

LICENSING BOARD

ABERDEEN, 20 January 2015. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener; and Councillors Cameron, Carle, Dickson, Lawrence and Townson.

LIST OF APPLICATIONS

1. The Board had before it, for its consideration, the applications as listed under articles 2 to 17 of this minute.

APPLICATION FOR PREMISES LICENCE - ALMONDINE, 43 THISTLE STREET, ABERDEEN

2. Ms Williamson addressed the Board in support of the application.

The Board resolved: -

To grant the application.

APPLICATION FOR PROVISIONAL PREMISES LICENCE - CO-OPERATIVE FOOD GROUP LTD, 122-124 BROOMHILL ROAD, ABERDEEN

3. The Board had before it a letter of representation from the Chief Constable, Police Scotland dated 22 December 2014, a representation dated 18 December 2014 from the LSO, letter of objection from NHS Grampian dated 19 December and 39 letters of objection from members of the Public.

The Board also considered three letters in support of the application from members of the public.

The Board heard Sergeant Skinner speak to the Police letter, Tara Gilchrist speak to the representation from the LSO and Heather Wilson speak to the terms of the Letter from NHS Grampian.

Thereafter, Mr MacDonald Solicitor, John Kelly, Regional Operations Manager, Derek Murray, Area Operations Manager, and Raymond Gormley Regional Acquisitions Manager for Co-operative Group, addressed the Board in support of the application.

Councillor Townson moved: - to grant the application

Councillor Boulton moved as an amendment: - to refuse the application

On a division there voted for the motion (3) Councillors Cameron, Carle and Townson; For the amendment (3) The Convener and Councillors Dickson and Lawrence.

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There being an equality of votes the Convenor used her casting vote in favour of the amendment.

The Board resolved: -

To adopt the amendment.

APPLICATION FOR VARIATION OF PREMISES LICENCE - ABERDEEN ARTS CENTRE - 33 KING STREET, ABERDEEN

4. Ms Gibson addressed the Board in support of the application on behalf of the applicant.

The Board resolved: -

to grant the application

APPLICATION OF VARIATION OF PREMISES LICENCE - CULTER MILLS SPORTS & RECREATION CLUB, 25 SCHOOL CRESCENT, PETERCULTER, ABERDEEN

5. The Board had before it a letter of representation dated 22 December 2014 from NHS Grampian and an email of objection dated 31 December 2014 from a Member of the Public.

Ruth O'Hare, Solicitor advised the Board that a further objection had been received, however it had been received out with the statutory time period. Mrs O'Hare advised that the Board were entitled to accept the objection where it considered there were good reasons to do so.

The applicant's solicitor advised that she had no issue with the objection being considered.

The Board resolved: -

To consider the objection.

The Board had before them an email of objection dated 04 January 2015 from a member of the public.

The Board heard from Heather Wilson speak in support of the letter from NHS Grampian.

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

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The Board Resolved: -

to grant the application subject to the following conditions: -

1. The use of the external area is to cease and be clear of all patrons by 20:00 hours; and
2. No amplified or recorded music is to be played in the external area.

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

6. Ms Millar, Solicitor addressed the Board in support of the application.

The Board resolved: -

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE - NIGG BAY GOLF CLUB, ST FITTICKS ROAD, ABERDEEN

7. Mrs O'Hare Solicitor advised that the application had been deferred to the next meeting of the Board to be held on 3 March 2015.

APPLICATION FOR VARIATION OF PREMISES LICENCE - PIZZA EXPRESS, 402 UNION STREET, ABERDEEN

8. Ms Walker, Solicitor, addressed the Board in support of the application.

The Board resolved: -

To grant the application.

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

9. The Board had before it a letter of representation from the Chief Constable, Police Scotland dated 30 December 2014 and a letter of objection dated 24 December 2014 from Zenocean Limited.

The Board hear Sergeant Skinner speak to the Police letter.

Thereafter, Mr Thomson, Solicitor, addressed the Board in support of the application.

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Councillor Cameron moved: to grant the application subject to the following conditions:

- (1) To restrict the capacity of the outdoor drinking area to 48 persons seated and 22 persons standing; and
- (2) That the licence holder should erect screening around the outdoor drinking area to the satisfaction of the Licensing Standards Officer

Councillor Dickson moved as an amendment: - to grant the application subject to the following condition:

- (1) To restrict the capacity of the outdoor drinking area to 70 persons.

On a division there voted: - For the motion (5) the Convener and Councillors Cameron, Carle, Lawrence and Townson; For the amendment (1) Councillor Dickson

The Board resolved: -

to adopt the motion.

APPLICATION FOR VARIATION OF PREMISES LICENCE - THE ABBOT, PROVOST WATT DRIVE, ABERDEEN

10. The Board had before it a letter of objection dated 9 October 2014 from the Chief Constable, Police Scotland and a memo of representation dated 14 October 2014 from the LSO.

The Board heard Sergeant Skinner speak to the Police letter and Tara Gilchrist speak to the terms of the LSO memo.

Thereafter Ms Millar, Solicitor addressed the Board in support of the application. Ms Millar confirmed that her client accepted the LSO recommendations in respect of the external area.

The Board resolved: -

To granted the application subject to the conditions recommended by the LSO for the external area.

APPLICATION FOR VARIATION OF PREMISES LICENCE - THE CHESTER HOTEL, 59 QUEEN'S ROAD, ABERDEEN

11. **The Board resolved: -**

To defer consideration of the application to a special meeting of the Board.

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APPLICATION FOR PERSONAL LICENCE - AC3791

12. The Board had before it a notice in terms of Section 73(3)(b) of the Licensing (Scotland) 2005 dated 21 November 2014, submitted by the Chief Constable, Police Scotland.

The Board resolved: -

To defer consideration of the application to its next meeting to be held on 3 March 2015.

APPLICATION FOR PERSONAL LICENCE - AC3850

13. The Board had before it a notice in terms of Section 73(3)(b) of the Licensing (Scotland) 2005 dated 21 November 2014, submitted by the Chief Constable, Police Scotland.

The Board heard Sergeant Skinner speak to the Police letter and thereafter heard from the applicant.

The Board resolved: -

to grant the application.

PERSONAL LICENCE REVIEW HEARING- AC3054

14. The Board had before it a notice in terms of Section 83(4) (b) of the Licensing (Scotland) Act 2005 dated 4 November 2005 submitted by the Chief Constable, Police Scotland.

The Board resolved: -

To defer consideration of the application to its next meeting to be held on 3 March 2015.

PREMISES LICENCE REVIEW PROPOSAL IN TERMS OF SECTION 38 OF THE LICENSING (SCOTLAND) ACT 2005 - MARTIN MCCOLL LTD

15. The Board had before it a Notice in terms of Section 44(4)(b) of the Licensing (Scotland) Act 2005 dated 18 December 2014 submitted by the Chief Constable, Police Scotland a premises licence review proposal for consideration.

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The Board Resolved: -

To hold a premises licence review hearing.

The Board had before it a report dated 16 January 2015 from the LSO.

The Board heard from Mr Dawson, Solicitor on behalf of the licence holder.

The Board resolved: -

to take no further action.

PREMISES LICENCE REVIEW HEARING - AURIGA RESTAURANT, 7 SUMMER STREET

16. The Board had before it a memo dated 2 December 2014 from the LSO.

The Board heard from Mr Dawson, Solicitor on behalf of the Licence holder.

The Board Resolved: -

To take no further action

PREMISES LICENCE REVIEW HEARING- CAFÉ ROUGE, FOOD UNIT 3, FOOD TERRACE, BON ACCORD CENTRE

17. The Board had before it a memo dated 3 December 2014 from the LSO.

Mrs O'Hare Solicitor advised that the Licence holder's Solicitors, Brodies had submitted a letter of explanation.

The Board Resolved: -

To take no further action

PREMISES LICENCE REVIEW HEARING - SPICE MILL, GRANDHOLM CRESCENT

18. The Board had before it a memo dated 2 December 2014 from the LSO.

In the absence of the licence holder;

The Board Resolved: -

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That in terms of Section 28(5)(b) of the Licensing (Scotland) Act 2005 the premises licence has ceased to have effect as the premises in respect of which the licence was issued has cease to be used for the sale of alcohol.