

## **LICENSING BOARD**

ABERDEEN, 8 December 2015. Minute of meeting of the LICENSING BOARD.  
Present: Councillor Boulton, Convener; and Councillors Cameron, Carle, Copland, Donnelly, Grant, Lawrence, Townson and Yuill.

### **LIST OF APPLICATIONS**

1. The Board had before it, for its consideration, the applications as listed in articles 2 to 21 of this minute.

#### **APPLICATION FOR PREMISES LICENCE - B & M STORES, UNIT 5B KITTIBREWSTER RETAIL PARK, BEDFORD ROAD, ABERDEEN**

2.

As a preliminary point Mr Williams, Solicitor, confirmed that he had reduced the capacity of the premises and that the agreed capacity of the premises was now 21.83sqm. Mr Williams also offer some voluntary conditions which he had discussed in advance with Police Scotland.

The Board had before it a letter of objection dated 16 November 2015 from NHS Grampian and an objection from Froghall, Sunnybank & Powis Community Council dated 16 November 2015.

The Board heard Heather Wilson speak to the letter from NHS Grampian.

Thereafter, Mr Williams addressed the Board in support of the application.

Councillor Yuill moved to refuse the application.

Councillor Donnelly moved as an amendment: - to grant the application.

On a division there voted for the motion (2) The Convener and Councillor Yuill; for the amendment (7) Councillors Cameron, Carle, Copland, Donnelly, Grant, Lawrence and Townson

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

to adopt the amendment and grant the application subject to the following conditions:

- (1) Local condition in respect of CCTV and
- (2) There will be no single cans of alcohol displayed or sold at the premises (multi pack sales are permitted)
- (3) No beers or ciders will be sold with an ABV in excess of 6% (with the exception of seasonally packaged gift packs)
- (4) No products commonly known as "alcopops" will be sold
- (5) No tonic wine will be sold including the brand known as Buckfast.

**LICENSING BOARD**

8 December 2015

**APPLICATION FOR PROVISIONAL PREMISES LICENCE - ABERDEEN AIRPORT  
PETROL FILLING STATION, ARGYLL ROAD**

3. The Board had before it a letter of objection dated 16 November 2015 from NHS Grampian, a letter of objection dated 4 November 2015 from Dyce and Stoneywood Community Council and a letter of representation dated 13 November 2015 from Aberdeen City Council's Special Licensing Objections Sub-Committee.

Mr Hunter, Solicitor, as a preliminary point lodged with the Board a Market research document.

**The Board resolved: -**

To defer consideration of the application to the next meeting of the Board to be held on 2 February 2016 to enable all parties to consider the market research.

**APPLICATION FOR PROVISIONAL PREMISES LICENCE - HOTEL PREMISES,  
FARBURN TERRACE, DYCE**

4. The Board had before it a representation dated 18 November 2015 from Police Scotland.

The Board heard Sergeant Lloyd speak to the Police Letter.

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

Mr Lawson agreed to amend the application in respect of the terms under which resident children would be permitted access to the premises.

**The Board resolved: -**

To grant to the application as amended.

**APPLICATION FOR PROVISIONAL PREMISES LICENCE - THE CO-OPERATIVE  
FOOD, NORTH DEESIDE ROAD, PETERCULTER**

5. Mrs Harrison, Solicitor, advised the Board that the capacity for the premises had not been agreed between the applicant and Building Standards. Mr Lawson, Solicitor, on behalf of the applicant, confirmed that his client accepted the Building Standards figure of 34.811sqm.

## **LICENSING BOARD**

8 December 2015

The Board had before, for its consideration a letter of objection dated 16 November 2015 from NHS Grampian, an undated letter of representation from Barry Wink and Susan Yule and a letter of representation dated 8 November from Marie-Louise Glenesk.

The Board heard from Heather Wilson speak in support of the letter from NHS Grampian and Ms Glenesk speak to the terms of her letter of representation.

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

**The Board resolved: -**

To grant the application.

### **APPLICATION FOR PROVISIONAL PREMISES LICENCE - THE MASK ABOVE MAGMA, 52 BRIDGE STREET**

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

**The Board resolved:-**

To grant the application.

### **APPLICATION FOR VARIATION OF PREMISES LICENCE - ALMONDINE, 43 THISTLE STREET**

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

**The Board resolved: -**

To grant the application.

### **APPLICATION FOR VARIATION OF PREMISES LICENCE - ANGUS AND ALE, 55 SCHOOLHILL**

8. The Board had before it for consideration a letter of representation dated 13 November 2015 from Aberdeen City Council Special Licensing Objection Sub Committee.

Thereafter, Ms Hood, Solicitor, addressed the Board in support of the application. Ms Hood clarified that young persons would be permitted access to the premises unaccompanied at all times the premises are open. Children will be permitted access

**LICENSING BOARD**

8 December 2015

to the premises unaccompanied at the discretion of the management until 21:00. After 21:00 children will require to be accompanied by an adult.

**The Board resolved:-**

To grant the application.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - BELMONT CINEMA, 49 BELMONT STREET**

9. The Board had before it for its consideration a memo of representation from Environmental Health.

Andrew Gilchrist, Principal Environmental Health Officer, advised that new plans had been submitted to the satisfaction of Environmental Health and that their representation had now been withdrawn.

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

**The Board resolved:-**

To grant the application.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - CO-OPERATIVE GROUP LIMITED, SPRINGFIELD ROAD**

10. The Board had before it a letter of objection dated 16 November 2015 from NHS Grampian.

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

Thereafter, Mrs Hood, Solicitor, addressed the Board in support of the application.

**The Board resolved: -**

To grant the application.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - HOLIDAY INN EXPRESS, ABERDEEN AIRPORT, 2-3 INTERNATIONAL GATE**

11. Ms Hunt, Solicitor, addressed the Board in support of the application.

**The Board resolved: -**

**LICENSING BOARD**  
8 December 2015

To grant the application.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - JEWEL IN THE CROWN, UPPER GROUND FLOOR, 145 CROWN STREET**

12. The Board had before it a letter of representation dated 6 November 2015 from Police Scotland, a memo of representation dated 12 November from the LSO and a representation dated 26 November 2015 from Environmental Health.

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

Thereafter, Ms Hood, Solicitor addressed the Board in support of the application. Ms Hood confirmed that her client accepted the LSO recommendations in respect of the external area and confirmed that she would submit an amended operating plan to reflect the children and young persons access to the external area.

**The Board resolved: -**

to grant the application subject the following conditions

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

**APPLICATION FOR VARIATION OF PREMISES LICENCE - LIDL, 739 KING STREET**

13. The Board had before it a letter of objection dated 16 November 2015 from NHS Grampian.

The Board heard Heather Wilson speak to the letter from NHS Grampian.

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

Councillor Grant moved:- to grant the application.

The Convener moved as an amendment: - to grant the application, but not to use the additional capacity outwith the themed weeks.

On a division there voted for the motion (6) Councillor Carle, Copland, Donnelly, Grant, Lawrence and Yuill; For the amendment (3) The Convener and Councillors Cameron and Townson.

**LICENSING BOARD**  
8 December 2015

**The Board resolved: -**

To adopt the motion.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - SKENE HOUSE, 66-68 ROSEMOUNT VIADUCT**

14. The Board had before it a representation from Environmental Health.

The Board were advised that the representation had been withdrawn.

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

**The Board resolved: -**

To grant the application.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - THE ADELPHI KITCHEN, 28 ADELPHI**

15. The Board had before it a letter of objection dated 17 November 2015 from Jennifer Sillars.

Thereafter Ms Hood, Solicitor, addressed the Board in support of the application. Ms Hood undertook to amend the operating plan to define live performances.

**The Board resolved: -**

to grant the application subject to the following conditions

(1) only wine and beers will be delivered as part of the takeaway facilities.

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

16. The Board had before it for its consideration a letter for objection dated 13 November 2015 from Police Scotland and letter of objection dated 16 November 2015 from NHS Grampian.

**LICENSING BOARD**

8 December 2015

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

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

Councillor Yuill moved: - to refuse the application.

Councillor Cameron moved as an amendment: - to grant the application for trial period of 6 months.

On a division there voted for the motion (5) the Convener and Councillors Carle, Grant, Lawrence, Yuill; for the amendment (4) Councillor Cameron, Copland, Donnelly and Townson.

**The Board resolved: -**

to adopt the motion.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - MILL OF MUNDURNO, MURCAR, BRIDGE OF DON**

17. Mr Shield, Solicitor, addressed the Board in support of the application.

**The Board resolved: -**

To grant the application.

**APPLICATION FOR OCCASIONAL LICENCE - WALK UP BAR 1, FESTIVE VILLAGE, UNION TERRACE, ABERDEEN****18. DECLARATION OF INTEREST**

Councillor Grant declared an interest in article 18. He left the meeting room until the application was determined.

The Board had before them a letter of objection dated 1 December 2015 from Police Scotland and an email of representation dated 27 November 2015 from the LSO.

The Board heard Sergeant Flett speak to the Police letter and Tara Gilchrist speak to the representation from the LSO.

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

**The Board resolved: -**

**LICENSING BOARD**

8 December 2015

To grant the application.

**APPLICATION FOR OCCASIONAL LICENCE - WALK UP BAR 2, FESTIVE VILLAGE, UNION TERRACE, ABERDEEN****19. DECLARATION OF INTEREST**

Councillor Grant declared an interest in article 19. He left the meeting room until the application was determined.

The Board had before them a letter of objection dated 1 December 2015 from Police Scotland and an email of representation dated 27 November 2015 from the LSO.

The Board heard Sergeant Flett speak to the Police letter and Tara Gilchrist speak to the representation form the LSO.

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

**The Board resolved: -**

To grant the application

**APPLICATION FOR PERSONAL LICENCE - AC4141**

**20.** The Board had before it a notice in terms of Section 73 (3) (b) of the Licensing (Scotland) Act 2005 dated 7 July 2015, submitted by the Chief Constable, Police Scotland.

**The Board resolved: -**

To refuse the application.

**APPLICATION FOR PERSONAL LICENCE REVIEW HEARING - AC0838**

**21.** The Board had before it a notice in terms of Section 83 (4) (b) of the Licensing (Scotland) Act 2005 dated 12 October 2015 submitted by the Chief Constable, Police Scotland.



**LICENSING BOARD**  
8 December 2015

The Board heard Sergeant Lloyd speak to the Police letter.

**The Board resolved: -**

To take no action.

**MARIE BOULTON – CONVENER**