

LICENSING BOARD

ABERDEEN, 11 November 2014. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener; and Councillors Cameron, Carle, Dickson, Grant, Lawrence and Townson.

ANNUAL FEES

1. The Convener advised the Members that 84 premises had not paid the annual fee despite being required to do so by 01 October 2014. Failure to pay the fee would result in a review hearing and there will be a special meeting of the Board before December for the purpose of holding premises licence review proposals and thereafter a further meeting will be held in December for the review hearings.

LIST OF APPLICATIONS

2. The Board had before it, for its consideration, the applications listed under articles 3 to 10 of this minute.

APPLICATION FOR A PROVISIONAL PREMISES LICENCE: R S MCCOLL'S, PROVOST WATT DRIVE

3. As a preliminary point, Lynn May, Solicitor, advised the Board that NHS Grampian had submitted a late letter of objection to the application. They had also submitted a letter of explanation for its lateness dated 14 October 2014. The letter of explanation was circulated to Members and Chris Littlejohn spoke to the letter.

Thereafter the Board heard from Mr Crank, Solicitor, on behalf of the applicant who asked the Board not to take the late letter into consideration.

The Board resolved:-

not to consider the late letter of objection.

The Board had before it a letter of representation from Police Scotland dated 29 September 2014 and a representation from Diane Sande, Licensing Standards Officer (LSO) dated 29 September 2014.

Plans showing the location of the premises and those of other licensed premises within 500 metres and 1 kilometre were distributed to the Board for their information.

The Board heard Sergeant Skinner speak to the police letter of representation and Diane Sande speak to her letter of representation.

Thereafter the Board heard David Crank, Solicitor, speak in support of the application. He informed the Board that at present the premises are operating as a newsagents but his client had developed a new business model and was converting many of its stores

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to operate as local convenience stores. The premises in question are in need of a revamp and in addition to alcohol his client will be introducing groceries and household goods. Alcohol will account for approximately 5% of weekly takings and will amount to a capacity of 10 square metres. It is not considered that people will travel to the shop from outwith the local community.

Councillor Townson moved:-

to grant the application on the basis that it was a modest application with alcohol sales accounting for a very small percentage of overall takings.

The Convener moved as an amendment:-

to refuse the application on the grounds that it is inconsistent with the licensing objective of protecting and improving public health and would result in overprovision.

On a division there voted:- for the motion (3) – Councillors Cameron, Lawrence and Townson; for the amendment (4) – the Convener and Councillors Carle, Dickson, and Grant.

The Board resolved:-

- (1) to adopt the amendment and refuse the application; and
- (2) at the request of Mr Crank, to make a direction in terms of section 25(3)(a) of the Licensing (Scotland) Act 2005.

APPLICATION FOR A PREMISES LICENCE: 75 VICTORIA ROAD, TORRY

4. As a preliminary point, Lynn May, Depute Clerk, asked the applicant to confirm that they had received all the representations and objections. Suzanne Ward, Solicitor, on behalf of the applicant stated that her client had not received the police letter of representation. Miss May advised her that the police letter was sent to her by e-mail on 27 October 2014.

A copy of the police representation was given to the applicant and Miss Ward confirmed that her client had no objection to the Board proceeding to determine the application at this time.

The Board had before it, a letter of representation from Police Scotland dated 24 October 2014, a representation from Diane Sande, LSO, dated 13 October 2014, a letter of objection from NHS Grampian dated 23 October 2014, a letter of objection from Tony Dawson, Solicitor on behalf of Piotr Serafin Limited dated 23 October 2014 and a further letter of objection from a neighbour dated 24 October 2014.

The Board heard Sergeant Skinner speak to the police letter of representation, Diane Sande, LSO, speak to her representation, Mr Chris Littlejohn speak to the objection from NHS Grampian and Tony Dawson, Solicitor, speak to his client's letter of objection. The other objector was not present.

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Thereafter, Suzanne Ward, Solicitor, spoke in support of the application. She advised the Board that the premises was currently being run as an unlicensed grocers specialising in Eastern European groceries. This distinguished it from other premises in the local area as they stock UK alcohol branded products and her client will stock alcohol from a wide range of Eastern European countries. Capacity is small at only 4.82 square metres. The premises are well run and all staff are trained in the sale of age related products. Furthermore her client has produced his own policy on how he aims to meet the 5 licensing objectives.

The Board resolved:-

- (1) to refuse the application on the grounds that it is inconsistent with the licensing objective of protecting and improving public health and would result in overprovision of premises in the locality.
- (2) at the request of Ms Ward, to make a direction in terms of section 25(3)(a) of the Licensing (Scotland) Act 2005.

APPLICATION FOR VARIATION OF A PROVISIONAL PREMISES LICENCE: CAFE ANDALUZ, 269-271 UNION STREET

5. As a preliminary point, Alistair Macdonald, Solicitor, informed the Board that his client had amended the application so that the hours sought would be from 11:00 hours Monday to Thursday, which would comply with the policy of trading continuously for no more than 14 hours. It was also amended so that children would require to be accompanied by an adult.

The Board had before it a letter of representation from Police Scotland dated 07 October 2014, a representation from Diane Sande, LSO, dated 14 October 2014 and a letter of objection from NHS Grampian dated 14 October 2014.

The Board heard from Sergeant Skinner, who stated that Police Scotland maintained their representation that children should be accompanied by a person aged 18 years or over who is partaking of a meal. Mr Macdonald confirmed that his client would agree to this and varied the application accordingly.

As a result of the amendments to the application Diane Sande, LSO, withdrew her representation and Chris Littlejohn, NHS Grampian, withdrew the letter of objection.

Thereafter the Board heard Mr Macdonald speak in support of the application.

The Board resolved:-

to grant the application as amended with the following local condition –

Off Sales

Alcohol is only to be sold for consumption off the premises in conjunction with the sale of food to be consumed off the premises.

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APPLICATION FOR VARIATION OF A PREMISES LICENCE: RUA MASONIC CLUB, 5-7 WEST CRAIBSTONE STREET

6. As a preliminary point, Lynn May, Depute Clerk, advised the Board that no one from the applicant organisation was available to attend but they had no objection to the application being determined in their absence.

There were no objections or representations to the application.

The Board resolved:-
to grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: CITY NEWS CONVENIENCE, 37 UNION STREET

7. As a preliminary point, Lynn May, Depute Clerk, asked Umair Din, on behalf of the applicant company to confirm that he had received a copy of the letter of representation from the LSO and the letter of objection from NHS Grampian. The applicant stated that he had not as they had been sent to his agent, who was no longer acting on his behalf.

A copy of the LSO representation and NHS Grampian objection were given to Mr Din and consideration of the application was deferred until later in the meeting to allow him to read the letters and consider their content.

The Board had before it a letter of representation from Diane Sande dated 05 August 2014 and a letter of objection from NHS Grampian also dated 05 August 2014.

The Board heard Diane Sande speak to her letter of representation and Chris Littlejohn speak to the objection from NHS Grampian.

Thereafter the Board heard Mr Din speak in support of the application. He explained that the increase in alcohol display area was to increase the range of wines on offer as the premises are surrounded by offices and there is demand from people leaving their work place. He stated that Marks and Spencer is the closest store to the premise selling alcohol and it closes at 18:00 hours and it is after this time that he gets customers seeking to purchase wine.

The Board resolved:-
to grant the application.

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APPLICATION FOR VARIATION OF A PREMISES LICENCE: THE CHESTER HOTEL, 59 QUEEN'S ROAD

8. Theresa Hunt, Solicitor, requested that the Board defer consideration of the application as her client had instructed that a noise assessment be undertaken, the results of which were not yet available.

The Board resolved:-

to defer consideration of the application to its meeting to be held on 20 January 2015.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: THE MONKEY HOUSE, 1 UNION TERRACE

9. The application had been deferred from 16 September 2014 as Environmental Health officers were seeking more detailed plans. Lynn May, Depute Clerk, informed the Board that plans had been submitted and were in order.

Thereafter Nigel Wood, Solicitor, spoke in support of the application. He represents the Thai Leisure Group Limited, who are to be leasing the premises from The Epic Group (Scotland) Limited, the premises licence holder. His client is hoping to take possession of the premises in January 2015 and would then close the premises for refurbishment with a view to re-opening in March 2015.

If granted, the variation would allow the premises to operate restaurant hours opening to 01:00 hours daily and children would be allowed entry until the terminal hour. However the premises will continue to operate as a public house until the exchange of contracts and this gave rise to concerns around its operation.

The Board resolved

to grant the application with an undertaking from the premises licence holder that the variation will not come into operation until the tenant has taken entry.

APPLICATION FOR A PERSONAL LICENCE: AC3800

10. The Board had before it, a notice from Police Scotland in terms of section 73(3)(b) of the Licensing (Scotland) Act 2005, dated 08 September 2014. Sergeant Skinner spoke to the terms of the letter.

Thereafter the applicant spoke in support of his application.

The Board resolved:-

to grant the application.

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REPORT - PERSONAL LICENCE REFRESHER TRAINING - DELEGATION OF LICENSING FUNCTIONS

11. A report on personal licence refresher training certificates was tabled at the meeting.

The report recommended that the Board –

- a) agrees to amend Appendix 2 of the Licensing Policy Statement as set out in Appendix A to the report, delegating powers to officers to revoke personal licences where holders have failed to comply with the requirements to undertake training;
- b) instructs the Depute Clerk to prepare a Supplementary Licensing Policy Statement and consult as appropriate on the Supplementary Statement; and
- c) instructs the Depute Clerk to publish the Supplementary Policy Statement in accordance with Section 6 of the Licensing (Scotland) Act 2005.

The Board resolved:-

not to delegate powers to officers to revoke personal licences where holders have failed to comply with the requirements in respect of training.

- **MARIE BOULTON, CONVENER**