

# Public Document Pack



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

Town House,  
ABERDEEN, 05 September 2014

## LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 16 SEPTEMBER 2014 at 10.30 am.**

JANE G MACEACHRAN  
CLERK TO THE LICENSING BOARD

### **B U S I N E S S**

- 1 List of Applications (Pages 1 - 6)
  - 1.1 Application for Provisional Premises Licence - The Co-Operative Food, Stoneywood Road, Dyce, Aberdeen (Pages 7 - 18)
  - 1.2 Application for Variation of Premises Licence - Murdos, Cairncry Road, Aberdeen (Pages 19 - 24)
  - 1.3 Application of for Variation of Premises Licence - Aberdeen Hero/Pumpkin, Aberdeen Railway Station, Guild Street, Aberdeen (Pages 25 - 30)
  - 1.4 Application for Variation of Premises Licence - Bistro Verde, Units 1 & 2, The Green, Aberdeen, (Pages 31 - 32)
  - 1.5 Application for Variation of Premises Licence - City News Convenience, 37 Union Street, Aberdeen (Pages 33 - 42)
  - 1.6 Application for Variation for a Premises Licence, Las Iguanas, Unit FS1, First Floor Mall, Union Square, Guild Street, Aberdeen (Pages 43 - 44)

- 1.7 Application for Variation for a Premises Licence, The Chester Hotel, 59 Queen's Road, Aberdeen (Pages 45 - 58)
  - 1.8 Application for Variation of Premises Licence - The Monkey House, 1 Union Terrace, Aberdeen (Pages 59 - 60)
  - 1.9 Application for Variation of Premises Licence - The Priory, 27 Belmont Street, Aberdeen (Pages 61 - 68)
  - 1.10 Application for Variation of Premises Licence - The Wig, 55 Castle Street, Aberdeen (Pages 69 - 74)
  - 1.11 Application for a Personal Licence (Pages 75 - 76)
- 2 Licensing Board Dates for 2015  
Proposed Dates for 2015 for approval:
- 20 January
  - 3 March
  - 28 April
  - 23 June
  - 25 August
  - 6 October
  - 8 December
- 3 Response to Consultation on Air Weapons and Licensing (Scotland) Bill 2014  
(Pages 77 - 104)

Should you require any further information about this agenda, please contact Arlene Dunbar, email [ardunbar@aberdeencity.gov.uk](mailto:ardunbar@aberdeencity.gov.uk) ext (52) 3411

## ABERDEEN CITY LICENSING BOARD

Meeting 16 September 2014 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

### Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
1	THE CO-OPERATIVE FOOD STONEWOOD ROAD DYCE ABERDEEN AB21 9JS	CO-OPERATIVE GROUP FOOD LIMITED C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	28 July 2014	Premises offering off consumption; 10:00 - 22:00 Monday to Sunday

**ABERDEEN CITY LICENSING BOARD**

**Meeting 16 September 2014 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

<b>Variation (Major)(s)</b>	<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
2	MURDOS CAIRNCRY ROAD ABERDEEN AB16 5DP	STONEGATE PUB COMPANY LIMITED C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	29 May 2014	Change of layout to increase the size of the external area. Change to terms of entry for children and young persons so that they will be allowed entry without having to consume a meal and allow them entry for ticketed events and private functions; children and young persons may remain in the lounge and function room/cocktail bar, until the terminal hour of the event. Otherwise children and young persons will be allowed entry to the lounge, function room/cocktail bar and external seating area until 22:00

**ABERDEEN CITY LICENSING BOARD**

**Meeting 16 September 2014 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
3 ABERDEEN HERO/PUMPKIN ABERDEEN RAILWAY STATION GUILD STREET ABERDEEN AB11 6LX	SELECT SERVICE PARTNER LIMITED C/O LINDSAYS SOLICITORS CALEDONIAN EXCHANGE 19A CANNING STREET EDINBURGH EH3 8HE	15 July 2014	Provision of bar meals, music and gaming outwith core hours; provision of televised sport both within and outwith core hours; amendment to children's access; inclusion of new alcohol display area in pumpkin area, off sale capacity of 1.07m2; removal of word "Lemon Tree" throughout and replace with "pumpkin"
4 BISTRO VERDE UNITS 1 & 2 THE GREEN ABERDEEN AB11 6NY	ISABELLA CRAIB	24 June 2014	Additional Sunday on sale hours: 11:00 to 01:00
5 CITY NEWS CONVENIENCE 37 UNION STREET ABERDEEN AB11 5BN	CITY NEWSBUSTER LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	12 June 2014	Change of layout resulting in an increase in the alcohol display area.

**ABERDEEN CITY LICENSING BOARD**

**Meeting 16 September 2014 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
6 LAS IGUANAS UNIT FS1 FIRST FLOOR MALL UNION SQUARE GUILD STREET ABERDEEN	LAS IGUANAS LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	15 July 2014	Amend on sale hours from 11:00 - 23:00 to 11:00 to 00:00 hours Monday to Sunday; include Seasonal Variations; Amendment to the operating plan to allow the premises to open from 09:00 for service of teas, coffees, breakfasts etc.; Amend to operating plan to permit restaurant facilities & music out with core hours.
7 THE CHESTER HOTEL 59 QUEEN'S ROAD ABERDEEN AB15 4YP	THE CHESTER HOTEL LIMITED C/O BURNES PAULL LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	21 July 2014	Addition of new external terrace located off restaurant at upper ground floor level; increase in capacity from 1726 to 1834 persons (increase in operating capacity from 1040 to 1065 persons) (additional 25 persons in external areas)
8 THE MONKEY HOUSE 1 UNION TERRACE ABERDEEN AB10 1NJ	THE EPIC GROUP (SCOTLAND) LTD C/O BRODIES LLP SOLICITORS 31-33 UNION GROVE ABERDEEN AB10 6SD	6 August 2014	Change in operation from Public House to Restaurant: - See information sheet for details

**ABERDEEN CITY LICENSING BOARD**

**Meeting 16 September 2014 at 10:30am in Committee Room 2, Town House, Broad 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 THE PRIORY 27 BELMONT STREET ABERDEEN AB10 1JS	THE EPIC GROUP (SCOTLAND) LTD C/O INN BUSINESS SCOTLAND FORSYTH HOUSE LOMOND COURT CASTLE BUSINESS PARK STIRLING FK9 4TU	26 May 2014	Change the commencement hour Sundays to Thursdays to 14:00 hours, Fridays and Saturdays to 15:00 hours. Vary the operating and layout plans to allow outdoor drinking to be available within core hours.
THE WIG 55 CASTLE STREET ABERDEEN AB11 5BA	PARTNERSHIP OF ADAM FLETT AND ALAN MORGAN C/O HARPER MACLEOD LLP SOLICITORS THE CA'D'ORO 45 GORDON STREET GLASGOW G1 3PE	18 July 2014	Incorporate external area into licence; amendment to Sunday core hours for both on & off sales to commence at 11:00 from 12:30 and amendment to times children are permitted access to 12:00 noon daily.

---

**ABERDEEN CITY LICENSING BOARD**

**Meeting 16 September 2014 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

**Personal Licence(s)**

**Applicant**

**Date Received**

**Comments**

11 MARIUSZ MYSLIWIEC

24 June 2014



## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** PROVISIONAL PREMISES LICENCE

**PREMISES:** The Co-Operative Food, Stoneywood Road, Dyce, Aberdeen

### DESCRIPTION

- Convenience Store
- Alcohol to be sold for consumption off the premises
- Licensed Hours 10:00 to 22:00 Monday to Sunday
- Other activities: recorded music during and outwith core hours; the sale of groceries, non- food items and other household goods and the provision of ancillary services within and outwith core hours.
- Capacity 32.05m<sup>2</sup>

### OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian
- LSO

### LICENSING POLICY STATEMENT

#### Paragraph 6.5 – Conditions Attaching to Licences

The Board has devised a number of local conditions which may be attached to premises licences.

1. The following condition will be attached to all off-consumption premises licences unless there is cause shown why this should not be the case:

#### CCTV

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current technical requirements of the Police Service of Scotland as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. (all off-sales are however exempt from 4.2 relating to lip sync capability at entrance and exit doors)

**NOTE:** The applicant has accepted the imposition of the Local CCTV condition.

## Paragraph 9.8 Overprovision Off Sales

OFF SALES: The Health Board identified the whole of the Board's area as having overprovision of all premises types except restaurants. The Board considers that the Health Board is the best source to advise on matters relating to health and its relationship with alcohol. The Health Board supported its recommendation with a variety of evidence as contained in its response dated 24 September 2013 to the Board's review. The Board had regard to this evidence and in particular noted that Scotland buys 69% of alcohol from supermarkets and shops rather than pubs and clubs. The Aberdeen City Council Citizens Panel has reported that 97.8% of respondents purchased their alcohol from supermarkets. The Board also took cognisance of the high figures of alcohol cirrhosis admissions per 100,000 in Aberdeen, alcohol related hospital admissions and attributable annual alcohol related admissions. The Board also noted from the Health Board's proposals that 96% of adult residents lived within 1,000 metres of an off sale premises whilst 84% lived within 500 metres of a liquor licensed premises. The Board was of the view that these statistics contributed to the evidence which led the Board to consider there to be an overprovision of off sales premises in its area. The Board also considered that the evidence provided by the police in regard to alcohol related crime figures throughout the city adequately supported its view. The Board realised that the terms of section 7 of the 2005 Act did not support calculating overprovision to cover its entire area. The Board therefore decided to exclude two localities namely a) the Anguston locality (as identified by the Board) and b) the Kirkhill locality (as identified by the Board). Both localities are identified by way of maps which are attached at Appendix 3 to this Policy.

Having excluded these two localities, the Board identified the rest of its area as a locality which has overprovision of off sales premises. The Board, having regard to the number and capacity of liquor licensed premises in this locality and, with the supporting evidence provided by consultees, adopted this locality as having an overprovision of liquor licensed premises for off sales.

The Board realised that there were premises which sold alcohol for off consumption only and other premises which sold alcohol for both off and on consumption. It decided to restrict overprovision to premises that sold alcohol for off consumption only which, according to the information from the Health Board, is where the source of cheap alcohol lies.

The Board also realised that this figure was likely to change in future should any off sales premises close by way of surrender or revocation. The Board was also aware from the Health Board's advice that described their evidence as "the tip of the iceberg" and that there was a lot of under-reporting. The Board therefore considered that this would not automatically lead to a successful application for a new licence on the basis that an existing licence had been surrendered or revoked. Should that occur the Board may consider carrying out a further overprovision assessment before determining such future application.

For the avoidance of doubt, the capacity figure stated in the operating plan at Q7 will be used by the Board only for the purpose of assessing overprovision.

**NOT PROTECTIVELY MARKED**

25 August 2014

Your Ref:

Our Ref:  
AD/DASU/SID33937/0468/14

Mr Eric W J Anderson  
Team Leader (Team Three)  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6  
Level 1 South  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB



**POLICE  
SCOTLAND**  
Keeping people safe

Sir Stephen House QPM  
Chief Constable

Aberdeen City Division  
Queen Street  
Aberdeen  
AB10 1ZA

01224 306472

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF  
A PREMISES LICENCE  
CO-OPERATIVE GROUP FOOD LIMITED, 1 ANGEL SQUARE,  
MANCHESTER, M60 0AG  
THE CO-OPERATIVE FOOD, STONEYWOOD ROAD, DYCE, ABERDEEN,  
AB21 9JS**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

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

The premises are situated within the 'Off Sales' overprovision area, as detailed within 9.8 of the 2013- 2016 Aberdeen City Licensing Board Statement of Licensing Policy. The Policy states that the Board accepted detailed evidence from the Health Board when identifying it's off sales overprovision area and that it "...considered that the evidence provided by the Police in regard to

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

alcohol related crime figures throughout the city adequately supported its view."

Police Scotland provided Aberdeen City Licensing Board with detailed analytical data in respect of crimes and offences connected to licensed premises, and other crimes where the consumption of alcohol by either the perpetrators or victims of crime was a key factor, all of which impacted significantly on the Preventing Crime and Disorder licensing objective, amongst others. This evidence was read alongside that provided by the Health Board during the Board's decision making process for the overprovision assessment.

For these reasons, and in terms of Section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005, the Chief Constable makes representation in respect of to the application.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Murray Main', written in a cursive style.

Murray Main  
Chief Inspector

**NOT PROTECTIVELY MARKED**

Our Ref: 20141129  
Date 5 September 2014  
Enquiries to 01224 557047  
Email: [grampian.healthprotection@nhs.net](mailto:grampian.healthprotection@nhs.net)

Eric Anderson  
Solicitor  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6, Level 1 South,  
Marischal College, Broad Street  
Aberdeen AB10 1AB

Dear Mr Anderson

**Licensing (Scotland) Act 2005 – Application for the grant of a Provisional Premises Licence Co-operative Food, Stoneywood Road, Dyce, Aberdeen, AB21 9JS**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following objection.

The applicant seeks to operate an off-sales licensed premise at Stoneywood Road, Dyce, Aberdeen. The Aberdeen City Alcohol Licensing Board published their Statement of Licensing Policy in November 2013. Under Section 7 of the Licensing (Scotland) Act 2005, the Licensing Board were unanimous in the declaration of the whole of the Board area as overprovided for in terms of off-sales with the exception of two localities – Anguston and Kirkhill. This overprovision assessment was taken after considering the detailed analytical evidence from both NHS Grampian and Police Scotland.

The application for Stoneywood Road, Dyce, Aberdeen is within the area defined by the Board as overprovided for in terms of off-sales - Section 9.8 of the Aberdeen Statement of Licensing Policy 2013-2016:

*Having excluded these two localities (Anguston and Kirkhill), the Board identified the rest of its area as a locality which has overprovision of off sales premises.*

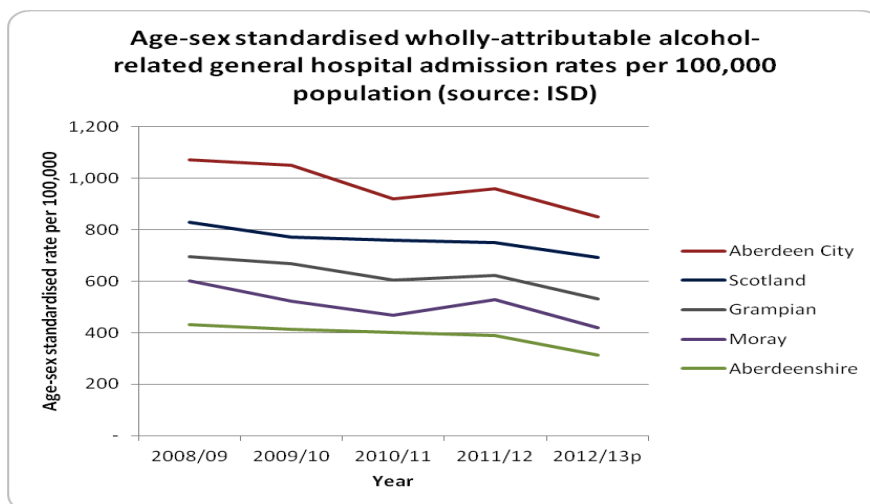
NHS Grampian supported the Board's decision with density maps and data during the Statement of Licensing Policy consultation. Below is the compelling density data for Aberdeen. The density 1km buffer map is attached as appendix 1.

	Total licensed premises	On-sales premises	Off-sales premises	% population 18+ residing within 1 km off-sales	% population 18+ residing within 500 m off-sales
<b>Aberdeen City at Dec 2012</b>	<b>635</b>	<b>447</b>	<b>188</b>	<b>96%</b>	<b>84%</b>

There is a strong relationship between the availability of alcohol leading to overconsumption resulting in health harm. Availability of alcohol not only pertains to access but also to price. Having premises in close proximity may result in competitive pricing thus making alcohol available in terms of cost.

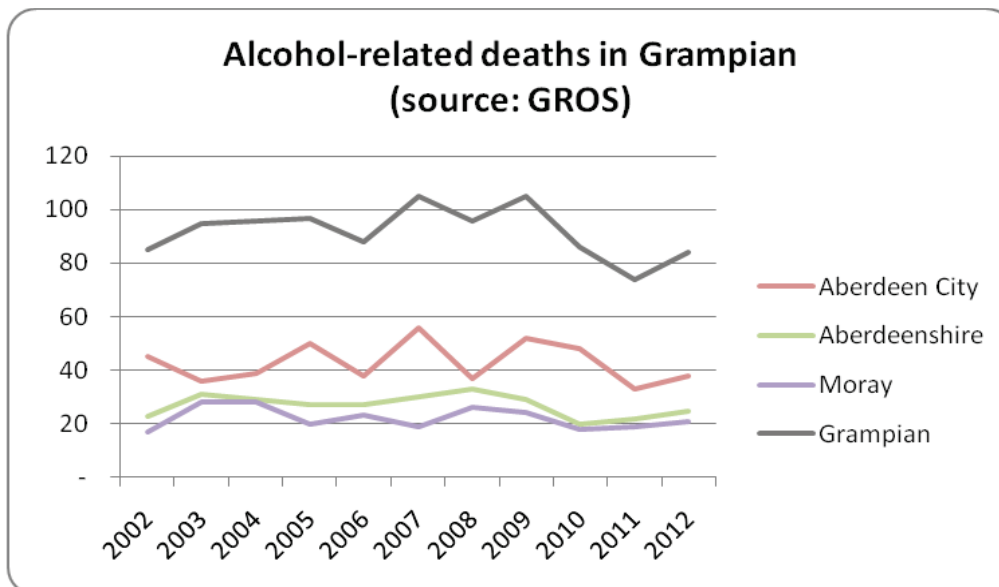
The Board will be aware that the majority of alcohol is bought from off-sales alcohol outlets where the alcohol is cheaper than purchasing from on-sales. Drinking within a domestic setting can increase the risks of alcohol-related harms and excessive consumption, leading to health harm. NHS Grampian provided evidence during the consultation demonstrating the link between provision of premises and increased consumption leading to alcohol related health harm. The World Health Organisation have reported alcohol attributable health harms and are presented in appendix 2, and have recently reported that alcohol is a considerable contributor in preventable cancer<sup>1</sup>.

The graph below illustrates hospital admissions. Trends in wholly attributable alcohol-related hospital admissions in Grampian have been generally consistent with those seen nationally. Following a decade of rising admission rates, there has been a reduction in recent years, however, there is no room for complacency as the Aberdeen City admission rate remains significantly higher than Aberdeenshire or Moray and is higher than the Scottish figure.



<sup>1</sup> <http://www.iarc.fr/en/publications/books/wcr/wcr-order.php>

The graph below illustrates death rates as reported by The Scottish Public Health Observatory (ScotPHO<sup>2</sup>) using General Register Office for Scotland (GROS) data. While there has been a reduction in alcohol related deaths in Grampian (8% to 15%), this has been smaller than seen nationally. Aberdeen City has around twice the number of wholly-attributable alcohol related deaths (around 40 per year) than Moray or Aberdeenshire (around 20 per year). Over half (54%) of alcohol related deaths occur under the age of sixty, and by their nature all are potentially preventable.



Information from ScotPHO can be broken down to post code sector. The post code sectors for the area served by this off sales premises include AB21 7 and AB21 9. Data zones within both these areas record alcohol related or attributable hospital patient admissions to be **more than 5% worse than the Scottish average** and are coded Red in the most recent edition of the Traffic Lights Health & Wellbeing Profiles (2012)<sup>3</sup>.

The NHSG report prepared for the Board in September 2013 - *Consultation Response to Aberdeen City Licensing Board's Draft Statement of Licensing Policy* concluded that:

*On many health fronts, Aberdeen's population is affected by the consumption of alcohol in terms of A&E attendances, hospital admission, illness, injury and early death. In many instances Aberdeen's rate of such adverse events is worse than Scotland's, e.g. wholly and partially attributable fractions of alcohol-related admission rates, cirrhosis admission rate. Analysis of health harm and alcohol consumption/sales data demonstrates that the Aberdeen community is already adversely affected by its alcohol consumption, particularly in international terms.*

The Boards Statement of Statement of Licensing Policy paragraph 27.4 states:

*The Health Board states that increased access and availability to alcohol through increased numbers of premises and/or opening hours or decreased pricing is linked to increased consumption, which in turn potentially leads to increased harm. Even*

<sup>2</sup> <http://www.scotpho.org.uk/>

<sup>3</sup> <http://www.nhsgrampian.org/grampianfoi/files/TrafficLights2012AberdeenCity.pdf>

*small reductions in the availability of alcohol can contribute to health gain and reduce violence and harm to the population generally, as well as to the drinker themselves. Alcohol availability is affected by outlet density, outlet distance, opening hours and price. The Board acknowledges this statement and recognises that the Health Board is in the best position to advise on the detrimental effects of alcohol on health.*

There is nothing in the application which demonstrates that this application should be approved on the basis that it is an exception and fits a local need for increase in capacity of off sales.

For these reasons, and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian objects to the application as the granting of it would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

A handwritten signature in cursive script that reads "pp Heather Wilson".

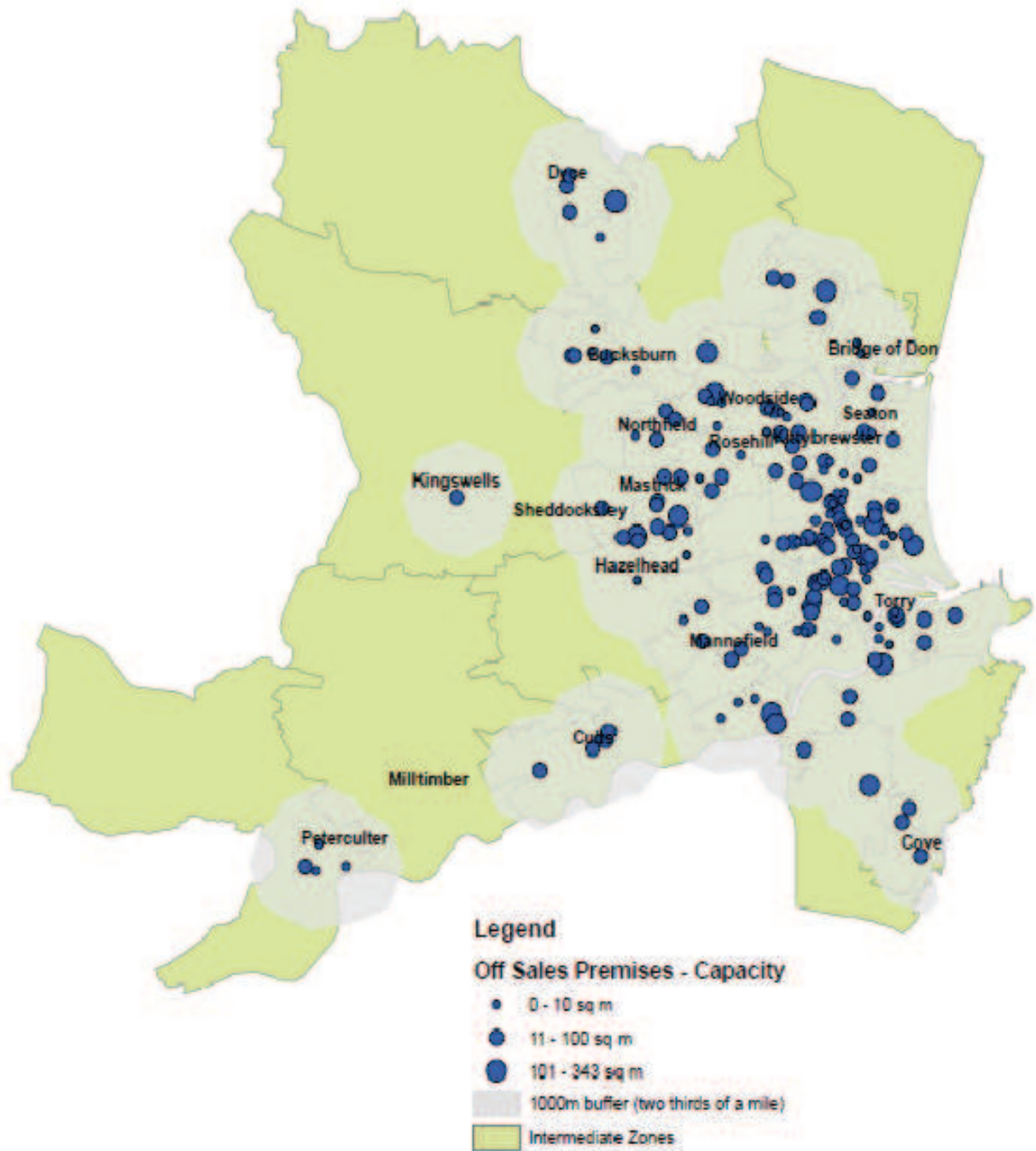
Christopher Littlejohn  
Consultant in Public Health

pp Heather Wilson  
Health Improvement Officer (Alcohol & Drugs)



# Aberdeen City Alcohol Off Sales Licensed Premises (188)

(1000m buffer)



Based on general practice registration of Abn City residents at April 2012  
192,500 = 18 years and over population  
185,600 = 18 years and over live within 1000 metres of an off-sales premises  
96% = percentage of residents live within 1000 metres of an off sales premises

**Box 9. Major disease and injury categories causally linked to alcohol**

**Neuropsychiatric disorders:** AUDs are the most important disorders caused by alcohol consumption in this category. Epilepsy is another disease causally impacted by alcohol, over and above withdrawal-induced seizures (Samokhvalov et al., 2010). Many other neuropsychiatric disorders are associated with alcohol, but whether they are caused or the extent to which they are caused by alcohol consumption is not clear.

**Gastrointestinal diseases:** liver cirrhosis and pancreatitis (both acute and chronic) can be caused by alcohol consumption. Higher levels of alcohol consumption create an exponential risk increase. The impact of alcohol is so large for both disease categories that there are sub-categories that are labelled as "alcoholic" or "alcohol-induced".

**Cancer:** alcohol consumption has been identified as carcinogenic for the following cancer categories (Baan et al., 2007): cancers of the colorectum, female breast, larynx, liver, oesophagus, oral cavity and pharynx. The higher the consumption of alcohol, the greater the risk for these cancers: even the consumption of two drinks per day causes an increased risk for some cancers, such as breast cancer (Hamajima et al., 2002).

**Intentional injuries:** alcohol consumption, especially heavy drinking, has been linked to suicide and violence. In this report, intentional injuries include violence and self-inflicted injuries.

**Unintentional injuries:** almost all categories of unintentional injury are impacted by alcohol consumption. The effect is strongly linked to the level of alcohol concentration in the blood and the resulting effects on psychomotor abilities. Higher levels of alcohol consumption create an exponential risk increase. In this report unintentional injuries include road traffic accidents, falls, drowning, poisoning and other unintentional injuries.

**Cardiovascular diseases:** the relationship between alcohol consumption and cardiovascular diseases is complex. Light to moderate drinking can have a beneficial impact on morbidity and mortality for ischaemic heart disease and ischaemic stroke. However, the beneficial cardio-protective effect of drinking disappears with heavy drinking occasions. Roerecke and Rehm (2010) have shown, based on meta-analyses, that, on average, light to moderate drinkers experienced no protective effect if they reported at least one heavy drinking occasion per month. Moreover, alcohol consumption has detrimental effects on hypertension, cardiac dysrhythmias and haemorrhagic stroke, regardless of the drinking pattern (Rehm et al., 2010).

**Fetal alcohol syndrome and pre-term birth complications:** alcohol consumption by an expectant mother may cause these conditions, which are detrimental to the health and development of neonates.

**Diabetes mellitus:** a dual relationship exists between alcohol consumption and diabetes mellitus. Light to moderate drinking may be beneficial while heavy drinking is detrimental (Baliunas et al., 2009a).

<sup>4</sup> World Health Organisation. *Global Status report on alcohol and health*. Geneva: World Health Organisation, 2011.



# MEMO

Environmental Health and Trading Standards

**Housing and Environment**

3<sup>rd</sup> Floor, Marischal College



To	Eric Anderson Team Leader Legal and Democratic Services		
From	Tara-Erin Gilchrist, Licensing Standards Officer, Environmental Services		
Email	Commercial@aberdeencity.gov.uk	Date	1 September 14
Tel.	522185	Our Ref.	DBS/PAC
Fax.	01224 523887	Your Ref.	

Dear Sir

## **Licensing (Scotland) Act 2005**

### **Application for Provisional Premises Licence**

**Address: The Co-operative Food, Stoneywood Road, Dyce, Aberdeen, AB21 9JS,**

**Applicant: Co-operative Group Food Limited, 1 Angel Square, Manchester, M60 0AG**

In terms of Section 22 (1)(b), I make the following representation to the Licensing Board.

The overprovision statement, as detailed within the Aberdeen Licensing Board policy (section 9), identifies overprovision of off sales in Aberdeen with the exception of two localities (section 9.8) - neither of which is relevant to this application. Therefore I would highlight that the application falls within an overprovision area of Aberdeen.

This memo is submitted for your attention when considering the application.

**Tara-Erin Gilchrist**

Licensing Standards Officer

This page is intentionally left blank

## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** VARIATION OF A PREMISES LICENCE

**PREMISES:** MURDO'S, CAIRNCRY ROAD

### DESCRIPTION

- Increase the size of the external drinking area
- Change to terms of entry for children and young persons so that they will be allowed entry without having to consume a meal and allow them entry for ticketed events and private functions; children and young persons may remain in the lounge and function room/cocktail bar, until the terminal hour of the event. Otherwise children and young persons will be allowed entry to the lounge, function room/cocktail bar and external seating area until 22:00

### OBJECTIONS/REPRESENTATIONS

- Police
- LSO

Note: The Applicant has accepted the Police conditions.

### LICENSING POLICY STATEMENT

Paragraph 19.2 – outside seating areas

.....applicants who propose to provide outdoor areas should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

Paragraph 28 – Protecting Children from Harm

28.4 -the following are some examples of control measures are given to assist applicants.

- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder
- Appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a responsible person adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking

in a relevant sporting activity or attending a pre-arranged function or event.

- Enforcement of the mandatory Challenge 25 Policy.

28 July 2014

Your Ref:

Our Ref: AD/DCU/SID33098/9211/14

Mr Eric W J Anderson  
Team Leader (Team Three)  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6  
Level 1 South  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB



Sir Stephen House QPM  
Chief Constable

Aberdeen City Division  
Queen Street  
Aberdeen  
AB10 1ZA

01224 306472

Aberdeen City  
[Licensing@scotland.pnn.police.uk](mailto:Licensing@scotland.pnn.police.uk)

Dear Sir

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
MURDO'S, CAIRNCRY ROAD, ABERDEEN, AB16 5DP**

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

The variation requested consists of the following:

1. The variation of the layout plan to show the position of a pool table.
2. The increase in size of the external area.
3. The capacity increased to 710 persons.
4. At question 6(b) of the Operating Plan, removing the wording "for the purpose of consuming a meal"
5. At question 6(d) of the Operating Plan, amending the wording to state, "At all times that the premises are open to the public."

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

In relation to points 1 and 3 above, I have no adverse comment to make.

In relation to points 2, 4 and 5, in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005 and in support of the Protecting Children from

**NOT PROTECTIVELY MARKED**

Harm licensing objective, the Chief Constable wishes to make the following representations.

In relation to point 2, the increased external area was the subject of four Occasional Licence applications which cover the period commencing 14 July 2014 to 7 September 2014. All four applications were granted subject to the following conditions:

1. Children and young persons allowed entry to the external area for the purpose of consuming a meal provided they are supervised by a person aged 18 years or older.
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 general public.
3. 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".
4. The use of the external area is to cease, and be clear of all patrons and any glassware by 22:00 hours.

The Chief Constable requests that if the variation is granted that the above conditions are imposed in respect of the increased external area.

In respect of point 4 the Chief Constable is of the opinion that the variation in it's current form should be modified and the wording within the Operating Plan at question 6(b) remains unchanged.

In respect of point 5 the Chief Constable is of the opinion that the variation in it's current form should be modified and the wording within the Operating Plan at question 6(b) remain, with the inclusion of a phrase indicting that children and young persons will be allowed on the premises at all times the premises are open to the public only when attending a private function and whilst accompanied by a person aged 18 years or over.

This representation is submitted for your consideration.

Yours faithfully

Murray Main  
Chief Inspector

**NOT PROTECTIVELY MARKED**



# MEMO

Environmental Health and Trading Standards

**Housing and Environment**

3<sup>rd</sup> Floor, Marischal College



**ABERDEEN**  
CITY COUNCIL

To	Eric Anderson Team Leader Legal and Democratic Services		
From	Tara-Erin Gilchrist, Licensing Standards Officer, Environmental Services		
Email	Commercial@aberdeencity.gov.uk	Date	6 August 2014
Tel.	522185	Our Ref.	
Fax.	01224 523887	Your Ref.	

Dear Sir

## **Licensing (Scotland) Act 2005**

### **Application for Variation of a Premises Licence**

**Address: Murdos, Cairncry Road, Aberdeen, AB16 5UR**

**Applicant: Stonegate Pub Company Limited**

In terms of Section 22 (1)(b), I make the following representation to the Licensing Board.

I have no adverse comments to the part of the variation that lists; the position of the Pool table and the increase of capacity from 640 to 710 persons.

The following proposals are also listed in the variation sought:

1. The increase in size of the external area.
2. Question 6(b) of the Operating Plan, removing the wording "for the purpose of consuming a meal"
3. Question 6(d) of the Operating Plan, amending the wording to state, "At all times that the premises are open to the public."

In response to the above points, I would like to propose the following recommendations;

1. The external seating location to include a barrier surrounding the licensed area. This will create an easily identified curtilage for staff, customers and other persons utilising the adjacent footpath.

Signage to be erected which clearly lists the times of operation and times of access for children and young persons.

2. Question 6(b); I have no objection to the removal of the wording "for the purpose of consuming a meal".

3. Question 6(d) conditioned to include;

For ticketed events and private functions only; children and young persons may remain in the lounge and function room until the terminal hour of the event; otherwise Children and young persons will be allowed entry to the lounge, function room and external seating area until 2100 hours.

This memo is submitted for your attention when considering the application.

**Tara-Erin Gilchrist**  
Licensing Standards Officer

## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** VARIATION OF A PREMISES LICENCE

**PREMISES:** ABERDEEN HERO/PUMPKIN, ABERDEEN RAILWAY STATION, GUILD STREET, ABERDEEN

### DESCRIPTION

- Provision of bar meals, music gaming and outwith core hours;
- Inclusion of televised sport both within and outwith core hours;
- amendment to children's access; - Children and Young Persons will be permitted entry to all public parts of the premises at all times the premises are open. Children and young persons must be accompanied by an adult. Children and Young Persons will not be permitted at or immediately adjacent to the bar or any gaming machines.
- inclusion of new alcohol display area in pumpkin area, off sale capacity of 1.07m2
- removal of word "Lemon Tree" throughout and replace with "pumpkin"

### OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian

### LICENSING POLICY STATEMENT

Paragraph 28 – Protecting Children from Harm

28.4 -the following are some examples of control measures given to assist applicants.

- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or

disorder

- Appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a responsible person adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function or event.
- Enforcement of the mandatory Challenge 25 Policy.

26 August 2014

Your Ref:

Our Ref:  
AD/DCU/SID33935/6759/14

Mr Eric W J Anderson  
Team Leader (Team Three)  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6  
Level 1 South  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB



**POLICE  
SCOTLAND**

Keeping people safe

Sir Stephen House QPM  
Chief Constable

Aberdeen City Division  
Queen Street  
Aberdeen  
AB10 1ZA

01224 306472

[AberdeenCityLicensing@Scotland.pnn.police.uk](mailto:AberdeenCityLicensing@Scotland.pnn.police.uk)

Dear Sir

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
ABERDEEN HERO/PUMPKIN, ABERDEEN RAILWAY STATION, GUILD  
STREET, ABERDEEN, AB11 6LX**

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

The variation requested consists of several elements, namely:

1. Amending Q5(a) of the Operating Plan to allow bar meals out-with core hours.
2. Amending Q5(g) of the Operating Plan to permit recorded music out-with core hours.
3. Amending Q4(g) of the Operating Plan to permit gaming out-with core hours.
4. Amending Q5(g) of the Operating Plan to permit televised sport out-with core hours.
5. Amending the wording of Q5(g) of the Operating Plan to "Bar meals, music, gaming and televised sport may be provided outwith core hours but not before 0700 hours and no later than the terminal hour".
6. Amending the wording of Q6(b) to "Children and Young Persons will be permitted entry to all public parts of the premises at all times the premises are open. Children and Young Persons must be accompanied by an adult. Children and Young Persons will not be permitted at or immediately adjacent to the bar or any gaming machines".

**NOT PROTECTIVELY MARKED**

7. Amending the wording of Q6(e) to "Children and young persons will be permitted access to all public parts of the premises. However, they will not be permitted at or immediately adjacent to the Bar, nor will they be permitted at any gaming machines".
8. Amending Q7 of the Operating Plan to show the new measurements of the premises.

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

In respect of points 1, 2, 3, 4, 5, and 8 above I have no adverse comment to make.

In respect of points 6 and 7 above, in terms of Section 22(1)(b)(i) and (ii) of the same Act and in support of the Protecting Children from Harm licensing objective, I make the following representation on behalf of the Chief Constable, and request that the variation in its current form be modified to "Children and Young Persons will be permitted entry to all public parts of the premises when it is open, but in respect of the part of the premises referred to as 'Hero' children will be only permitted entry when accompanied by an adult who is partaking of a table meal. Children and Young Persons will not be permitted at or immediately adjacent to the bar or any gaming machines".

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'Murray Main', with a stylized flourish at the end.

Murray Main  
Chief Inspector

**NOT PROTECTIVELY MARKED**

Date: 5<sup>th</sup> September 2014  
Enquiries to: 01224 557047  
Our Ref: 20141128  
Email: grampian.phalcohollicensing@nhs.net

Eric Anderson  
Solicitor  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6, Level 1 South,  
Marischal College, Broad Street  
Aberdeen AB10 1AB

Dear Sir / Madam

**Licensing (Scotland) Act 2005 – Application for the variation of a Premises Licence  
Aberdeen Hero/Pumpkin, Aberdeen Railway Station, Guild Street, Aberdeen, AB11  
6LX**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005 and make the following objection.

The applicant seeks a change in license to permit children, who are accompanied by an adult, access to the premises at all times the premises are open.

The Aberdeen City Licensing Board Statement of Licensing Policy 2013 - 2016 at paragraphs 28.1 and 28.3 states that:

*“The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families.”*

*“Children may be adequately protected from harm by the action taken to protect adults but they may also need particular measures to be taken. When addressing the issue of Protecting Children from Harm the applicant must consider those factors which may particularly impact on children”*

If children are to be present in licensed areas then particular attention and detail should be given to showing how they will be protected from harm. I suggest that Hero/Pumpkin consider and provide greater detail on how they will address the following control measures, which will have a particular impact on children and are listed under section 28.4 of the Aberdeen City Licensing Board Statement of Licensing Policy.

- (b) *Employment of members of staff who have convictions for serving alcohol to children, or convictions against children in premises where families are encouraged.*

- (d) *Measures to ensure children are not exposed to incidences of violence or disorder*
- (e) *Appropriate training and supervision of those employed to secure protection of children from harm.*
- (f) *Imposition of reasons for children to be present and/ or accompanied by a responsible person adult who shall have responsibility for, and supervise such **children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal**, partaking in a relevant sporting activity or attending a pre-arranged function or event.*
- (g) *Enforcement of the mandatory Challenge 25 Policy.*

Unless the controls identified above have been addressed NHS Grampian would argue that there is no validation for this Application for Variation of Premises License to be granted. I feel that the information currently provided is not sufficient in terms of safeguarding to meet the requirements of the Board's Policy. I would also suggest that children and young people should not be admitted to this establishment after 9pm as no meals are available for order or consumption after this time.

In addition it would be useful if the operating plan gave some indication of the maximum time children or young people were on the premises whilst alcohol was being consumed. There would appear to be nothing in the board's Licensing Policy or in this Operating Plan to technically prevent a child being on the premises from 8am to 11pm.

For these reasons, and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, The Public Health Directorate of NHS Grampian objects to the application in that the granting of the application would be inconsistent with the Protecting Children from Harm licensing objective.

Yours faithfully



Christopher Littlejohn

Consultant in Public Health

**pp Heather Wilson**

**Health Improvement Officer**



**LICENSING BOARD INFORMATION SHEET**

**TYPE OF APPLICATION:** VARIATION OF A PREMISES LICENCE

**PREMISES:** BISTRO VERDE

**DESCRIPTION**

- Addition of Sunday on sale hours, 11:00 to 01:00

**OBJECTIONS/REPRESENTATIONS**

None

**LICENSING POLICY STATEMENT**

N/A

This page is intentionally left blank

## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** VARIATION OF A PREMISES LICENCE

**PREMISES:** CITY NEWS CONVENIENCE, 37 UNION STREET

### DESCRIPTION

- Change to layout to erect additional display areas
- Increase in capacity from 11.53m<sup>2</sup> to 14.16m<sup>2</sup>

### OBJECTIONS/REPRESENTATIONS

- LSO
- NHS Grampian

### LICENSING POLICY STATEMENT

Extract from paragraph 9.8 Overprovision Off Sales

#### OFF SALES:

The Board realised that the terms of section 7 of the 2005 Act did not support calculating overprovision to cover its entire area. The Board therefore decided to exclude two localities namely a) the Anguston locality (as identified by the Board) and b) the Kirkhill locality (as identified by the Board).

**Having excluded these two localities, the Board identified the rest of its area as a locality which has overprovision of off sales premises.** The Board, having regard to the number and capacity of liquor licensed premises in this locality and, with the supporting evidence provided by consultees, adopted this locality as having an overprovision of liquor licensed premises for off sales.

The Board realised that there were premises which sold alcohol for off consumption only and other premises which sold alcohol for both off and on consumption. It decided to restrict overprovision to premises that sold alcohol for off consumption only which, according to the information from the Health Board, is where the source of cheap alcohol lies.

The Board also realised that this figure was likely to change in future should any off sales premises close by way of surrender or revocation. The Board was also aware from the Health Board's advice that described their evidence as "the tip of the iceberg" and that there was a lot of under-reporting. The Board therefore considered that this would not automatically lead to a successful application for a new licence on the basis that an existing licence had been surrendered or revoked. Should that occur the Board may consider carrying out a further overprovision assessment before determining such future application.

This page is intentionally left blank

# MEMO

Environmental Health and Trading Standards

**Housing and Environment**

3<sup>rd</sup> Floor, Marischal College



**ABERDEEN**  
**CITY COUNCIL**

To	Eric Anderson Team Leader Legal and Democratic Services		
From	Diane Sande Licensing Standards Officer, Environmental Services		
Email	Commercial@aberdeencity.gov.uk	Date	5 August 2014
Tel.	522541	Our Ref.	DBS/PAC
Fax.	01224 523887	Your Ref.	

## Licensing (Scotland) Act 2005

### Application for a Variation of Premises licence

**Address: City News Convenience, 37 Union Street, Aberdeen, AB11 5BN**

**Applicant: City Newsbuster Limited, 37 Union Street, Aberdeen, AB11 5BN**

In terms of section 22 [1] [b] I would like to make the following representation.

The overprovision statement, as detailed within the Aberdeen Licensing Board policy (section 9), identifies overprovision of off sales in Aberdeen with the exception of two localities (section 9.8) - neither of which is relevant to this application. Therefore I would highlight that the application falls within an overprovision area of Aberdeen.

[REDACTED]

**Diane Sande**

Licensing Standards Officer

This page is intentionally left blank

Date 5<sup>th</sup> August 2014  
Enquiries to 01224 557047  
Our Ref 20141111  
Email: [grampian.healthprotection@nhs.net](mailto:grampian.healthprotection@nhs.net)

Eric Anderson  
Solicitor  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6, Level 1 South,  
Marischal College, Broad Street  
Aberdeen AB10 1AB

Dear Mr Anderson

**Licensing (Scotland) Act 2005 – Application for the variation of a Premises Licence  
City News Convenience, 37 Union Street, Aberdeen, AB11 5BN**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following objection.

The applicant seeks to increase the capacity of the premises off-sales provision at 37 Union Street, Aberdeen from 11.53m<sup>2</sup> to 14.15m<sup>2</sup>. **According to our calculations this equates to an increase of 2.62 m<sup>2</sup> which represents a 23% increase in off-sales capacity.** The Aberdeen City Alcohol Licensing Board published their Statement of Licensing Policy in November 2013. Under Section 7 of the Licensing (Scotland) Act 2005, the Licensing Board were unanimous in the declaration of the whole of the Board area as overprovided for in terms of off-sales with the exception of two localities – Anguston and Kirkhill. This overprovision assessment was taken after considering the detailed analytical evidence from both NHS Grampian and Police Scotland.

The application for 37 Union Street, Aberdeen is within the area defined by the Board as overprovided for in terms of off-sales - Section 9.8 of the Aberdeen Statement of Licensing Policy 2013-2016:

*Having excluded these two localities (Anguston and Kirkhill), the Board identified the rest of its area as a locality which has overprovision of off sales premises.*

Within the immediate vicinity of City News there are a number of off-sales premises selling a similar range of products. See table below.

Address	Distance from City News Convenience	Walking time from City News Convenience
17 Justice Street *	0.322 kilometres	4 minutes
36 – 40 Market Street *	0.322 kilometres	4 minutes
St Nicholas Centre, George Street,	0.023 kilometres	2 minutes
Guild Street (2 stores) *	0.483 kilometres	5 minutes

\* denotes stores selling alcohol from 10am until 10.00pm

NHS Grampian supported the Board's decision with density maps and data during the Statement of Licensing Policy consultation. Below is the compelling density data for Aberdeen. The density 1k buffer map is attached as appendix 1.

	Total licensed premises	On-sales premises	Off-sales premises	% population 18+ residing within 1 km off-sales	% population 18+ residing within 500 m off-sales
<b>Aberdeen City at Dec 2012</b>	<b>635</b>	<b>447</b>	<b>188</b>	<b>96%</b>	<b>84%</b>

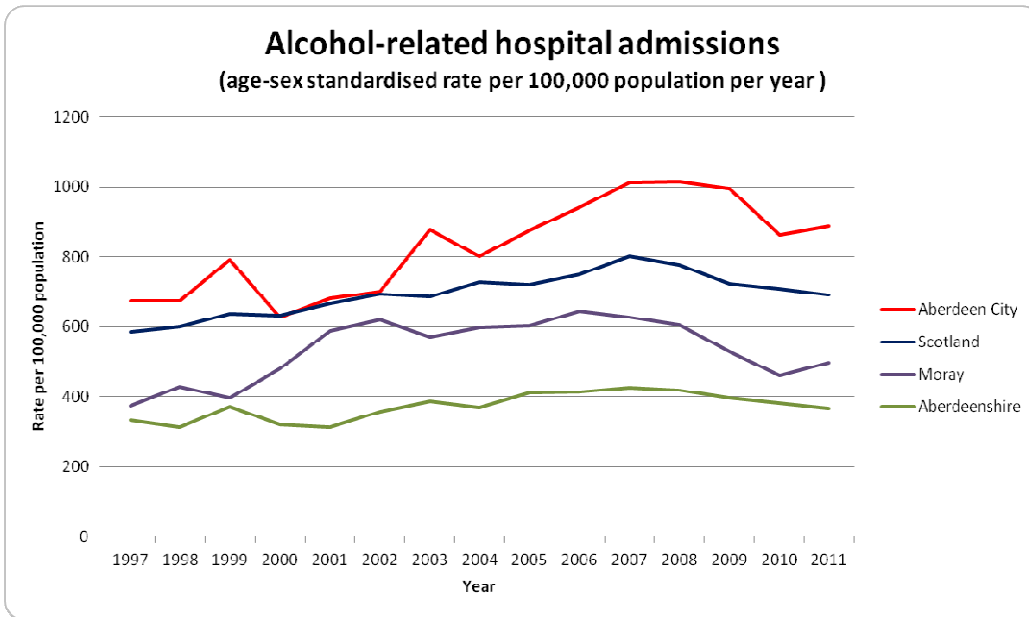
There is a strong relationship between the availability of alcohol leading to overconsumption resulting in health harm. Availability of alcohol not only pertains to access but also to price. Having premises in close proximity may result in competitive pricing thus making alcohol more available in terms of cost.

The Board will be aware that the majority of alcohol is bought from off-sales alcohol outlets where the alcohol is cheaper than purchasing from on-sales. Drinking within a domestic setting can increase the risks of alcohol-related harms and excessive consumption, leading to health harm. NHS Grampian provided evidence during the consultation demonstrating the link between provision of premises and increased consumption leading to alcohol related health harm. The World Health Organisation have reported alcohol attributable health harms and are presented in appendix 2, and have recently reported that alcohol is a considerable contributor in preventable cancer<sup>1</sup>.

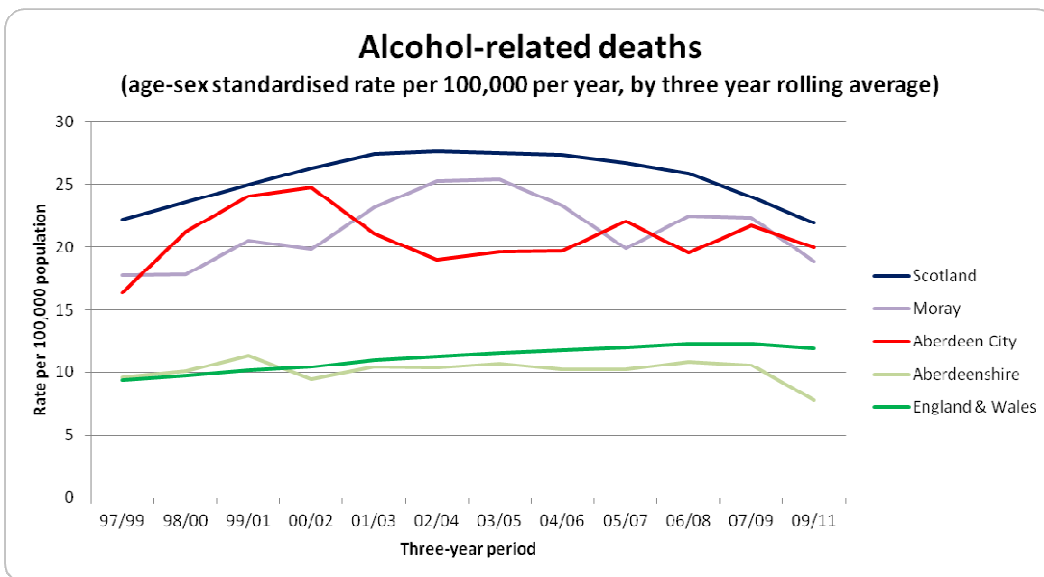
The graph below illustrates hospital admissions. These rates are for general hospitals only, and represent people who live in Grampian being admitted anywhere (eg could include Ninewells for example, but excludes maternity hospital and psychiatric hospital). Aberdeen City rate has a rising trend, and rates are significantly higher than in Moray or Aberdeenshire, which is unlikely to be by chance.

<sup>1</sup> <http://www.iarc.fr/en/publications/books/wcr/wcr-order.php>





The graph below illustrates death rates as reported by ScotPHO<sup>2</sup> using GROS data (General Register Office for Scotland). Aberdeen City's rate has remained essentially stable, in contrast to Scotland's falling rate.



The NHSG report prepared for the Board in September 2013 - *Consultation Response to Aberdeen City Licensing Board's Draft Statement of Licensing Policy* concluded that:

*On many health fronts, Aberdeen's population is affected by the consumption of alcohol in terms of A&E attendances, hospital admission, illness, injury and early death. In many instances Aberdeen's rate of such adverse events is worse than Scotland's, e.g. wholly and partially attributable fractions of alcohol-related admission rates, cirrhosis admission rate. Analysis of health harm and alcohol consumption/sales data demonstrates that the Aberdeen community is already adversely affected by its alcohol consumption, particularly in international terms.*

<sup>2</sup> <http://www.scotpho.org.uk/>

The Boards Statement of Licensing Policy paragraph 27.4 states:

*The Health Board states that increased access and availability to alcohol through increased numbers of premises and/or opening hours or decreased pricing is linked to increased consumption, which in turn potentially leads to increased harm. Even small reductions in the availability of alcohol can contribute to health gain and reduce violence and harm to the population generally, as well as to the drinker themselves. Alcohol availability is affected by outlet density, outlet distance, opening hours and price. The Board acknowledges this statement and recognises that the Health Board is in the best position to advise on the detrimental effects of alcohol on health.*

There is nothing in the application which demonstrates that this application should be approved on the basis that it is an exception and fits a local need for increase in capacity of off sales.

For these reasons, and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian objects to the application as the granting of it would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Christopher Littlejohn

Consultant in Public Health

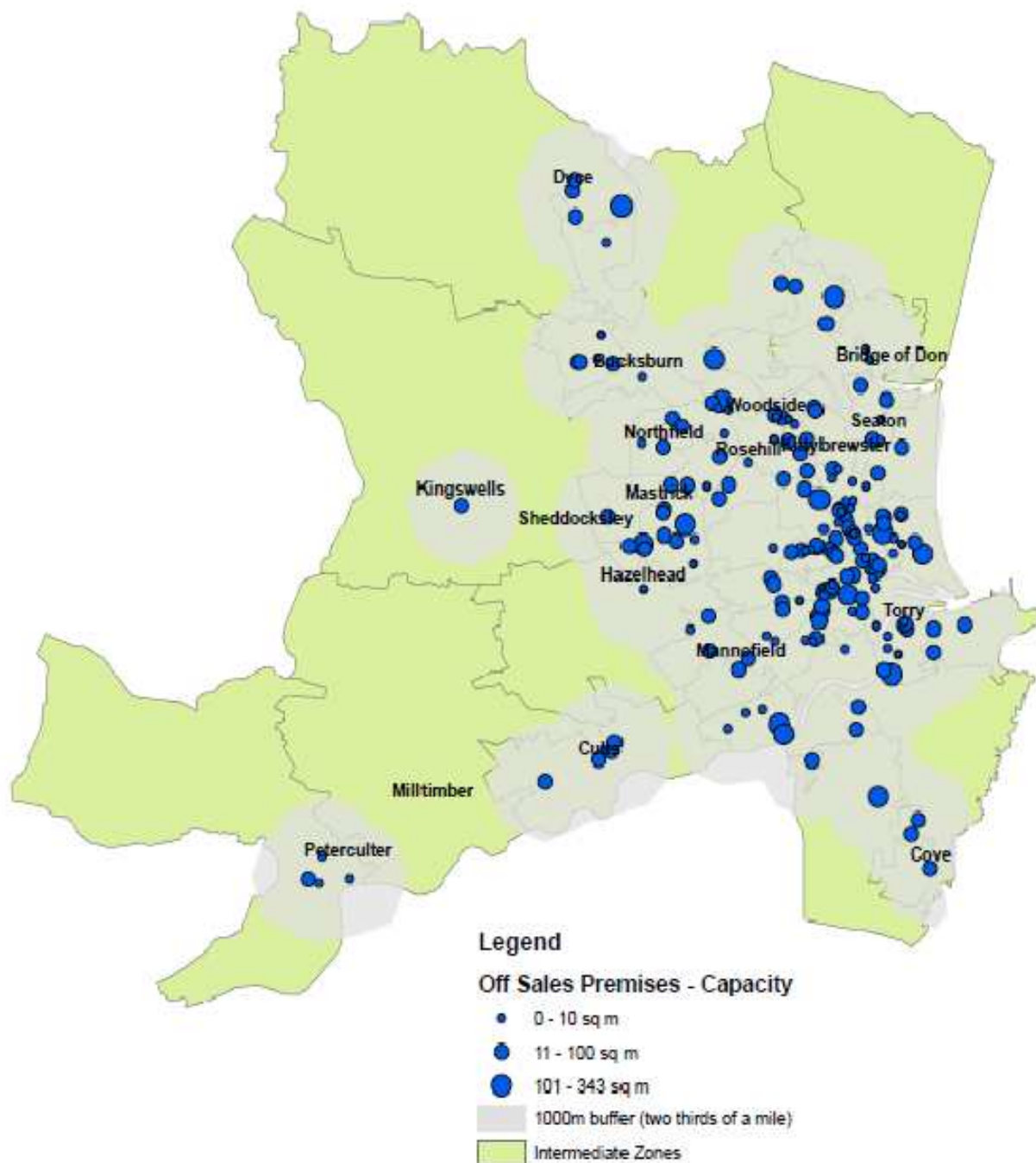
pp Heather Wilson

Health Improvement Officer (Alcohol & Drugs)

---

# Aberdeen City Alcohol Off Sales Licensed Premises (188)

(1000m buffer)



Based on general practice registration of Abn City residents at April 2012  
192,500 = 18 years and over population  
185,600 = 18 years and over live within 1000 metres of an off-sales premises  
96% = percentage of residents live within 1000 metres of an off sales premises



Major disease and injury categories causally linked to alcohol (World Health Organisation 2011)<sup>3</sup>**Box 9. Major disease and injury categories causally linked to alcohol**

**Neuropsychiatric disorders:** AUDs are the most important disorders caused by alcohol consumption in this category. Epilepsy is another disease causally impacted by alcohol, over and above withdrawal-induced seizures (Samokhvalov et al., 2010). Many other neuropsychiatric disorders are associated with alcohol, but whether they are caused or the extent to which they are caused by alcohol consumption is not clear.

**Gastrointestinal diseases:** liver cirrhosis and pancreatitis (both acute and chronic) can be caused by alcohol consumption. Higher levels of alcohol consumption create an exponential risk increase. The impact of alcohol is so large for both disease categories that there are sub-categories that are labelled as "alcoholic" or "alcohol-induced".

**Cancer:** alcohol consumption has been identified as carcinogenic for the following cancer categories (Baan et al., 2007): cancers of the colorectum, female breast, larynx, liver, oesophagus, oral cavity and pharynx. The higher the consumption of alcohol, the greater the risk for these cancers: even the consumption of two drinks per day causes an increased risk for some cancers, such as breast cancer (Hamajima et al., 2002).

**Intentional injuries:** alcohol consumption, especially heavy drinking, has been linked to suicide and violence. In this report, intentional injuries include violence and self-inflicted injuries.

**Unintentional injuries:** almost all categories of unintentional injury are impacted by alcohol consumption. The effect is strongly linked to the level of alcohol concentration in the blood and the resulting effects on psychomotor abilities. Higher levels of alcohol consumption create an exponential risk increase. In this report unintentional injuries include road traffic accidents, falls, drowning, poisoning and other unintentional injuries.

**Cardiovascular diseases:** the relationship between alcohol consumption and cardiovascular diseases is complex. Light to moderate drinking can have a beneficial impact on morbidity and mortality for ischaemic heart disease and ischaemic stroke. However, the beneficial cardio-protective effect of drinking disappears with heavy drinking occasions. Roerecke and Rehm (2010) have shown, based on meta-analyses, that, on average, light to moderate drinkers experienced no protective effect if they reported at least one heavy drinking occasion per month. Moreover, alcohol consumption has detrimental effects on hypertension, cardiac dysrhythmias and haemorrhagic stroke, regardless of the drinking pattern (Rehm et al., 2010).

**Fetal alcohol syndrome and pre-term birth complications:** alcohol consumption by an expectant mother may cause these conditions, which are detrimental to the health and development of neonates.

**Diabetes mellitus:** a dual relationship exists between alcohol consumption and diabetes mellitus. Light to moderate drinking may be beneficial while heavy drinking is detrimental (Baliunas et al., 2009a).

<sup>3</sup> World Health Organisation. *Global Status report on alcohol and health*. Geneva: World Health Organisation, 2011.

## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** VARIATION OF A PREMISES LICENCE

**PREMISES:** LAS IGUANAS, UNIT FS1, FIRST FLOOR, UNION SQUARE,  
ABERDEEN

### DESCRIPTION

- Amend on sale hours from 11:00 - 23:00 to 11:00 to 00:00 hours Monday to Sunday
- include Seasonal Variations
- Amendment to the operating plan to allow the premises to open from 09:00 for service of teas, coffees, breakfasts etc.
- Amendment to operating plan to permit restaurant facilities & music out with core hours.

### OBJECTIONS/REPRESENTATIONS

None

### LICENSING POLICY STATEMENT

N/A

This page is intentionally left blank

## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** VARIATION OF A PREMISES LICENCE  
**PREMISES:** THE CHESTER HOTEL, 59 QUEENS ROAD, ABERDEEN

### DESCRIPTION

- Addition of a new external terrace
- Increase in capacity from 1726 to 1834 persons
- The premises licence holder has entered into a **voluntary** arrangement to operate at capacity of 1,040 (840 internal and 200 external) and propose to increase to 1,065 (840 internal and 225 external) on a **voluntary** basis.

### OBJECTIONS/REPRESENTATIONS

Environmental Health

LSO

Members of the Public: Objections x 5

### LICENSING POLICY STATEMENT

Paragraph – 19 Outside Seating Areas

19.2 .... Applicants, who proposed to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers or other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control areas and in support of the licensing objectives. These areas should be shown on the layout plan.

This page is intentionally left blank



## Arlene Dunbar

---

**From:** Alison Robertson  
**Sent:** 04 September 2014 12:07  
**To:** LicensingBoard  
**Cc:** Arlene Dunbar; Diane Sande; Tara-Erin Gilchrist; Andrew Gilchrist  
**Subject:** Application for Variation of Premises Licence - The Chester Hotel, 59 Queens Road, Aberdeen

The Licensing ( Scotland) Act 2005 Section 29 (5)  
Application for Variation of Premises Licence  
Premises: The Chester Hotel, 59 Queens Road, Aberdeen, AB15 4YP

I refer to the application and observe as follows:

The applicant proposes to vary the operating plan to include a new external terraced area into the licensed area. To preserve the amenity of residents living in close proximity to the application premises it is advised that no amplified music (whether live or recorded) is to played in external area. Similarly it is advised that use of the external area terminates at 22:00.

Best Regards

Alison

Alison Robertson  
**Environmental Health Officer**

Environmental Health and Trading Standards  
Housing and Environment  
Aberdeen City Council  
Business Hub 15  
Third Floor South  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Email: [aliorobertson@aberdeencity.gov.uk](mailto:aliorobertson@aberdeencity.gov.uk)  
Direct Dial: [01224] 522214  
Direct Fax: [01224] 523887

Tel: 08456 080910  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we

This page is intentionally left blank

## Arlene Dunbar

---

**From:** [REDACTED]  
**Sent:** 29 August 2014 22:37  
**To:** Arlene Dunbar  
**Subject:** Chester Hotel - major variation license application 17th July 2014

Dear Ms Dunbar

I wish to lodge an objection to this application.

The Chester Hotel is located in the middle of a residential area. The noise carrying potential of voices from an external licensed area, makes the rear area of the hotel an unsuitable venue for outdoor gatherings and events.

Residents are already suffering the consequences of the earlier license variation which was granted back in February. Numerous complaints have been lodged about the noise being made by the patrons of the Chester in this external area to the rear of the hotel. As expected, the noise created by Chester patrons drinking outside and the extent to which that noise carries is considerable. LSO Diane Sande is currently in discussions with the Chester as regards the possibility of function guest parking being confined to the front of the hotel in an attempt to limit the noise disturbance.

A further outside venue will only further exacerbate this problem. The Chester Hotel has a restaurant and a function suite in operation - another outside area is unnecessary and will cause further undue disturbance to residents.

One of the Licensing Board's main objectives is to prevent public nuisance. I would request that this application be refused. This addition is not central to the Chester's right to run a very profitable business and the price which will have to be paid by residents who also have rights to peace and quiet in their homes is too great.

Yours sincerely

[REDACTED]

This page is intentionally left blank

**Arlene Dunbar**

---

**From:** [REDACTED]  
**Sent:** 03 September 2014 08:02  
**To:** Arlene Dunbar  
**Subject:** Chester Hotel - Objection to major variation license application 17th July 2014 [REDACTED]

**Subject: Chester Hotel - major variation license application 17th July 2014**

**Date:** 03.09.2014

**To:** [ardunbar@aberdeencity.gov.uk](mailto:ardunbar@aberdeencity.gov.uk)

Dear Ms Dunbar

I wish to lodge an objection to this application.

The Chester Hotel is located in the middle of a residential area. The noise carrying potential of voices from an external licensed area, makes the rear area of the hotel an unsuitable venue for outdoor gatherings and events.

Residents are already suffering the consequences of the earlier license variation which was granted back in February. Numerous complaints have been lodged about the noise being made by the patrons of the Chester in this external area to the rear of the hotel. As expected, the noise created by Chester patrons drinking outside and the extent to which that noise carries is considerable. LSO Diane Sande is currently in discussions with the Chester as regards the possibility of function guest parking being confined to the front of the hotel in an attempt to limit the noise disturbance.

A further outside venue will only further exacerbate this problem. The Chester Hotel has a restaurant and a function suite in operation - another outside area is unnecessary and will cause further undue disturbance to residents.

One of the Licensing Board's main objectives is to prevent public nuisance. I would request that this application be refused. This addition is not central to the Chester's right to run a very profitable business and the price which will have to be paid by residents who also have rights to peace and quiet in their homes is too great.

Yours sincerely

[REDACTED]

This page is intentionally left blank

## Arlene Dunbar

---

**From:** Wendy Bradford [REDACTED]  
**Sent:** 04 September 2014 11:38  
**To:** Licensing; Ross Thomson; Diane Sande  
**Subject:** Chester Hotel License Application (5.9.14)

Dear Ms Dunbar

I am writing to register my objection with regard to the Chester Hotel's application to Aberdeen City Licensing Board relating to the 'new external terraced area located off of restaurant at upper ground floor level' for consideration at the meeting due on 16<sup>th</sup> September 2014.

I am a local resident in close vicinity to the Chester Hotel and would be very concerned should this license be awarded for an outside eating and drinking area. The main issue to consider is noise pollution from patrons and the impact it has to our residential area and amenity therein. The prolonged hours to be considered are late and would be of a permanent recurring nature. Whilst we appreciate the area awaits planning permission both issues go hand in hand and the change of function to these premises has already impacted significantly and should not be considered independently. These issues have been highlighted to date with the helpful input from Ms Diane Sande, the Licensing Standards Officer and the Noise Pollution team who I am sure will be providing further information with regard to previous complaints. The balcony has the potential for day to day use and not just associated with functions.

We have experienced first-hand noise pollution from voices outdoors and social gatherings of patrons whilst at ground level. From a balcony area these noises travel a greater distance and would be more intrusive. Patrons enjoying themselves, under the influence of alcohol, tend to be less inhibited. Likewise tidy up time thereafter causes noise when collecting and dealing with glasses and bottles. Whilst being resident in a City we have been a quiet area, previously managing with hotels, schools and sporting facilities without having to cope with the recent problems associated with outside entertaining.

I have found your supporting documentation 'Aberdeen City Licensing Board, Statement of Licensing Policy', most helpful, and would concur with your 5 Objectives especially with regard to Public Nuisance, Protect and Improve Public Health and Protect Children from Harm. Noise has a huge impact on residents' wellbeing and stress. My children have the right to an undisturbed nights sleep as well. Likewise further supporting documentation has been provided by the WHO summary statement relating to Community Noise (summarised in the document 'Environmental Noise and Health in the UK, A report by the Ad Hoc Expert Group on Noise and Health, edited by Dr Andy Moorhouse ISBN 978-0-85951-668-6 2010). It is important to consider community health and wellbeing and is referred to in your own document which highlights the Human Rights Act 1998 'peaceful enjoyment of our own homes'.

I would be most grateful if the Committee would consider the issues we feel have and could impact further on our local community and our home life.

Many thanks and best wishes,

Dr Wendy A. Watson  
[REDACTED]

This page is intentionally left blank



## Arlene Dunbar

---

**From:** Bradford, Nicol [REDACTED]  
**Sent:** 04 September 2014 15:09  
**To:** Licensing  
**Subject:** Objection to License Application - Chester Hotel

Dear Sir / Madam,

I wish to raise an objection to the license application made by the Chester Hotel with respect to the 'new external terraced area off of restaurant at upper ground floor level' (for ACLB meeting of 16/09/14, I understand). As a resident with a young family, living in close proximity to the Chester Hotel, the resulting disturbance, reduction in privacy, noise and general deterioration in amenity, is completely unacceptable.

The subject area is elevated such that it over-looks neighbouring properties (and is even as high as, or higher than, upstairs windows) and is in full view of the neighbourhood. The elevation will serve to increase the disturbance and noise to the surroundings. The subject area is large and can accommodate many people – even compared to the internal dining area. Given it is external there will be no benefit from sound-proofing and little control over guests behaviour.

Such an area is available for use all day and every day and, whilst late night noise is a major concern, the effects of continuous disturbance and lack of privacy throughout the day would be unacceptable. Particularly for 'special functions' it will not be in the hotel's interest to control or limit guests behaviour - it may be a 'one-off' event for the guests but not for the neighbours. Linking the application to 'dining' places no limit to the end use of the area – there can be as much or as little food involved yet the presence of large numbers of people, and the resulting disturbance, remains. There is no control over future modifications to use of the area.

Obviously it is not the title or the description given to the area that is important, but the end use, the activities and the resulting disturbance (etc) that matter. Disappointingly, it appears that the related planning and licensing applications are taking advantage of the system by being submitted one-by-one, seemingly unrelated and even retrospective. Such an elevated external entertainment area never existed at the previous hotel (which was not involved in large functions or external dining, or even drinking to the same extent) and would be very unusual in this area or any other area of Aberdeen – particularly a residential area.

Thank you for your consideration.

Regards, Nicol Bradford.

This page is intentionally left blank

## Arlene Dunbar

---

**From:** ALAN WEST [REDACTED]  
**Sent:** 04 September 2014 23:59  
**To:** Licensing  
**Cc:** Jennifer Stewart; Arlene Dunbar; Ross Thomson  
**Subject:** AC0348 - Chester Hotel - Application for Variation

Dear Sirs

I object to the variation to the licence on the following grounds

1. The area to the rear of the Chester Hotel is a residential area. The residents have a right (see below) to a quiet environment at night.
2. It is understood that the outdoor area may be heated. This will mean that there will be prolonged presence of people outside with the resultant 'din of conversation'.
3. There is already permission for a seating area to the rear of the hotel - and there have been recorded incidents of noise late into the night. This is already outwith what would be considered acceptable (see below reference to the EU Directive).
4. Although I have not checked through every piece of paper I have no record of being consulted when the original licence was applied for and I would have certainly objected. There is a record in the licencing office of a letter being prepared but no one in our house has any recollection of receiving the letter.
5. There has been amplified music audible in the residences surrounding the rear of the property. This is a breach of the current licence and corrective action should be taken to deal with this problem before any variations are even considered. This music has been reported to the pollution control department.
6. There has been a history of noise breaches already during the building and the operation of the hotel. There is a question whether the management are taking the issue of noise which affects residents seriously and dealing with it in a responsible manner. This is evidenced by the numerous complaints that have been lodged regarding noise. There is a specific record of noise being created with the full knowledge of the management during May (the noise was clearly audible above the television in my living room). A specific complaint was sent to the pollution control department and they visited the hotel and our house. I wrote a letter to the hotel and they have not responded. I have sent two reminders to Mr Wood (hotel owner) requesting a response and have had no response either to my emails or a response to the letter. The whole way the hotel behaved on that particular evening was quite disturbing and the builder called me on numerous occasions while I was at home which I found quite distressing. My telephone number was passed on to the builder by the hotel reception. This is evidence that there is a cavalier attitude to noise created by the hotel which affects local residents.

7. There is a right under EU Directives to a peaceful night's sleep and there is also guidance from the World Health Organisation regarding noise levels and the potential effects on health (raised blood pressure and heart attacks). These requirements would potentially be breached in the event of the variation being granted. In fact, it is likely that the EU requirements are already being breached.

I bring to your attention a reference to the EU Directive:-

The World Health Organization (WHO) recently published the Night Noise Guidelines for Europe. The new Guidelines present new evidence of the health damage of night time noise exposure and recommend threshold values that, if breached at night, would threaten health. An annual average night exposure not exceeding **40 decibel (dB)** outdoor has been recommended in the Guidelines.

Sleepers that are exposed to night noise levels above 40dB on average throughout the year, corresponding to the sound in a quiet street, can suffer mild health effects like sleep disturbance and insomnia. Above 55dB long term average exposure, similar to the din of a normal conversation, noise can get to trigger elevated blood pressure and heart attacks.

One in five Europeans is regularly exposed to sound exceeding 55dB at night. The new WHO Guidelines provide evidence-based reference which can be easily adopted as limit values for the member states, allowing them to better target anti-noise measures.

[http://ec.europa.eu/environment/noise/health\\_effects.htm](http://ec.europa.eu/environment/noise/health_effects.htm)

I believe that granting the licence would result in a breach of this EU Directive which I understand has been enacted through legislation.

I understand there is the opportunity to make a verbal representation at the licence committee meeting. I would like to register my desire to make a verbal representation. Please advise how this works so that I can attend and the protocol for such a presentation.

Best Regards



## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** VARIATION OF A PREMISES LICENCE  
**PREMISES:** THE MONKEY HOUSE, 1 UNION TERRACE, ABERDEEN

### DESCRIPTION

Change in operation from Public House to Restaurant:

1. Amendment to Licensing Hours:

Amend on sales licensing hours from 10:00 to 00:00 Monday to Thursday and Sunday and from 10:00 to 01:00 on Fridays and Saturdays to 11:00 to 01:00 Monday to Sundays.

Amend off sales licensing hours from 10:00 to 22:00 Monday to Sunday to 11:00 to 22:00 Monday to Sunday.

2. Remove the activities: Conference; Films, Gaming, Indoor/outdoor sport and Televised Sport

3. Include additional activities at 5(f) of operating plan as follows:- "Wine Dinners; Cookery Demonstrations/Classes; Dance Displays and Exhibition of Art/Crafts; Private dining or meeting facilities; preparation of food and dispensing of food and drink to catering events taking place out with premises which may take place both during and outwith core licensed hours.

4. Amendment to the terms, ages, times and parts of the premises to which children and young persons will be permitted entry.

5. Amend the on sales capacity figures from 432 to 298 persons and Insert off sales figure of 17.49m<sup>2</sup>.

Layout Plan

6. Removal of one of the bar serveries and repositioning of the other; change to seating; all as shown on the proposed plan.

7. Change the name of the premises to "Chaophraya Thai Restaurant and Bar".

### OBJECTIONS/REPRESENTATIONS

--

**LICENSING POLICY STATEMENT**

N/A
-----

## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** VARIATION OF A PREMISES LICENCE

**PREMISES:** THE PRIORY, 27 BELMONT STREET

### DESCRIPTION

- Vary the commencement hour Sunday from 12:30 to 14:00 hours
- Vary the commencement hour Monday to Thursday from 11:00 to 14:00 hours.
- Vary the commencement hour Friday and Saturday from 11:00 to 15:00 hours
- Change the layout and operating plans to allow outdoor drinking
- Increase in capacity to 860 persons.

### OBJECTIONS/REPRESENTATIONS

- Police
- Environmental Health are recommending that there is no amplified music permitted in the external area

### LICENSING POLICY STATEMENT

#### Paragraph 9 – Overprovision

##### 9.3 - ON SALES:

Police Scotland identified two localities in the city of Aberdeen in which they consider there to be overprovision of liquor licensed premises one of which is **the Belmont Street, Locality** which is that area of Belmont Street bordered by Union Street, Back Wynd and Schoolhill. It includes Belmont Street , Union Street (north side) , Back Wynd, Little Belmont Street , Gaelic Lane (both sides) and the south side of Schoolhill between Belmont Street and Back Wynd (see Appendix 3 for map)

9.5 - The Board, having regard to the number and capacity of liquor licensed premises in both these localities and, with the supporting evidence provided by consultees, adopted these two localities as having an overprovision of liquor licensed premises for on sales in respect of entertainment, public houses and so called hybrid premises types.

#### Paragraph 19.2 – outside seating areas

The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence. Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

This page is intentionally left blank



**NOT PROTECTIVELY MARKED**

29 July 2014

Your Ref:

Our Ref: AD/DASU/SID33039/9898/14

Mr Eric W J Anderson  
Team Leader (Team Three)  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6  
Level 1 South  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB



Sir Stephen House QPM  
Chief Constable

Aberdeen City Division  
Queen Street  
Aberdeen  
AB10 1ZA

01224 306472

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**FOR THE ATTENTION OF MR ERIC ANDERSON**

Dear Sir

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
THE PRIORY, 27 BELMONT STREET, ABERDEEN, AB10 1JS**

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

The premises currently has operating hours of between 1100 and 0200 hours Monday to Thursday, 1100 to 0300 Friday and Saturday and 1230 and 0200 hours on Sunday.

The applicant premises are situated in the 'Belmont Street locality', which is within an area of overprovision as detailed within the Aberdeen City Licensing Board Statement of Licensing Policy 2013 - 2016. As a statutory consultee in the overprovision assessment process, Police Scotland provided Aberdeen City Licensing Board with detailed analytical data in respect of crimes and offences connected to licensed premises, and other crimes where the consumption of alcohol by either the perpetrators or victims of crime was a key

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

factor, all of which impacted significantly on the Preventing Crime and Disorder licensing objective, amongst others.

The variation requested by the applicant consists of amendments to the operating plan and layout plan, namely;

1. Change to on sale consumption commencement hour to 1400 hours Sunday to Thursday, and 1500 hours on Friday and Saturday.
2. A change to the licensed area to include an outdoor drinking area as delineated by a red line on the layout plan which accompanied the application.

Although not stated in the application form or proposed new Operating Plan, Police Scotland have spoken with the agent for the applicant who has advised that the applicant requests that the terminal hour for the outdoor area be 0100 hours. The agent also advised that it is the intention of the applicant to open and operate the premises from 1400 or 1500 hours daily when it is anticipated that the outdoor area will primarily be in use. The agent was unable to confirm if significant entertainment would be on offer at this time.

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

In respect of point 1 above, Police Scotland have no objection.

In respect of point 2 above, in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, the Chief Constable wishes to make the following representation.

The premises currently operates as a nightclub, and offers 'significant entertainment' (as defined within Appendix 4 of the Aberdeen City Licensing Board Statement of Licensing Policy 2013 - 2016) in the form of recorded music for dancing.

Regardless of the current or requested new operating hours, Police Scotland are not aware of the premises ever having utilised its full opening hours. For example, the premises has never been known to have opened at 1100 hours or in recent times to have been open for business before 1800 hours, and in fact, is not normally open for business before 2100 hours.

Police Scotland have noted that the layout plans accompanying the application indicate it will be furnished with tables and seating for 48 persons. No dance floor facilities are indicated on the plan in this area. It is unclear from the application whether or not these 48 persons are included or are additional to the current 834 patron capacity of the premises.

In addition to Appendix 4, The Aberdeen City Licensing Board Statement of Licensing Policy at 20.8 states:

**NOT PROTECTIVELY MARKED**

**Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays .The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and /or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided.**

**Other examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music.**

**The Board are entitled to distinguish between premises of different descriptions offering different facilities or activities. e.g. Section 27(9) of the 2005 Act allows the Board to impose conditions in relation to the sale of alcohol on a premises to which a licence relates or any other activity carried on in such premises.**

**In light of the evidence before the Board on the levels of alcohol consumption in the city and the levels of alcohol related crime the Board wish to promote in terms of the objectives the types of premises which can operate where the service and sale of alcohol is not the primary objective thus contributing to the positive night time economy in the City but not adding to the health or crime related harms associated with are premises which focus wholly or mainly on alcohol consumption.**

The current and applied for operating hours are presumably in recognition of the significant entertainment currently provided. On the assumption that the premises intends to operate the proposed outside drinking area from 1400 or 1500 hours onwards, it is difficult to imagine what form of significant entertainment will be provided at that time, and if there is no such entertainment on offer, the Chief Constable queries if the premise are still entitled to have the benefit of late opening until 0200 or 0300 hours.

## NOT PROTECTIVELY MARKED

Taking cognisance of the overall requirement to provide significant entertainment which should be the principal attraction for patrons attending premises with alcohol consumption ancillary to this, and with a duty to uphold the Preventing Public Nuisance licensing objective relating to noise nuisance, Police Scotland question how the outdoor drinking area can be operated as part of a nightclub premises when there are no facilities for dancing and any music provided for dancing is likely to conflict with the stated licensing objective. It could be argued that for some patrons the addition of an outdoor drinking area and the consumption of alcohol from 1400 or 1500 hours will become the principal attraction for attending the premises, with little regard the recorded music and dancing facilities, whether they are offered or not.

The Chief Constable notes that the Policy at 19.2 states:

**... Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support.**

It is recognised that other licensed premises in the area have outdoor drinking facilities, some until a terminal hour of midnight or 0100 hours. However, all of these premises are either restaurants (2) or what could be described as public houses (3). None are nightclubs. Very few are known to utilise their outdoor areas for the full hours available to them, other than during warm summer weather.

It is the opinion of Police Scotland that the customer profile of those attending restaurants and public houses is broadly different to those who attend nightclubs, and that any such customers at these type of venues may very generally be categorised as people who consume alcohol earlier in the evening, in the knowledge that the terminal hour is either midnight or 0100 hours, at which time the majority of them go home. In very general terms, the customer profile of nightclubs involve younger people, who may drink alcohol either at home or in public houses in the early or mid-evening before entering a nightclub anytime from 2200 hours until 0130 hours or even later.

If the applicant is seeking to introduce a multi-purpose or 'hybrid' type operation at the premises, with patrons using the outdoor drinking area solely for the consumption of alcohol without significant entertainment being offered in the area at any time from the commencement hour onwards, the Chief Constable does not object to this, but in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, is of the opinion that the variation in its current form should be modified so that the following conditions are applied. This will clearly define the differing use of the premises at different times, be compliant with the Board's own Policy, and support the Preventing Public Nuisance licensing objective:

NOT PROTECTIVELY MARKED

**NOT PROTECTIVELY MARKED**

1. The outdoor drinking area is to be restricted to 48 persons, or be in line with the number of seats provided.
2. The outdoor drinking area to cease operation at 2200 hours with no further drinks of any kind being served, taken or consumed there thereafter. It is recognised that after 2200 hours, patrons from within may still use the outdoor area as a smoking area. However, the removal of drinks from inside the premises is forbidden.
3. No recorded music, including background music, to be played in the outdoor drinking area.

If the Board are minded to grant the variation for the outdoor area with a later cessation time than 2200 hours, the following further conditions are sought:

4. It is a condition that the licence holder will ensure that from 2200 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. In addition to regular deployments of door supervisors at the entrance door, additional stewards will be employed whose sole responsibility is to supervise the outdoor drinking area until the terminal hour or earlier cessation time for the outdoor area. (This condition is sought in replacement of the local condition currently attached to the premises licence)
5. From 2200 hours onwards access to the outdoor drinking area should be delineated by the use of a roped barrier or similar structure in order to keep the entrance pathway separated and clear for other patrons queuing to enter or leaving the premises.
6. The existing CCTV system should be modified to ensure that it captures all of the outdoor drinking area, including instances when any canopies or other structures are erected over the tables and chairs, which would otherwise obscure normal CCTV coverage.

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

Yours faithfully

Murray Main  
Chief Inspector

**NOT PROTECTIVELY MARKED**

This page is intentionally left blank

## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** VARIATION OF A PREMISES LICENCE

**PREMISES:** THE WIG, 55 CASTLE STREET

### DESCRIPTION

- Incorporate the external area into the licence and to increase core hours on Sunday so that they commence at 11:00 hours for both on and off sale.
- To amend children and young persons access so that they may be permitted access to the premises from 12:00 hours on Sundays.

### OBJECTIONS/REPRESENTATIONS

Environmental Health  
LSO

### LICENSING POLICY STATEMENT

Paragraph 19.2 – outside seating areas

The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence.

Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity.

The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

This page is intentionally left blank



## Arlene Dunbar

---

**From:** Alison Robertson  
**Sent:** 04 September 2014 12:11  
**To:** LicensingBoard  
**Cc:** Arlene Dunbar; Diane Sande; Tara-Erin Gilchrist; Andrew Gilchrist  
**Subject:** Application for Variation of Premises Licence, The Wig, 55 Castle Street, Aberdeen

The Licensing (Scotland) Act 2005 Section 29 (5)  
Application for Variation of Premises Licence  
Premises: The Wig, 55-56 Castle Street, Aberdeen, AB11 5BA

I refer to the application and observe as follows:

The applicant proposes to vary the operating plan to include the external area to the front of the premises into the licensed area. To preserve the amenity of residents living in close proximity to the application premises it is advised that no amplified music (whether live or recorded) is to be played in the external area. Similarly it is advised that use of the external area terminates at 22:00.

Q6(c) The applicant has indicated on the operating plan that children and young persons from birth to 17 will be allowed access to the premises. To comply with the Licensing Scotland Act baby changing facilities must be provided in the premises.

Best Regards

Alison

Alison Robertson  
**Environmental Health Officer**

Environmental Health and Trading Standards  
Housing and Environment  
Aberdeen City Council  
Business Hub 15  
Third Floor South  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Email: [alirobertson@aberdeencity.gov.uk](mailto:alirobertson@aberdeencity.gov.uk)  
Direct Dial: [01224] 522214  
Direct Fax: [01224] 523887

Tel: 08456 080910  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

**IMPORTANT NOTICE:** This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming

email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

# MEMO

Environmental Health and Trading Standards

**Housing and Environment**

3<sup>rd</sup> Floor, Marischal College



To	Eric Anderson Team Leader Legal and Democratic Services		
From	Diane Sande Licensing Standards Officer, Environmental Services		
Email	Commercial@aberdeencity.gov.uk	Date	2 September 2014
Tel.	522541	Our Ref.	DBS/PAC
Fax.	01224 523887	Your Ref.	

## **Licensing (Scotland) Act 2005**

### **Application for a Variation of Premises licence**

**Address: The Wig, 55 – 56 Castle Street, Aberdeen, AB11 5BA**

**Applicant: Partnership of Adam Flett and Alan Morgan**

I refer to the above and would like to make the following representation.

The variation is to include the external area within the premises licence, to increase core hours on a Sunday to commence at 11am for On sale and Off sale and to amend children and young persons access so that they may be permitted access to the premises from 12 noon on Sundays.

I have no comment regarding the change of hours on a Sunday to 11am, or the children and young persons access terms.

If the Licensing Board is minded to grant the application, I would recommend that local conditions are added to the licence, restricting the terminal hour of the external area to 22:00 and prohibiting amplified music at all times within the external area.

**Diane Sande**  
Licensing Standards Officer

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

## NOT FOR PUBLICATION

This report is circulated for consultation purposes only and must not be discussed or the contents released to anyone or any organisation outwith the Council. You should only discuss this with authorised Council employees. If you are in any doubt about who you are able to disclose this information to please contact the report author or your Director or Head of Service. If you are a member of a trade union and you are being consulted on this report as part of the Council's formal consultation procedures please adhere to these arrangements and contact the Head of Human Resources if you require any further advice."

## ABERDEEN CITY COUNCIL

---

COMMITTEE	LICENSING BOARD
DATE	16 SEPTEMBER 2014
DIRECTOR	EWAN SUTHERLAND (ACTING)
TITLE OF REPORT	RESPONSE TO CONSULTATION ON AIR WEAPONS AND LICENSING (SCOTLAND) BILL 2014
REPORT NUMBER	CG/14/123
CHECKLIST COMPLETED	Yes

---

### 1. PURPOSE OF REPORT

The purpose of this Report is to inform Members of the recent Scottish Government Consultation on the Air Weapons and Licensing (Scotland) Bill 2014 and approve the response to same.

### 2. RECOMMENDATION(S)

1. To approve the response to the consultation which forms Appendix 1 to this Report
2. To direct officers to submit the response to the Scottish Government no later than 29<sup>th</sup> September 2014.

### 3. FINANCIAL IMPLICATIONS

There are no financial implications.

### 4. OTHER IMPLICATIONS

There are no other implications.

### 5. BACKGROUND/MAIN ISSUES

The Air Weapons and Licensing (Scotland) Bill 2014 incorporates a range of measures involving air weapons, liquor and civic licensing. A

summary of the amendments to the system of alcohol licensing forms appendix 2 to this report.

A response from the Board is sought solely in relation to the provisions relating to alcohol licensing and a draft response is attached and forms appendix 1 to this report. The response must be submitted to the Scottish Government no later than 29<sup>th</sup> September 2014.

## 6. IMPACT

There will be no disproportionate impact on any of the protected characteristics.

## 7. MANAGEMENT OF RISK

It is important for the Government to obtain a full response to the proposals in the Bill and equally important for the Aberdeen City Licensing Board to make its views known. If the Board does not respond to the consultation it will miss an opportunity to flag up issues of importance to the Government that may be taken into account in the provisions of the Bill or in future legislation.

## 8. BACKGROUND PAPERS

The Air Weapons and Licensing (Scotland) Bill 2014 and Policy Memorandum

## 9. REPORT AUTHOR DETAILS

Ruth O'Hare  
Solicitor  
ROHare@aberdeencity.gov.uk



**Air Weapons and Licensing (Scotland) Bill: Introductory Questions**



The Scottish Parliament  
Pàrlamaid na h-Alba

Thank you for responding to the Local Government and Regeneration Committee's Call for Evidence on the Air Weapons and Licensing (Scotland) Bill. All submissions will be examined and considered as part of the Committee's scrutiny of the Bill.

Please be aware that questions marked with an asterisk (\*) require an answer before you can submit the form.

Follow the Local Government and Regeneration Committee's Twitter feed - all Committee tweets on this Bill will have the hashtag #aw&lbill.

**\*1. Please supply your name and contact details:**

Name:	Eric Anderson
Organisation:	Aberdeen City Council
Address 1:	Business Hub L1S
Address 2:	Marischal College
City/Town:	Aberdeen
Postcode:	AB10 1AB
Country:	Scotland
Email address (if no email leave blank):	EAnderson@aberdeencity.gov.uk
Phone Number:	01224 522382

FOR OFFICE USE ONLY SUBMISSION ID NUMBER	
---	--

\* 2. Please confirm that you have read and understood the Scottish Parliaments "[Policy on the treatment of written evidence by subject and mandatory committees](#)":

Yes

\* 3 Please confirm whether you are content for your name to be published with your submission:

Yes

No

\* 4. Which of the three categories below best describes your interest in the Bill (please tick only one)?

Personal

Professional

Commercial

\* 5. Do you wish your email to be added to the Committee's distribution list for updates on progress of the Bill:

Yes

No

**\* 6. Invitations to give oral evidence to the Committee on the Bill will be based on the submissions received. If you wish your submission to be included amongst those considered for possible invitation to give oral evidence, please indicate here.**

Yes

No

**\* 7. You may answer questions on the entire Bill, or on any part of the Bill. Please indicate which parts of the Bill you are responding to? (You may select as many options that apply).**

All of the Bill

Equalities, climate change and other Scottish Government objectives

Air Weapons

General licensing issues

Alcohol licensing

Civic licensing – taxi/private hire car licensing

Civic licensing – scrap metal dealers

Civic licensing – theatre licensing

Civic licensing – sexual entertainment venues

**Name/Organisation:**

**1. Equalities, Climate Change and other Scottish Government objectives**

You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

**8. Do you consider that the Bill has any implications for meeting Scotland's climate change commitments? Please explain.**

**9. Do you consider that the Bill has any implications for meeting Scotland's equality and/or human rights commitments? Please explain.**

**10. Do you consider that the Bill has any implications for preventative spending and/ or public services reform? Please explain.**

**11. Do you consider that the Bill has any implications in relation to European Union issues? Please explain.**

**12. Do you have any other comments on the impact of the proposals contained in the Bill relation to Scottish Government objectives?**

Name/Organisation:

## 2. Air Weapons Licensing

You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

**13. In what ways will the creation of an air weapons licensing system in Scotland contribute to preserving public order and safety, reducing crime and advancing public health policy?**

**14. Is there sufficient provision, or sufficient capacity to provide, suitable numbers of air weapons clubs across all areas of Scotland for use by registered air weapons owners/ users?**

**15. How will the air weapons licensing system affect those using air weapons for personal/recreational use?**

**16. How will the air weapons licensing system affect those aged 14 to 17 who use air weapons?**

**17. How will the air weapons licensing system affect those using air weapons for commercial/professional reasons (for example: for pest control; as part of the tourist/hunting season; as part of fairs, paintballing centre, entertainment sector etc.)?**

**18. How will the air weapons licensing system affect those using air weapons for competitive sporting purposes?**

**19. Is it equitable for those applying for an air weapons certificate to pay a fee which cannot be refundable irrespective of whether a certificate is granted or not?**

**20. Will the air weapons licensing system have a positive or negative impact on other areas of the public sector in Scotland (eg. The work of local government, public agencies etc.)?**

**21. What, if any, might the unintended consequences of introducing an air weapons licensing system in Scotland be?**

**22. Do you have any other comments to make on air weapons licensing aspects of the Bill?**



Name/Organisation:

### 3. General Licensing Issues

You may respond to all questions or only those you have a specific interest in.  
(Text boxes have no word limit, they will increase in size accordingly).

**23. Is the current Scottish licensing regime, as set out in the Civic Government (Scotland) Act 1982 and the Licensing (Scotland) Act 2005, fit for pupose?**

**24. Should a licensing system seek to regulate individual behaviour or communities of space (eg. 'city space' etc.)?**

**25. In what way should the licensing system in Scotland interact with the support the land use planning system, community planning and regeneration?**

**26. How does the licensing system in Scotland assist with the delivery of sustainable development and economic balanced areas?**

**27. In what way does the licensing system in Scotland support health and planning, addressing health inequalities and public health wellbeing outcomes?**

Name/Organisation:

#### 4. Alcohol Licensing

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

**28. In what ways will the Bill's provisions on alcohol licensing allow for reductions in crime and the preservation of public order?**

It is noted that the Bill provides for a new criminal offence, namely the purchase or attempted purchase of alcohol for or on behalf of a child or young person. It is presumed that the Scottish Government has received suitable advice from Police Scotland on the impact of such a provision on crime and public disorder.

The re-introduction of the "fit and proper person" test is noted and it is agreed that this will give Boards a wider discretion in dealing with liquor applications. The provisions in the Bill will further assist the Police in bringing matters of concern before the Board for its consideration.

**29. Are there any other measures which should be taken to assist in the reduction of crime and the preservation of public order?**

There are no additional measures envisaged at this time.

**30. In what ways will the provisions in the Bill enhance the licensing objectives set out in the Licensing (Scotland) Act 2005?**

The addition of “young persons” to the objective of protecting children from harm will widen the scope of the objective and its targets. This is essential. There have been examples of opportunities where decisions have not been made because the persons concerned were young persons and not children. Examples of underage drinking are more likely to involve young persons than children.

Further the amendment to section 7 of the 2005 Act will enable a Board to identify its entire locality for overprovision. This should make it easier for Boards to assess overprovision in relation to the public health objective where the relevant data will more than likely relate to the whole licensing board area rather than part of it or specific premises.

**31. In what ways will the re-introduction of the “fit and proper person” test assist with the implementation of the licensing objectives set out in the 2005 act?**

The re-introduction of the “fit and proper person” test will allow the Police to provide a wider range of information to Boards for consideration. This in turn may assist the Police in addressing criminal behaviour. It is noted that no definition of “fit and proper” has been provided for in the Bill presumably to enable Boards to have unfettered discretion on the matter.

**32. Have there been any unintended consequences arising from the 2005 Act, for example, in rural areas or the economic regeneration of areas?**

As a Board representing a city, the effect on rural areas cannot be commented upon. It could be said that any overprovision policy could impact on the regeneration of areas by dissuading developers from building where there is a possibility that no licences for off-sales will be granted. No evidence of such incidents has been witnessed to date. However it is noted that Boards can relax any overprovision policy and make exceptions where justified. Each application can be looked at on a case by case basis.

**33. Which, if any, types of spent relevant offences should be required to be disclosed and what do you think the benefits of disclosure will be?**

Given the re-introduction of the “fit and proper person” test it would be difficult to restrict the scope of the spent convictions to be disclosed. The provisions will widen the opportunity of the Police to introduce information that better supports any objection put forward by them.

**34. Do you have any other comments to make on the alcohol licensing aspects of the Bill?**

The Bill is yet another statute amending the 2005 Act following on two previous statutes. In addition there are around 40 statutory instruments arising from the Act. This has created confusion and has made reference to the legislation unwieldy. It has also hindered consistent application of the provisions. Consolidation of the legislation would be welcomed to address this issue and assist the understanding and application of the law in an easier way.

Additional suggestions for reform were put forward to the Scottish Government as part of a previous consultation in 2013 however these have not been taken into account in the provisions of the Bill. It should be noted that the following issues remain problematic for Boards and require to be addressed:-

- (a) The Bill does not contain any provision for additional guidance or regulation for Licensing Boards on the conduct of hearings. This is essential. The greater uniformity of handling cases to avoid procedural error is a must. Clerks can only do so much and a procedure which all parties can understand and apply must lead to a more consistent approach throughout the country. Assistance in the assessment of evidence would be useful. Evolution through case law is costly and at least if the procedures are spelt out and the parameters of the Board are made clearer it should help reduce cost to all parties in time and money.
- (b) The previous consultation in 2013 had a number of questions arising from the Brightcrew case and a possible expansion to the scope of the 2005 Act. However the Bill is silent on the issue. Is there any reason why this has not been addressed?
- (c) The current mandatory condition in relation to Challenge 25 could be strengthened by amending its terms to state not just that a policy

has to be in place but is actively being adopted and effectively being put into practice. This would make it clearer to identify a breach. Is the Government satisfied that the current provision is adequate?

- (d) The geographical extent of a single premises licence should be clarified, e.g. Can non contiguous units within a shopping centre be licensed under a single licence?
- (e) Capacity of on sales premises should not be used for overprovision only. Capacity is also linked to public safety and control of overcrowding is a measure that should be considered as part of capacity.
- (f) The period in which parties can appeal should be the same across the board. At present the appeal procedure in respect of a Board's decision depends on the type of application made. In an application for a premises licence the period for lodging an appeal runs from either the date of the decision or, where a statement of reasons is requested, from the date the statement is issued. However if the application is for review the appeal period runs from the date of the Board's decision regardless of whether or not a statement of reasons is requested. The same situation applied to personal licences. This is inconsistent and confusing. It is suggested that the legislation be amended in order that the appeal periods are the same regardless of application and whether or not a statement of reasons is requested.
- (g) The position regarding irresponsible promotions requires clarification. New types promotions are regularly being formulated. Such promotions leave room for interpretation and therefore contribute to a patchwork application across the country. Introducing sale and supply in the context of promotions could be useful to address problems, for example offering free alcohol to encourage custom. It may be clearer to simply ban promotions that encourage the consumption of alcohol on the premises by sale or supply.

Name/Organisation:

## 5. Taxi and Private Hire Car Licensing

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

**35. What benefits should the licensing of taxis and private hire cars deliver for customers?**

**36. In what ways do customers, providers of taxi/private hire car services and local authorities benefit from the two-tier licensing regime for taxis and private hire cars?**

**37. The Government states that a radical overhaul of the current two-tier licensing regime would “clearly require a very high level of resource and would cause significant disruption for the trade, local authorities, the police and ultimately the travelling public”. What are your views on this and would the potential costs and disruptions outweigh any potential benefits of a unified system?**

**38. Do the changes made by sections 60 (overprovision of private hire car licences) and 61 (testing of private hire car drivers) of the Bill strike the right balance in terms of introducing greater consistency while**

**maintaining justifiable differences?**

**39. Do you have any views on the section 62 provisions bringing vehicles contracted for exclusive use for 24 or more hours within the licensing regime for taxis and private hire cars, and should any exemptions be included in the Bill?**



Name/Organisation:

## 6. Scrap Metal Dealer Licensing

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

**40. Taking the proposals in sections 63 to 66 of the Bill together, how will they have the desired effect of strengthening the metal dealers' licensing regime to the extent that metal theft and related criminal activity is reduced?**

**41. In your view, could the Bill be further strengthened in any way, for example, by including an accreditation scheme for metal dealers?**

**42. Removal of exemption warrant - do you wish to comment on the proposal to remove the exemption warrant system?**

**43. Removal of requirement to retain metal on-site - what impact will the proposal to remove the retention of metal requirement have on the enforcement of the licensing regime and prevention of criminal activities?**

**44. Forms of payment - what is your view on the proposal to go 'cashless' and is there merit in considering whether metal dealers could be allowed to operate using cash for only very small transactions, which could be limited to a certain number per month?**

**45. Forms of identification and record keeping:**

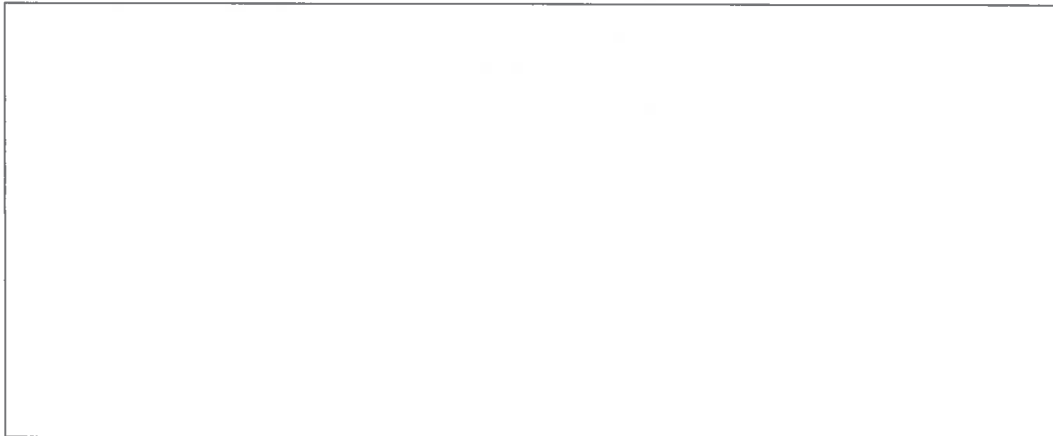
**In line with the Scrap Metal Dealers Act 2013, the Bill adds additional record keeping requirements to a metal dealer's licence including recording the means by which a seller's name and address was verified and retaining a copy of the document, and the method of payment and a copy of the payment document. The Bill will also require a metal dealer to record information in books with serially numbered pages or by means of an electronic device, and to keep separate records at each place of business. Such information and documents are to be kept for three rather than the current two years.**

**How important is it that the record keeping requirements reflect those in the Scrap Metal Dealers Act 2013, and do you agree with the Scottish Government that the proposed record keeping requirements are not unduly burdensome?**

**46. Mandatory and discretionary licensing requirements:**

**The Scottish Ministers can impose mandatory licensing requirements, such as those included in the Bill relating to record keeping and the identification of customers. In addition, local authorities can also attach discretionary requirements to licences in their areas.**

**Does the Bill get the balance right between mandatory and discretionary licensing requirements? Should the Bill include other mandatory conditions for obtaining a metal dealer's licence, such as installing CCTV at metal dealers' premises or in relation to labelling of metal and 'forensic coding'?**



Name/Organisation:

## 7. Civic Licensing – Theatre Licensing

You may respond to all the questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

**47. Will there be any impacts during the transitional period between ending the current theatre licence and starting the public entertainment licence?**

**48. Are there additional costs or resource implications on theatres or licensing authorities?**

**49. How should licensing authorities integrate their current fee charging structure into their public entertainment regime?**

Name/Organisation:

## 8. Civic Licensing – Sexual Entertainment Venues

You may respond to all questions or only those you have a specific interest in. (Text boxes have no word limit, they will increase in size accordingly).

**50. What are the consequences of operating the new licensing regime using the definitions set out at section 68 of the Bill?**

- 'sexual entertainment venue'
- 'audience'
- 'financial gain'
- 'organiser'
- 'premises'
- 'sexual entertainment', and
- 'display of nudity'

**51. The Bill specifies that a venue hosting sexual entertainment on three occasions or less within a 12 month period would not be treated as a sexual entertainment venue: does this have any unintended consequences?**

**52. Local licensing authorities will be able to set the number of sexual entertainment venues in their area to below the existing level, or zero: are there any advantages or disadvantages to this approach?**

**53. The Bill relies mainly on the existing licensing regime for sex shops as set out in**

**section 44 and Schedule 2 of the Civic Government (Scotland) Act 1982 (application, notification, objections and representations, revocation of licences etc., enforcement and appeals): is this mechanism adequate for the licensing of sexual entertainment venues - if not, please explain why?**

**54. Are there any barriers to licensing authorities operating the new licensing regime?**

## **55. Civic Licensing**

**Do you have any other comments to make on the civic licensing aspects of the Bill?**



## APPENDIX 2

Part 2 of the Air Weapons and Licensing (Scotland) Bill 2014 amends the system of licensing by:-

- The creation of a new offence of supplying alcohol to children or young people for consumption in a public place;
- Amendment of the licensing objective in relation to children to also include young persons;
- Amendment of the duration of a licensing policy statement to better align with the term of Licensing Boards;
- Inserting a fit and proper person test in relation to the issue or continued holding of a premises or a personal licence;
- Removal of the automatic requirement for a hearing where a Licensing Board is notified of a relevant or foreign offence in relation to a premises or personal licence;
- Amendment of the definition of relevant offences and foreign offences to no longer disregard a matter that is spent for the purposes of the Rehabilitation of Offences Act 1974;
- Inclusion of the flavouring angostura bitters in the definition of alcohol for the purposes of the Act;
- Clarification that for an overprovision assessment the whole Board area may be considered as an area of overprovision, and allow Boards to take account of licensed hours among other things;
- Imposition of a duty on Boards to prepare an annual financial report;
- Removal of the requirement for a premises license holder to notify a change in interested parties and removal of a premises manager from the definition of interested party;
- Removal of the five year restriction on re-applying for a licence revoked on grounds of failure to undertake refresher training and other changes to personal licence holder requirements;
- Introduction of a requirement for a Licensing Board to issue an acknowledgement unless it would be impractical;
- Provision for the automatic grant of a licence (or its variation) where a Licensing Board has not either decided on an application or sought an extension from the Sheriff within a set period.

The Bill and associated papers can be found online at <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/76383.aspx>

