

## **LICENSING BOARD**

ABERDEEN, 3 April 2012. Minute of Meeting of the LICENSING BOARD.  
Present:- Councillor Jaffrey, Convener; and Councillors Boulton, Collie, Cormie, Donnelly, Hunter, Penny, Robertson and John West.

### **LIST OF APPLICATIONS (1-22)**

1. The Board had before it, for its consideration, the applications listed in Appendix A to this minute.

**The Board resolved:-**

that all applications be determined on the basis shown in Appendix A.

### **PERSONAL LICENCE REVIEW HEARING: AC/1455**

2. The Board received notice from the Chief Constable in terms of Section 83(4)(b) of the Licensing (Scotland) Act 2005 confirming the licence holder had been convicted of a relevant offence.

Mr Wood, Solicitor, addressed the Board on behalf of the licence holder who also addressed the Board on his own behalf.

**The Board resolved:-**

that the licence be endorsed.

### **PERSONAL LICENCE REVIEW HEARING: AC1974**

3. The Board was advised that the hearing should not take place due to a misidentification of the licence holder in respect of the matter.

**The Board resolved:-**

to agree that the hearing should not take place.

### **PERSONAL LICENCE REVIEW HEARING: AB-C-0636**

4. Reference is made to item 3 of the minute of meeting of 13 December, 2011, wherein the Board, following a decision in respect of a premises licence review hearing (Premises Licence No. AC/738), (a) resolved inter alia that personal licence holder (No. AB-C-0636) when working in the premises acted in a manner which was inconsistent with the licensing objective preventing crime and disorder; and (b) recommended to Aberdeenshire Central Licensing Board that the personal licence concerned be endorsed.

The Board were advised that as the personal licence holder was at the time of the finding working in licensed premises situated in the Aberdeen Licensing Board's area,

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the Board could in fact hold the hearing and the Board resolved therefore to hold that hearing in terms of Section 84(3)(a).

The Board also had before it a notice from Grampian Police dated 21 February, 2012, containing details of a relevant offence against the licence holder.

### **The Board resolved:-**

- (i) to endorse the personal licence in respect of their finding that the licence holder whilst working in the premises acted in a manner which was inconsistent with the licensing objective preventing crime and disorder; and
- (ii) in response to the Police notice in terms of Section 83(4)(b) to take no further action in the matter.

## **PREMISES LICENCE REVIEW PROPOSALS & REVIEW HEARINGS IN TERMS OF SECTION 37 AND 38 OF LICENSING (SCOTLAND) ACT 2005**

5. With reference to item 5 of the minute of meeting of 7 February 2012 wherein the Board resolved to vary the premises licences of those premises where payment of the annual fee remained outstanding to the effect that the trading hours were reduced to zero on the understanding that the variation would be effective until payment in full was made, the Board was advised that the fees still remained outstanding in respect of certain premises .

### **5.1 Premises – Jasmine’s, 25 Crown Terrace, Aberdeen**

The Board was advised that the licence had been surrendered.

### **5.2 Premises – The Moonlight Bar, 690 King Street, Aberdeen**

With reference to item 5.49 of the minute of meeting of 7 February, 2012, the Board having been advised that the annual licence fee remained outstanding resolved to vary the premises licence to the effect that the trading hours were reduced to zero on the understanding that the variation would be effective until payment in full was made.

The Board was further advised that the licence holder had failed to produce the licence as requested for variation, the premises were closed and no communication had been received from the licence holder.

### **The Board resolved:-**

- (i) to make a premises licence review proposal;
- (ii) to hold a premises licence review hearing immediately; and
- (iii) to revoke the licence.

### **5.3 Premises - The Waterwheel Inn, 203 North Deeside Road, Aberdeen**

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The Board was advised that the licence had been surrendered.  
- **MURIEL JAFFREY, Convener.**

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**APPENDIX A**

1. **APPLICATION FOR GRANT OF PREMISES LICENCE**  
**Premises – H1S Store, 66 Sunnybank Road, Aberdeen**

Mr Dawson, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**  
to grant the application.

2. **APPLICATION FOR GRANT OF PREMISES LICENCE**  
**Premises – Jimmy Chung's, 275 Stoneywood Road, Dyce, Aberdeen**

Ms Patience, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**  
to grant the application.

3. **APPLICATION FOR GRANT OF PREMISES LICENCE**  
**Premises – Piotr Pawel, 278 George Street, Aberdeen**

Mr Dawson, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**  
to grant the application.

4. **APPLICATION FOR GRANT OF PREMISES LICENCE**  
**Premises – Ruth's Corner Cabin, 78 Menzies Road, Aberdeen**

Mr Falconer, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**  
to grant the application.

5. **APPLICATION FOR GRANT OF PREMISES LICENCE**  
**Premises – Woodside Post Office, 439/441 Great Northern Road, Aberdeen**

Mr Dawson, Solicitor, addressed the Board in support of the application.

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**The Board resolved:-**

to grant the application.

6. **APPLICATION FOR GRANT OF PROVISIONAL PREMISES LICENCE**  
**Premises – Discount UK, Unit 4, Kittybrewster Retail Park, Aberdeen**

Mr Wood, Solicitor, addressed the Board in support of the application. He also addressed the Board in respect of the local condition for providing a CCTV system which it imposes on premises which sell alcohol only for off-sale consumption.

**The Board resolved:-**

- (i) to grant the application; and
- (ii) to add a qualification to the CCTV condition as follows:- “the lip synchronised audio feed facility, as referred to in the Licensing Board’s Statement of Licensing Policy, will not apply in respect of these premises”.

7. **APPLICATION FOR GRANT OF PROVISIONAL PREMISES LICENCE**  
**Premises – Foundation, Carnegies Brae, Aberdeen**

Ms Bywalec, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**

- (i) to grant the application; and
- (ii) to impose the local conditions in respect of drugs policy, membership of radiolink and provision of door supervisors.

8. **APPLICATION FOR GRANT OF PROVISIONAL PREMISES LICENCE**  
**Premises – Nando’s, Unit 10, The Academy, Belmont Street, Aberdeen**

The Board had before it a letter of objection from Grampian Police. Sergeant Skinner addressed the Board in support of the letter of objection. Mr Skinner, Advocate, addressed the Board in support of the application and in so doing amended the application by withdrawing that part which referred to the provision of off-sale facilities.

**The Board resolved:-**

to grant the application.

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9. **APPLICATION FOR GRANT OF PROVISIONAL PREMISES LICENCE**  
**Premises – The Tippling House, Belmont Street, Aberdeen**

The Board had before it letters of objection from Grampian Police and from a neighbour who was not present. Sergeant Skinner addressed the Board in support of the letter of objection from Grampian Police. Mrs Hood, thereafter addressed the Board in support of the application.

**The Board resolved:-**

- (i) to grant the application; and
- (ii) to impose that local conditions in respect of drugs policy, membership of radiolink and the provision of door supervisors with the following qualification namely that door supervisors are to be employed as follows:- from 2100 hours to 0300 hours on Fridays, Saturdays and Sundays (before a recognised local holiday) and from 2200 hours to 0200 hours from Sundays to Thursdays.

10. **APPLICATION FOR GRANT OF PROVISIONAL PREMISES LICENCE**  
**Premises – Yatai, 1 Albyn Terrace, Aberdeen**

Mr Dawson, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**

to grant the application.

11. **APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Aberdeenshire Cricket Club, Morningside Road, Aberdeen**

Mr Cooper, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**

to grant the application.

12. **APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Auchmill Golf Club, Bonnyview Road, Heathryfold, Aberdeen**

Mrs Duncan, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**

to grant the application.

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13. **APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Bella Italia, Unit 6, Queens Links Leisure Park, Aberdeen**

Mr Wood, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**  
to grant the application.

14. **APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Bielside Inn, 37 North Deeside Road, Bielside, Aberdeen**

Reference is made to item 3 of Schedule A of the minute of meeting of the Licensing Board of 7 February, 2012 wherein the Board resolved to continue consideration of the application until this meeting and in the interim to carry out a site visit of the premises.

As a preliminary point, Ms Robb, on behalf of the applicant requested that the Board hear no further submissions either from the applicant or the objectors but to proceed to determine the application.

Councillor Donnelly moved:-

that the Board do not hear the applicant and the objectors further in respect of the application.

Councillor Boulton moved as an amendment:-

that the Board hear the applicant and objectors further in respect of the application.

On a division there voted:- for the motion (7) – the Convener; and Councillors Cormie, Donnelly, Hunter, Penny, Robertson and John West; for the amendment (1) – Councillor Boulton; declined to vote (1) – Councillor Collie.

**Councillor Boulton requested that her dissent in respect of this decision be minuted.**

The Board thereafter proceeded to determine the application.

Councillor Donnelly moved:-

that the application be granted.

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Councillor Boulton moved as an amendment:-

that the application be refused because the granting of the application would be contrary to the licensing objective preventing public nuisance.

On a division there voted:- for the motion (7) – the Convener; and Councillors Cormie, Donnelly, Hunter, Penny, Robertson and John West; for the amendment (1) – Councillor Boulton; declined to vote (1) – Councillor Collie.

**The Board resolved:-**

to grant the application.

15. **APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Clifton Convenience Store, 104 Clifton Road, Aberdeen**

With reference to item 4 of Appendix A to the minute of meeting of the Licensing Board of 7 February, 2012 when the Board resolved to defer consideration of the of the application to allow the site notice to be displayed in accordance with the statutory provisions, the Board were informed that the site notice had now been correctly displayed.

**The Board resolved:-**

to grant the application.

16. **APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Deeside Golf Club, Golf Road, Bieldside, Aberdeen**

Ms MacPherson, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**

to grant the application.

17. **APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Illicit Still and Ryans, Netherkirkgate, Aberdeen**

Ms Robb, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**

to grant the application.

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18. **APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – La Bamba Restaurant, 23 Crown Terrace, Aberdeen**

The Board had before it for its consideration six letters of objection all from neighbours. Only one of the objectors attended the meeting but chose not to address the Board.

Mr Dawson, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**  
to grant the application.

19. **APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Masada Bar and Rusty Nail Lounge, 67 Rosemount Viaduct, Aberdeen**

Mr Cameron addressed the Board in support of his application.

**The Board resolved:-**  
to grant the application.

20. **APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Nigg Bay Golf Club, St. Fitticks Road, Aberdeen**

Mr Marr, Secretary of the Club, addressed the Board in support of the application.

**The Board resolved:-**  
to grant the application.

21. **APPLICATION FOR VARIATION ON TRANSFER**  
**Premises – Beluga, 492 Union Street, Aberdeen**

Ms Weir, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**  
to grant the application.

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22. **APPLICATION FOR PERSONAL LICENCE**  
**Application Ref. No. 1/022**

**The Board resolved:-**

to defer consideration of the application pending an appearance by the applicant.