broad Street  
ABERDEEN  
AB10 1AQ

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
THE JUSTICE MILL, 425 UNION STREET, ABERDEEN, AB11 6DA**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation consists of a request to remove the local condition requiring the premises to have door supervisors at the premises from 2300 hours onwards.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(b)(ii) of the same Act, I make the following representation on behalf of the Chief Constable.

The premises licence granted contains the local condition that the licence holder will ensure that from 2300 hours onwards they shall employ or use suitably licensed door supervisors at or near the entrance to, or within the premises, to maintain order and/or security and prevent patrons breaching the licensing objectives.

The applicant currently holds a premises licence allowing the sale of alcohol between 1100 and 0000 hours on Monday to Thursday, 1100 and 0100 hours on Friday and Saturday and 1230 and 0000 hours on Sunday. Therefore on each day of trading the premises is open beyond 2300 hours.

The applicant premises is situated within the 'Justice Mill area' which has been declared an area of overprovision within the Aberdeen City Licensing Board Statement of Licensing Policy.

The Chief Constable is of the opinion that if the applicant were excused from the local condition requiring door supervisors, that this would set a precedent which other premises, who trade in Aberdeen city centre and abide by the local condition, would be likely to follow and also apply for excusal.

It is well documented that alcohol fuelled violence and disorder is a significant problem in Aberdeen city centre as are large and regular numbers of underage persons attempting to enter licensed premises using false or altered identity documents. Significant progress and partnership work has taken place over the last 18 months between Grampian Police, the licensed trade and door supervisors to tackle the issue, to such an extent that anecdotal evidence suggests that underage persons are aware that the city centre of Aberdeen is a place where identity checks are thorough and underage drinking is not tolerated. Any relaxation of the local condition for the applicant, particularly in an area of overprovision would result in the premises becoming a weak spot in an otherwise united effort by those partners involved in the city centre night time economy.

In terms of section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005 the Chief Constable is of the opinion that the modification to the operating plan, and therefore the variation requested, should be refused on the grounds that it would be at odds with the licensing objectives of:

- preventing crime and disorder
- securing public safety
- preventing public nuisance

This representation is submitted for your attention in considering this application.

Yours faithfully



George MacDonald  
Chief Inspector

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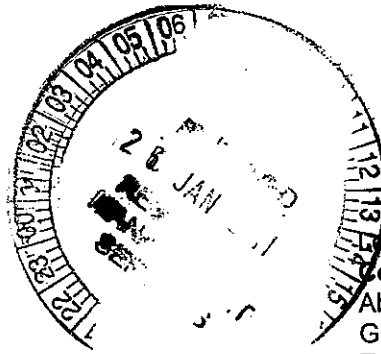


**ABERDEEN**  
CITY COUNCIL

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Your Ref.  
Contact Brenda Flaherty  
Email licensing@aberdeencity.gov.uk  
Direct Dial 01224 522624  
Direct Fax 01224 522491



24<sup>th</sup> 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.

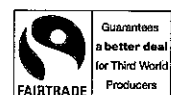


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3. A small number of Boards request the provision of free tap water for drinking.

**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 12<sup>th</sup> 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><b>For Removal</b></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><b>Leave on for future updates</b></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>		

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	<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>		

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		<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><b>Ongoing</b></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.

committees/aberdeen local licensing forum/Notes/workplan may 2010