

LICENSING BOARD

ABERDEEN, 10 May 2016. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener; and Councillors Carle, Grant, Lawrence, Cameron, Copland, Townson, Donnelly and Yuill.

APPLICATION FOR THE GRANT OF A PREMISES LICENCE: DESERVE RESTAURANT, 25 CROWN TERRACE

1. The Board was advised that this item had been deferred from the meeting held on 22 March 2016.

The Board had before it a letter of objection dated 26 February 2016 from the Chief Constable, Police Scotland which Sergeant Flett had spoken in support of at the previous meeting.

The Board was advised that a decision on whether to hear from Sergeant Flett again should be considered a procedural motion.

Councillor Townson moved to hear again from Sergeant Flett. Councillor Donnelly moved as an amendment not to hear further.

On a division there voted for the motion (6) Councillors Cameron, Carle, Copland, Grant, Lawrence, Townson and Yuill; for the amendment (2) The Convener and Councillor Donnelly.

The Board resolved:-
to adopt the motion.

The Board heard Sergeant Flett speak in support of the letter of objection.

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

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 licence will not come into effect until it is transferred to Deserve Restaurant Limited

APPLICATION FOR TRANSFER OF A PREMISES LICENCE: DESERVE RESTAURANT, 25 CROWN TERRACE

2. The Board heard Mr Dawson, Solicitor, speak in support of the application.

The Board resolved:-
to grant the application.

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**APPLICATION FOR A PROVISIONAL PREMISES LICENCE: MILLER & CARTER,
26 - 38 UNION STREET**

3. By way of preliminary points Miss Junner, Solicitor advised the Board that her client (i) agreed to the imposition of a local condition in respect of the Drugs Policy and (ii) was amending the application to the effect that young persons must be accompanied by an adult after 22:00 hours.

The LSO then withdrew her letter of representation.

The Board then heard Sergeant Flett speak to the Chief Constable's letter of representation dated 20 March 2016.

Thereafter Miss Junner, Solicitor, addressed the Board in support of the application.

The Board resolved:-

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

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

**APPLICATION FOR VARIATION OF A PREMISES LICENCE: DUSK, 10 BON-
ACCORD SQUARE**

4. The Board had before it a letter of objection dated 23 March 2016 from The Secretary, Northern Arts Club. No one was present to speak in support of the objection.

The Board heard from Mr Dawson, Solicitor, who explained that his client was seeking to remove the restriction that prevented customers purchasing off-sales on the premises.

The Board resolved:-

to grant the application.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE: KITTYBREWSTER
BAR, 69 POWIS TERRACE**

5. The Board was advised that the applicant had failed to display a notice at the premises stating the terms of the variation sought.

In the absence of the applicant,

The Board resolved:-

to defer consideration of the application to its next meeting to allow the applicant to display a notice.

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APPLICATION FOR VARIATION OF A PREMISES LICENCE: 66 GARTHDEE DRIVE

6. The Board had before it a letter of objection dated 24 March 2016 from NHS Grampian and heard Mrs Wilson speak in support of the letter.

Thereafter the Board heard Mr Dawson, Solicitor, speak in support of the application. He advised the Board that his client was seeking to refurbish and extend the premises.

The Convener moved to refuse the application on the ground of the licensing objective of protecting and improving public health.

Councillor Townson moved as an amendment to grant the application.

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

The Board resolved:-

to adopt the amendment.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: NICK NAIRN COOK SCHOOL, 15 BACK WYND

7. The Board had before it a representation in support of the application from the City Centre Community Council.

The Board heard Mrs Hood, Solicitor, speak in support of the application which was seeking to introduce a café/fine dining area on the premises.

The Board resolved:-

to grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: NISA LOCAL, 67 HAYTON ROAD

8. The Board had before it a letter of objection dated 24 March 2016 from NHS Grampian and heard from Mrs Wilson who spoke in support of the letter.

Thereafter Mr Dawson, Solicitor addressed the Board in support of the application. He explained that his client was seeking to add to the alcohol display area and change the terminal hour for the sale of alcohol to 22:00 hours daily.

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Councillor Yuill moved to grant all aspects of the variation with the exception of the change to the terminal hour.

Councillor Townson moved as an amendment to grant the application.

Councillor Cameron moved as a further amendment to grant all aspects of the variation with the exception of the increase in area used for the display of alcohol.

There being a motion and two amendments the Board first divided between the amendment by Councillor Townson and the amendment by Councillor Cameron.

On a division there voted for the amendment by Councillor Townson (5) Councillors Carle, Copland, Donnelly, Lawrence and Townson; for the amendment by Councillor Cameron (3) The Convener and Councillors Cameron and Grant.

Declined to vote (1) Councillor Yuill.

The Board then divided between the motion and the amendment by Councillor Townson.

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

The Board resolved:-

to adopt the amendment by Councillor Townson.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: OLD BLACKFRIARS, 52 CASTLEGATE

9. As a preliminary point, Mrs Harrison, Legal Adviser, informed the Board that the applicant had been displaying a notice inside the premises rather than outside and there had been insufficient time to display another before the Board met.

The Board resolved:-

to defer consideration of the application to its next meeting to allow the applicant to display a notice.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: PIZZA HUT, QUEEN'S LINKS LEISURE PARK

10. Mr Wood, Solicitor, addressed the Board in support of the application which was seeking to allow customers to partake of an alcoholic beverage without having to consume a meal.

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The Board resolved:-

to grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: SALTOUN ARMS, 69 FREDERICK STREET

11. The Board had before it three letters of objection from nearby residents. None of the objectors were present.

The Board then heard Mr Latosev speak in support of the application to open until midnight Sunday to Thursday and open from 10:00 hours Friday and Saturday.

The Board resolved:-

to grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: THE JUSTICE MILL, 425 UNION STREET

12. The Board had before it a letter of objection dated 21 April 2016 from NHS Grampian and heard Mrs Wilson speak in support of the objection.

Thereafter the Board heard from Mr McIver, Solicitor, who spoke in support of the application which was seeking to remove the requirement to provide door supervisors Sunday to Thursday.

The Board resolved:-

to grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE: THE MOUNTHOOLY SPORTS BAR, 70 HUTCHEON STREET

13. As a preliminary point Mrs Hood, Solicitor, confirmed that her client was withdrawing that part of the application that was seeking a terminal hour of 01:00 hours Friday and Saturday and was amending the terms of entry for children so that they would partake of a meal or snack.

The Board had before it a letter of objection dated 29 March 2016 from the Chief Constable, Police Scotland, a representation from the LSO dated 30 March 2016 and a letter of objection dated 24 March 2016 from NHS Grampian.

The Board heard Sergeant Flett speak to the police letter of objection. Mrs Sande advised the Board that she was withdrawing the LSO representation and Mrs Wilson withdrew the objection by NHS Grampian.

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The Board resolved:-

to grant the application on proviso that both the children or young persons and the adult were consuming a meal.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE: THE PITODRIE BAR,
339 KING STREET**

14. The Board heard Mr Stewart, Solicitor, speak in support of the application to remove some fixed seating and add bar meals.

The Board resolved:-

to grant the application.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE: PICCOLINO, 176
KING STREET**

15. The Board heard Mr Dawson, Solicitor, speak in support of the application which was to remove the local condition restricting the sale of alcohol to wine.

The Board resolved:-

to grant the application.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE: UNIT 1, THE
ACADEMY, BELMONT STREET**

16. As a preliminary point Mrs Harrison, Legal Adviser, advised the Board that the late objection from Environmental Health had been withdrawn.

The Board had before it a letter of objection from NHS Grampian dated 24 March 2016 and a representation from the City Centre Community Council.

Mrs Wilson spoke in support of the objection from NHS Grampian. There was no representative from the Community Council in attendance.

Thereafter the Board heard Mr McIver, Solicitor, speak in support of the application which was to extend and refurbish the premises which would operate as a Cuban themed restaurant.

The Board resolved:-

to grant the application.

APPLICATION FOR A PERSONAL LICENCE: AC4448

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17. The Board had before it a notice in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005 dated 18 February 2016, submitted by the Chief Constable, Police Scotland. Sergeant Flett spoke in support of the notice.

Thereafter the Board heard from the applicant

The Board resolved: -
to grant the application.

PERSONAL LICENCE REVIEW HEARING: AC3500

18. Mrs Harrison, Legal Adviser, informed the Board that the licence holder was employed as a premises manager in Aberdeenshire and the matter would therefore be remitted to Aberdeenshire Licensing Board.

PERSONAL LICENCE REVIEW HEARING: AC3016

19. In the absence of the applicant,

The Board resolved: -
to defer consideration of the application to its next meeting for a personal appearance.

PREMISES LICENCE REVIEW PROPOSALS AND REVIEW HEARINGS

20. The Board had before it a notice in terms of section 44(4)(b) of the Licensing (Scotland) Act 2005.

The Board resolved: -
to make premises licence review proposals in respect of premises licences AC0136 – Aldi, Beach Boulevard and AC0335 – The Co-operative Food, Forresterhill Road and thereafter proceeded to hold the premises licence review hearings.

The Board agreed to Mrs Loudon, Solicitor for the licence holders, distributing a written submission.

Sergeant Flett spoke to the police notice dated 04 April 2016.

Thereafter the Board heard from Mrs Loudon on behalf of Aldi Stores Limited.

The Board resolved: -
to take no further action in respect of premises licences AC0136 and AC0335.

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HER MAJESTY THE QUEEN'S 90TH BIRTHDAY - REPORT ON GENERAL EXTENSION OF LICENSED HOURS

21. The Board had before it a report by the Clerk to the Board asking it to give consideration as to whether it is appropriate to make a determination to extend the licensed hours on 10th and 11th July for the Queen's 90th birthday celebrations.

The report recommended that:-

- (1) the Board consider if the Queen's 90th Birthday is an event of national significance and
- (2) if the Board considers it appropriate to do so make a determination extending the licensed hours for all "on consumption" premises with the exception of casinos, who adhere to the maximum of 14 hours continuous trading in any 24 hour period, as per the Licensing Boards Statement of Licensing Policy, paragraph 20.6, by 1 hour beyond the terminal hour on Friday 10 and Saturday 11 June 2016 and instructs the Clerk to the Licensing Board to carry out the necessary statutory procedures.

The Board resolved: -

That the Queen's 90th birthday is an event of national significance and therefore adopted recommendation 2.

- **COUNCILLOR MARIE BOULTON, Convener**