

LICENSING BOARD

ABERDEEN, 2 February 2016. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener; and Councillors Cameron, Carle, Copland, Donnelly, Grant, Lawrence, Townson and Yuill.

APPLICATION FOR A PREMISES LICENCE: JOE'S COFFEE HOUSE, ABERDEEN INTERNATIONAL AIRPORT

1. The Board had before it a letter of representation from the Chief Constable, Police Scotland, dated 08 January 2016 and a representation dated 04 January 2016 from Dyce and Stoneywood Community Council.

The Board heard Sergeant Flett speak in support of the police letter of representation and Bill Harrison speak to the objection by Dyce and Stoneywood Community Council.

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

The Board resolved:-

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

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

DECLARATION OF INTEREST

Councillor Copland declared an interest in article 2 as he had previously approached the Special Licensing Objections Sub-Committee about the application. He left the meeting room until the application was determined.

APPLICATION FOR A PROVISIONAL PREMISES LICENCE: ABERDEEN AIRPORT FILLING STATION, ARGYLL ROAD

2. As a preliminary point, Ruth O'Hare, Depute Clerk, advised the Board that premises used as a garage as defined in Section 123 of the Licensing (Scotland) Act 2005, are excluded premises, meaning that they cannot be used to authorise the sale of alcohol. However they are not to be considered excluded premises within the terms of the legislation if persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as a principal source of (a) petrol or derv, or (b) groceries.

Therefore, before considering the application the Board must decide whether the premises in question are excluded premises.

The applicant submitted a Customer Profiling Research Report dated December 2015 and this had been circulated to the members of the Board and to those persons who had submitted an objection or representation to the application.

The Board had before it a letter of objection from NHS Grampian dated 16 November 2015 and an objection from Dyce and Stoneywood Community Council dated 04 November 2015. Both parties had also submitted responses to the applicant's research

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report. There was also a letter of representation from the Council's Special Licensing Objections Sub-Committee dated 13 November 2015.

Heather Wilson, NHS Grampian, spoke in support of the objection from the NHS and Bill Harrison addressed the Board on behalf of the Community Council.

Thereafter Mr Hunter, Solicitor, spoke on behalf of the applicant. He contested that the premises were not excluded premises as the research report clearly showed that persons resident in the locality in which the premises are situated are reliant to a significant extent on the premises as the principal source of (a) petrol or derv, or (b) groceries. Mr Hunter referred the Board to Figure 9 in the report, which showed that 69% of persons in the locality treat the premises as their principal source of either fuel or groceries and would consider themselves materially disadvantaged if the facilities were no longer available.

Mr Hunter advised the Board that the premises is a petrol station with a convenience store attached and was acquired by his client in 2013. It has recently been upgraded and the sale of alcohol is to supplement the convenience element of the business. Pricing would be higher than at supermarkets and it was his view that NHS Grampian had failed, in its objection, to demonstrate a causal link between the sale of alcohol at the premises and public health.

The Board resolved:-

- (1) that the premises were not excluded premises and they granted the application subject to the following local condition:-
 - (i) the installation of a CCTV system to the standard as set out in the Board's Statement of Licensing Policy.
- (2) to write to the Scottish Government seeking a review of the legislation on excluded premises.

APPLICATION FOR A PROVISIONAL PREMISES LICENCE: 54-70 SCHOOLHILL

3. Mr Graham, Solicitor, addressed the Board in support of the application for a provisional premises licence for a hotel on the site of the former RGU building on Schoolhill.

The Board resolved:-

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

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

APPLICATION FOR A PROVISIONAL PREMISES LICENCE: PROPOSED FARMHOUSE INN, ABZ BUSINESS PARK, INTERNATIONAL AVENUE, DYCE

4. By way of preliminary points Mr Grunert, Solicitor, confirmed that his client:-

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- (i) accepted the proposal that the use of the outdoor drinking facilities would cease at 22:00 hours; and
- (ii) agreed to amend the terms of access for young persons so that they would need to order food when using the restaurant unaccompanied between 07:00 and 21:00 hours.

Thereafter Police Scotland, NHS Grampian and the Community Council withdrew their letters of representation.

The Board resolved:-

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

- (1) Drugs Policy as set out in the Board's Statement of Licensing Policy.
- (2) The consumption of alcohol in the external drinking facility shall not be permitted after 22:00hrs daily."

APPLICATION FOR A PROVISIONAL PREMISES LICENCE: SCOTCH BONNET BISTRO, UNIT 2, JESMOND DRIVE

5. As a preliminary point Mr Macdonald, Solicitor, advised the Board that his client was amending the application to prohibit unaccompanied children from using the mezzanine level.

Heather Wilson then withdrew the NHS letter of representation.

Thereafter Mr Macdonald addressed the board in support of the application.

The Board resolved:-

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

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

APPLICATION FOR A PROVISIONAL PREMISES LICENCE: TORTILLA, UNIT FS11, FIRST FLOOR MALL, UNION SQUARE

6. As a preliminary point, Mr Wood, Solicitor, confirmed that his client had amended the operating plan, so that children under 14 years of age must be accompanied by an adult after 20:00 hours.

Sergeant Flett then withdrew the police letter of representation.

Thereafter Mr Wood addressed the Board in support of the application.

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The Board resolved:-

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

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

APPLICATION FOR VARIATION OF A PREMISES LICENCE: BYRON HAMBURGERS, UNIT FS15, FIRST FLOOR MALL, UNION SQUARE

7. The Board had before it a letter of representation from the Chief Constable, Police Scotland, dated 28 December 2015 and heard Sergeant Flett speak in support of the letter which recommended that children under 14 years should be accompanied by an adult after 20:00 hours.

Thereafter, Ms Walker, Solicitor, addressed the Board in support of the application. She asked that it be noted that her client was removing live performances from the operating plan as this was not required. She then advised the Board that the restaurant is child friendly, has no bar area and drinks are by waitress service only. Her client was therefore seeking the granting of the application without the restriction proposed by the police.

The Board resolved:-

to grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: CINEWORLD CINEMA, QUEEN'S LINKS LEISURE PARK

8. As a preliminary point Mr Hassard, Solicitor stated that his client had amended proposed conditions (e) and (f) following observations submitted by NHS Grampian.

Heather Wilson then withdrew the NHS letter of representation.

The Board had before it a letter of representation from Police Scotland dated 28 December 2015 and heard Sergeant Flett speak in support of the letter.

The Board resolved:-

to grant the application subject to the imposition of the 14 local conditions (as amended) proposed by the applicant.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: DAVID LLOYD CENTRE, GARTHDEE ROAD

9. Mr Grunert, Solicitor, addressed the Board in support of the application, which was seeking to allow members entry to the premises from 05:30 hours and to allow children and young persons entry until 22:00 hours.

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The Board resolved:-

to grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: HUNTER HALL, CRAIBSTONE ESTATE, BUCKSBURN

10. The Board had before it a letter of representation from Dyce and Stoneywood Community Council dated 04 January 2016. No one was present to speak in support of the letter.

Mrs Bruce, SRUC, addressed the Board in support of the application, which was to address some anomalies in the operating plan following a visit by the Licensing Standards Officer.

The Board resolved:-

to grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: THE BOBBIN, 500 KING STREET

11. The Board had before it a letter of representation from Police Scotland dated 29 December 2015, a representation from the LSO dated 08 January 2016 and a letter of representation from NHS Grampian dated 07 January 2016.

The Board heard Sergeant Flett speak to the police letter of representation, Diane Sande speak to the LSO Memo and Heather Wilson speak in support of the NHS letter of representation.

Thereafter, Ms Junner, Solicitor, addressed the Board in support of the application. She stated that the premises had recently undergone a significant refurbishment with more emphasis being placed on the food element of the business and her clients were therefore seeking to allow children and young persons entry to the premises. She advised the board that her client was willing to amend the application so that both children and young persons and the accompanying adult must be consuming a light refreshment or meal.

The Board resolved:-

to grant the application as amended.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: TRIPLE KIRKS (UPPER FLOOR) (EXODUS), SCHOOLHILL

12. Ms Junner, Solicitor, addressed the Board in support of the application which was seeking an increase in capacity following a recent fire risk assessment.

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The Board resolved:-
to grant the application.

APPLICATION FOR A PERSONAL LICENCE

13. The Board was advised that the application had been withdrawn.

- **COUNCILLOR MARIE BOULTON,Convener**