

Public Document Pack



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

Town House,
ABERDEEN 20 February 2015

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 3 MARCH 2015 at 10.30 am.**

JANE G MACEACHRAN
CLERK TO THE LICENSING BOARD

BUSINESS

- 1 List of Applications (items 1.1 to 1.15) (Pages 1 - 6)
 - 1.1 Application for a provisional premises licence- Aberdeen Youth Hostel, 8 Queen's Road (Pages 7 - 8)
 - 1.2 Application for variation of a premises licence - Frankie & Benny's, Unit 2, Union Square (Pages 9 - 10)
 - 1.3 Application for variation of a premises licence - Mither Tap, 30 John Street (Pages 11 - 12)
 - 1.4 Application for variation of a premises licence -PizzaExpress, Caberstone House, Belmont Street (Pages 13 - 14)
 - 1.5 Application for variation of a premises licence - Staging Post, 16 Oldmeldrum Road, Bucksburn (Pages 15 - 32)

- 1.6 Application for variation of a premises licence - One Diamond Street (Pages 33 - 40)
- 1.7 Application for variation of a premises licence - Food Unit 3, Food Terrace, Bon Accord Centre (Pages 41 - 44)
- 1.8 Application for variation of a premises licence - Grosik, 530-532 George Street (Pages 45 - 56)
- 1.9 Application for variation of a premises licence - Nigg Bay Golf Club, St Fitticks Road (Pages 57 - 58)
- 1.10 Application for variation of a premises licence - Moose and Monkey, 31 Rosemount Viaduct (Pages 59 - 62)
- 1.11 Application for variation of a premises licence - The Malt Mill, 82 Holburn Street (Pages 63 - 70)
- 1.12 Application for variation of a premises licence -Victoria Bar, 1 Menzies Road (Pages 71 - 72)
- 1.13 Application for a personal licence - AC3867 (Pages 73 - 74)
- 1.14 Application for variation of a personal licence - AC3868 (Pages 75 - 76)
- 1.15 Application for variation of a personal licence - AC3935 (Pages 77 - 78)

- 2 Personal Licence Review Hearing - AC2579 (Pages 79 - 82)

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

ABERDEEN CITY LICENSING BOARD

Meeting 3 March 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
1	ABERDEEN YOUTH HOSTEL 8 QUEEN'S ROAD ABERDEEN AB15 4ZT	SYHA (TRADING) LTD C/O LINDSAYS SOLICITORS 1 ROYAL BANK PLACE BUCHANAN STREET GLASGOW G1 3AA	22 October 2014	Youth hostel offering accommodation to travellers and tourists. Seeking on sales 11:00 to 00:00 hours daily and off sales 10:00 to 22:00 hours daily.

ABERDEEN CITY LICENSING BOARD

Meeting 3 March 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
2	FRANKIE & BENNY'S UNIT 2 UNION SQUARE GUILD STREET ABERDEEN AB11 5RG	THE RESTAURANT GROUP (UK) LIMITED C/O PINSENT MASONS LLP SOLICITORS 141 BOTHWELL STREET GLASGOW G2 7EQ	20 October 2014	Add televised sport both within and outwith core hours. Replace reference to Challenge 21 with Challenge 25 at 6(b) on operating plan regarding access for children and young persons.
	MITHER TAP 30 JOHN STREET ABERDEEN AB25 1BT	PUNCH PARTNERSHIP LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	18 November 2014	Vary the commencement hour for both on and off sales on Sundays to 10:00 hours.
4	PIZZAEXPRESS CABERSTONE HOUSE 47 BELMONT STREET ABERDEEN AB10 1JS	PIZZAEXPRESS (RESTAURANTS) LIMITED C/O PINSENT MASONS LLP SOLICITORS 141 BOTHWELL STREET GLASGOW G2 7EQ	2 October 2014	Vary the commencement hour to 11:00 hours daily and include the provision of takeaway food.
5	STAGING POST 16 OLDMELDRUM ROAD BUCKSBURN ABERDEEN AB21 9DU	TRUST INNS LIMITED C/O MILLAR CAMPBELL SOLICITORS 116 BLYTHSWOOD STREET GLASGOW G2 4EG	17 September 2014	Vary the terminal hour Fridays and Saturdays to 01:00 hours. Vary the commencement hour on Sundays to 11:00 hours. Include outdoor drinking both within and outwith core hours.

ABERDEEN CITY LICENSING BOARD

Meeting 3 March 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
6 ONE DIAMOND STREET 1-3 DIAMOND STREET ABERDEEN AB10 1QX	ASK ENTERTAINMENT LTD C/O LEDINGHAM CHALMERS LLP SOLICITORS JOHNSTONE HOUSE 52-54 ROSE STREET ABERDEEN AB10 1HA	9 January 2015	Provision of restaurant facilities and bar meals. Allow children and young persons entry until 22:00 hours for the purposes of taking food. Vary layout to include tables and chairs as restaurant facilities.
CAFE ROUGE FOOD UNIT 3 FOOD TERRACE BON ACCORD CENTRE ABERDEEN	LICENSED SOLUTIONS LTD C/O BRODIES LLP SOLICITORS 15 ATHOLL CRESCENT EDINBURGH EH3 8HA	19 January 2015	Vary the operating plan to include the provision of bar meals, live performances and takeaway facilities all during and prior to core licensed hours.
8 GROSNIK 530-532 GEORGE STREET ABERDEEN AB25 3XL	ALID GARIB C/O MATTHEW COHEN & ASSOCIATES LIMITED SOLICITORS 269 HOLBURN STREET ABERDEEN AB10 7FL	17 December 2014	Change of layout resulting in an increase in the alcohol display area.

ABERDEEN CITY LICENSING BOARD

Meeting 3 March 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
9 NIGG BAY GOLF CLUB ST FITTICKS ROAD ABERDEEN AB11 3QT	NIGG BAY GOLF CLUB	9 October 2014	Bar meals are to be provided both during and outwith core hours. Include indoor/outdoor sports as an activity and vary the ages of children and young persons allowed entry to include those aged 5 years and under.
NOOSE AND MONKEY 31 ROSEMOUNT VIADUCT ABERDEEN AB25 1NQ	GRAY PUB COMPANY LIMITED C/O HARPER MACLEOD LLP SOLICITORS THE CA'D'ORO 45 GORDON STREET GLASGOW G1 3PE	11 November 2014	Vary commencement hour for both on and off sales on Sundays to 11:00 hours. Also allow children and young persons entry to the raised seating area until 20:00 hours, when accompanied by an adult, for the purpose of taking a meal.

ABERDEEN CITY LICENSING BOARD

Meeting 3 March 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
11 THE MALT MILL 82 HOLBURN STREET ABERDEEN AB10 6BY	GD BARS LIMITED C/O HARPER MACLEOD LLP SOLICITORS THE CA'D'ORO 45 GORDON STREET GLASGOW G1 3PE	19 November 2014	Applicant is seeking the removal of the local condition that stipulates that the basement is only to open when there is pre-booked live entertainment. Also seeking to permit children aged 14 and over and young persons entry to the basement unaccompanied when attending musical events, jamming sessions, workshops etc.
12 VICTORIA BAR 1 MENZIES ROAD ABERDEEN AB11 9AY	IP PARTNERSHIP LTD C/O IONA PUBPARTNERSHIP 70 HAMILTON DRIVE GLASGOW G12 8DR	27 October 2014	Vary on and off sale commencement hour on Sundays to 11:00 hours. Allow children and young persons access to the lounge bar for the purpose of attending functions, whilst accompanied by an adult.

ABERDEEN CITY LICENSING BOARD

Meeting 3 March 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Personal Licence(s) Applicant	Date Received	Comments
13 LAUREN VICTORIA WILSON C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	25 September 2014	
14 HAYLEY BARNES	9 October 2014	
15 SEAN MOGGACH	11 November 2014	

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE

PREMISES: ABERDEEN YOUTH HOSTEL, 8 QUEEN'S ROAD

DESCRIPTION

- Applicant is seeking on sales from 11:00 hours to 00:00 hours daily and off sales 10:00 to 22:00 hours daily
- On sales to 01:00 hours Fridays to Saturdays for pre-booked functions
- Activities and services will include conference facilities, receptions including weddings. Club and other group meetings
- Recorded music and live performances etc.
- Children and young persons will be allowed access at all times to all public areas. Children to be accompanied by an adult.
- The applicant advises that the sale of alcohol will only take place behind reception, there is no bar area. Alcohol once purchased will be able to be consumed in any public part of the premises.

OBJECTIONS/REPRESENTATIONS

None

LICENSING POLICY STATEMENT

6 CONDITIONS ATTACHING TO LICENCES

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

Drugs Policy

It is a condition that the licence holder has in place and enforces the drugs policy formulated by Police and attached hereto and displays a notice to the effect that such a drugs policy is in operation at the premises.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: FRANKIE & BENNY'S, UNIT 2 UNION SQUARE

DESCRIPTION

- Provision of televised sports within and outwith core hours
- Replace reference to Challenge 21 with Challenge 25

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: MITHER TAP, 30 JOHN STREET

DESCRIPTION

- Vary the commencement hour for both on and off sales on Sundays to 10:00 hours. Hours of trading would remain within guidelines.

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: PIZZAEXPRESS, CABERSTONE HOUSE, BELMONT STREET

DESCRIPTION

- Vary the commencement hour to 11:00 hours. Hours of trading would remain within guidelines.
- Add the provision of take-away food

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: STAGING POST 16 OLDMELDRUM ROAD, BUCKSBURN

DESCRIPTION

- Vary the terminal hour Fridays and Saturdays to 01:00 hours
- Vary the commencement hour for both on and off sales on Sundays to 11:00 hours.
- Add outdoor drinking both within and outwith core hours.

OBJECTIONS/REPRESENTATIONS

- Police
- LSO
- Environmental Health
- NHS Grampian
- 3 members of the public

LICENSING POLICY STATEMENT

19. Outside Seating Areas

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.

20. Hours of Trading – General and Extended

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 not normally grant hours beyond 00:00 hours outwith the city centre.

20.8 Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays. The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and /or participation in the entertainment provided.– The Board considers in these

cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment. in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music.

30 December 2014

Your Ref:

Our Ref: AD/DCU/37413/9211/14

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 VARIATION OF A PREMISES LICENCE
THE STAGING POST, 18 OLDMELDRUM ROAD, BUCKSBURN, ABERDEEN,
AB21 9DU**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the following changes:

1. Change to the terminal hour for sale of alcohol on a Friday and Saturday from 0000 hours to 0100 hours.
2. Change the commencement of 'on sales' to 1100 hours on Sunday.
3. Change the commencement of 'off sales' to 1100 hours on Sunday.
4. Include an outdoor drinking area, as defined the plan which accompanies the application, for use both during and outwith core licensed hours.

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

In relation to points 2 and 3 above, I have no adverse comment to make.

In relation to point 1 above, and in terms of Section 22(1)(a) of the same Act, I make the following objection on behalf of the Chief Constable.

NOT PROTECTIVELY MARKED

The applicant currently holds a premises licence allowing the 'on sale' of alcohol between 1100 and 0000 hours Monday to Saturday and between 1230 and 0000 hours on Sunday.

Point 20.3 contained within the Aberdeen City Licensing Board Statement of Licensing Policy 2013 - 2016 states that the Board will not normally grant hours outwith the city centre beyond 0000 hours on Friday and Saturday, unless there are exceptional circumstances.

If the application is granted, this is likely to set a precedent which other premises, which have a terminal hour of 0000 hours, would be likely to follow.

Alcohol fuelled violence remains a problem within Aberdeen, and any extension to the on sales hours for this, or any other premises in Aberdeen, may exacerbate the problem, and it is for this reason, in terms of Section 22(1)(a) of the same Act, and in support of the Prevention of Crime and Disorder licensing objective, that the Chief Constable objects to the grant of this part of the variation request.

In relation to point 4 above, the applicant wishes to use the outdoor area both during and outwith core licensed hours, which will effectively allow it's use for persons consuming alcohol up to 0000 hours daily (and 0100 hours on Friday and Saturday if the request at point 1 above is granted).

The premises is situated within a built-up area, with one residential property within close proximity. In terms of in terms of Section 22(1)(b)(ii) of the Act, and in support of the Preventing Public Nuisance licensing objective, the Chief Constable requests that the application in its current form be modified and the terminal hour for the use of the outdoor drinking area be amended to 2200 hours daily.

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

Yours faithfully

Murray Main
Chief Inspector

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

2.

NOT PROTECTIVELY MARKED

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MEMO

Environmental Health and Trading Standards
3rd Floor, Marischal College



To	Eric Anderson Team Leader Legal and Democratic Services	
From	Tara-Erin Gilchrist Licensing Standards Officer,	
Email	Commercial@aberdeencity.gov.uk	Date 18 December 2014
Tel.	522185	Our Ref. TAE/PAC
Fax.	01224 523887	Your Ref.

Licensing (Scotland) Act 2005

Application for Variation of Premises Licence

Address: Staging Post, 16 Oldmeldrum Road, Bucksburn, Aberdeen, AB21 9DJ

Applicant: Trust Inns Limited, Blenheim House, Ackhurst Park, Foxhole Road, Chorley, Lancashire, PR7 1NY

I refer to the above and comment as follows:

The applicant wishes to amend the terminal hour for 'on sales' on a Friday and Saturday from midnight to 1am. I cannot support the application in regards to the 1 am terminal hour. This would be outwith the permitted hours for a non city centre premises as listed within appendix 4 of the Aberdeen Licensing board policy.

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MEMO

Environmental Health and Trading Standards
3rd Floor, Marischal College



To	Eric Anderson Team Leader Legal and Democratic Services	
From	Andrew Gilchrist, Principal Environmental Health Officer,	
Email	Commercial@aberdeencity.gov.uk	Date 18 December 2014
Tel.	522720	Our Ref. ACG
Fax.	01224 523887	Your Ref.

Licensing (Scotland) Act 2005

Application for Variation of Premises Licence

Address: Staging Post, 16 Oldmeldrum Road, Bucksburn, Aberdeen, AB21 9DJ

Applicant: Trust Inns Limited, Blenheim House, Ackhurst Park, Foxhole Road, Chorley, Lancashire, PR7 1NY

I refer to the above and comment as follows:

The applicant wishes to include the outside seating area within the licence.

In order to reduce the potential for noise nuisance to neighbouring residents, I recommend that:-

- 1) Use of this area ceases at 10pm
- 2) No amplified music is used in this area

Principal Environmental Health Officer

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Date 22 December 2014
Enquiries to 01224 557047
Our Ref 20141159
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 variation to a Premises Licence
Staging Post, 16 Oldmeldrum Road, Bucksburn, Aberdeen, AB21 9DU**

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 is seeking to:

1. Extend the terminal hour of the premises to 1am on Friday and Saturday

Extending the terminal hour of the premises to 1am on Friday and Saturday contradicts the Aberdeen Licensing Board Statement of Licensing Policy as these premises are outwith the identified city centre area and are not providing “significant entertainment”.

The Aberdeen Licensing Board Statement of Licensing Policy, paragraph 20.3 states:

The Board will not normally grant hours beyond 00.00 outwith the city centre.

The Aberdeen Licensing Board Statement of Licensing Policy, paragraph 20.8 also states:

The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and/or participation in the entertainment provided...Examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays.

The entertainment listed in the operating plan would not appear to qualify as a “principal attraction” for patrons.

The Aberdeen Licensing Board Statement of Statement of Licensing Policy paragraph 27.4 also 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.*

Within the Operating Plan the following statement has been made

“Alcohol will only be sold to young persons under the very restricted provisions within the Licensing (Scotland) Act 2005”.

I am assuming that this is just an error as our understanding of the current legislation is that an **adult** can purchase beer, wine, cider or perry for consumption by a young person along with a meal, but the young person cannot purchase the alcohol themselves – only an adult can make the purchase. Please see Section 105-01 of the Licensing (Scotland) Act 2005.

It would be good to ensure there was clarity around this area.

There is nothing in the application which demonstrates that this extension to the terminal hour is an exception and fits a local need for increase in opening hours of on sales premises and should be approved.

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)

[REDACTED]
Bucksburn

Aberdeen [REDACTED]

Legal & Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L 1S
Marischal College
Aberdeen
AB10 1AB

30 December 2014

Dear Sirs

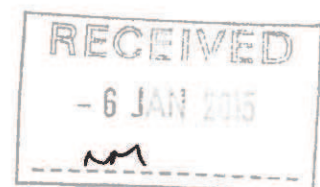
Aberdeen City Licensing Board
Application for Variation (Major) – Staging Post, 16 Oldmeldrum Road, Bucksburn, Aberdeen

Please accept this letter as my written objection to the extension of opening hours on the grounds that the area surrounding the Staging Post is mainly residential and noise is generated by customers leaving the premises when they close. My family feel it unfair to be disturbed at the even later hour of 1.00am.

I have spoken to the residents who stay directly opposite the Staging Post and they have spoken about the disturbances outside at weekends. They confirmed to me that they would be objecting also.

Yours faithfully

[REDACTED]
[REDACTED]



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**Legal & Democratic Services
Aberdeen City Council
Business Hub 6 L 15
Marischal College
Aberdeen AB10 1AB**

28 December 2014

Dear Sirs

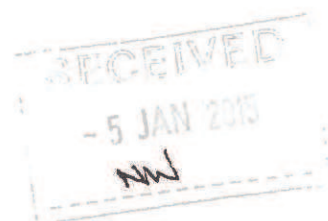
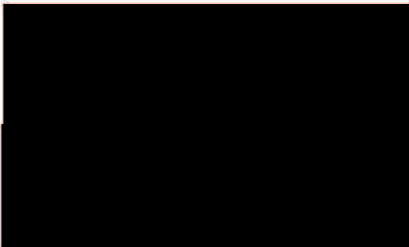
**Application for Variation (Major)
Staging Post, 16 Oldmeldrum Road, Bucksburn, Aberdeen
Aberdeen City Licensing Board**

I would like my objection to the above to be considered at the next Board Meeting.

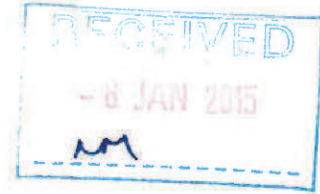
I live beside the Staging Post and the noise at a weekend when it closes can be quite bad.

In the summer the noise coming from outside can be very noisy especially when they play loud music. I think it would be unfair to the local residents for this to go on until 1.00am.

Yours faithfully



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Legal & Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L 1S
Marischal College
Aberdeen
AB10 1AB

29 December 2014

Dear Sirs

Aberdeen City Licensing Board
Staging Post, 16 Oldmeldrum Road, Bucksburn, Aberdeen
Change of Opening Hours to 1.00am

I am writing to object to the above change as I [REDACTED] and work shifts with my bedroom overlooking Station Road.
The noise at weekends can be quite bad and when I have to get up at 5.00am I do not want to have the noise going on until 1.00am at weekends.

Yours faithfully

[REDACTED]

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: ONE DIAMOND STREET

DESCRIPTION

- Provision of restaurant facilities and bar meals
- Allow children and young persons entry until 22:00 hours when accompanied by an adult for the purpose of taking a meal.
- Changes to the layout - tables and chairs to be added including the dance area
- A dumbwaiter will be installed for the provision of food from premises below at 150 Union Street.

OBJECTIONS/REPRESENTATIONS

- Police

LICENSING POLICY STATEMENT

20. Hours of Trading – General and Extended

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.

20.8 Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays. The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and /or participation in the entertainment provided.– The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music. The Board are entitled to distinguish between premises of different descriptions offering different facilities or activities. e.g. Section 27(9) of the 2005 Act allows the Board to impose conditions in relation to the sale of alcohol on a premises to which a licence relates or any other activity carried on in such premises. In light of the

evidence before the Board on the levels of alcohol consumption in the city and the levels of alcohol related crime the Board wish to promote in terms of the objectives the types of premises which can operate where the service and sale of alcohol is not the primary objective thus contributing to the positive night time economy in the City but not adding to the health or crime related harms associated with are premises which focus wholly or mainly on alcohol consumption.

4 February 2015

Your Ref:

Our Ref: AD/DASU/SID38570/9898/15

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
ONE DIAMOND STREET, ASK ENTERTAINMENT LIMITED, 1-3 DIAMOND
STREET, ABERDEEN, AB10 1QU**

I refer to the above variation of a premises licence in terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The application consists of a variation to operating plan and layout plan, namely to

1. Amend question 5(a) to 'yes' to allow Restaurant Facilities
2. Amend question 6 to allow children and young persons access until 2200 hours, whilst consuming food and soft drinks and only when accompanied by an adult.

In respect of the new layout plan, the application describes the variation sought as:

- Tables and chairs will be inserted in the premises including the dance area
- A stage will be inserted in front of the tables and chairs
- A dumbwaiter will be put in use and its position is clearly shown on the revised plan
- The kitchen in the adjoining premises at 150 Union Street from which the dumbwaiter is taken is shown on one of the layout plans

NOT PROTECTIVELY MARKED

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

In terms of Section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005, the Chief Constable wishes to make the following representation.

In respect of point 1, it is noted that the premises currently operates as a nightclub, and offers 'significant entertainment' (as defined within Appendix 4 of the Aberdeen City Licensing Board Statement of Licensing Policy 2013 - 2016) in the form of recorded music for dancing and has appropriate dedicated dancefloor facilities. By virtue of this significant entertainment, which is the principal attraction for patrons attending the premises (as stated in 20.8 of the Policy), the premises has late opening hours of 1100 to 0200 hours Monday to Thursday, 1100 to 0300 hours Friday and Saturday and 1230 to 0200 hours on Sunday, in line with the Board's Policy.

Appendix 4 also states that the terminal hour for restaurants is 0100 hours.

The very nature of the variation application is to change the premises from a nightclub, with the removal of the dancefloor, to predominantly a restaurant which therefore means that the **principal** attraction (as stated in 20.8 of the Policy) for patrons attending the premises is the provision of meals, and not any entertainment provided 'significant' or otherwise, therefore disqualifying the premises from being entitled to the late hours it currently enjoys.

In respect of point 2, Police Scotland has spoken with the agent for the applicant who confirmed that the intention is to allow to children and young persons access when accompanied by an adult when both the child or young person and the adult are partaking of a meal.

In terms of Section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005, the Chief Constable is of the opinion that the premises will become predominantly a restaurant operation and that the variation to the operating plan should be modified so that the terminal hour for the new restaurant is varied to 0100 hours seven day per week in line with the Board's Policy.

In addition, the operating plan should be modified at part 6 so that the terms of children and young person's access is amended to state ' children and young persons are allowed access until 2200 hours when accompanied by an adult when both the child or young person and the adult are partaking of a meal.'

Yours faithfully

Murray Main
Chief Inspector

NOT PROTECTIVELY MARKED

Jacqui Wallace
Aberdeen City Council
Licensing Department
DX529450
ABERDEEN 9

Ref: GC.LT.47442.0002
Date: 18 February 2015

Dear Jacqui

**Ask Entertainment Limited
Application for Variation of Premises Licence – 1-3 Diamond Street, Aberdeen**

Thanks for your e-mail of 10th February sent at 16.54 hours in regard to the above Application for Variation of Licence. I also refer to our subsequent conversation and to the Police Letter of Representation dated 4th February which you have also copied to me.

First of all, I would propose dealing with the terms of your e-mail as follows:-

- 1) The first point you raise is in regard to the capacity of the subjects. I am aware that our clients' Architect Kerr Byers has responded directly to David Kidd of Building Standards on this point. However, the position regarding the seating and the tables in the area which is proposed to be used for restaurant use in our clients' premises is that they will be used in that position on a permanent basis.

The tables and chairs will serve a dual function namely in connection with the proposed restaurant use and also for watching the live entertainment referred to in Clause 2 below.

On occasion our clients may look to remove some of the tables and chairs in order to create a limited area to enable our clients' customers to dance to the live acts. However, it is envisaged at this stage that this would be a limited removal of the tables and chairs and this would only be appropriate for certain of the live acts. However, from the point of view of capacity our clients take the point of the reasons for calculating the capacity and for the purposes of computing this, the capacity should now be altered to a figure of 548. This figure has been calculated on the basis of a standing capacity. However, this figure is included for regulatory purposes and in reality there will never be anything approaching that number of people in the premises and subject to the above exception the tables and chairs in the restaurant area will in reality be fixed and will form an intrinsic feature of the premises.

Ledingham Chalmers LLP, Solicitors

Johnstone House 52-54 Rose Street Aberdeen AB10 1HA (Registered Office) DX: AB15 Aberdeen LP-39 Aberdeen-1
Tel: 01224 408408 Direct Dial: 01224 408430 Fax: 01224 408409

Email: graham.cooper@ledinghamchalmers.com www.ledinghamchalmers.com

Ledingham Chalmers LLP is a limited liability partnership registered in Scotland. No. SO300843
A list of members is available for inspection at the above address

- 2) I also note that you have requested information as to the principal use of the premises should the Application be granted. You have also asked me to expand on how the premises are to be operated. Finally, you also asked for further clarification about the tables and chairs in the dance floor and I have mentioned this in Clause 1 above.

The first point to come back to you on is that at the moment the premises typically only open at approximately 10.30 pm and are used solely for nightclub use and for no other purpose whatsoever. The clientele which the premises attract are typically people in their late teens and early 20's and the entertainment in the premises is DJ music.

Our clients would wish to move away from the above type of operation and are looking to concentrate on providing a "softer" use aimed at an older and more mature type of clientele. First of all our clients would wish to operate the premises as a Restaurant until approximately 10.00 – 10.30 pm in the evenings. The plans which accompany the Application demonstrate that food will be taken to the premises by way of a dumb waiter leading from the adjacent premises at 150 Union Street known as the Eclectic Fizz Champagne Bar. Our clients also own that premises and they have been in touch direct with Raymond Morrison of Environmental Health in order to ensure that the operation of the dumb waiter and related matters are acceptable. I understand that good progress has been made by our clients in that regard.

The Operating Plan also states that live entertainment will be provided at the premises. Our clients preference would be to have 2 separate live entertainment acts with DJ music being provided between the 2 acts. When this type of entertainment is provided, it is intended that the first act would commence at approximately 10.30 pm and once that act was finished there would be a period where there would be DJ music. Thereafter, the second live act would appear and that would see the matters through until closing time. On other occasions the entertainment would comprise a combination of one live act and DJ music.

I would emphasise that our clients are looking to attract people to come for a meal earlier in the evening and for those people to remain for the live entertainment after finishing their meals. The clientele our clients are looking to attract are those in the age group from 35 to 55 years old.

In addition our clients also intend to market their operation to attract people into the premises to enjoy the live entertainment. Where practicable our clients will charge customers arriving after 1.00 am in order to reflect the position that they are paying to see the live entertainment. The live entertainment would also ensure that significant entertainment is being provided at the premises.

One of the main reasons behind this Application is that a good number of our clients' customers who attend the adjacent premises at 150 Union Street have suggested that this would be an appropriate use of the Application premises and they have indicated that if the Premises are to be converted into this use they would be willing to support the venture.

The tables and chairs shown on the plans will therefore be an intrinsic and very important part of the whole operation throughout the time the premises is open.

Our clients envisage that the amended use will attract a significantly older and mature audience.

Our clients are also of the view that this proposal has the effect of promoting the licensing objectives and they therefore hope that this is an approach which will be welcomed by the Licensing Board. I intend to expand upon this statement at the meeting.

I also require to refer to the Police letter of representation dated 4th February.. This letter states that the principal attraction "is Restaurant use". This is wholly incorrect and our clients are at a loss to understand why Police Scotland have arrived at this conclusion. This is an Application for Variation of Licence rather than an Application for the Grant of a Licence and of course the closing hours are not being altered. The type of entertainment which our clients propose to offer after 10.30 pm will be altered however.

Considerable focus was placed on the Restaurant use in the Application as this is a proposed use which is not contained in the current Premises Licence. However, the premises do have late hours and it is an intrinsic condition of this fresh proposal that these late hours remain.

In respect of point 1 contained within Police Scotland's letter they state that "the very nature of the Variation Application is to change the premises from a Nightclub, with the removal of the dance floor, to predominantly a Restaurant which therefore means that the principal attraction for patrons attending the premises is the provision of the meals and not any entertainment provided "significant" or otherwise."

I have to advise the Board that this conclusion which has been arrived at by Police Scotland is simply wrong. There is no effort or intention to scale down the significant entertainment aspect of the Premises Licence. What is changing is the type of significant entertainment which is to be provided and thereby our clients are looking to change the type of clientele they attract to the premises.

They are also looking to expand the use of the premises by including restaurant use as commented upon above. Essentially, our clients are therefore looking to provide a more rounded use for the premises in order that they are used for longer periods and by a broader cross-section of the public.

Our clients are quite happy to comply with the comments made by Police Scotland in point 2 of their letter.

- 3) I now refer to the final paragraph of your letter in which you state that consideration should be given for applying for an Application for Minor Variation of Premises in respect of 150 Union Street in order that the location of the dummy waiter can be shown on the layout plans for those premises.

Our clients are happy to agree to this course of action. In the meantime are you happy for this application to be submitted upon Grant of the Application or would you prefer this application to be submitted prior to the date of the meeting.

I hope that this letter adequately explains our clients' exciting and ambitious plans for taking these premises forward. In short our clients have thought long and hard about how best to use these premises for the benefit of the community. The proposal reflected in the application whereby there will be a period of restaurant use followed by significant entertainment is an exciting concept and one which our clients believe is worthy of the support of the Licensing Board. Accordingly, our clients are happy for this letter to be circulated to Board Members along with their Committee papers but in the meantime if you have any further observations to raise by all means get in touch with me.

Yours sincerely

A black rectangular redaction box covering the signature of Graham W J Cooper.

Graham W J Cooper
Partner – Ledingham Chalmers LLP

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE
PREMISES: FOOD UNIT 3, FOOD COURT, BON ACCORD CENTRE

DESCRIPTION

- Provision of bar meals during and prior to core licensed hours.
- Provision of live performances
- Provision of take-away facilities during and prior to core licensed hours.

OBJECTIONS/REPRESENTATIONS

- Police

LICENSING POLICY STATEMENT

N/A

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6 February 2015

Your Ref:

Our Ref:
AD/DCU/SID38571/6759/15

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

AberdeenCitylicensing@Scotland.pnn.police.uk

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
CAFÉ ROUGE, BON ACCORD CENTRE, GEORGE STREET, ABERDEEN,
AB25 1UH**

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 requests, namely

1. Varying Q.5(a) to include Bar Meals during trade hours from 0900 hours Monday to Sunday without the sale of alcohol
2. Varying Q.5(c) to include Live performances during trade hours
3. The inclusion of take-away facilities during trade hours

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

In respect of points 1 and 3, I have no adverse comment to make.

In respect of point 2, the applicant's agent has advised that they intend to seek to have that activity removed when the application is determined by Aberdeen City Licensing Board.

This letter is submitted for your information when considering the application.

NOT PROTECTIVELY MARKED

Yours faithfully

Murray Main
Chief Inspector

NOT PROTECTIVELY MARKED

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: GROSIK, 530-532 GEORGE STREET

DESCRIPTION

- Change in layout resulting in an increase in capacity

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
Communities, Housing and Infrastructure
3rd Floor, Marischal College



To	Eric Anderson Team Leader Legal and Democratic Services		
From	Tara-Erin Gilchrist Licensing Standards Officer, Environmental Services		
Email	Commercial@aberdeencity.gov.uk	Date	5/02/15
Tel.	522185	Our Ref.	TAE/PAC
Fax.	01224 523887	Your Ref.	

Dear Sir

Licensing (Scotland) Act 2005

Application for Variation of Premises Licence

Address: Grosik, 530-532 George Street, Aberdeen, AB25 3XL

Applicant: Alid Garib

In terms of Section 22 (1) (b), I make the following representation to the Licensing Board.

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.

This memo is submitted for your attention when considering the application.

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Date 18th February 2015
Enquiries to 01224 557047
Our Ref 2015015
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
Grosik, 530 – 532 George Street, Aberdeen, AB25 3XL**

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 increase the capacity of the premises off-sales provision at 530 – 532 George Street, Aberdeen from 2.28m² to At the time of writing this letter the size of the increase is still to be determined but irrespective of the size of the increase **NHS Grampian would wish to make an objection based on the increased availability of alcohol in an area of over provision.**

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. Appendix 1 – map of alcohol off sales licensed premises for Aberdeen City
6. 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 530 – 532 George 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.

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%

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

Within the immediate vicinity of Grosik there are a number of off-sales premises selling alcohol. See table below.

Address	Distance from Grosik	Walking time from Grosik
Co-op Group Food, 466 George Street *	0.14 km	0.14 mins
European Food, 568 George Street **	0.06 km	0.01 mins
Denzils, 569 George Street*	0.06 km	0.01 mins
Spar, 371 George Street *	0.28 km	4.05 mins
L & M Stores, 134 Hutcheon Street *	0.38 km	4.44 min

* denotes stores selling alcohol from 10am until 10pm

** denotes store selling alcohol from 11am until 8pm

There is a strong relationship between the availability of alcohol leading to overconsumption resulting in health harm. Availability of alcohol not only pertains to price but also to access. 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

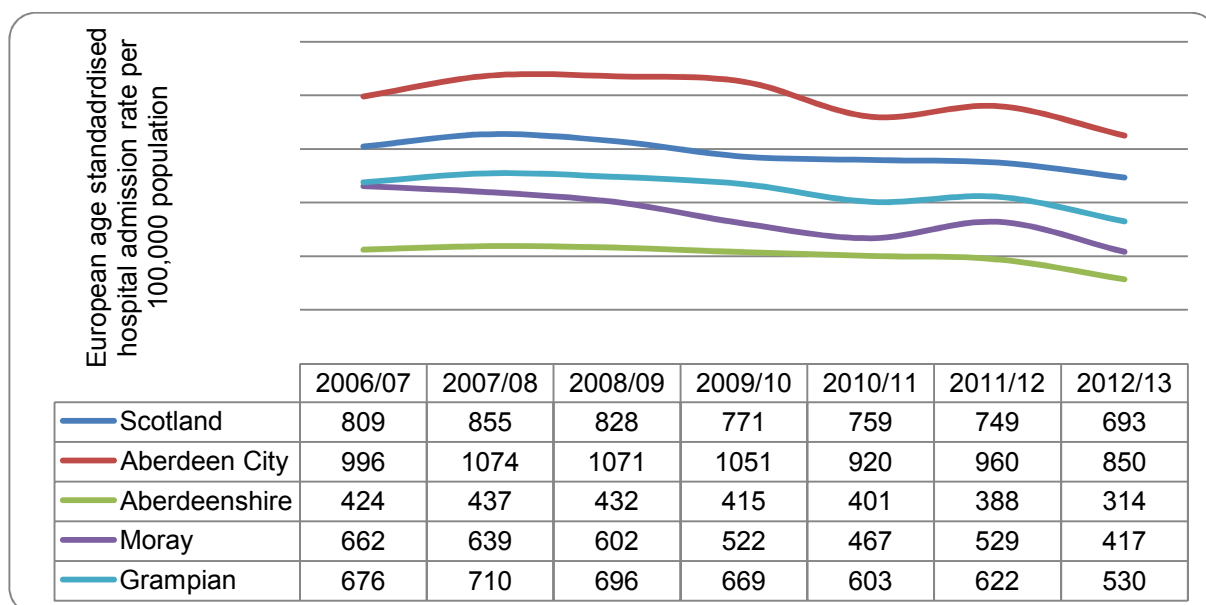
attributable health harms and are presented in appendix 2, and have recently reported that alcohol is a considerable contributor in preventable cancer¹.

There is a known association between alcohol consumption and health and wellbeing, with increasing consumption associated with over fifty health conditions (physical and mental) and a range of negative social, legal, and economic outcomes.

It has been estimated that over 100,000 men and women in Grampian are either hazardous or harmful drinkers. The findings from the Scottish Health Survey² suggest that 21% of the Grampian population consume alcohol at hazardous or harmful levels, similar to the Scottish average. This situation in Aberdeen is worse amongst men at 29.3% compared to women at 18.2%.

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

The graph below illustrates hospital admissions. Although reducing, Aberdeen City rates are still significantly higher than Scotland, Grampian, Moray or Aberdeenshire.



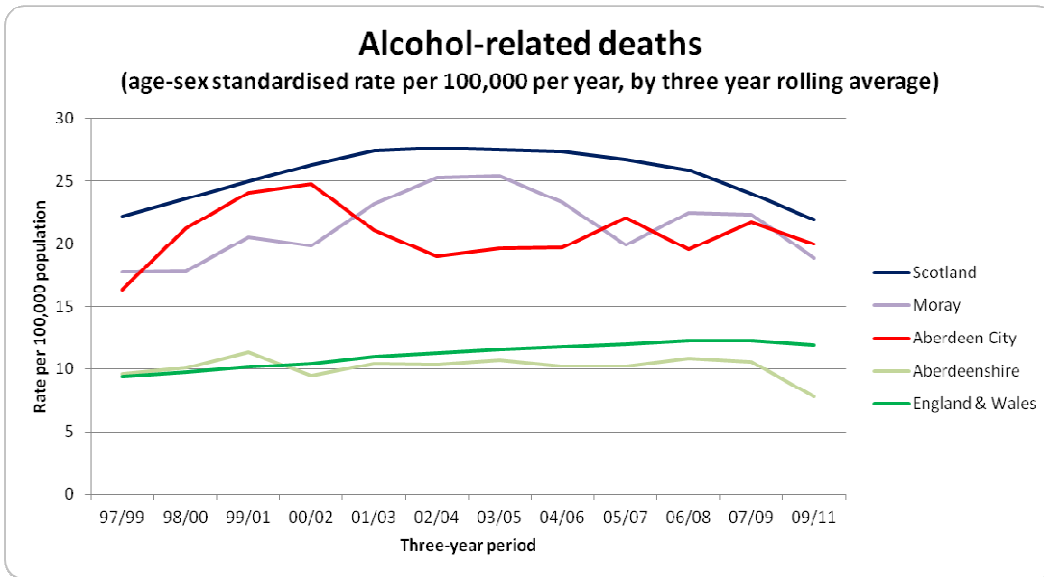
The graph below illustrates death rates as reported by ScotPHO³ using GROS data (General Register Office for Scotland). Aberdeen City's rate has remained essentially stable, in contrast to Scotland's falling rate.

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

² <http://www.gov.scot/Resource/0043/00434590.pdf>

³ <http://www.scotpho.org.uk/>

4. Comparison of alcohol related death rates



Alcohol related deaths 2011 - 2013⁴

Year	Aberdeen	Abnshire	Moray	Scotland
2011	33	22	19	1247
2012	38	25	21	1080
2013	42	23	22	1100

Alcohol related death in Scotland increased by 44% when comparing 1981 to 2013 and is still among the highest in Western and Central Europe⁵.

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.

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

⁴ <http://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-related-deaths/tables>

⁵ <http://www.healthscotland.com/documents/24485.aspx>

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 for 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.

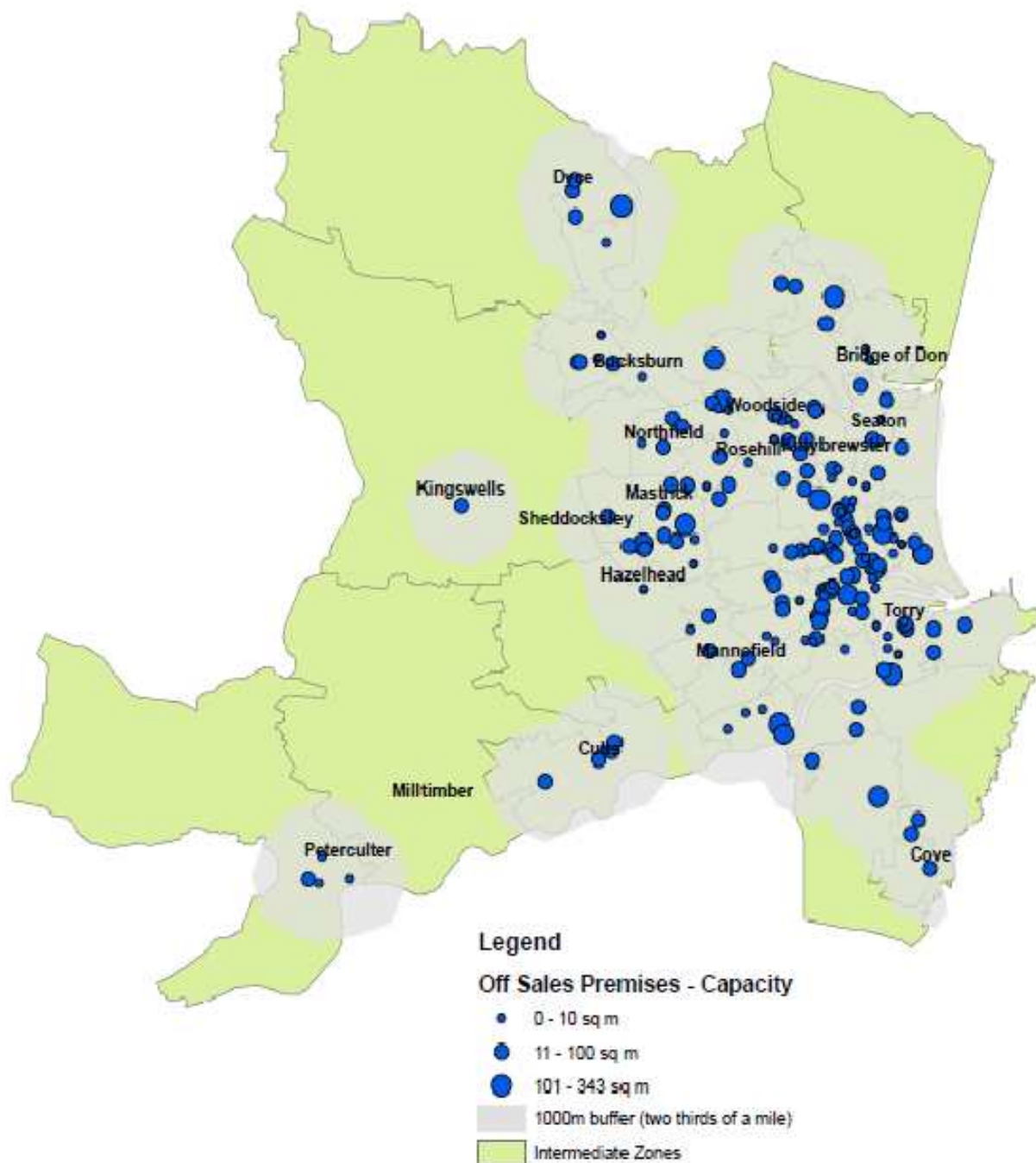
Yours sincerely

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

Box 3. Major disease and injury categories causally impacted by alcohol consumption.
(Excerpt from “World Health Organisation - Global status report on alcohol and health 2014”)⁶

Green: Overall beneficial effects from low-risk patterns of drinking, while heavy drinking is detrimental

Red: 100% alcohol- attributable

Neuropsychiatric conditions: **alcohol use disorders** (AUDs see Box 4) are the most important neuropsychiatric conditions caused by alcohol consumption. Epilepsy is another disease causally impacted by alcohol, over and above withdrawal-induced seizures (Samokhvalov et al., 2010b). Alcohol consumption is associated with many other neuropsychiatric conditions, such as depression or anxiety disorders (Kessler, 2004; Boden and Fergusson, 2011) but the complexity of the pathways of these associations currently prevents their inclusion in the estimates of alcohol-attributable disease burden (Rehm et al., 2010a).

Gastrointestinal diseases: liver cirrhosis (Rehm et al., 2010b) and pancreatitis (both acute and chronic; Irving et al., 2009) are causally related to alcohol consumption. Higher levels of alcohol consumption create an exponential increase in risk. The impact of alcohol is so important that for both disease categories there are subcategories which are labelled as “alcoholic” or “alcohol-induced” in the ICD.

Cancers: alcohol consumption has been identified as carcinogenic for the following cancer categories (International Agency for Research on Cancer, 2012) cancer of the mouth, nasopharynx, other pharynx and oropharynx, laryngeal cancer, oesophageal cancer, colon and rectum cancer, liver cancer and female breast cancer. In addition, alcohol consumption is likely to cause pancreatic cancer. The higher the consumption, the greater the risk for these cancers, with consumption as low as one drink per day causing significantly increased risk for some cancers, such as female breast cancer (Seitz et al., Rehm & Shield, 2013; Nelson et al., 2013).

Intentional injuries: alcohol consumption, especially heavy drinking, has been causally linked to suicide and violence (Cherpitel, 2013; Macdonald et al., 2013).

Unintentional injuries: almost all categories of unintentional injuries are impacted by alcohol consumption. The effect is strongly linked to the alcohol concentration in the blood and the resulting effects on psychomotor abilities. Higher levels of alcohol consumption create an exponential increase in risk (Taylor et al., 2010).

Cardiovascular diseases (CVD): the relationship between alcohol consumption and cardiovascular diseases is complex. The beneficial cardioprotective effect of relatively low levels of drinking for **ischaemic heart disease and ischaemic stroke** disappears with heavy drinking occasions. Moreover, alcohol consumption has detrimental effects on hypertension, atrial fibrillation and haemorrhagic stroke, regardless of the drinking pattern (Roerecke & Rehm, 2012).

Fetal alcohol syndrome (FAS) and preterm birth complications: alcohol consumption by an expectant mother may cause these conditions that are detrimental to the health of a newborn infant (Foltran et al., 2011).

Diabetes mellitus: a dual relationship exists, whereby a low risk pattern of drinking may be beneficial while heavy drinking is detrimental (Baliunas et al., 2009).

Infectious diseases: harmful use of alcohol weakens the immune system thus enabling development of pneumonia and tuberculosis. This effect is markedly more pronounced when associated with heavy drinking and there may be a threshold effect, meaning that disease symptoms manifest mainly if a person drinks above a certain level of heavy drinking (Lonnroth et al., 2008).

⁶ http://apps.who.int/iris/bitstream/10665/112736/1/9789240692763_eng.pdf?ua=1

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: NIGG BAY, GOLF CLUB, ST FITTICK ROAD

DESCRIPTION

- Bar meals to be provided outwith core hours
- Addition of indoor sports both during and outwith core hours
- Amendment to terms of entry for children and young persons so that junior members are permitted entry to the lounge bar after a game of golf under the supervision of senior members of the Club;
- Amendment to ages of children permitted access to premises to allow under children under 5 entry.

OBJECTIONS/REPRESENTATIONS

None

LICENSING POLICY STATEMENT

Paragraph 28 – Protecting Children from Harm

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

- 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.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: NOOSE AND MONKEY, ROSEMOUNT VIADUCT

DESCRIPTION

- Vary the commencement hour for both on and off sales on Sundays to 11:00 hours
- Allow children and young persons entry to the raised seating area until 20:00 hours when accompanied by an adult and for the purpose of consuming a meal

OBJECTIONS/REPRESENTATIONS

- Police

LICENSING POLICY STATEMENT

N/A

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4 February 2015

Your Ref:

Our Ref:
AD/DCU/SID38575/6759/15

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



**POLICE
SCOTLAND**

Keeping people safe

Sir Stephen House QPM
Chief Constable

Aberdeen City Division
Queen Street
Aberdeen
AB10 1ZA

01224 306472

AberdeenCitylicensing@Scotland.pnn.police.uk

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
NOOSE AND MONKEY, 31-36 ROSEMOUNT VIADUCT, ABERDEEN,
AB25 1NQ**

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 requests, namely

1. Varying the on-sales core hours on a Sunday from between 1230 and 0000 hours, to between 1100 and 0000 hours on a Sunday.
2. Varying the off-sales core hours on a Sunday from between 1230 and 2300 hours, to between 1100 and 0000 hours on a Sunday.
3. To permit children and young persons access to the raised area of the premises when accompanied by an adult, for the purposes of taking a meal until 8pm.

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

In respect of points 1 and 2, I have no adverse comment to make.

NOT PROTECTIVELY MARKED

In respect of point 3, 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 amended to "permit children and young persons access to the raised area of the premises, when accompanied by an adult, when both the child or young person and the adult are partaking of a meal, until 2000 hours".

This letter is submitted for your information when considering the application.

Yours faithfully

Murray Main
Chief Inspector

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: MALT MILL, 82 HOLBURN STREET

DESCRIPTION

- Removal of the local condition limiting the use of the basement area to when live pre-booked entertainment is taking place
- Allow children aged 14 and over and young persons entry to the basement unaccompanied when attending musical entertainment including live pre-booked musical entertainment, informal jamming sessions, workshops etc. which are arranged for children and young persons.

OBJECTIONS/REPRESENTATIONS

- Police
- LSO
- NHS Grampian

LICENSING POLICY STATEMENT

21 - UNDER 18 EVENTS

21.1 Certain licensed premises have, in the past, held events on the premises catering only for customers who are under 18 years of age. During these events the licence holder has ensured that no alcohol is sold or is on display.

21.2 The Board expects applicants who wish to offer this activity to list it at question 6 in the operating plan. The Board may impose discretionary conditions in relation to this activity as necessary for the promotion of the licensing objectives

28 - 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.

28.2 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.

28.5 The Board requires applicants who submit operating plans which include provision for children to ensure that they are not given access to premises when activities such as adult entertainment or gambling are taking place.

13 February 2015

Your Ref:

Our
Ref:AD/DCU/SID38581/6759/15

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



**POLICE
SCOTLAND**

Keeping people safe

Sir Stephen House QPM
Chief Constable

Aberdeen City Division
Queen Street
Aberdeen
AB10 1ZA

01224 306472

AberdeenCityLicensing@Scotland.pnn.police.uk

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
THE MALT MILL, 82 HOLBURN STREET, ABERDEEN, AB10 6BY**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of several requests, namely

1. To remove the local condition limiting the use of the basement area to live, pre-booked entertainment taking place.
2. To permit children and young persons aged 14 and over into the basement area unaccompanied when attending musical entertainment including live pre-booked musical entertainment, informal jamming sessions, workshops with other musicians/people in the music business and other activities, mostly of a musical nature, arranged for such children and young persons.

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

In respect of point 1 above, I have no adverse comment to make.

In respect of point 2, in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, and in support of the Protecting Children from Harm licensing objective, the Chief Constable makes the following representation and requests that the variation in its current form be modified and the terms in which children are

NOT PROTECTIVELY MARKED

currently permitted access to the premises remains unchanged, including access to the basement area, when alcohol is sold or consumed in the basement area.

Where activities are to take place in the basement area of the premises which are arranged for, and in the most part, attended by such children and young persons, under the same terms as above, the Chief Constable further requests that the variation in its current form be amended to include wording to the effect that children aged 14 and over and young persons will be permitted unaccompanied access to the basement area, providing that no alcohol is sold or consumed in the basement area of the premises whilst they are in attendance in that part of the premises for that arranged activity, and not beyond 2300 hours.

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

Yours faithfully

Murray Main
Chief Inspector

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	18 February 2015
Tel.	01224 522541	Our Ref.	DBS/PAC
Fax.	01224 523887	Your Ref.	

**Licensing (Scotland) Act 2005
Premises Licence Variation Application
Malt Mill, 82 Holburn Street, Aberdeen**

I refer to the above and comment as follows.

The application submitted is for a variation of premises licence to remove the local condition limiting the use of the basement area to when there is live entertainment pre-booked taking place.

In addition the children and young persons access terms are to be amended, children fourteen and over are to be allowed unaccompanied access when attending specific activities associated with music, as detailed within the application.

I have no comment regarding the removal of the local condition relating to the basement, on the basis that the criteria for the 1am terminal hour remains for functions and private events.

Regarding unaccompanied access for children and young persons over the age of fourteen to the basement area, I have the following comment. As the reasons given for this are to allow 14 year olds and over to attend specific events unaccompanied, I would recommend that if granted – unaccompanied access to the basement would be only in respect of specific events where no sale of alcohol was taking place and the terminal hour of 23:00 remains in place.



Diane Sande
Licensing Standards Officer

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Date: 18th February 2015
Enquiries to: 01224 557047
Our Ref: 20151022
Email: grampian.phalcohollicensing@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
The Malt Mill, 82 Holburn Street, Aberdeen**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005 and make the following suggestion under the Licensing Objective of:

- **Protecting children from harm.**

The applicant seeks a change in license to permit children and young people, over the age of 14 years, unaccompanied entry to the basement area to attend musical entertainment including live pre-booked musical entertainment, informal jamming sessions, workshops with other musicians/people with an interest in the music business and other activities, mostly of a musical nature, arranged for specifically for children and young persons.

I would suggest that if these activities are arranged with children and young persons in mind and they will be the focus of the planned entertainment they should be permitted in the basement area but would request that **no alcohol be sold** whilst they are in attendance.

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 in that the granting of the application would be inconsistent with the Protecting Children from Harm licensing objective.

Yours faithfully

Christopher Littlejohn

Consultant in Public Health

pp Heather Wilson

Health Improvement Officer

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: VICTORIA BAR, 1-5 MENZIES ROAD

DESCRIPTION

- Vary on and off sale commencement hour on Sundays to 11:00 hours
- Allow children and young persons access to the lounge bar for the purpose of attending functions, whilst accompanied by an adult

OBJECTIONS/REPRESENTATIONS

- None

LICENSING POLICY STATEMENT

N/A

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Agenda Item 2

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