

LICENSING BOARD

ABERDEEN, 3 March 2015. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener; and Councillors Cameron, Carle, Dickson, Forsyth, Lawrence, Townson and Yuill.

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 A PROVISIONAL PREMISES LICENCE- ABERDEEN YOUTH HOSTEL, 8 QUEEN'S ROAD

2. As a preliminary point, Mrs Louden, Solicitor, confirmed that her client agreed to the technical capacity of 371 for the premises but advised the Board that the operational capacity would be 100.

Thereafter Mrs Louden addressed the Board in support of the application.

The Board resolved:-

to grant the application subject to the following local condition:-

(1) Drugs Policy as set out in the Board's Statement of Licensing Policy.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - FRANKIE & BENNY'S, UNIT 2, UNION SQUARE

3. Ms Walker, Solicitor, addressed the Board in support of the application, which was to add televised sports as an activity on the operating plan.

The Board resolved:-

to grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - MITHER TAP, 30 JOHN STREET

4. Mrs Hood, Solicitor, addressed the Board in support of the application which was seeking to vary the commencement hour for both on and off sales on Sundays to 10:00 hours.

The Board resolved:-

to grant the application.

LICENSING BOARD

3 March 2015

DECLARATION OF INTEREST

Councillor Yuill declared an interest in article 5 as the licence holder has been a donor to the Liberal Democrat Party. He left the meeting room until the application was determined.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - PIZZAEXPRESS, CABERSTONE HOUSE, BELMONT STREET

5. Ms Walker, Solicitor, addressed the Board in support of the application which was seeking to vary the commencement hour for on sales to 11:00 hours daily.

The Board resolved:-
to grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - STAGING POST, 16 OLDMELDRUM ROAD, BUCKSBURN

6. By way of preliminary points Mr Dawson, Solicitor confirmed that his client:-
- (i) accepted the proposal that the use of the outside area would cease at 22:00 hours;
 - (ii) confirmed that there is a dedicated function suite at the premises and that part of the variation seeking to open until 01:00 hours Saturdays and Sundays was solely in respect of private pre-booked functions within the function suite; and
 - (iii) agreed to amend the wording in the operating plan in respect of the sale of alcohol to children and young persons. Reference to sale of alcohol to be replaced by supply.

Thereafter Police Scotland, the LSO and NHS Grampian all withdrew their letters of representation. Andrew Gilchrist, Principal Environmental Health Officer spoke to his representation dated 18 December 2014.

Three letters of objection were received from members of the public, none of whom were present.

Mr Dawson, Solicitor, spoke in support of the application.

Councillor Lawrence moved:-

to grant the application as amended with the exception of the 01:00 terminal hour at weekends as this part is inconsistent with the licensing objective of preventing public nuisance.

LICENSING BOARD

3 March 2015

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

On a division there voted:- for the motion (1) – Councillor Lawrence; for the amendment (7) – the Convener and Councillors Cameron, Carle, Dickson, Forsyth, Townson and Yuill.

The Board resolved:-

to adopt the amendment and grant the application with the following local conditions-

Outside Area

- (i) There is to be no amplified music played in the external area at any time.
- (ii) The use of the external area is to cease and be clear of patrons by 22:00 hours

APPLICATION FOR VARIATION OF A PREMISES LICENCE - ONE DIAMOND STREET

7. As a preliminary point the Board was advised that the Chief Constable, Police Scotland, had submitted a late representation in addition to his letter of representation dated 04 February 2015.. Mr Cooper, Solicitor, informed the Board that his client had no objection to the representation being taken into consideration.

The Board resolved:-

to exercise its discretion in terms of regulation 10 of the Licensing (Procedure) (Scotland) Regulations 2007 and consider the representation.

The Board had before it a letter of representation from the Chief Constable, Police Scotland, dated 04 February 2015 and a letter from Mr Cooper, Solicitor, on behalf of the applicant, dated 18 February 2015.

Sgt Skinner spoke to the Chief Constable's letter of representation and referred to section 20.8 of the Board's Statement of Licensing Policy regarding what constitutes significant entertainment. Police Scotland contended that by introducing restaurant facilities the primary purpose of the premises could no longer be to provide significant entertainment and it should therefore no longer be entitled to the late opening hours.

Thereafter Mr Cooper, Solicitor, spoke in support of the application. He stated that his client was seeking to expand the use of the premises to attract a wider clientele. There would be the provision of food until 10:30 pm after which time there would be live entertainment and dj music. Children and young persons would also be allowed entry until 22:00 hours for the purpose of taking a meal.

The Board resolved:-

to grant the application subject to the following local condition:-

LICENSING BOARD

3 March 2015

(i) Dance Floor

The two rows of tables and chairs positioned closest to the stage are to be removed once the serving of meals has ceased but no later than 22:30 hours.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - FOOD UNIT 3, FOOD TERRACE, BON ACCORD CENTRE

8. As a preliminary point, Mr Wood, Solicitor, advised the Board that his client was amending the application to remove that part seeking to add live entertainment. Thereafter he spoke in support of the application.

The Board resolved:-

to grant the application as amended.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - GROSNIK, 530-532 GEORGE STREET

9. As a preliminary point Mrs Hood, Solicitor, confirmed that the proposed capacity had been agreed at 8.85m².

The Board had before it a letter of representation from Tara-Erin Gilchrist, LSO, dated 05 February 2015 and a letter of objection from Christopher Littlejohn on behalf of NHS Grampian, dated 18 February 2015.

The Board heard Tara-Erin Gilchrist speak to her letter of representation and Heather Wilson speak to the objection by NHS Grampian.

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

The Board resolved:-

to grant the application.

DECLARATION OF INTEREST

Councillor Dickson declared an interest in article 10 as he is on the Board of Sport Aberdeen. He left the meeting room until the application was determined.

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

LICENSING BOARD

3 March 2015

10. The application had been deferred from the meeting of 20 January 2015 to allow the applicant to display a notice, confirmation of which has now been received.

Mr Marr, Secretary of Nigg Bay Golf Club spoke in support of the application.

The Board resolved:-
to grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - NOOSE AND MONKEY, 31 ROSEMOUNT VIADUCT

11. As a preliminary point Mr Hunter, Solicitor, confirmed that his client accepted the proposed wording in the police letter regarding the terms of entry for children and young persons.

Thereafter Mr Hunter spoke in support of the application.

The Board resolved:-
to grant the application

APPLICATION FOR VARIATION OF A PREMISES LICENCE - THE MALT MILL, 82 HOLBURN STREET

12. By way of preliminary points Mr Hunter, Solicitor
(i) confirmed that no alcohol would be sold or consumed in the basement when activities are taking place which are primarily aimed at 14 to 18 year olds.
(ii) stated that his client was amending the application to allow young persons access to the basement unaccompanied when attending events at which alcohol is to be sold. They are no longer seeking to allow children aged 14-15 years access unaccompanied.

The Board had before it a letter of representation dated 13 February 2015 from the Chief Constable, Police Scotland, a letter of representation dated 18 February 2015 from Diane Sande, LSO and a letter of objection dated 18 February 2015 from Christopher Littlejohn on behalf of NHS Grampian.

The Board heard Sergeant Skinner speak to the police letter, Tara-Erin Gilchrist to the LSO's representation and Heather Wilson speak to the terms of the letter from NHS Grampian.

The Board resolved:-
to grant the application as amended with the following local conditions –
(i) No alcohol is to be consumed or sold at events in the basement area which are only for persons under the age of 18.

LICENSING BOARD

3 March 2015

- (ii) Where alcohol is consumed or sold at events in the basement area where young persons are present, the personal licence holder or SIA qualified door steward must issue any person aged 18 or over with a tamper proof wristband upon entry. Alcohol will only be sold to persons displaying a valid wristband.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - VICTORIA BAR, 1 MENZIES ROAD

13. As a preliminary point Mr Goodman, Business Manager for the licence holder stated that they were seeking to amend the application so that only children and young person aged 5 to 17 years would be allowed entry.

Thereafter Mr Goodman spoke in support of the application.

The Board resolved:-
to grant the application.

APPLICATION FOR A PERSONAL LICENCE - AC3867

14. In the absence of the applicant –

The Board resolved:-
to defer consideration of the application to its next meeting on 28 April 2015.

APPLICATION FOR A PERSONAL LICENCE - AC3868

15. The Board had before it a notice of conviction dated 17 December 2014 from the Chief Constable, Police Scotland and heard Sergeant Skinner speak in support of it.

Thereafter the Board heard from the applicant.

The Board resolved:-
to grant the application.

APPLICATION FOR A PERSONAL LICENCE - AC3935

16. The Board had before it a notice of conviction dated 15 January 2015 from the Chief Constable, Police Scotland and heard Sergeant Skinner speak in support of it.

LICENSING BOARD
3 March 2015

Thereafter the Board heard from the applicant.

The Board resolved:-
to grant the application.

APPLICATION FOR A PERSONAL LICENCE - AC3791

17. The Board had before it a notice of conviction dated 21 November 2014 from the Chief Constable, Police Scotland.

In the absence of the applicant.

The Board resolved:-
to defer consideration of the application to its meeting to be held on 28 April 2015.

PERSONAL LICENCE REVIEW HEARING - AC2579

18. As a preliminary point, Ms Donald, Solicitor, on behalf of the applicant requested that the hearing be deferred until the outcome of an appeal her client had made to the Sheriff Court was known.

The Board resolved:-
to hold the review hearing

The Board had before it a report dated 10 February 2015 in terms of Section 84A of the Licensing (Scotland) Act 2005 from the Chief Constable, Police Scotland.

The Board also had before it submissions from the applicant's solicitor dated 25 February 2015.

The Board heard Sergeant Flett speak to the terms of the police report. Thereafter the Board heard from Ms Donald on behalf of the applicant.

Councillor Forsyth moved:-

that there was insufficient evidence in terms of Section 84(6)(b) of the Licensing (Scotland) Act 2005 to make an Order in respect of the personal licence.

The Convener moved as an amendment:-

to make an Order in terms of Section 84(7)(a) of the Licensing (Scotland) Act 2005 to revoke the personal licence on the grounds of protecting children from harm.

LICENSING BOARD

3 March 2015

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

The Board resolved:-

to adopt the motion and take no action.

MARIE BOULTON - CONVENER