

Public Document Pack



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

Town House,
ABERDEEN 03 November 2014

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in Committee Room 2 - Town House on **Tuesday, 11 November 2014 at 10.30 am.**

JANE G MACEACHRAN
CLERK TO THE LICENSING BOARD

BUSINESS

- 1 List of Applications (Items 1.1 to 1.8) (Pages 1 - 6)
 - 1.1 Application for a provisional premises licence: R S McColl's, Provost Watt Drive (Pages 7 - 12)
 - 1.2 Application for a premises licence: 75 Victoria Road, Torry (Pages 13 - 32)
 - 1.3 Application for variation of a provisional premises licence: Cafe Andaluz, 269-271 Union Street (Pages 33 - 42)
 - 1.4 Application for variation of a premises licence: RUA Masonic Club, 5-7 West Craibstone Street (Pages 43 - 44)
 - 1.5 Application for variation of a premises licence: City News Convenience, 37 Union Street (Pages 45 - 54)

- 1.6 Application for variation of a premises licence: The Chester Hotel, 59 Queen's Road (Pages 55 - 82)
- 1.7 Application for variation of a premises licence: The Monkey House, 1 Union Terrace (Pages 83 - 84)
- 1.8 Application for a personal licence: AC3800 (Pages 85 - 86)

Should you require any further information about this agenda, please contact Jacqui Wallace, e-mail jwallace@aberdeencity.gov.uk or tel. 522985 85

ABERDEEN CITY LICENSING BOARD

Meeting 11 November 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	R S MCCOLLS PROVOST WATT DRIVE KINCORTH ABERDEEN AB12 5NA	MARTIN MCCOLL LIMITED C/O DWF LLP SOLICITORS 5 ST PAUL'S SQUARE OLD HALL STREET LIVERPOOL L3 9AE	13 August 2014	Convenience store seeking to provide off-sales 10:00 to 22:00 hours daily.

ABERDEEN CITY LICENSING BOARD

Meeting 11 November 2014 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

New Grant(s)	Premises	Applicant	Date Received	Comments
2	75 VICTORIA ROAD TERRY ABERDEEN AB11 9LT	BINAR LTD C/O ALEXANDER GEORGE & CO 25 HIGH STREET BANFF AB45 1AN	2 September 2014	Eastern European Grocer Shop seeking to provide off-sales 10:00 to 22:00 hours daily.

ABERDEEN CITY LICENSING BOARD

Meeting 11 November 2014 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
3	CAFE ANDALUZ 269-271 UNION STREET ABERDEEN AB11 6BR	CAFE ANDALUZ RESTAURANTS LIMITED C/O MACDONALD LICENSING SOLICITORS 21A RUTLAND SQUARE EDINBURGH EH1 2BB	16 September 2014	Change of layout to allow for the provision of restaurant facilities. Vary the terminal hour to 01:00 hours daily and add the provision of off-sales. Vary the terms of access to allow children and young persons entry until the terminal hour.
	RUA MASONIC SOCIAL CLUB 5-7 WEST CRAIBSTONE STREET ABERDEEN AB11 6DL	RUA MASONIC SOCIAL CLUB	4 September 2014	Vary the operating plan to include televised sports.
5	CITY NEWS CONVENIENCE 37 UNION STREET ABERDEEN AB11 5BN	CITY NEWSBUSTER LIMITED	12 June 2014	Change of layout resulting in an increase in the alcohol display area.
6	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 adjacent to the restaurant at upper ground floor level.

ABERDEEN CITY LICENSING BOARD

Meeting 11 November 2014 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
7 THE MONKEY HOUSE 1 UNION TERRACE ABERDEEN AB10 1NJ	THE EPIC GROUP (SCOTLAND) LTD C/O BRODIES LLP SOLICITORS 15 ATHOLL CRESCENT EDINBURGH EH3 8HA	6 August 2014	Vary the on sales hours to 11:00 - 01:00 hours daily and off-sales to 11:00 - 22:00 hours daily. Remove reference to the premises being a public house in the description of the premises and replace with restaurant.

ABERDEEN CITY LICENSING BOARD

Meeting 11 November 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

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14 July 2014

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE

PREMISES: R S McCOLLS, PROVOST WATT DRIVE

DESCRIPTION

- Local convenience store
- Alcohol to be sold for consumption off the premises 10:00 to 22:00 hours daily
- Capacity 10 m²

OBJECTIONS/REPRESENTATIONS

- Police
- LSO
- NHS Grampian (late)

LICENSING POLICY STATEMENT

Paragraph 6.5 – Conditions Attaching to Licences

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

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.

NOT PROTECTIVELY MARKED

29 September 2014

Your Ref:

Our Ref: AD/DASU/SID34999/6875/14

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

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF
A PROVISIONAL PREMISES LICENCE
MARTIN McCOLL LIMITED, McCOLL'S HOUSE, ASHWELLS ROAD,
BRENTWOOD, ESSEX, CM15 9ST.
RS McCOLL'S, PROVOST WATT DRIVE, KINCORTH, ABERDEEN,
AB12 5NA.**

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

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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

Murray Main
Chief Inspector

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MEMO

Environmental Health and Trading Standards

Housing and Environment

3rd 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	29 September 2014
Tel.	522541	Our Ref.	DBS/PAC
Fax.	01224 523887	Your Ref.	

Licensing (Scotland) Act 2005

Application for a Provisional Premises Licence

Address: R S McColls, Provost Watt Drive, Aberdeen, AB12 5NA

Applicant: Martin McColl Limited, McColl's House, Ashwells Road, Brentwood, Essex, CM15 9ST

I refer to the above and 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.

Diane Sande

Licensing Standards Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PREMISES LICENCE

PREMISES: 75 VICTORIA ROAD, TORRY

DESCRIPTION

- Eastern European Grocer Shop
- Alcohol to be sold for consumption off the premises 10:00 to 22:00 hours daily
- Capacity approx. 4.84 m²

OBJECTIONS/REPRESENTATIONS

- Police
- LSO
- NHS Grampian
- 2 Others

LICENSING POLICY STATEMENT

Paragraph 6.5 – Conditions Attaching to Licences

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

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.

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MEMO

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
3rd Floor, Marischal College



To	Eric Anderson Team Leader Legal and Democratic Services	
From	Diane Sande, Licensing Standards Officer	
Email	Commercial@aberdeencity.gov.uk	Date 13 th October 2014
Tel.	01224 522541	Our Ref.
Fax.	01224 523887	Your Ref.

Licensing (Scotland) Act 2005

Application for a Premises licence

Address: 75 Victoria Road, Torry, Aberdeen, AB11 9LT

Applicant: Binar Ltd, 75 Victoria Road, Torry, Aberdeen, AB11 9LT

I refer to the above and 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.


Diane Sande
Licensing Standards Officer

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Date 23rd October 2014
Enquiries to 01224 557047
Our Ref 20141111
Email: 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 a Premises Licence
Binar Ltd, 75 Victoria Road, Torry, Aberdeen, AB11 9LT**

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 under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to apply for a premises licence for the property at 75 Victoria Road, Torry, Aberdeen, AB11 9TL.

This objection will focus on the following points:

1. Evidence with regard to overprovision.
2. Distance between existing off sales premises in the area.
3. Hospital admission rates for wholly attributable alcohol- related conditions.
4. Comparison of alcohol related death rates.
5. Referrals to Integrated Alcohol Service
6. Appendix 1 – map of alcohol off sales licensed premises for Aberdeen City
7. Appendix 2 – major disease and injury categories causally linked to alcohol

1. Evidence with regard to overprovision

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 75 Victoria Road, Torry, 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 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
Aberdeen City at Dec 2012	635	447	188	96%	84%

There is a strong relationship between the availability of alcohol leading to over consumption 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 cancer¹.

Research published on the 7th October 2014 has strengthened the relationship between off sales density and greater alcohol related deaths. This research identified that neighbourhoods in Scotland with the most licensed premises have alcohol related death rates more than double those in neighbourhoods with the fewest licensed premises. One of the key findings from this research is that each increase in outlet availability was associated with a higher alcohol-related death rate.²

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

² <http://www.alcohol-focus-scotland.org.uk/media/89684/cresh-research-alcohol-outlets-and-health.pdf>

2. Distance between existing off sales premises in the area.

Within the immediate vicinity of this store there are a number of off-sales premises with 2 of these stores already selling alcohol imported from Eastern Europe. See table below.

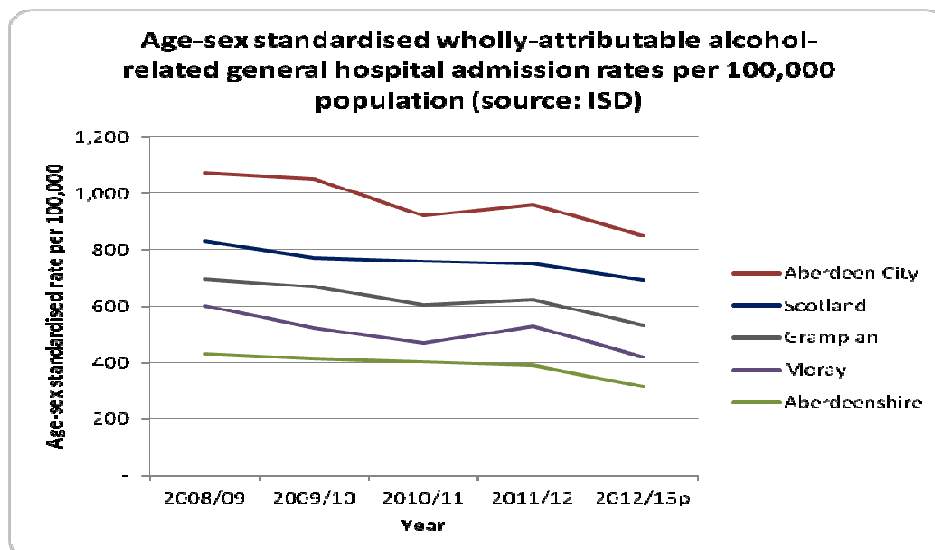
Address	Distance from Binar Ltd	Walking time from Binar Ltd
53 Victoria Road **	Less than 0.01 kilometres	23 seconds
67/69 Victoria Road ** & *	Less than 0.01 kilometres	10 seconds
78 Victoria Road **	less than 0.01 kilometres	18 seconds
94 Victoria Road * & **	Less than 0.01 kilometres	48 seconds
78 Menzies Road	0.483 kilometres	6 minutes
225 Victoria Road **	0.804 kilometres	8 minutes

* denotes store selling a **range** of Eastern European alcohol.

** denotes stores open from 10am until 10pm including Sundays

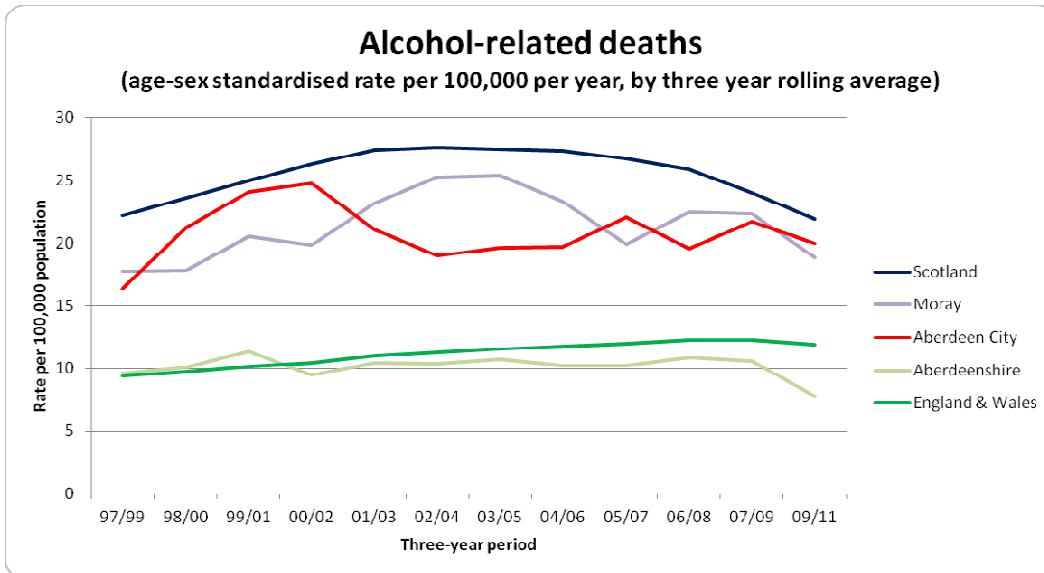
3. Hospital admission rates for wholly attributable alcohol- related conditions.

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, Aberdeen City's admission rate remains significantly higher than Aberdeenshire or Moray.



4. Comparison of alcohol related death rates.

The graph below illustrates death rates as reported by Scottish Public Health Observatory (ScotPHO³) using GROS data (General Register Office for Scotland). Aberdeen City's rate has remained essentially stable, in contrast to Scotland's falling rate.



Alcohol related deaths in Scotland have fallen but the rate is still one of the highest in Western and Central Europe. Although mortality rates have reduced in recent years they are still more than double the rates seen in the 1980s.

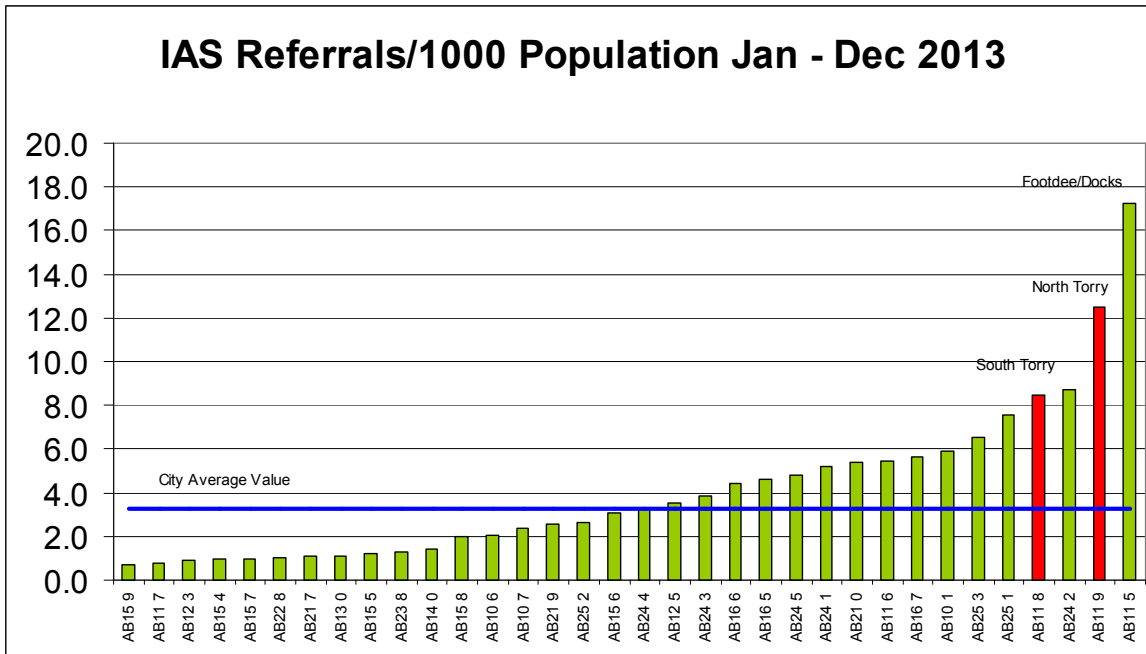
Information from ScotPHO can be broken down to post code sector. The post code sectors for the area in Torry served by this off sales premises include AB11 8 and AB11 9. Both these areas record alcohol related deaths and alcohol related or attributable hospital patient admissions to be **more than 5% worse than the Scottish average** and are coded Red in the most recent edition of the Traffic Lights Health & Wellbeing Profiles (2012)⁴.

³ <http://www.scotpho.org.uk/>

⁴ <http://www.nhsgrampian.org/grampianfoi/files/TrafficLights2012AberdeenCity.pdf>

5. Referrals to Integrated Alcohol Service

The information shown in the graph below relates to the number of referrals per 1000 population made to the NHS Grampian, Integrated Alcohol Service (IAS), Cornhill Hospital, Aberdeen during 2013. As you can see from the red bars on the graph both post code sectors for the Torry area are showing significantly higher than average numbers of referrals.



There is nothing in the application which demonstrates that this license should be approved and no automatic assumption that a licence application in these circumstances should be granted.

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

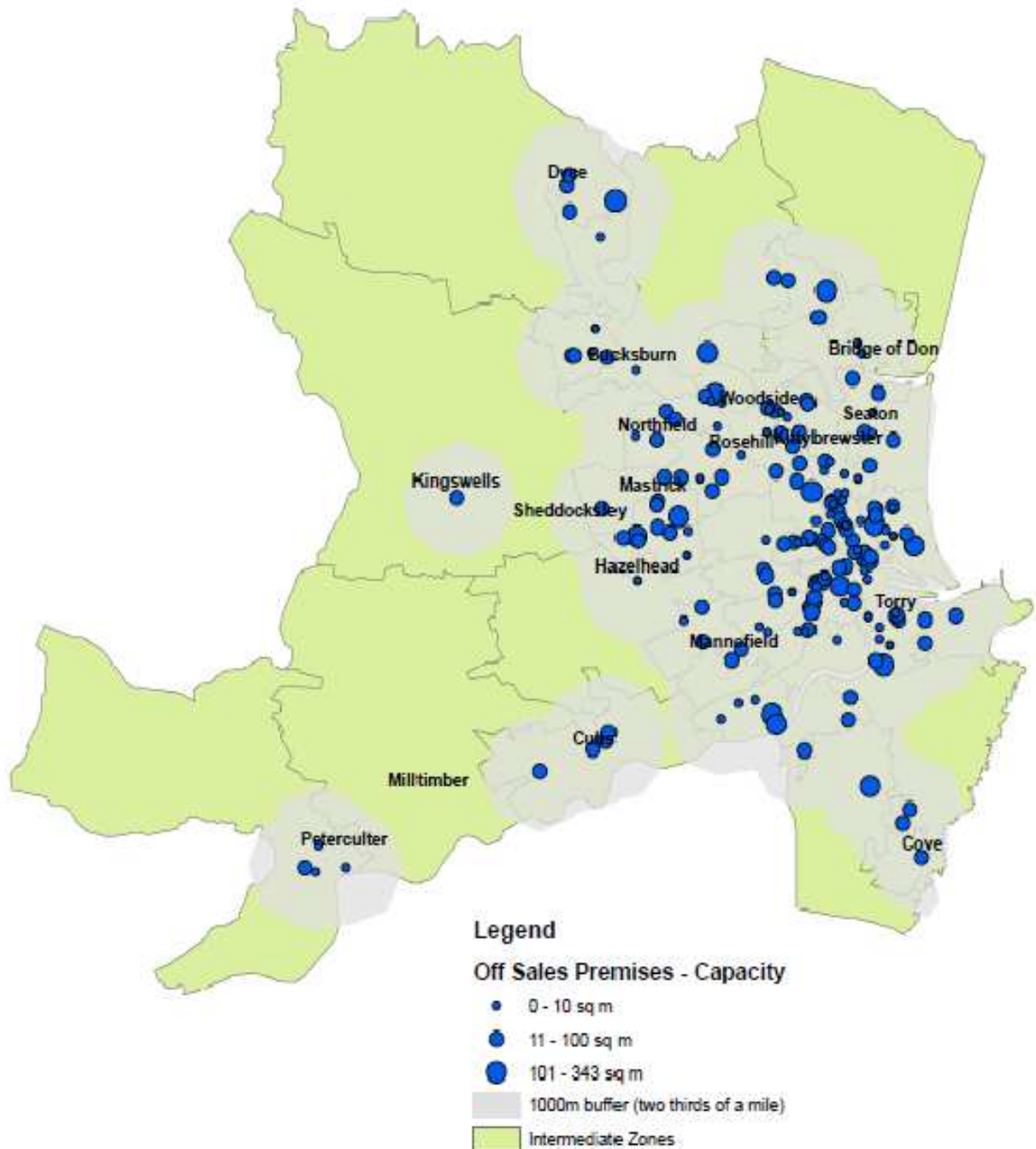
Christopher Littlejohn
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drugs)

Appendix 1

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)⁵**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).

⁵ World Health Organisation. *Global Status Report on alcohol and health*. Geneva: World Health Organisation, 2011.

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SOLICITORS
AND ESTATE AGENTS

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By Hand

Aberdeen City Council
Legal and Democratic Services
Corporate Governance
Business Hub 6 L1S
Marischal College, Broad Street
ABERDEEN
AB10 1AB

Our Ref: AJD.DM.A12489.1

Your Ref:

Date: 23 October 2014

Dear Sirs

**Aberdeen City Licensing Board
Application for new grant of premises licence
75 Victoria Road, Torry, Aberdeen AB11 9LT**

We act for Piotr Serafin Limited who hold a premises licence for a convenience store at 67-69 Victoria Road, Torry, Aberdeen AB11 9LT.

They object to the application by Binar Limited for a new premises licence at a nearby property, namely 75 Victoria Road, Torry, Aberdeen AB11 9LT.

The ground for their objection is under Section 23 (5) (e) of the Licensing (Scotland) Act 2005 namely that having regard to the number and capacity of licensed premises of the same or similar description as the subject premises in the locality in which the subject premises are situated, the grant of the licence would result in over provision of licensed premises of that description in the locality.

Furthermore, in terms of Section 23 (6) the grant of the application would be in breach of the statement of the licensing policy issued by the Licensing Board.

In support of the objection, our clients would make it known that the subjects of the application are only some 10 metres away from our clients' existing general convenience store. Between them and the subjects of application, there only lies a kitchen shop, numbers 71 and 73 Victoria Road. Furthermore, there are three other existing convenience stores very close by and certainly in the locality, namely the Spar Store only some 50 metres away, another general convenience store, also some 50 metres away on the corner of Menzies Road and Victoria Road and also another

Anthony J Dawson and Janet Hood are accredited by The Law Society of Scotland as specialists in Liquor Licensing Law
Graham A Garden is accredited by The Law Society of Scotland as a Family Law Mediator. He and Susan Waters are trained as Collaborative Family Lawyers

James & George Collie and Kinnear & Falconer are trading names of [redacted] LLP a Limited Liability Partnership registered in Scotland under number SO304786 and having its registered office at 1 East Craibstone Street, Aberdeen AB11 6YQ

Members

Anthony J Dawson
Philip G Dawson
John W Sinclair
Graham A Garden
Duncan M Love
Forbes F McLennan
Gregor F Sim
Richard D M Shepherd
Innes R Miller
Anne-Maryse Churchill
Brian Sutton

Consultants

Denis R Daun
Liz J W Mackinnon
Rory Cradock
Janet Hood
Ignacio Chanza

Senior Solicitors

Vivienne M Bruce
Susan Waters
Caren McNeil

Partnership Accountant

Stuart J T McKay CA

Stonehaven Branch

20 Ann Street
Stonehaven AB39 2EN
Tel : 01569 763555
Fax: 01569 766548
law@kinnearandfalconer.co.uk

Property Sales Shop

450 Union Street
Aberdeen AB10 1TR
Tel: 01224 572777
property@jgcollie.co.uk

Property Leasing

30 Bon-Accord Street
Aberdeen AB11 6EL
Tel: 01224 583338
letting@jgcollie.co.uk

general convenience store on the corner of Victoria Road and Walker Road, some 100 metres distant.

It is the contention of the objector that in the particular circumstances pertaining to this application, the locality would clearly be over provided in the event of any grant of a premises licence and thus the application should be refused.

Yours faithfully

[REDACTED]

James & George Collie



Our Ref: AC846
Your Ref: SB/SVW/BINA0001/01
Contact: Wendy Robertson
Email: licensing@aberdeencity.gov.uk
Direct Dial: (01224) 522798



2 October 2014

The Occupier(s)
Flat 1
77 Victoria Road
Torry
Aberdeen
AB11 9LU

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
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AB10 1AB
Tel 01224 522000
Minicom 01224 522381
DX 529450 Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir/Madam

**ABERDEEN CITY LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
PREMISES – 75 VICTORIA ROAD, 75 VICTORIA ROAD, TORRY, ABERDEEN,
AB11 9LT
TYPE - OFF SALES**

An application for a premises licence in respect of the above premises has been received for consideration by this Licensing Board (see note overleaf). The Board is obliged to notify you of this application. If you wish to make any objections or representations, please do so in writing stating your grounds by Tuesday 28 October 2014.

Yours faithfully

Jane G MacEachran
Clerk to the Licensing Board

Enc

EWAN SUTHERLAND
INTERIM DIRECTOR



P.T.O.

Note Overleaf Referred To:

Applicant: Binar Ltd
Address of Premises: 75 Victoria Road, 75 Victoria Road, Torry, Aberdeen, AB11 9LT
Licensed Hours Applied for: Monday to Sunday, 10:00 until 22:00

Activities: Premises offering alcohol for consumption off the premises.
Sale of Alcohol: Off Sales

Before granting (or otherwise) a premises licence in this case, consideration should be given to the fact there are no less than four premises already selling alcohol within a space of approx. 100 yards on this section of Victoria Road.

In more off sales licences needed, when saturation point has already been reached, Taking into account recent articles in the national Press headed "MORE OFF SALES LEAD TO HIGHER DEATH RATES" and in the local PRESS headed "OFF SALES LINKED TO ALCOHOL ILLNESSES!?"

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PROVISIONAL PREMISES LICENCE
PREMISES: CAFÉ ANDALUZ, 269-271 UNION STREET

DESCRIPTION

- Vary the terminal hour to 01:00 daily.
- Addition of off-sales.
- Vary the layout and operating plans to allow the provision of restaurant facilities.
- Remove gaming and indoor/outdoor sports from the operating plan.
- Allow children and young persons entry until the end of core hours (currently 22:00 hours).
- Add seasonal variations
- Reduce capacity

OBJECTIONS/REPRESENTATIONS

- Police
- LSO
- NHS Grampian

LICENSING POLICY STATEMENT

Hours of Trading – Paragraph 20.3

In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself.

Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours.

The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

Protecting Children From Harm – Paragraph 28

28.1 - 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. In determining any such application the risk of harm to children will be paramount.

28.2 - Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time as recognising that parents and other adults accompanying children also have responsibilities.

28.3 - 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.

These include but are not exhaustive:

- the provision of entertainment or services of an adult or sexual nature are provided
- employment of members of staff who have convictions for serving alcohol to children, or convictions against children in premises where families are encouraged.

where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided there

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

- effective and responsible premises management
- adoption of best practice guidance
- 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.

7 October 2014

Your Ref:

Our Ref: AD/DASU/SID35161/9898/14

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

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
CAFÉ ANDALUZ, 269-271 UNION STREET, ABERDEEN, AB11 6BR**

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 amendments to the operating plan at Question 5, namely:

1. Increase 'on sales' hours to 0100 hours each day
2. Add 'off sales'
3. Add seasonal variations
4. Add restaurant facilities
5. Delete Gaming and Indoor/Outdoor sports
6. Permit children and young persons until end of core hours
7. Reduce capacity to 218 persons

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

In respect of points 2, 3, 4, 5, and 7 above I have no adverse comment to make.

In respect to of point 1 above, whilst the Chief Constable makes no objection to the terminal hour of 'on sales' being 0100 hours, it is noted that the commencement of 'on sales' is 1000 hours Monday to Thursday inclusive and 1100 hours Friday to Sunday inclusive. This effectively gives the premises 15

NOT PROTECTIVELY MARKED

hours continuous 'on sales' trading on Monday to Thursday inclusive which exceeds the guidelines of a maximum of 14 hours continuous trading in any 24 hour period, as contained within 20.3 of Aberdeen City Licensing Board's Statement of Licensing Policy 2013 - 2016.

In terms of section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005, the Chief Constable is of the opinion that the variation to the operating plan should be modified so that the trading hours on Monday to Thursday inclusive comply with the guidelines relating to Operating Hours as stated within the Aberdeen City Licensing Board Statement of Licensing Policy and do not exceed 14 hours in total.

In respect of point 6 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 and the wording "Children will only be permitted entry whilst accompanied by a person aged 18 years or over who is partaking of a meal" be appended at question 6(b) of the operating plan.

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

Yours faithfully

Murray Main
Chief Inspector

NOT PROTECTIVELY MARKED

MEMO

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
3rd 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	14 October 2014
Tel.	Ext. 2541	Our Ref.	
Fax.	01224 523887	Your Ref.	

Licensing (Scotland) Act 2005

Application for a Variation to Provisional Premises Licence

Address: Café Andaluz, 269 – 271 Union Street, Aberdeen, AB11 6BR

Applicant: Café Andaluz Restaurants Limited, c/o Consilium Chartered Accountants, 169 West George Street, Glasgow, G2 2LB

I refer to the above variation application of a provisional premises licence and would like to make the following representation to the Licensing Board.

The variation consists of the following:

1. To amend on sales terminal hour to 1am each day
2. To add Seasonal variations
3. To add Restaurant Facilities
4. To delete Gaming and Indoor/Outdoor Sports
5. To permit children and young persons entry until the end of core hours
6. To reduce capacity to 218

With regard to points 2, 3, 4 and 6 I have no comments.

With regard to point 1, if this variation is granted, I would like to highlight to the Licensing Board that this would result in the premises operating for a 15 hour period Mondays to Thursdays inclusive. This would be inconsistent with the Licensing Board's Policy – Section 20.3 which states that

"20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. 21 each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance

which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours.”

With regard to point 5, if this application is granted, this would allow unaccompanied access by Children and Young Persons until 1am. My view would be that this may be inconsistent with the licensing objective Protecting Children from harm. Therefore my recommendation would be to limit unaccompanied access by children and young persons to 22:00 hours.

This representation is submitted for your consideration

[REDACTED]

Diane Sande
Licensing Standards Officer

Date 14th October 2014
Enquiries to 01224 557047
Our Ref 20141140
Email: 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 Variation of Premises Licence
Cafe Andaluz, 269-271 Union Street, Aberdeen, AB11 6BR**

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

The applicant is seeking to:

1. Extend the terminal hour of the premises to 1am on each day of the week, and
2. Permit children and young persons entry until the end of core hours.

By extending the terminal hour of the premises to 1am on Monday, Tuesday, Wednesday and Thursday this contradicts the Aberdeen Licensing Board Statement of Licensing Policy as it would result in the premises having a continuing trading period of 15 hours on each of these days. The Aberdeen Licensing Board Statement of Licensing Policy, paragraph 20.3 states:

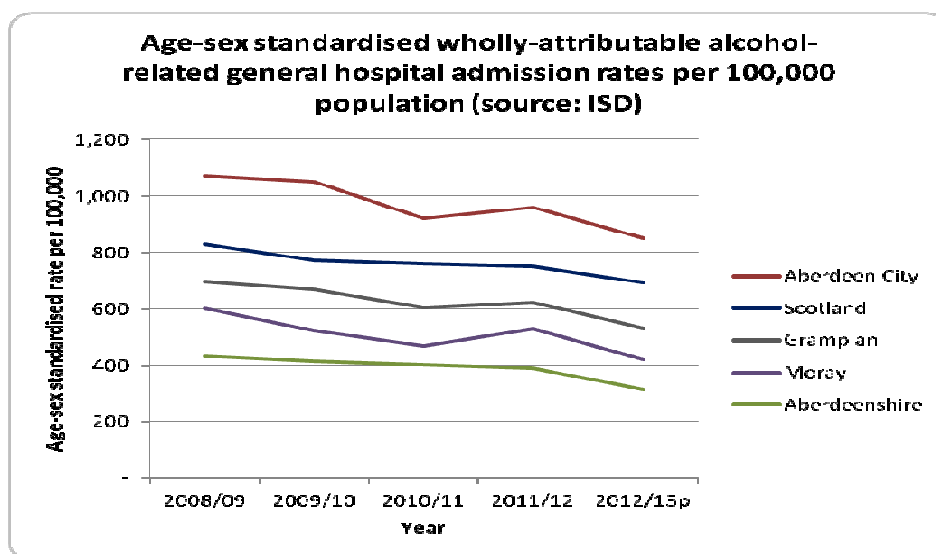
The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable.

In the NHS Grampian reported “Consultation Response to Aberdeen City Licensing Board’s Draft Statement of Licensing Policy dated 24th September 2013, NHS Grampian stated:

When access to alcohol is reduced through higher costs (minimum pricing, taxes) or reductions in availability (i.e. fewer premises or shorter opening hours) people drink less and consequently derive less harm. Short and long-term health are then less

affected, social determinants can improve and criminal behaviour reduce¹. For example, even changes in closing times of less than two hours appear to have an impact on night time violence².

The NHS Report argues that the culture of harmful drinking is prevalent within our society and has become somewhat normalised, resulting in the increasing prevalence of alcohol attributable harms. 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, Aberdeen City's admission rate remains significantly higher than Scotland, Aberdeenshire or Moray.



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.

¹ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2800249/> (The Neighborhood Alcohol Environment and Alcohol-Related Morbidity)

² <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3380552/> (The Impact of Small Changes in Bar Closing Hours on Violence.)

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.

It is well documented that alcohol attributable harms can be linked to increased availability, which includes longer drinking hours, therefore any variation to the operating hours for this or any other premises may result or contribute to further harm to public health. The World Health Organisation has reported alcohol attributable health harms and are presented in the attached appendix. They have also recently reported that alcohol is a considerable contributor in preventable cancer.

The Public Health Directorate would request that if children and young people are to be permitted entry until the end of core hours they must be accompanied by an adult and appropriate control measures must be in place to protect them, e.g. staff training; enforcement of the mandatory Challenge 25 Policy; employment of staff with convictions for serving alcohol to children; or employment of staff with convictions against children .

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 and Protecting Children from Harm.

Yours sincerely

Christopher Littlejohn

Consultant in Public Health

pp Heather Wilson

Health Improvement Officer (Alcohol & Drugs)

Major disease and injury categories causally linked to alcohol (World Health Organisation 2011)³**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).

³ 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: RUA MASONIC CLUB, 5-7 WEST CRAIBSTONE STREET

DESCRIPTION

- Provision of televised sports within core hours

OBJECTIONS/REPRESENTATIONS

- None

LICENSING POLICY STATEMENT

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: CITY NEWS CONVENIENCE, 37 UNION STREET

DESCRIPTION

- Change to layout to include additional display areas
- Increase in capacity from 11.53m² to 18.96m² (39%)

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.

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MEMO

Environmental Health and Trading Standards

Housing and Environment

3rd 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

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Date 5th August 2014
Enquiries to 01224 557047
Our Ref 20141111
Email: 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 11.53m² to 14.15m². **According to our calculations this equates to an increase of 2.62 m² 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.

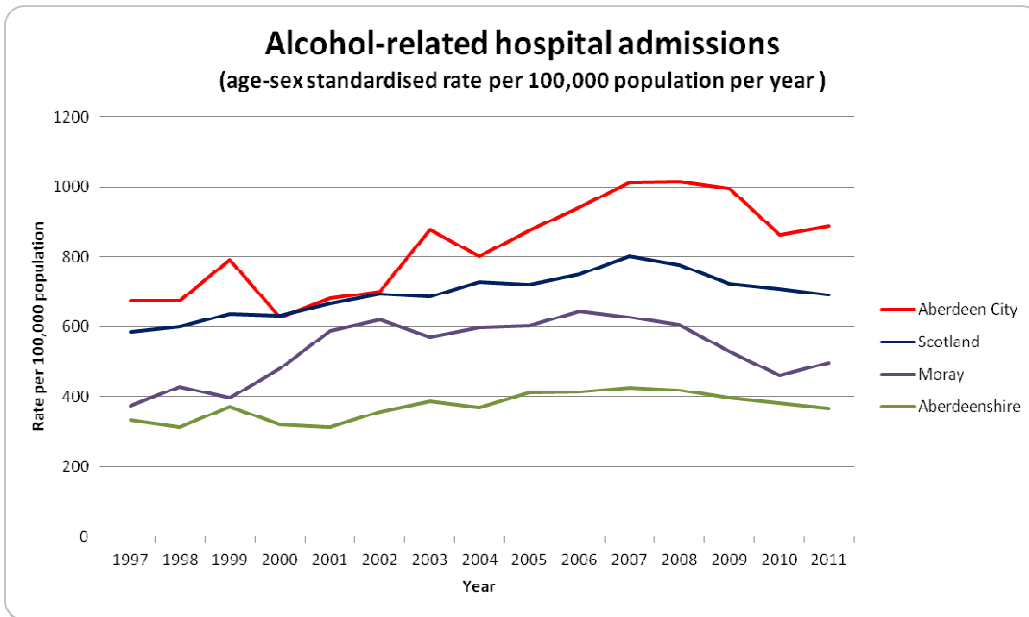
	Total licensed premises	On-sales premises	Off-sales premises	% population 18+ residing within 1 km off-sales	% population 18+ residing within 500 m off-sales
Aberdeen City at Dec 2012	635	447	188	96%	84%

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.

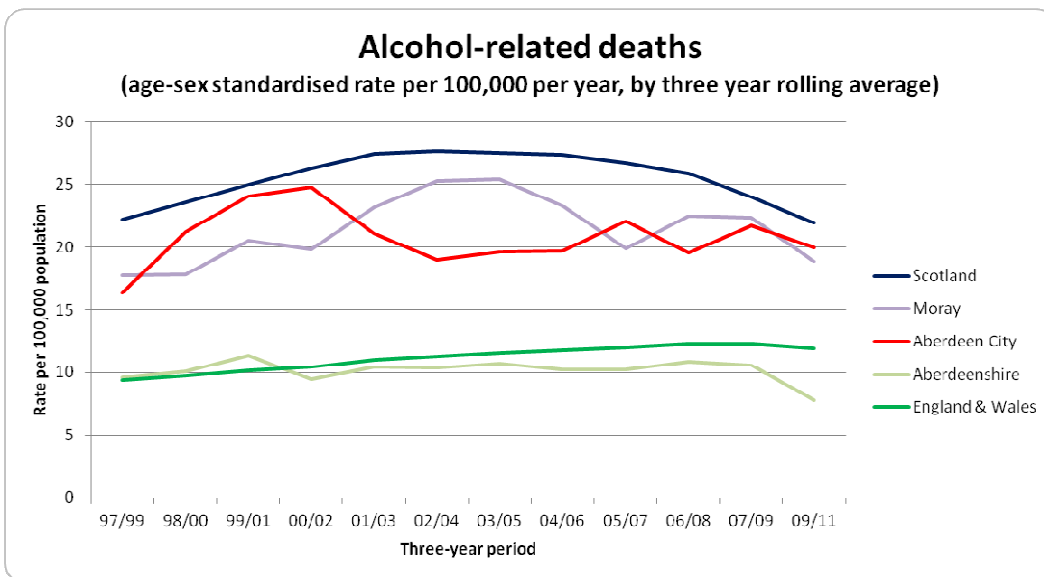
The Board will be aware that the majority of alcohol is bought from off-sales alcohol outlets where the alcohol is cheaper than purchasing from on-sales. Drinking within a domestic setting can increase the risks of alcohol-related harms and excessive consumption, leading to health harm. NHS Grampian 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 cancer¹.

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.

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



The graph below illustrates death rates as reported by ScotPHO² 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.

² <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

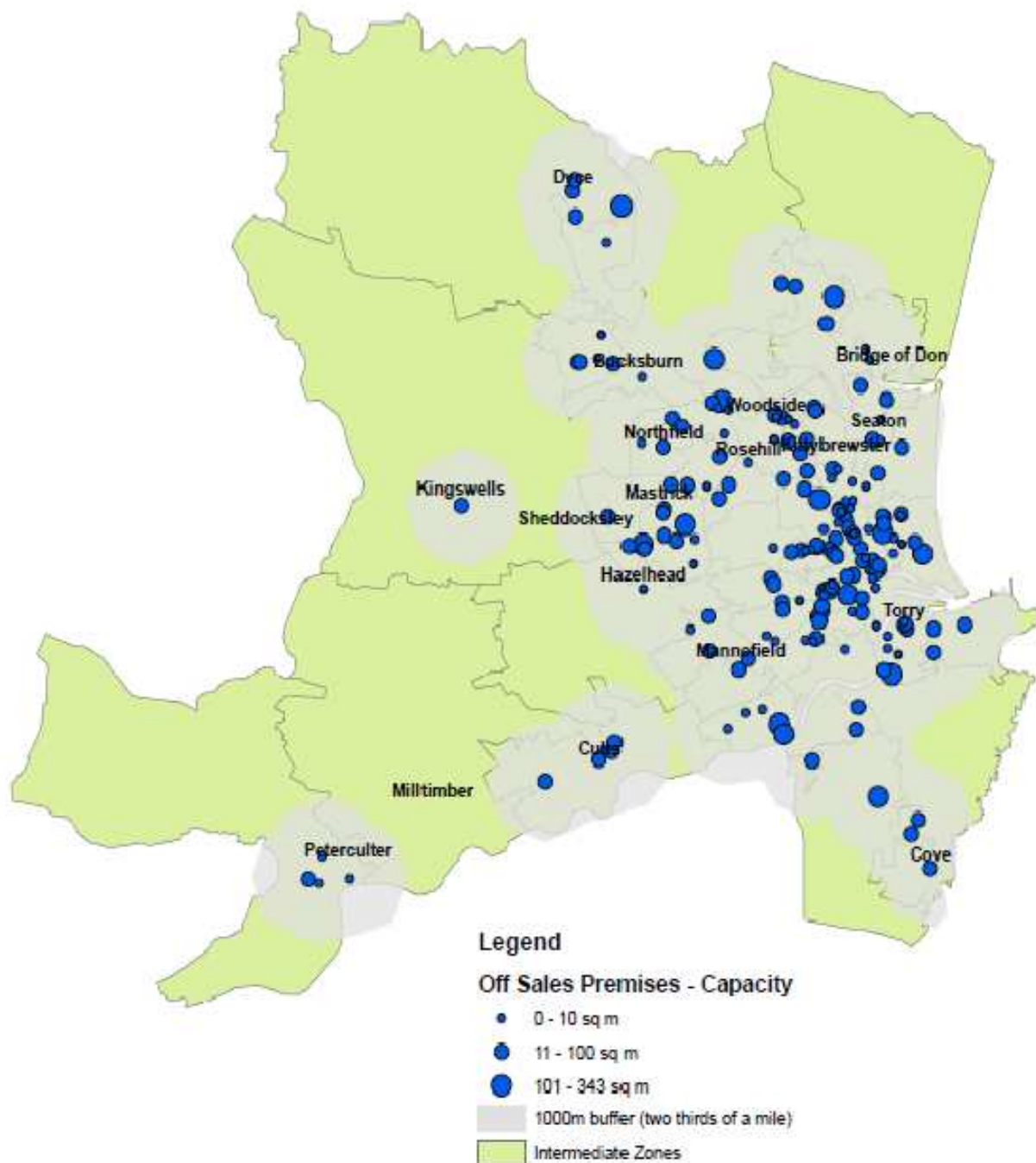
Consultant in Public Health

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)³**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).

³ 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: THE CHESTER HOTEL, 59 QUEENS ROAD, ABERDEEN

DESCRIPTION

- Addition of a new external terrace adjacent to the restaurant at upper ground floor level.

OBJECTIONS/REPRESENTATIONS

- Environmental Health
- LSO
- 10 Others

LICENSING POLICY STATEMENT

Links to Other Policies, Strategies and Legislation – Paragraph 2

2.9 - In particular, the Board's licensing functions will be discharged separately from Aberdeen City Council's functions as the local planning authority. The Board recognises that planning and licensing regimes are separate and that the processing of licensing applications should be an exercise distinct from the processing of planning applications. The Board as the licensing authority will not be bound by decisions made by Aberdeen City Council as the local planning authority. Applicants and licence holders are reminded that planning permission may be required for certain uses and that planning consents may carry conditions which can affect the operation of licensed premises.

2.10 - It is appropriate that planning permission is obtained first or alternatively that a certificate of lawful use or development has been obtained in terms of the proposed activities and trading hours.

2.11 - In general, planning permissions authorise a broad type of use of premises, whereas licences are granted for a particular type of activity. A planning permission may cover a number of activities that can have a wide range of different impacts in the locality.

Outside Seating Areas - Paragraph 19.2

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.

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 be 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: [REDACTED]

Tel: 08456 080910
www.aberdeencity.gov.uk

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MEMO

Environmental Health and Trading Standards

Housing and Environment

3rd 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	2 September 2014
Tel.	52(2185)	Our Ref.	DBS/PAC
Fax.	01224 52	Your Ref.	

Licensing (Scotland) Act 2005

Application for Variation of Premises Licence

Address: The Chester Hotel, 59 Queen's Road, Aberdeen

Applicant: The Chester Hotel Limited, Blenheim House, Fountainhall Road, Aberdeen

I refer to the above and comment as follows.

The application submitted is for a variation of premises licence to add a new external terrace.

I have no objection to this application but would like to make the following representation. If the Licensing Board are minded to grant this application, in light of the proximity of residential properties I would recommend the following condition be attached to the licence:

That the external terrace has a limited terminal hour of 22:00 and prohibiting amplified music at all times within the terrace area

[Redacted signature]

Diane Sande
Licensing Standards Officer

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Arlene Dunbar

From: [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 16th 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,

[REDACTED]

[REDACTED]

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Arlene Dunbar

From: [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, [REDACTED]

Address: [REDACTED]
Telephone: 0 [REDACTED]

Talisman Sinopac Energy UK Limited, incorporated in England and Wales (Company number 025828) Ltd
[REDACTED]
[REDACTED] <http://www.talisman>
[REDACTED]

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From:**Sent:** 28 October 2014 14:03**To:** Licensing**Subject:** RE: Objection to License Application - Chester Hotel

Dear Sir / Madam,

Thank you for confirmation (email from Jacqui Wallace of 21/10/14) that my objection to the above license application (email of 04/09/14 below) will be carried over to the new application to be heard on 11/11/14. However, the new (or revised) application and explanatory email have raised a number of further concerns, which I wish to be addressed as part of my objection.

The number of people which may use the new external terrace is unclear, however my main objection is fundamentally against the approval and licensing of the terrace and its use for dining, drinking and entertainment of hotel guests – whether it is 286 or 50 or 5 persons. This external elevated terrace (in full view of the surrounding neighbourhood) will give rise to significant disturbance and public nuisance. This is completely unacceptable in a residential area with adjacent family homes and children, particularly given the hours are both through day-time and late into the night.

The lack of clarity in the number of persons is a concern in itself – what is actually being requested and approved by the board (is it 286, 225, 200 or 50) regardless of the ‘intent’ of the applicant and any ‘voluntary arrangement’. Additionally, I have a concern that the entire application process that appears to have been followed - through planning permission, licensing and building standards – obscures the actual end use of the premises (and its effects on neighbours) and does not allow proper consideration of objections. Particularly unclear to me is the apparent statement that there is already approval for 200 persons externally (was this a previous application?) and the situation regarding planning permission for the terrace.

As previously, please also see the main objection appended below.

Thank you for your consideration.

Regards

Address

Telephone

Email:

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From: [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

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

AL W
[REDACTED]
[REDACTED]
[REDACTED] AD15 4XX

Gillian Sawkins

From: [REDACTED]
Sent: 05 September 2014 22:56
To: Licensing
Cc: Jennifer Stewart; Arlene Dunbar; Ross Thomson
Subject: AC0348 Chester Hotel Application for Variation

Dear Sirs,

I would like to object to the proposed variation of the licence. The Chester Hotel already causes a lot of noise in this area and the proposed variation to the licence would aggravate this in a significant way.

Thank you for your time.

Best regards,

[REDACTED]

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From: [REDACTED]
Sent: 05 September 2014 21:41
To: Licensing
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' throughout the year.
 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. I have no record of receipt of any notification of the original licensing application and would certainly have objected to it had I done so.
 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 has been reported to the pollution control department.
 6. There has been a history of noise breaches already during the construction phase and the management did not respond to complaints in a responsible manner. This is evidenced by the numerous complaints that have been lodged regarding noise as detailed in my husband's email of objection lodged with your department on the 4th of September 2014.
-
6. 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

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 that the Chester Hotel wish to use this new area (once again constructed without planning permission) for pre-dinner drinks only and would therefore assume that licensing will only be required until early evening and no later than 8pm. If the licence is granted then it should certainly be restricted to before 8pm.

Best Regards

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 / Mark Vorenkamp

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

Date: 03.09.2014

To: 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]
[REDACTED]
[REDACTED]
[REDACTED]

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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]

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[REDACTED]

ABERDEEN

[REDACTED]

23.10.14

Arlene Dunbar
Administration Officer
Licensing Team
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Aberdeen

CHESTER HOTEL-Licensing(Scotland) Act 2005-Application for variation of premises license-07/10/14

Dear Ms Dunbar

I wish to formally lodge an objection to this application.

I have not previously objected to the applications made by the Chester Hotel believing that commercial enterprise should not be stifled. However, I am unsure that that was the correct decision since the increase in the noise coming from the premises has been substantially more than expected and I was lead to believe. During the summer, especially at weekends, I found that it was no longer relaxing to sit in my garden because of the noise coming from raised voices in the hotel grounds especially later in the evening and early night. This noise is very intrusive. The noise is coming from the external licensed areas of the hotel. To allow an increase in the numbers of people allowed to use the raised area next to the restaurant in the hotel would dramatically increase that noise level. Bear in mind, that since the area is on top of the premises, there are no natural barriers to the sound travelling to all of the surrounding Residential Area. These raised noise levels would undoubtedly continue well into the early hours of the morning especially on a Friday and Saturday when the license is extended until 1am.

One of the Licensing Board's main objectives, clearly stated in the legislation, is to prevent Public Nuisance. The Licensing Board has already accepted variations to the license for the Chester Hotel. The Board have a duty of care to the local Residents and to allow the large numbers of people proposed in this outside area at the Chester Hotel would not be showing a duty of care to those Residents because there is no doubt it would be a serious public nuisance.

I would therefore request that this application is refused.

Yours sincerely

[REDACTED]
[REDACTED]
[REDACTED]
Michael Wood

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Jacqui Wallace

From: Ross Thomson
Sent: 28 October 2014 15:56
To: Alyson Mollison
Cc: Jacqui Wallace

Dear Alyson,

I refer to the above and wish to notify the Board of my objections to the major variation of license at the Chester Hotel 59 Queens Road Aberdeen following discussions with my constituents. Further, can you pass this to the applicant's agent for their consideration.

The reasons for my objection is as follows

1 I am concerned that the applicant is seeking to operate an external Terrace which presently does not have planning permission. My concern relates to the fact that if the applicant had proceeded and obtained planning permission for this external Terrace I and my constituents would have had the opportunity when the license was first obtained to object to the license or ask the Board to either seek assurance from the applicant that noise levels would be acceptable to residents or that the Board would impose suitable conditions which maintained our peace and quite whilst at the same time allowing the applicant to run his business.

2 The main issue for my constituents is the noise from the hotel and I therefore object in terms of licensing objective preventing public nuisance as set out on page 29 paragraph 26 of Aberdeen City Licensing Board Statement of Licensing Policy November 2013 to November 2016.

Objective 26 1 and 26.2 states "The Board believes that licensed premises have the potential to have a significant adverse impact on communities. It wishes to maintain and protect the amenity of occupiers of other businesses and residents from the potential consequence of

the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.

The Board will interpret public nuisance in its widest sense and will take it to include such issues as noise, light, odour, litter and anti-social behaviour"

In this regard can I firstly point out that my constituents have lived in this area with a hotel for some time and in all that time when the hotel was called Simpson's hotel there was never one complaint about the noise. Following new owners and a change to the layout of the hotel my constituents have regularly complained about the noise especially at what they consider to be at an unacceptable hour. The noise after 10pm at night is unacceptable to my constituents as they

believe that the noise at this time is incompatible with objective 26.1 as the noise has an adverse impact on communities. The board have agreed to interpret public nuisance in its widest sense and when you consider that music and noise is being heard regularly at 1am followed by the bin lorries picking up bottles at 7am in the morning I do believe that the licensing objective of preventing public nuisance is not being adhered to.

Objective 26.3 does state that the board can impose conditions and whilst my constituents recognise fully that the hotel is good for the community and wider Aberdeen and beyond there has to be a solution which is reasonable to the Hotel and the community who reside in the area affected by the hotel. Therefore if you are minded to grant the variation I would ask the board to limit the use of the external terrace to being available to the public until 10pm at night rather than 1am as is proposed by the applicant.

I trust this meets with your requirements and would confirm that I would like to make representation to the Board on the day.

Kind Regards,

Ross

Sent from Samsung Mobile

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Jacqui Wallace

From: Queens CrossCC <[REDACTED]>
Sent: 28 October 2014 16:23
To: Jacqui Wallace
Subject: Chester Hotel Licensing Objection

From: [REDACTED]
Date: 28 October 2014 13:55:33 GMT
To: [REDACTED]
Subject: Chester Hotel Extended Licensing Application

On behalf of Queens Cross and Harlaw Community Council I wish to object to the above Licensing Application.

Note we are also objecting to the Planning Dept regarding the RETROSPECTIVE Planning Application (P140990) for the External Dining area for this Hotel. This is the second or third time Chester has just remembered that they need to apply for Planning permission for an area that was presumably forgotten in the first initial Planning process for this Hotel.

You may wish to be aware that the residence close to this Hotel are already disturbed significantly by noise from the Hotel and to further extend the approval for licensing in the external dining area would be to the dismay of local residents who used to stay in a quiet residential area.

Residents are already subjected to the noise and activities from people in the Hotel which can extend to revellers doing a conga outside. To increase the possibility of greater noise especially to one o'clock in the morning on some nights which they have applied for we think is totally unacceptable.

Regards [REDACTED] on behalf of Queens Cross and Harlaw Community Council.

[REDACTED]

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: THE MONKEY HOUSE, 1 UNION TERRACE

DESCRIPTION

- Change of layout including removal of one bar serverly area, change to seating and change in operation of the premises to a restaurant.
- Vary the on sales hours to 11:00 – 01:00 hours daily (currently 10:00 -00:00 Sunday to Thursday and 10:00 to 01:00 Friday & Saturday).
- Vary commencement hour for on sales from 10:00 to 11:00 hours daily.
- Include the following additional activities - "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.
- Change terms of entry for young persons to allow them entry at the discretion of the management. Children must be accompanied by an adult. Allow both children and young persons entry at all times the premises is open (presently no entry after 22:00 hours).
- Change the name of the premises to Chaophraya

OBJECTIONS/REPRESENTATIONS

- Environmental Health – the application was deferred from the meeting on 16 September as officers from Environmental Health wanted more detailed information about the proposed layout.

LICENSING POLICY STATEMENT

Licensing Objective – Protecting Children from Harm

28.1 - 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. In determining any such application the risk of harm to children will be paramount.

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

- effective and responsible premises management
- adoption of best practice guidance

- 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.

Document is Restricted

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