

## LICENSING BOARD

ABERDEEN, 16 September 2014. Minute of meeting of the LICENSING BOARD.  
Present: Councillor Boulton, Convener; and Councillors Cameron, Carle, Grant, Lawrence and Townson.

### LIST OF APPLICATIONS

1. The Board had before it, for its consideration, the applications as listed under articles 2 to 12 of this minute.

#### **APPLICATION FOR PROVISIONAL PREMISES LICENCE - THE CO-OPERATIVE FOOD, STONEYWOOD ROAD, DYCE, ABERDEEN**

2. The Board had before it a letter of representation from the Chief Constable, Police Scotland dated 25 August 2014, an objection dated 05 September from NHS Grampian and a representation dated 1 September from the LSO.

The Board heard Sergeant Flett speak to the Police letter, Heather Wilson speak to the terms of the letter from NHS Grampian and Diane Sande speak to the representation from the LSO.

Thereafter, Ms Junner, Solicitor, addressed the Board in support of the application.

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

To grant the application subject to the following local conditions:-

- (1) The installation of a CCTV system to the standard as set out in the Board's Statement of Licensing Policy

#### **APPLICATION FOR VARIATION OF PREMISES LICENCE - MURDOS, CAIRNCRY ROAD, ABERDEEN**

3. The Board had before it a letter of representation from the Chief Constable, Police Scotland dated 28 July 2014 and a representation dated 06 August from the LSO.

The Board heard Sergeant Flett speak to the Police letter and Diane Sande speak to the representation from the LSO.

Thereafter, Ms Junner, Solicitor, addressed the Board in support of the application.

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

To grant the application subject to the following conditions:-

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1. Children and Young person will be permitted entry to the external area for the purposes of accompanying an adult aged 18 years or older for consuming a meal;
2. The external area must be visibly delineated with barriers, ropes or other structures to clearly define the licensed area and create a curtilage which will be easily identified to staff, patrons and the passing external public;
2. Customers are to be prevented from leaving the external area in possession of alcohol and clear signage must be displayed stating that "it is an offence to drink alcohol in public, as per the Aberdeen City Council (Drinking in Public Places) Byelaws 2009"
3. The use of the external area is to cease and be clear of all patrons and any glassware by 22:00 hours; and
5. that Children and young persons will be permitted entry to the premises for the purposes of accompanying an adult consuming a meal, participating in the provision of musical entertainment and participating in a relevant sporting activity namely a game of pool.

### **APPLICATION OF FOR VARIATION OF PREMISES LICENCE - ABERDEEN HERO/PUMPKIN, ABERDEEN RAILWAY STATION, GUILD STREET, ABERDEEN**

4. The Board had before it a letter of representation from the Chief Constable, Police Scotland dated 26 August 2014 and an objection dated 05 September from NHS Grampian.

The Board heard Sergeant Flett speak to the Police letter and Heather Wilson speak to the terms of the letter from NHS Grampian.

Thereafter, Mrs Hood, Solicitor, addressed the Board in support of the application. Mrs Hood confirmed that her client would accept the amendment proposed by Police Scotland to the terms under which Children and Young Persons would be permitted entry to the part of the premises referred to as "Hero"

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

To grant the application as amended.

### **APPLICATION FOR VARIATION OF PREMISES LICENCE - BISTRO VERDE, UNITS 1 & 2, THE GREEN, ABERDEEN,**

5. Ms Kelbie addressed the Board in support of the application on behalf of the applicant.

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**The Board resolved:-**

To grant the application.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - CITY NEWS  
CONVENIENCE, 37 UNION STREET, ABERDEEN**

**6. The Board resolved:-**

To defer consideration of the application to its next meeting to held on 11 November 2014.

**APPLICATION FOR VARIATION FOR A PREMISES LICENCE, LAS IGUANAS, UNIT  
FS1, FIRST FLOOR MALL, UNION SQUARE, GUILD STREET, ABERDEEN**

7. Mr McGowan, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**

To grant the application

**APPLICATION FOR VARIATION FOR A PREMISES LICENCE, THE CHESTER  
HOTEL, 59 QUEEN'S ROAD, ABERDEEN**

8. As a preliminary point, Ruth O'Hare, Solicitor advised the Board that the applicant had not displayed the site notice which required to be displayed from 15 August 2014.

Thereafter the Board heard from Ms Hunt, Solicitor that due to an administrative error the notice had been displayed at the premises from 18 August 2014 for the required 21 day period.

Councillor Boulton moved: -

To defer to application to the Board next meeting to be held on 11 November 2014 to allow for a further site notice to be displayed

Councillor Townson moved as an amendment: -

To relieve the applicant of the failure to comply with the procedural provision of displaying the notice from 15 August 2014 and continue with the proceedings.

On a division there voted: - For the motion (4) the Convener and Councillors Cameron, Grant and Lawrence; For the amendment (2) Councillor Carle and Townson

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**The Board Resolved: -**

To adopt the motion and therefore defer the application to its meeting on 11 November 2014.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - THE MONKEY HOUSE,  
1 UNION TERRACE, ABERDEEN**

**9. The Board resolved:-**

To defer consideration of the application to its next meeting to be held on 11 November 2014.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - THE PRIORY, 27  
BELMONT STREET, ABERDEEN**

**10.** The Board had before it a letter of representation from the Chief Constable, Police Scotland dated 29 July 2014.

The Board heard Sergeant Flett speak to the Police letter.

Thereafter, Mr Thomson, Solicitor, addressed the Board in support of the application. Mr Thomson confirmed that his client accepted Environmental Health's recommendation in respect of amplified music.

The Board thereafter heard from Ruth O'Hare, Solicitor, that Building Standards had calculated the capacity of the premises to be 943 persons. This results in an increase from the previous figure of 834 persons. The legislation states that the Board must have regard to the number and capacity of licensed premises when considering overprovision and that the Guidance issued by the Scottish Government in 2007 states that Board should use the Building (Scotland) Regulations 2004 assessment methods to calculate capacity. She advised the Board that the applicant may operate at a lesser capacity however this is a separate matter from overprovision.

Mrs O'Hare reminded the Board that Belmont Street was identified in the Board's statement of Policy as being overprovided for on-sales premises. If the Board accepts the calculation from Building Standards and therefore accepts the increase in capacity, it would be up to the applicant to satisfy the Board that an exception to its policy should be made.

Councillor Cameron moved: - to grant the application subject to the following condition:

- (1) The existing CCTV system is to be modified to ensure that it captures all of the outdoor drinking area, including instances where any canopies or other

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structures are erected over the tables and chairs, which would otherwise obscure normal CCTV coverage.

Councillor Boulton moved as an amendment: - to grant the application subject to the following conditions:

**External Area**

1. The outdoor drinking area is to be restricted to 48 persons;
2. The outdoor drinking area is to cease operation at 22:00 hours with no further drinks of any kind being served, taken or consumed there thereafter. It is recognised that after 22:00 hours, patrons from within may still use the outdoor area as a smoking area, However the removal or drinks from inside the premises is forbidden;
3. No amplified music (whether live or recorded), including background music, is to be played in the outdoor drinking area;
4. The existing CCTV system is to be modified to ensure that it captures all of the outdoor drinking area, including instances where any canopies or other structures are erected over the tables and chairs, which would otherwise obscure normal CCTV coverage.

**Operating Capacity**

1. The operating capacity of the premises shall be restricted to 843 persons. For the avoidance of doubt, the capacity for the purposes of calculating overprovision is 943 persons.

On a division there voted: - For the motion (2) Cameron and Townson; For the amendment (4) the Convener and Councillors Carle, Grant and Lawrence;

**The Board resolved:-**

To adopt the amendment.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - THE WIG, 55 CASTLE STREET, ABERDEEN**

11. The Board had before it a representation dated 04 September from Environmental Health and a representation dated 02 September from the LSO.

The Board heard from Diane Sande speak to the representation from the LSO.

Thereafter, Nigel Wood, Solicitor, address the Board in support of the application. Mr Wood confirmed that his client was willing to accept the conditions proposed by both Environmental Health and the LSO.

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

To grant the application subject to the following conditions:

#### **External Area**

1. No amplified music (whether live or recorded) is to be played in the external area;
2. The use of the external area is to cease and be clear of all patrons by 22:00 hours.

### **APPLICATION FOR A PERSONAL LICENCE**

12. The Board had before it a notice in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005 dated 11 August 2014, submitted by the Chief Constable, Police Scotland.

The Board heard from the applicant.

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

To grant the application.

### **LICENSING BOARD DATES FOR 2015**

13. The Board had before them for their consideration the Licensing Board dates for 2015.

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

To approve the dates.

### **RESPONSE TO CONSULTATION ON AIR WEAPONS AND LICENSING (SCOTLAND) BILL 2014**

14. The Board had before it a report (CG/14/123), from the Clerk to the Board informing Members of the Scottish Government Consultation on the Air Weapons and Licensing (Scotland) Bill 2014.

The report recommended that the Board:

- (1) Approve the response to the consultation and

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(2) Directed officers to submit the response to Scottish Government no later than 29 September 2014.

**The Board resolved: -**

to approve the recommendations.

**MARIE BOULTON, CONVENER.**