

Public Document Pack



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

Town House,
ABERDEEN 17 APRIL 2015

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 28 APRIL 2015 at 10.30 am.**

ALYSON K MOLLISON
CLERK TO THE LICENSING BOARD

BUSINESS

- 1 List of Applications (Pages 1 - 10)
 - 1.1 Application for Provisional Premises Licence - Coast to Coast, Unit FS14, 5 First Level Mall, Union Square, Aberdeen (Pages 11 - 12)
 - 1.2 Application for Provisional Premises Licence - 5-7 Belmont Street, Aberdeen (Pages 13 - 16)
 - 1.3 Application for Grant of Premises Licence - 205 Stoneywood Road, Aberdeen (Pages 17 - 28)
 - 1.4 Application for Variation of Premises Licence - Braided Fig, 39 Summer Street, Aberdeen (Pages 29 - 30)
 - 1.5 Application for Variation of Premises Licence - Victoria Restaurant, 140 Union Street, Aberdeen (Pages 31 - 32)

- 1.6 Application for Variation of Premises Licence - Grays Inn, Greenfern Road, Aberdeen (Pages 33 - 34)
- 1.7 Application for Variation of Premises Licence - Kelly of Cults, 345 North Deeside Road, Cults, Aberdeen (Pages 35 - 36)
- 1.8 Application for Transfer of Premises Licence - Kelly of Cults, 345 North Deeside Road, Cults, Aberdeen (Pages 37 - 38)
- 1.9 Application of Variation of Premises Licence - Ninety Nine Bar & Kitchen, 1 Back Wynd, Aberdeen (Pages 39 - 40)
- 1.10 Application for Variation of Premises Licence - No 10 Wine Bar, 10 Queens Terrace, Aberdeen (Pages 41 - 44)
- 1.11 Application for Variation of Premises Licence - Orchid, 14 Bon Accord Square, Aberdeen (Pages 45 - 46)
- 1.12 Application for Variation of Premises Licence - The Granite City, Aberdeen Airport, Dyce, Aberdeen (Pages 47 - 54)
- 1.13 Application for Personal Licence - AC4020 (Pages 55 - 56)
- 1.14 Application for Personal Licence - AC3791 (Pages 57 - 60)
- 1.15 Application for Personal Licence - AC3867 (Pages 61 - 62)
- 2 Premises Licence Review Proposal in Terms of Section 38 of Licensing (Scotland) Act 2005 - Cineworld Cinemas Ltd (Pages 63 - 66)
- 3 Personal Licence Review Hearing - AC0418 (Pages 67 - 68)
- 4 Statutory Reporting - Monitoring of the Licensing Board's Equality Outcomes and its Mainstreaming of the Equality Duty (Pages 69 - 84)

Should you require any further information about this agenda, please contact Arlene Dunbar, e-mail ardunbar@aberdeencity.gov.uk or tel. 01224 523411 or Jacqui Wallace, e-mail jwallace@aberdeencity.gov.uk or tel. 01224 522985

ABERDEEN CITY LICENSING BOARD

Meeting 28 April 2015 at 10:30am in Committee Room 2 & 3, Town House, Broad Street , Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
1	COAST TO COAST UNIT FS14 5 FIRST LEVEL MALL UNION SQUARE GUILD STREET ABERDEEN	THE RESTAURANT GROUP (UK) LIMITED C/O PINSENT MASONS LLP SOLICITORS 141 BOTHWELL STREET GLASGOW G2 7EQ	20 January 2015	On sales 11:00 to 23:00 Monday to Sunday; Restaurant, Bar meals, receptions, club meetings, recorded music, live performances, televised sport both during and outwith the core hours, Children and young person permitted access unaccompanied.
	5-7 BELMONT STREET ABERDEEN AB10 1JR	ESKGATE LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	14 January 2015	Mon to Sunday 11:00 to 01:00, activities - restaurant, bar meals, receptions, club meetings, recorded music, live performances, televised sports, outdoor drinking. Additional activities - cookery lessons and take away food. Children and young person access when accompanied by an adult when consuming a meal.

ABERDEEN CITY LICENSING BOARD

Meeting 28 April 2015 at 10:30am in Committee Room 2 & 3, Town House, Broad Street , Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

New Grant(s)	Premises	Applicant	Date Received	Comments
3	205 STONEYWOOD ROAD BUCKSBURN ABERDEEN AB21 9JD	DA RAO LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	9 January 2015	Off consumption 10:00 to 22:00 with recorded music; general convenience store.

ABERDEEN CITY LICENSING BOARD

Meeting 28 April 2015 at 10:30am in Committee Room 2 & 3, Town House, Broad Street , Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)	Premises	Applicant	Date Received	Comments
4	BRAIDED FIG 39 SUMMER STREET ABERDEEN AB10 1SB	GREENE KING RETAILING LTD C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	9 March 2015	Variation of the local conditions: remove conditions relating to door supervisors and radio link; Variation of the operating Plan: Vary the commencement of on & off sale hours on a Sunday from 10:00 to 11:00 and increase capacity to 204 due to layout change. Variation of Layout Plan: reconfiguration of main entrance to bar zone, alter and extend the main bar area to create an extended dining zone and reconfiguration of fixed seating
5	VICTORIA RESTAURANT 140 UNION STREET ABERDEEN AB10 1JD	GORDON HAROLD C/O PETERKINS SOLICITORS 100 UNION STREET ABERDEEN AB10 1QR	9 October 2014	Operate according to seasonal demand on the four Sundays before Christmas to permit the sale of alcohol from 11:00 to 16:00.

ABERDEEN CITY LICENSING BOARD

Meeting 28 April 2015 at 10:30am in Committee Room 2 & 3, Town House, Broad Street , Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
6 GRAYS INN GREENFERN ROAD ABERDEEN AB16 5PY	BARSHLF 2 LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	10 February 2015	Variation to the times during which children and young persons will be allowed entry to allow access until 21:00 when consuming a meal or attending a function when accompanied by adult.
KELLY OF CULTS 345 NORTH DEESIDE ROAD CULTS ABERDEEN AB15 9SX	KELLY OF CULTS LIMITED C/O SHEPHERD & WEDDERBURN LLP SOLICITORS 1 EXCHANGE CRESCENT CONFERENCE SQUARE EDINBURGH EH3 8UL	16 January 2015	Removal of recorded music as an activity, reduction in capacity from 30 sqm to 28.04 sqm, reconfiguration of store layout, change of premises name and change to premises description.

ABERDEEN CITY LICENSING BOARD

Meeting 28 April 2015 at 10:30am in Committee Room 2 & 3, Town House, Broad Street , Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Transfer(s)	Premises	Applicant	Date Received	Comments
8	KELLY OF CULTS 345 NORTH DEESIDE ROAD CULTS ABERDEEN AB15 9SX	SAINSBURY'S SUPERMARKETS LTD C/O SHEPHERD & WEDDERBURN LLP SOLICITORS 1 EXCHANGE CRESCENT CONFERENCE SQUARE EDINBURGH EH3 8UL	16 January 2015	Major Variation to be determined before transfer application.

ABERDEEN CITY LICENSING BOARD

Meeting 28 April 2015 at 10:30am in Committee Room 2 & 3, Town House, Broad Street , Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises Applicant

Date Received

Comments

9 NINETY NINE BAR & KITCHEN
1 BACK WYND
ABERDEEN
AB10 1JN

MONKEY BARS (ABERDEEN) LIMITED

22 January 2015

Provision of off-sales Monday to Saturday 11:00-22:00 hours and 12:30 to 22:00 on Sunday; provision of mixology classes and private tastings, formation of downstairs restaurant/bar at basement level with resultant increase in capacity of 25 persons. Amendment to premises description.

ABERDEEN CITY LICENSING BOARD

Meeting 28 April 2015 at 10:30am in Committee Room 2 & 3, Town House, Broad Street , Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
10 NO 10 WINE BAR 10 QUEENS TERRACE ABERDEEN AB10 1XL	NO 10 TAVERN LTD	2 February 2015	Vary commencement of Sunday hours from 12:30 to 11:00; vary terminal hour on a Friday and Saturday from 00:00 to 01:00; operate according to season demand; addition of the following activities during core hours - conference facilities club/group meetings, live performance, theatre, films, gaming indoor/outdoor sports and televised sports; to permit children and young persons access to the premises when accompanied by an adult for the purpose of consuming a meal (until 20:00) or attending a function (until 22:00) and extension into the property next door (No 9 Queens Terrace)

ABERDEEN CITY LICENSING BOARD

Meeting 28 April 2015 at 10:30am in Committee Room 2 & 3, Town House, Broad Street , Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
11 ORCHID 14 BON ACCORD SQUARE ABERDEEN AB11 6DJ	MONKEY BARS (ABERDEEN) LIMITED	22 January 2015	Addition of off-sales Monday to Sunday 11:00 to 22:00 Monday to Saturday and 12:30 to 22:00 on Sunday; provision of mixology classes. Variation of layout plan: addition of fixed seating and moving DJ box to a new location.
THE GRANITE CITY ABERDEEN AIRPORT DYCE ABERDEEN AB21 7DU	J D WETHERSPOON (SCOT) LIMITED C/O J D WETHERSPOON PLC LEGAL DEPARTMENT PO BOX 616 WATFORD WD24 4QU	4 February 2015	The Licenced hours for On Sales are to be varied from 06:00 - 02:00 Monday to Saturday & 11:00 - 02:00 on a Sunday to 03:00 - 01:00 hours Monday to Sunday.

ABERDEEN CITY LICENSING BOARD

Meeting 28 April 2015 at 10:30am in Committee Room 2 & 3, Town House, Broad Street , Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Personal Licence(s)

Applicant Date Received Comments

13 AMOTHEN KANDASAMY 2 February 2015

C/O PLT ONLINE LTD
UNIT P12B
CHELTENHAM FILM STUDIOS
HATHERLEY LANE
CHELTENHAM

14 ALAN MICHAEL FULTON 18 July 2014

C/O C J LANG & SON LTD
JOHN ROUGH
LONGTOWN DISTRIBUTION CENTRE
78 LONGTOWN ROAD
DUNDEE

15 LAUREN VICTORIA WILSON 25 September 2014

C/O HILL BROWN
SOLICITORS
3 NEWTON PLACE
GLASGOW
G3 7PU

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE

PREMISES: COAST TO COAST, UNIT FS14 FIRST LEVEL MALL, UNION SQUARE

DESCRIPTION

- Applicant is seeking on sales from 11:00 hours to 23:00 hours daily;
- Activities and services will include restaurant, bar meals, receptions including weddings, Club and other group meetings, recorded music, live performances and televised sport and
- Children and young persons will be permitted unaccompanied access at all times to all public areas.

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: PROVISIONAL PREMISES LICENCE

PREMISES: 5-7 Belmont Street

DESCRIPTION

- Applicant is seeking on sales from 11:00 hours to 01:00 hours daily;
- Activities and services will include restaurant, bar meals, receptions including weddings, Club meetings and other group meetings, recorded music, live performances, televised sport and outdoor drinking;
- Other activities include cookery lessons and take away food and
- Children and young persons will be permitted access when accompanied by an adult when consuming a meal.

OBJECTIONS/REPRESENTATIONS

- Aberdeen Music and Collectables Ltd

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.

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.

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Café Drummond

No.1 Belmont Street
Aberdeen
AB10 1JR
Tel: 01224 619930

The Tunnels

Carnegies Brae
Aberdeen
AB10 1BF
Tel: 01224 211121
www.thetunnels.co.uk
e-mail – info@thetunnels.co.uk

30th March 2015

Jane G MacEachran
Clerk to the Licensing Board
Aberdeen City Council
Corporate Governance
Business Hub 6 L 1S
Marischal College
Aberdeen
AB10 1AB



Dear Madam

On sales Licence Application (AC853) 5-7 Belmont Street, Aberdeen.

With reference to the above application we must object on the grounds of there being an overprovision of Licenced Premises in the Belmont Street/Back Wynd area. The activities proposed offers nothing different to what our premises and many others nearby licensees provide and would only lead to a reduced level of business and the likely closure of one or more premises due to insufficient demand. Whilst the night time economy is busy on a Saturday night and to a lesser extent on a Friday, trade during Sunday to Thursday has already reduced following the reduction in the drink driving regulations with more people simply giving up mid-week socialising when they are working the following day. The demand for additional licensed premises is just not there.

The area would be much better served if the premises considered being used as a city centre hotel/student accommodation/private housing/retail or office accommodation. We have no knowledge of the applicants and wish them every success in the development of the property but there is simply no demand for more of the same. If they were to approach any city centre licensee they would receive positive responses from many existing landlords without the need to develop another property.

Aberdeen Music & Collectables Ltd.
Registered Office – 19 Fonthill Terrace Aberdeen Ab11 7UR
SC 216266 V.A.T. Registration Number – 827 5828 92

This objection has been lodged in the best interests of the applicant and the city centre and bears no personal prejudice.

Yours faithfully



Aberdeen Music & Collectables Ltd

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PREMISES LICENCE

PREMISES: 205 STONEYWOOD ROAD, BUCKSBURN, ABERDEEN

DESCRIPTION

- General Convenience Store
- Alcohol to be sold for consumption off the premises
- Licensed Hours 10:00 to 22:00 Monday to Sunday
- Other activities: recorded music during and outwith core hours; the sale of groceries, other food items, newspapers & magazines, soft drinks, confectionery, fruit & vegetables, tobacco, pay point, lottery, takeaway coffees, teas and hot food.

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- LSO
- NHS Grampian

LICENSING POLICY STATEMENT

Paragraph 6.5 – Conditions Attaching to Licences

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

1. The following condition will be attached to all off-consumption premises licences unless there is cause shown why this should not be the case:

CCTV

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current technical requirements of the Police Service of Scotland as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. (all off-sales are however exempt from 4.2 relating to lip sync capability at entrance and exit doors)

Paragraph 9.8 Overprovision Off Sales

OFF SALES: The Health Board identified the whole of the Board's area as having overprovision of all premises types except restaurants. The Board considers that the Health Board is the best source to advise on matters relating to health and its relationship with alcohol. The Health Board supported its recommendation with a variety of evidence as contained in its response dated 24 September 2013 to the Board's review. The Board had regard to this evidence and in particular noted that Scotland buys 69% of alcohol from supermarkets and shops rather than pubs and clubs. The Aberdeen City Council Citizens Panel has reported that 97.8% of respondents purchased their alcohol from supermarkets. The Board also took cognisance of the high figures of alcohol cirrhosis admissions per 100,000 in Aberdeen, alcohol related hospital admissions and attributable annual alcohol related admissions. The Board also noted from the Health Board's proposals that 96% of adult residents lived within 1,000 metres of an off sale premises whilst 84% lived within 500 metres of a liquor licensed premises. The Board was of the view that these statistics contributed to the evidence which led the Board to consider there to be an overprovision of off sales premises in its area. The Board also considered that the evidence provided by the police in regard to alcohol related crime figures throughout the city adequately supported its view. 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). Both localities are identified by way of maps which are attached at Appendix 3 to this Policy.

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.

For the avoidance of doubt, the capacity figure stated in the operating plan at Q7 will be used by the Board only for the purpose of assessing overprovision.

NOT PROTECTIVELY MARKED

1 April 2015

Your Ref:

Our Ref: AD/DASU/SID39868/0629/15

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

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF
A PREMISES LICENCE
205 STONEYWOOD ROAD, BUCKSBURN, ABERDEEN, AB21 9JD
D A RAO LIMITED, 40 ESSLEMONT AVENUE, ABERDEEN, AB25 1SP
ANIL RAO DHYAVNAPELLI, BORN 18/12/1983, 40 ESSLEMONT AVENUE,
ABERDEEN, AB25 1SP**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

The applicant seeks to obtain a premises licence for an existing premises located in Aberdeen.

In terms of section 22(1)(b)(ii), I make the following representation on behalf of the Chief Constable.

The premises are situated within the 'Off Sales' overprovision area, as detailed within 9.8 of the 2013- 2016 Aberdeen City Licensing Board Statement of Licensing Policy. The Policy states that the Board accepted detailed evidence

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from the Health Board when identifying its off sales overprovision area and that it "...considered that the evidence provided by the Police in regard to alcohol related crime figures throughout the city adequately supported its view."

Police Scotland provided Aberdeen City Licensing Board with detailed analytical data in respect of crimes and offences connected to licensed premises, and other crimes where the consumption of alcohol by either the perpetrators or victims of crime was a key factor, all of which impacted significantly on the Preventing Crime and Disorder licensing objective, amongst others. This evidence was read alongside that provided by the Health Board during the Board's decision making process for the overprovision assessment.

For these reasons, and in terms of Section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005, the Chief Constable makes representation in respect of to the application.

Yours faithfully

Murray Main
Chief Inspector

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MEMO

Environmental Health and Trading Standards

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	3rd April 2015
Tel.	Ext. 2185	Our Ref.	TAE/MAC
Fax.	01224 523887	Your Ref.	

Dear Sir

Licensing (Scotland) Act 2005

Application for Variation of Premises Licence

Address: 205 Stoneywood Road, Bucksburn, Aberdeen, AB21 9JD

Applicant: Da Rao Limited, 40 Esslemont Avenue, Aberdeen, AB25 1SP

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 31st March 2015
Enquiries to 01224 557047
Our Ref 20151037
Email: grampian.healthprotection@nhs.net

Eric Anderson
Solicitor
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Mr Anderson

**Licensing (Scotland) Act 2005 – Application for a Premises Licence
205 Stoneywood Road, Bucksburn, Aberdeen, AB21 9JD**

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

Protecting and Improving Public Health.

The applicant seeks to apply for a premises licence for the property at 205 Stoneywood Road, Bucksburn, Aberdeen, AB21 9JD

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 205 Stoneywood Road, Bucksburn, Aberdeen is within the area defined by the Board as overprovided for in terms of off-sales - Section 9.8 of the Aberdeen Statement of Licensing Policy 2013-2016:

Having excluded these two localities (Anguston and Kirkhill), the Board identified the rest of its area as a locality which has overprovision of off sales premises.

NHS Grampian supported the Board's decision with density maps and data during the Statement of Licensing Policy consultation. Below is the compelling density data for Aberdeen. The density 1k buffer map is attached as appendix 1.

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

There is a strong relationship between the availability of alcohol leading to over consumption resulting in health harm. Availability of alcohol not only pertains to access but also to price. Having premises in close proximity may result in competitive pricing thus making alcohol more available in terms of cost.

The Board will be aware that the majority of alcohol is bought from off-sales alcohol outlets where the alcohol is cheaper than purchasing from on-sales. Drinking within a domestic setting can increase the risks of alcohol-related harms and excessive consumption, leading to health harm. NHS Grampian provided evidence during the consultation demonstrating the link between provision of premises and increased consumption leading to alcohol related health harm. The World Health Organisation have reported alcohol attributable health harms and are presented in appendix 2, and have recently reported that alcohol is a considerable contributor in preventable illness and disease¹.

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

Within the immediate vicinity of this proposed new off sales the board made an exception to the Statement of Licensing Policy and granted an off sales licence for a supermarket on 16th September 2014, as this would provide a service to the new housing development in the area. The information below clearly illustrates the close proximity of this existing off sales premises.

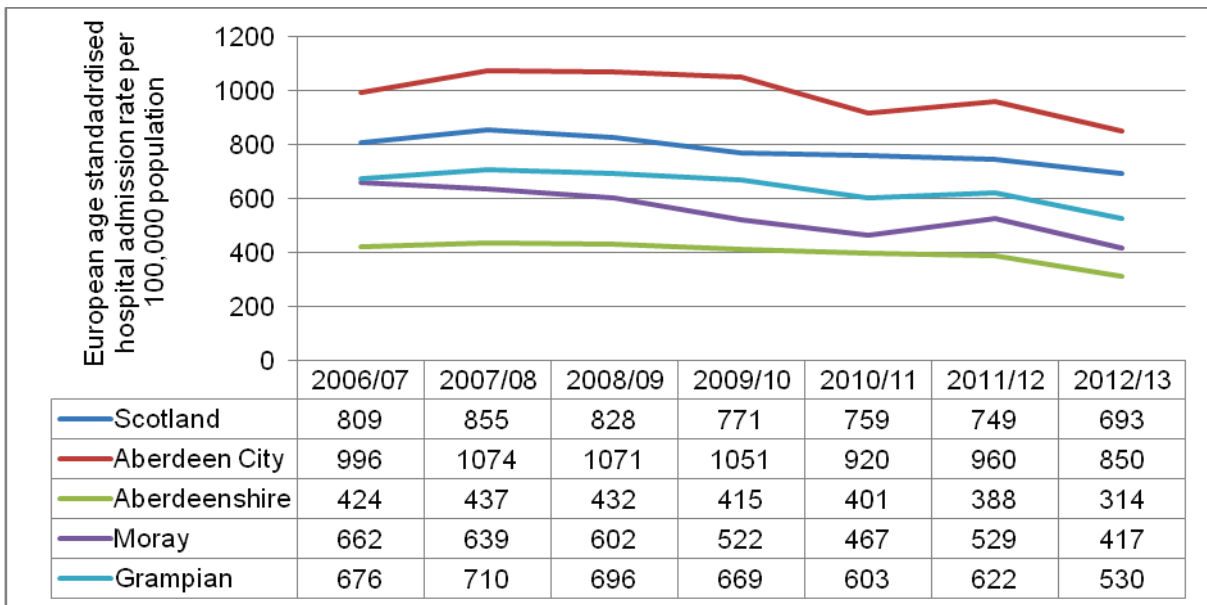
Address	Distance from 205 Stoneywood Road	Walking time from 205 Stoneywood Road
Stoneywood Road, Bucksburn *	0.17km	1.59 minutes

*Store selling alcohol from 10am until 10pm including Sundays

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

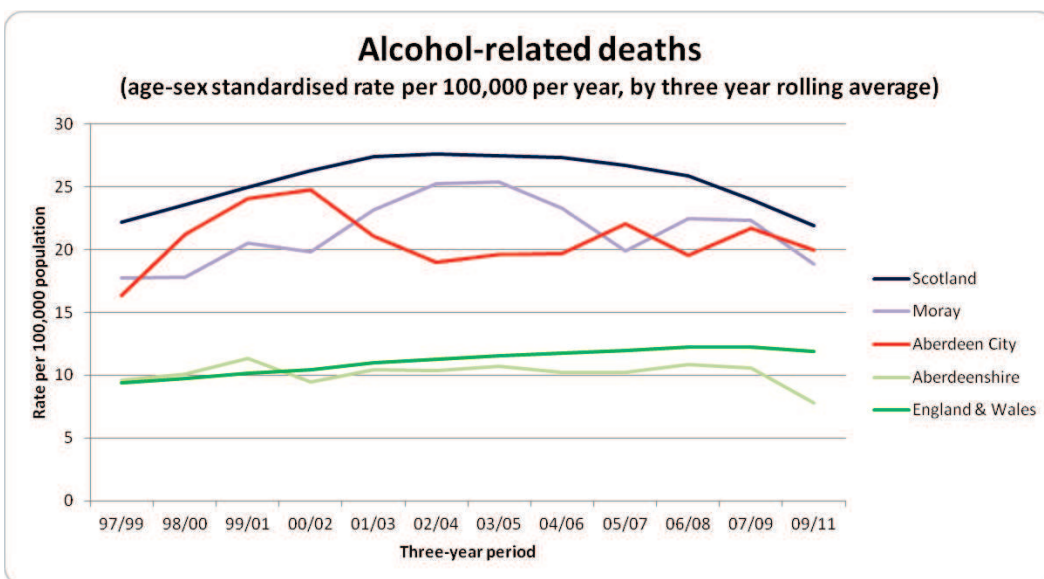
3. Hospital admission rates for wholly attributable alcohol- related conditions.

The graph below illustrates hospital admissions. Trends in wholly-attributable alcohol-related hospital admissions in Grampian have been generally consistent with those seen nationally. Following a decade of rising admission rates, there has been a reduction in recent years. However, Aberdeen City's admission rate remains significantly higher than Aberdeenshire or Moray.



4. Comparison of alcohol related death rates.

The graph below illustrates death rates as reported by Scottish Public Health Observatory (ScotPHO²) using GROS data (General Register Office for Scotland). Aberdeen City's rate has remained essentially stable, in contrast to Scotland's falling rate.



² <http://www.scotpho.org.uk/>

The chart above illustrates the three year rolling average for alcohol related deaths with the most recent period shown being 2009 - 2011.

Alcohol related deaths 2011 - 2013³

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

In Scotland, alcohol-related death rates have fallen by 35% since 2003 but remain 1.4 times higher than in 1981. Alcohol related death in Scotland is still among the highest in Western and Central Europe. Similarly, the alcohol-related new patient (hospitalisation) rate fell by 25% since 2007/8, however, the rate was still 1.3 times higher in 2013/14 than in 1991/92⁴.

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

For these reasons, and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian objects to the application as the granting of it would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Christopher Littlejohn
Consultant in Public Health

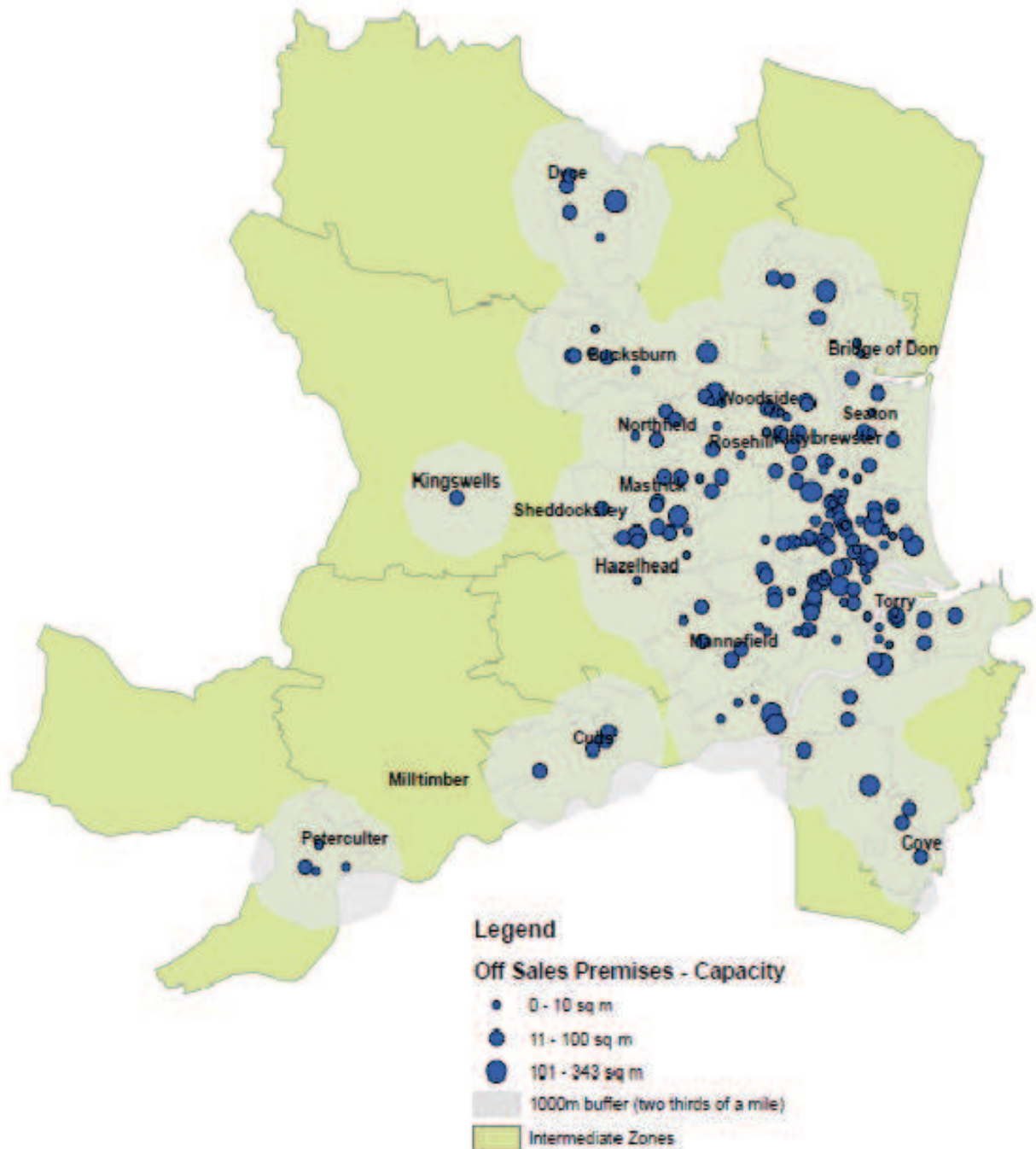
pp Heather Wilson
Health Improvement Officer (Alcohol & Drugs)

³ <http://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-related-deaths/tables>

⁴ <http://www.healthscotland.com/documents/24485.aspx>

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”)⁵

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).

⁵ http://apps.who.int/iris/bitstream/10665/112736/1/9789240692763_eng.pdf?ua=1

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: BRAIDED FIG, 39 SUMMER STREET, ABERDEEN

DESCRIPTION

- Vary the commencement hour for both on and off sales on Sundays to 12:30 to 11:00 hours. Hours of trading would remain within guidelines.
- Increase in capacity to 204 persons due to layout changes;
- Variation to layout plan; reconfiguration of main entrance to bar zone, alter and extend the main bar area to create extended dining zone and reconfiguration of fixed seating.
- Removal of local conditions relating to door supervisors and radio link.

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.

Door Supervisors

It is a condition that the licence holder will ensure that from 23:00 onwards they shall employ or use suitably licensed door supervisors at or near the entrance to, or within the premises, to maintain order and/or security and prevent patrons breaching the licensing objectives.

Radio Link

It is a condition that the licence holder is a member of the local Radiolink Scheme.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE
PREMISES: VICTORIA RESTAURANT, 140 UNION STREET, ABERDEEN

DESCRIPTION

- Operate according to seasonal demand on the four Sundays before Christmas to permit the sale of alcohol from 11:00 to 16:00.

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: GRAYS INN, GREENFERN ROAD, ABERDEEN

DESCRIPTION

- Variation to the times during which children are permitted entry to premises.
- Currently permitted entry Monday to Saturday 11:00 to 14:30 and Sunday 11:00 to 15:30;
- Variation is to allow entry until 21:00 when consuming a meal or attending a function when accompanied by an adult.

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: KELLY OF CULTS, 345 NORTH DEESIDE ROAD, ABERDEEN

DESCRIPTION

- Removal of recorded music as an activity
- Reduction in capacity from 30m2 to 28.04m2
- Reconfiguration of Store layout
- Change of Premises Name to Sainsbury's
- Change to Premises Description

OBJECTIONS/REPRESENTATIONS

- None

LICENSING POLICY STATEMENT

N/A

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NOT PROTECTIVELY MARKED

9 February 2015

Your Ref:

Our Ref: AD/DASU/SID38507/9898/15

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 TRANSFER OF A PREMISES LICENCE ON APPLICATION OF LICENCE HOLDER KELLY OF CULTS, 345 NORTH DEESIDE ROAD, CULTS, ABERDEEN, AB15 9SX
 TRANSFEREE - SAINSBURY'S SUPERMARKETS LIMITED, 33 HOLBORN, LONDON, EC1N 2HT**

I refer to the above application and in terms of Section 33(6)(a)(i) & (ii) of the Licensing (Scotland) Act 2005, I have to advise you that the applicant has disclosed the following relevant offences

Date	Court	Crime/Offence	Disposal
16/10/2009	Chesterfield Magistrates	Licensing Act 2003 S57 & 146	£9,315
16/10/2009	Derbyshire Magistrates	Sale of alcohol to a minor	£15000 and £29832 costs
12/10/2010	Reading Magistrates	Food Safety Act	£4000 and £22844 costs
08/11/2010	Woolwich Magistrates	Health and Safety as Work Act 1974 S2	£10,000
26/10/2012	Hull Magistrates	Breaching General duties to employees	£9000 and £5300 costs

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NOT PROTECTIVELY MARKED

Further, in terms of Section 33(6)(a)(ii) of the Licensing (Scotland) Act 2005, I have to advise you that no connected person has been convicted of any relevant offence.

Yours faithfully

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Murray Main
Chief Inspector

NOT PROTECTIVELY MARKED

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: NINETY BAR & KITCHEN, 1 BACK WYND

DESCRIPTION

- Provision of Off-sales 11:00 – 22:00 Monday to Saturday and 12:30 to 22:00 on Sundays;
- Provision of mixology classes and private tastings;
- Formation of downstairs restaurant/bar at basement level with resultant increase in capacity and
- Amendment to premises description.

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: NO 10 WINE BAR, 10 QUEENS TERRACE, ABERDEEN

DESCRIPTION

- Vary Sunday commencement hours from 12:30 to 11:00;
- Vary terminal hour on Friday and Saturday from 00:00 to 01:00;
- Operate according to seasonal demand – Christmas and New Year hours as permitted;
- Provision of the additional activities: Conference facilities, Receptions, club or group meetings, Live performances, Theatre, Films, Gaming, Indoor/outdoor sports and Televised Sports;
- To permit Children and Young Personal access to the premises when accompanied by an adult for the purposes of consuming a meal until 20:00 or attending a function until 22:00
- Extension of the premises into the property next door (9 Queens Terrace)

OBJECTIONS/REPRESENTATIONS

- None

LICENSING POLICY STATEMENT

20 HOURS OF TRADING – GENERAL & EXTENDED

20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.

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

The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so

in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

- 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.

The Board has taken heed of the advice of the Police and the Health Board and no longer considers snooker as an entertainment that warrants a later terminal hour (2am or 3am). This change to the Policy is not to apply retrospectively and will not therefore affect current licensed premises where the principal activity is snooker.

28 LICENSING OBJECTIVE - 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: ORCHID, 14 BON ACCORD SQUARE, ABERDEEN

DESCRIPTION

- Addition of off-sales Monday to Saturday 11:00 to 22:00 and 12:30 to 22:00 on Sundays;
- Provision of mixology classes;
- Variation of layout plan; addition of fixed seating and moving DJ box to new location.

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: THE GRANITE CITY, ABERDEEN AIRPORT

DESCRIPTION

- Vary one sale hours from 06:00 -02:00 Monday to Saturday & 11:00 -02:00 on a Sunday to 03:00 – 01:00 Monday to Sunday

OBJECTIONS/REPRESENTATIONS

- Police Scotland

LICENSING POLICY STATEMENT

20 HOURS OF TRADING – GENERAL & EXTENDED

- 20.1 The Board expects that all applicants for licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Applicants should not overestimate their trading hours just in case they may be required, as this may precipitate a review of the licence. Should licence holders wish to reduce their operating hours this can be done by way a minor variation which can be granted using delegated powers.
- 20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.
- 20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours.
- 20.4 The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours

and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

The Board further considers that it would be extremely difficult for any applicant to justify the sale of alcohol prior to 10:00 hours and after 03:00 hours unless there are exceptional circumstances. The Board considers there is sufficient evidence from the Health Board and Police Scotland to suggest that such extensions of hours for the sale of alcohol could have detrimental effects on both the health of the City's population and levels of criminal and violent offending, particularly in the City Centre. Evidence produced by Police Scotland shows in particular significant levels of alcohol related offences such as assault, breach of the peace, vandalism and urinating in public, the hotspots for which are those areas with a high density of licensed premises. Although there is seen to be a reduction in some of these offences others such as night time breach of the peace, serious assaults and urinating in public have in fact increased in the year to 2012/13. The Health Board and Forum propose that when access to alcohol is reduced through restricting and/or granting shorter opening hours people drink less and consequently less harm is derived. The Board considers therefore that there should be a presumption against the supply of alcohol and the granting therefore of any extended hours after 0300 and before 1000. Such a presumption would not apply retrospectively and would not apply to Casinos or premises at Aberdeen International Airport. Such a presumption would promote the licensing objectives in particular those of Protecting and Promoting Public Health and Preventing Crime and Disorder by aiming to reduce associated alcohol related harm.

With reference to 20.3 above, where the Board have stated that a maximum of 14 hours continuous trading in any 24 hour period is reasonable, this requires to be further qualified in respect of this presumption. This is because if premises are granted hours from or before 10.00 they will then be expected to close at 01.00 or earlier. This proviso would ensure that the 14 hour maximum trading period is not exceeded in order to help reduce alcohol related crime and health harm which could be associated with the increased availability from longer trading hours, The Health Board advise that it has been shown in studies that even by reducing closing time by 1-2 hours can lead to reductions in crime and other alcohol related harm. The Health Board also submits that reducing access to alcohol in mornings can also influence reshaping and reforming drinking culture in Scotland. The 14 hour maximum opening period should not result in the terminal hour increasing due to a premises having/seeking a later opening hour. Premises may have different terminal hours for different parts of the premises.

- 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.

The Board has taken heed of the advice of the Police and the Health Board and no longer considers snooker as an entertainment that warrants a later terminal hour (2am or 3am). This change to the Policy is not to apply retrospectively and will not therefore affect current licensed premises where the principal activity is snooker.

- 20.12 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder caused or exacerbated by customers departing from the premises or the rise of alcohol related crime or disorder in the vicinity of the premises.

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25 March 2015

Your Ref:

Our Ref: AD/DASU/SID39716/9235/15

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

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
THE GRANITE CITY, ABERDEEN INTERNATIONAL AIRPORT, DYCE,
ABERDEEN, AB21 7DU**

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 the current operating hours of 0600 - 0200 hours Monday to Sunday, to new amended hours of between 0300 to 0200 hours Monday to Sunday.

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

In terms of Section 22(1)(b) in general and 22(1)(b)(iii) specifically, of the Licensing (Scotland) Act 2005, the Chief Constable wishes to make the following representation.

The premises currently operate for 20 continuous hours of trading between 0600 and 0200 hours daily. The Operating Plan contained within the licence states that the capacity of the premises is for 392 persons. The current layout plan does not state what numbers of persons can be seated nor those who can stand.

The Board will be aware of the guidance in their current Statement of Licensing Policy for 2013 - 2016, which, at 20.3, states that trading for a

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continuous period of 14 hours in a 24 hour period is deemed to be reasonable, and in line with Scottish Government guidance.

The Chief Constable is aware that the operating hours currently enjoyed by the premises were acquired by way of 'grandfather rights' during the transition period between the Licensing (Scotland) Acts 1976 and 2005.

The Board's Policy at 20.4 deals states that **'it would be extremely difficult for any applicant to justify the sale of alcohol prior to 1000 hours and after 0300 hours unless there are exceptional circumstances.'** The Policy goes on to state that **'there should be a presumption against the supply of alcohol and the granting therefore of any extended hours after 0300 hours and before 1000 hours. Such a presumption would not apply retrospectively and would not apply to casinos or premises at Aberdeen International Airport.'**

The Chief Constable recognises that licensed premises within Aberdeen International Airport may be viewed differently to premises elsewhere in the city, however the Board are asked to carefully consider whether or not the exception within 20.4 of its Policy was ever intended to allow a premises at the airport to open for 23 continuous hours in a 24 hour period.

Police Scotland have established that of the current scheduled flights, the earliest departure is at 0520 hours, with the latest departure being at 2330 hours. The latest arrival is at 2230 hours.

The Chief Constable also notes that the current and proposed terminal hour of 0200 hours renders the premises as 'late opening' as per 20.5 of the Board's Policy, and this is acknowledged by the applicant in the operating plan accompanying the variation application where question 5(g) has been answered. It is also noted that in answer to the second question in 5(g), that the applicant has indicated that when fully occupied it is unlikely that there will be more persons standing than sitting.

Police Scotland have carried out a site visit and a manual count of the seating found that there is seating for approximately 234 persons, therefore when at capacity, in theory there would be 234 persons sitting and 158 standing. Police Scotland suggest Building Standards officers from Aberdeen City Council may be in a position to report upon the accurate breakdown of those seated and standing by the time this application calls before the Board.

The current version of the premises licence makes no reference to the The Licensing Conditions (Late Opening Premises)(Scotland) Regulations 2007 whatsoever, however this is thought to be an administrative oversight dating back to transition in 2009.

Depending on the result of the Building Standards report, it may follow that The Licensing Conditions (Late Opening Premises)(Scotland) Regulations 2007 must (as directed by part 2) be imposed, and imposed in full (as per part 3(2)(b)), in respect of occasions when the premises may be fully occupied. If seating/standing numbers confirm more seating than standing when at capacity, then the Regulations at part 1 only of the Schedule should be

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applied. Therefore, in terms of section 22(1)(b)(iii) of the 2005 Act, the Chief Constable recommends that the said mandatory conditions, as most appropriate, be imposed.

If the Regulations are applied in full, the Board may also wish to consider the option available to them as contained within the mandatory condition at part 2(b) of the Schedule, and specify another time, other than between 0100 and up to 0500 hours, where the holder of a Personal Licence must be present on the premises.

Yours faithfully

Murray Main
Chief Inspector

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17 March 2015

Your Ref:

Our Ref:
AD/DCU/PID/2116/1427/6759/15

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

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE HOLDER DUTY TO NOTIFY LICENSING BOARD OF
CONVICTIONS
CINEWORLD CINEMAS LIMITED
CINEWORLD CINEMA, QUEENS LINKS LEISURE PARK, ABERDEEN, AB245EN
CINEWORLD CINEMA, UNION SQUARE, GUILD STREET, ABERDEEN, AB11 5RG**

I refer to the above and your correspondence. In terms of Section 44(4)(b) of the Licensing (Scotland) Act 2005, I have to advise you that the licence holder has been convicted of the following relevant offence.

Date	Court	Crime/Offence	Disposal
18/02/2015	Salford Magistrates Court	Sec33(1)a Health and Safety at Work Act 1974 - Employer breaching Health and Safety General Duty to Employee	£9500 fine, £2573.29 prosecution costs and £120 victim surcharge

Yours faithfully

Murray Main
Chief Inspector

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MEMO

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
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	16 th April 2015
Tel.	01224 522541	Our Ref.	DBS/AMM
Fax.	01224 523887	Your Ref.	

Licensing (Scotland) Act 2005

Premises Licence Review

**Cineworld, Queen's Link Leisure Park, Links Road, Aberdeen and Cineworld,
Union Square, Aberdeen**

Town House: Tuesday 28 April 2015, 10.30 am

The Licensing Standards Officers have no comments regarding the above premises and there are no on-going licensing concerns or complaints regarding these premises.

Regards



Diane Sande
Licensing Standards Officer

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ABERDEEN CITY COUNCIL

COMMITTEE	Licensing Board
DATE	28 April 2015
DIRECTOR	Ewan Sutherland (Interim)
TITLE OF REPORT	Statutory Reporting - Monitoring of the Licensing Board's Equality Outcomes and its Mainstreaming of the Equality Duty
REPORT NUMBER	CG/15/62
CHECKLIST COMPLETED	Yes/No

1. PURPOSE OF REPORT

The purpose of this report is to allow the Board to consider and approve the two draft statutory reports (see appendices 1 and 2) on its Equality Outcomes and its progress towards Mainstreaming the Public Sector Equality Duty (also commonly referred to as the Equality Duty and the General Duty) before their publication, which must be completed by 30 April 2015.

2. RECOMMENDATION(S)

That the Board:

- a. approves the draft Report on the Monitoring of its Equality Outcomes (Appendix 1);
- b. approves the draft Report on its Mainstreaming of the Equality Duty (Appendix 2);
- c. thereafter instructs officers to complete the statutory reporting requirements in respect of the reports at a. and b. above; and
- d. instructs officers to ensure that all of the Board's equality actions, as stated in said reports, are undertaken along with any suitable further actions which arise through the equalities monitoring and mainstreaming processes.

3. FINANCIAL IMPLICATIONS

None anticipated. Any on-going or newly identified proactive equalities actions can be assessed within budget constraints.

4. OTHER IMPLICATIONS

The Licensing Board as a Scottish Public Authority has statutory obligations in terms of the Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

The Equality Outcomes and Mainstreaming of equalities elements are important obligations. It is of benefit to the Licensing Board and to the licensed trade if these obligations can be positively embraced and promoted within the Board's legal framework and in its position as a responsible authority in relation to the licensed trade.

Insufficient adherence to the obligations could be detrimental to the reputation of the Board and to that of the licensed trade in Aberdeen.

It is noted that the Equality and Human Rights Commission in Scotland proactively seeks best practice compliance by Scottish Public Authorities. As such, it is the intention to ensure that the Aberdeen Licensing Board's equalities practice where possible adheres and develops best practice in this area.

5. BACKGROUND/MAIN ISSUES

a. Equality Outcomes Reporting (See Appendix 1)

The Board is required to prepare and monitor the progress towards achieving Equality Outcomes in terms of Regulation 4 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

In accordance with its legal duties the Board published Equality Outcomes by 30 April 2013. The Board is now required by 30 April 2015 to publish a report on the progress towards achieving those outcomes. A copy of said draft report is provided at appendix 1 hereto.

This reporting cycle continues with new outcomes every four years and a report on the progress towards meeting those outcomes at two yearly intervals in between, always falling on 30 April.

b. Mainstreaming Reporting (See Appendix 2)

The Board has a duty to report its progress on mainstreaming the equality duty in terms of Regulation 3 of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

In accordance with its legal duties the Board published its first mainstreaming report by 30 April 2013. The mainstreaming is of the public sector equality duty of which members will be aware, and may wish to refer to as reproduced at appendix 3. The Board now must publish a report on the progress it has made to make the equality duty integral to the exercise of its functions so as to better

perform that duty. A copy of said draft report is provided at appendix 2 hereto.

This reporting cycle continues with reports required every two years, i.e. within two years of the previous report. This typically will be required by the same deadline of 30 April.

6. IMPACT

Corporate – The report outcomes offer opportunities for joint working between the licensed trade and the Licensing Board, in a non-contentious area, where it may be beneficial to develop relationships with trade representative groups and the Local Licensing Forum to help engender trust and initiate appropriate collaborative working towards shared goals.

Public – This report is likely to be of interest to the public as it promotes equality of access to the Licensing Board's services. It also seeks to highlight equalities issues in liquor licensed premises and is positive evidence of the Board's commitment to ensuring equalities best practice. The impact of this hopefully should be an increase in the positive perception of the Board by members of the public.

Equality and Human Rights Impact Assessment (EHRIA) and Privacy Impact Assessment (PIA) – Neither an EHRIA nor a PIA have been completed. A PIA is not necessary in the circumstances.

An EHRIA is not required as the report deals with other statutory equality issues and it is abundantly clear that the performance of those statutory duties to a standard of best practice is positive in terms of the equality strands and the public sector equality duty. It is noted that the Council's Equalities Team have been consulted and involved in the process of preparation for the statutory reporting, and have strategically inputted with valuable knowledge, guidance and ideas.

7. MANAGEMENT OF RISK

The Board must submit the necessary reports in terms of its statutory obligations, and they must be of sufficient quality and have sound content to ensure compliance with those obligations.

If the Board does not approve the reporting by officers it would be in breach of its statutory obligations and could be subject to enforcement action by the Equality and Human Rights Commission.

It is understood that to date, such enforcement has involved highlighting the breaches by Public Authorities and requiring them to be rectified. This causes reputational damage to authorities and is to be avoided. When authorities come to the attention of regulators they may subsequently be subject to greater scrutiny.

It is noted, as above, that the Aberdeen City Licensing Board shall strive to follow and lead best practice in this area, which should negate the above noted potential risks.

8. BACKGROUND PAPERS

- Equality Policies of the area Licensing Boards in Dundee, Edinburgh and Glasgow
- The Equality Act 2010
- The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

9. REPORT AUTHOR DETAILS

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Equality Outcomes
Progress Report
2014/15

Aberdeen City Licensing Board

Aberdeen City Licensing Board – Equality Outcomes

Contents

Equality Outcome 21	2
Equality Outcome 22	3
Actions and Indicators	4
Equality Outcome 21. People with protected characteristics are able to participate in meetings and other statutory processes of the Licensing Board	4
Equality Outcome 22. An increased proportion of Licensing Board communication adheres to Corporate Accessible Information Guidelines	6

Equality Outcome 21

People with protected characteristics are able to participate in meetings and other statutory processes of the Licensing Board.

The lead service will be Corporate Governance.

Page 2

Aberdeen City Licensing Board – Equality Outcomes

Contents

Equality Outcome 21.....	2
Equality Outcome 22.....	3
Actions and Indicators.....	4
Equality Outcome 21. People with protected characteristics are able to participate in meetings and other statutory processes of the Licensing Board.....	4
Equality Outcome 22. An increased proportion of Licensing Board communication adheres to Corporate Accessible Information Guidelines.....	6

Equality Outcome 21

People with protected characteristics are able to participate in meetings and other statutory processes of the Licensing Board.

The lead service will be Corporate Governance.

Page 2

Aberdeen City Licensing Board – Equality Outcomes

Publicity - raise awareness among staff and Licensing Board Members.

The elements of the General Duty addressed will be:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations.

The protected characteristics covered are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Equality Outcome 22

An increased proportion of Licensing Board communication adheres to Corporate Accessible Information Guidelines.

The lead service will be Corporate Governance.

Publicity - raise awareness among staff and Licensing Board Members.

The elements of the General Duty addressed will be:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations.

The protected characteristics covered are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Actions and Indicators

Equality Outcome 21. People with protected characteristics are able to participate in meetings and other statutory processes of the Licensing Board.

Output	Actions/Activities	Indicators	Sources	Updates	Responsible Officer	Further Comment
Persons with protected characteristics are empowered to participate in Licensing Board meetings	The Licensing Board has moved from the Town and County Hall to the Committee rooms in the Town House	It was considered that it may be difficult for persons who have restricted mobility or wheelchair users to access Licensing Board meetings. The Committee rooms have hearing loop systems in place for persons with hearing impairment.	Corporate Governance – Legal and Democratic Services (both legal and Committee)	The move to rooms that are accessible by lift rather than by stairs is of benefit to service users, as is the hearing loop system. The environment is less formal and daunting, and the size of the rooms are smaller which may assist people who have difficulty speaking in public	Eric Anderson/ Paul Connolly	This action is now complete. Although there may be other similar actions that could support accessibility, which responsible officers aim to identify
Persons with protected characteristics are empowered to comment on the Licensing Board's processes and procedures	In 2014 the Licensing Board produced Equalities Monitoring forms that are attached to all application forms, and made available on the Board's web pages	It was considered that by preparing and making available this form, anonymous comments could be provided. This would allow the Board's officers to update its	Corporate Governance – Legal and Democratic Services Equality and Diversity Team – Community, Housing & Infrastructure	5 responses have been received and they shall be considered by officers to check if any service improvements are recommended and if so if they can be	Eric Anderson /Paul Connolly	This action is ongoing and may assist to identify further improvement to support outcomes 21 and 22

Page 4

		processes and procedures to assist persons with protected characteristics, as required.	SOLAR	implemented		
Persons with protected characteristics are empowered to participate in the Licensing Board's processes and procedures	Officers will investigate how to record the following data: 1. Number of applications and outcomes by equality strands 2. Number of complaints and outcomes by equality strands; and 3. Number of complaints upheld by the Equality and Human Rights Commission (if applicable)	It is considered that by preparing and making available this form, anonymous comments could be provided. This would allow the Board's officers to update its processes and procedures to assist persons with protected characteristics, as required.	Corporate Governance – Legal and Democratic Services Equality and Diversity Team – Community, Housing & Infrastructure		Eric Anderson /Paul Connolly	This action is ongoing and may assist to identify further improvement to support outcomes 21 and 22
Persons with protected characteristics are empowered to participate in the Licensing Board's processes and	Officers shall use available information on licence holders to understand better the percentages of service users in terms of the age and gender protected	If it appears that certain age and gender groups are under-represented then the Board shall consider what positive actions are available to facilitate	Corporate Governance – Legal and Democratic Services		Eric Anderson /Paul Connolly	This action is ongoing and may assist to identify further improvement to support outcomes 21

Page 5

Aberdeen City Licensing Board – Equality Outcomes

procedures	characteristics	greater access				and 22
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Equality Outcome 22. An increased proportion of Licensing Board communication adheres to Corporate Accessible Information Guidelines.

Output	Actions/Activities	Indicators	Sources	Updates	Responsible Officer	Further Comment
Corporate Accessible Guidelines require documents to take a certain format in order to be read as easily as possible by persons with protected characteristics, such as visual impairment	<p>The Board's agendas are published the Committee format which adheres to the Corporate Accessible Guidelines, e.g. yellow paper with black type, and left justified.</p> <p>Responsible officers have requested all report authors for the Board to adhere to the Corporate Accessible Guidelines</p>	The Board's documentation better adheres to the Corporate Accessible Guidelines	Corporate Governance – Legal and Democratic Services (both legal and Committee)	<p>The responsible officers shall meet with team members in order to explain how the Corporate Accessible Guidelines and other equalities monitoring processes can be further implemented</p> <p>Officers have discussed the matter with the Licensing Board to increase practical awareness of their equality</p>	Eric Anderson /Paul Connolly	Officers will monitor current practice and seek to improve service accessibility in relation to the Board's documents and correspondence

Page6

Aberdeen City Licensing Board – Equality Outcomes

				outcomes and their significance in Board practice		
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Page7

1. On 30 April 2013 the Aberdeen City Licensing Board set out its mainstreaming of the public sector equality duty, as follows:

Mainstreaming Equality by the Licensing Board

The Licensing Board has taken steps to ensure the mainstreaming of the general equality duty as an integral part of the exercise of its functions. The Board's statutory Statement of Licensing Policy sets out the policies that assist in the exercise of its functions under the Licensing (Scotland) Act 2005. During the formulation of this document an Equalities and Human Rights Impact Assessment was carried out. The Board considered the EHRIA and the licensing policy document before its introduction in November 2010.

Prior to the Specific Scottish Equalities Duties coming into force the Board made the general equality duty part of its procedures by following best practice to use impact assessments in the exercise of its functions. In a report in June 2011 the Board also emphasised its commitment to ensure it had due regard to the general equality duty during the intervening period between the expiry of the earlier equality (disability, gender, and race) duties and the introduction of the specific duties.

The Board's Statement of Licensing Policy is currently under review pending republication in November 2013 and will be considered by the Board with a full Equalities and Human Rights Impact Assessment before implementation. Equality impact assessment has been made integral to the development and consideration of the Board's policies and reports. The practical functions of the Board, for example accessibility of publications and meetings, will be monitored and promoted through actions linked to the equality outcomes.

2. Various actions have been taken in the interim, i.e. 30 April 2013 to 30 April 2015, to ensure that the Board makes the equality duty integral to the exercise of its functions so as to better perform that duty.

The Licensing Board's equality outcomes have assisted the Board Members in mainstreaming equality issues. For example, it is noted that the Board's communication now more fully adheres to (Aberdeen City Council) Corporate Accessible guidelines. This is to assist persons with difficult reading, and those with visual impairment. The Board's meetings have been moved to rooms which are accessible to wheelchair users and persons with restricted mobility as there is a lift located close to the entrance to the building, which itself has wheelchair accessibility outside. These rooms also have a hearing loop facility for persons with hearing impairment who use hearing aid devices.

Officers have also placed mainstreaming of the equality duty as an item on the agenda of Licensing Board meetings, and have led and facilitated discussion of the Public Sector Equality Duty amongst the Board Members. They have explained its relevance to Licensing Board practice and how it should be made integral to all Licensing Board processes.

Similarly, at team meetings with the relevant officers who dealing with Licensing Board matters mainstreaming of the Public Sector Equality duty has also been explained and discussed, to ensure that all relevant officers are aware of the responsibility and are enacting mainstreaming in practice. Through the introduction of the Equalities and Human Rights Monitoring Questionnaires with all Licensing Board applications, and its availability online, the Board's officers have started to gather helpful equalities monitoring information, which assists them to make progress on mainstreaming the duty. Officers will now use existing data from applications to understand better the profile of licence holders and applicants in relation to the protected characteristics. This should also help provide relevant data that can be used to positively mainstream the duty by making appropriate amendments to Board procedure, and improve accessibility to under-represented groups.

It is the intention to place mainstreaming equality duty agenda items on Licensing Board meetings, Licensing Board officers' team meetings, and on the annual meeting between the Board and the Local Licensing Forum.

This is with the aim of maintaining and improving awareness of how to make the Public Sector Equality Duty integral to the Board's practice.

The Licensing Board's officers have all been made aware that if there are persons who cannot access Licensing Board services in the same manner as persons without a protected characteristic then they must seek to adapt practice, and facilitate such access.

The Licensing Board's Statement of Licensing Policy was reviewed and the new version was published on 30 November 2013.

As noted above the Board's statutory Statement of Licensing Policy sets out the policies that assist in the exercise of its functions under the Licensing (Scotland) Act 2005. During the formulation of this document an Equalities and Human Rights Impact Assessment was carried out. The Board considered the EHRIA and the licensing policy document before its introduction in November 2013. Paragraphs 2.4 – 2.6 thereof refer. It was clear from preparation of the new Statement of Licensing Policy that there was greater awareness of mainstreaming of the Public Sector Equality duty was in the consciousness of officers dealing with the policy review.

The Licensing Board also maintains good practice by utilising Equality and Human Rights Impact Assessment forms (EHRIA) when considering reports.

PART 11
ADVANCEMENT OF EQUALITY
CHAPTER 1
PUBLIC SECTOR EQUALITY DUTY

149 Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) tackle prejudice, and
 - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are—
 - age;
 - disability;

gender reassignment;
pregnancy and maternity;
race;
religion or belief;
sex;
sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to—

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.

(9) Schedule 18 (exceptions) has effect.

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