

# Public Document Pack



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

Town House,  
ABERDEEN 26 August 2016

## LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 6 SEPTEMBER 2016 at 10.30 am.**

**FRASER BELL**  
CLERK TO THE LICENSING BOARD

### **B U S I N E S S**

- 1 List of Applications (Pages 3 - 8)
  - 1.1 Application for Provisional Premises Licence - The Tivoli Theatre, 34-38 Guild Street, Aberdeen (Pages 9 - 18)
  - 1.2 Application for Provisional Premises Licence - Ground Floor 244 King Street, Aberdeen (Pages 19 - 28)
  - 1.3 Five Guys, Unit 2, 1-7 St Nicholas Street, Aberdeen (Pages 29 - 32)
  - 1.4 Application for Premises Licence - Haigs Food Hall, 45-51 Schoolhill, Aberdeen (Pages 33 - 40)
  - 1.5 Application for Premises Licence - The Hub, (Ground Floor) University of Aberdeen, Elphinstone Road, Aberdeen (Pages 41 - 58)
  - 1.6 Application for Variation of a Premises Licence, Abergeldie Bar, 504 Holburn Street, Aberdeen (Pages 59 - 60)

- 1.7 Application for Variation of a Premises Licence - Central Bar, 415 Great North Road, Aberdeen (Pages 61 - 62)
- 1.8 Application for Variation of Premises Licence - Club Tropicana, 74 Chapel street, Aberdeen (Pages 63 - 74)
- 1.9 Application for Variation of a Premises Licence - Holiday Inn, Claymore Drive, Bridge of Don, Aberdeen (Pages 75 - 76)
- 1.10 Application for Variation of a Premises Licence - Newhills Bowling Club, Wateron Road, Aberdeen (Pages 77 - 78)
- 1.11 Application for Variation of a Premises Licence - The Foundry, 43 Holburn Street, Aberdeen (Pages 79 - 84)
  
- 2 Application for a Personal Licence: AC4679 (Pages 85 - 86)
  
- 3 Personal Licence Review Hearing: AC3016 (Pages 87 - 88)
  
- 4 Premises Licence Review Proposal and Review Hearing - Tesco Stores Ltd (Pages 89 - 90)

Should you require any further information about this agenda, please contact Arlene Dunbar, e-mail [ardunbar@aberdeencity.gov.uk](mailto:ardunbar@aberdeencity.gov.uk) or tel. 01224 523411 or Karen Gatherum, email [kgatherum@aberdeencity.gov.uk](mailto:kgatherum@aberdeencity.gov.uk) or tel. 01224 522462

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## ABERDEEN CITY LICENSING BOARD

Meeting 6 September 2016 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

### Licensing (Scotland) Act 2005

#### Provisional(s)

	Premises	Applicant	Date Received	Comments
1	THE TIVOLI THEATRE 34-48 GUILD STREET ABERDEEN AB11 6NB	THE TIVOLI THEATRE COMPNAY LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	18 July 2016	On sales 11:00 to 01:00 Young people and children accompanied Conference facilities, bar meals, receptions, club meetings, recorded music, live performances, dance facilities, theatre, films, gaming, indoor and outdoor sports, televised sport, adult entertainment, private functions, corporate events
2	GROUND FLOOR 244 KING STREET ABERDEEN AB24 5BW	WILLIAM TREW WEST C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	31 May 2016	Off-Consumption; Monday to Sunday 10:00 to 22:00 and recorded music. Sale of cigars, specialist tobacco and associated products alongside the sale of specialist whiskies and craft beer. The sale of coffee products and gentlemen's accessories (shaving products and similar)

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**ABERDEEN CITY LICENSING BOARD**

**Meeting 6 September 2016 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

Provisional(s)

**Premises**

**Applicant**

**Date Received**

**Comments**

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3 FIVE GUYS  
UNIT 2  
1-7 ST NICHOLAS STREET  
ABERDEEN  
AB10 1HE

FIVE GUYS JV LIMITED  
C/O BRODIES LLP  
SOLICITORS  
15 ATHOLL CRESCENT  
EDINBURGH  
EH3 8HA

15 July 2016

Restaurant with receptions,  
club meetings, recorded music  
and takeaway facilities.  
Children permitted during  
opening hours. On consumption  
hours Monday to Sunday 10:00  
to 00:00 and  
Off-Consumption  
10:00 to 22:00.

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## ABERDEEN CITY LICENSING BOARD

Meeting 6 September 2016 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

### Licensing (Scotland) Act 2005

#### New Grant(s)

	Premises	Applicant	Date Received	Comments
4	HAIGS FOOD HALL 45-51 SCHOOLHILL ABERDEEN AB10 1JT	JULIE HAIG & JAMES HAIG	7 July 2016	Off-Consumption; Monday to Saturday 10:00 to 20:00 and Sundays 10:00 to 17:00
5	THE HUB (GROUND FLOOR) UNIVERSITY OF ABERDEEN ELPHINSTONE ROAD ABERDEEN AB24 3TU	UNIVERSITY OF ABERDEEN	13 July 2016	Licensed area contains café bar area, information service desks, meeting spaces, pc access facilities, shop, food outlet and international student area. On-consumption 11:00 - 23:00 (24:00 for functions only) - offering conference facilities, receptions, club meetings recorded music, live performances, dance facilities, films and televised sports. Children and young persons to be admitted access at all times the premises are open. Children are to be accompanied by an adult.

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## ABERDEEN CITY LICENSING BOARD

Meeting 6 September 2016 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

### Licensing (Scotland) Act 2005

#### Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
6	ABERGELDIE BAR 504 HOLBURN STREET ABERDEEN AB10 7LY	SPIRIT PUB COMPANY (LEASED) LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	13 June 2016	Amendment to the commencement of core hours on a Sunday from 12:30 to 11:00 for both on and off consumption.
Page 6	CENTRAL BAR 415 GREAT NORTHERN ROAD ABERDEEN AB24 2EU	SPIRIT PUB COMPANY (LEASED) LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	13 June 2016	Amendment to the commencement of core hours on a Sunday from 12:30 to 11:00 for both on and off consumption.
8	CLUB TROPICANA 74 CHAPEL STREET ABERDEEN AB10 1SN	PRIVATE DANCER LIMITED	22 June 2016	Allow to children and young persons access to the premises for under 18 events. Amendment to the commencement of on sale hours on Sunday to Thursday from 18:00 to 13:00 and on Friday and Saturdays from 18:00 to 15:00.
9	HOLIDAY INN CLAYMORE DRIVE BRIDGE OF DON ABERDEEN AB23 8GD	EUROPEAN DEVELOPMENT COMPANY (BRIDGE OF DON HOTEL) LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	18 July 2016	Alterations to location of bar servery and to the restaurant to incorporate a buffet area as part of an overall refurbishment of the hotel.

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## ABERDEEN CITY LICENSING BOARD

Meeting 6 September 2016 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

### Licensing (Scotland) Act 2005

#### Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
10	NEWHILLS BOWLING CLUB WATERTON ROAD BUCKSBURN ABERDEEN AB21 9HS	NEWHILLS BOWLING CLUB C/O JANET HOOD CONSULTING KIRKTON OF BALFOUR EDZELL BRECHIN ANGUS DD9 7XU	2 June 2016	Add seasonal variations, conference facilities, restaurant facilities, bar meals and Theatre. Addition of receptions televised sports and recorded music out with core hours (already permitted during core hours). Amendments to layout plan including removal of fixed seating.
11	THE FOUNDRY 43 HOLBURN STREET ABERDEEN AB10 6BR	STONEGATE PUB COMPANY LIMITED C/O MILLER SAMUEL HILL BROWN LLP RWF HOUSE 5 RENFIELD STREET GLASGOW G2 5EZ	18 July 2016	Varying the core hours on Friday and Saturday from 11:00 - 01:00 to 12:00 -02:00 for on consumption; vary commencement of off consumption hours on Friday and Saturday from 11:00 to 12:00, add receptions, club meetings and dance facilities as activities and variation of layout plan to show dance floor.

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## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** PROVISIONAL PREMISES LICENCE

**PREMISES:** TIVOLI Theatre, 34 -48 Guild Street,

### DESCRIPTION

- Theatre
- On sales 11:00 - 01:00
- Young Persons and Children accompanied
- Conference facilities, bar meals, receptions, club meetings, recorded music, live performances, dance facilities, theatre, films, gaming, indoor and outdoor sports, televised sports adult entertainment.
- Private Functions and corporate events.

### OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian
- LSO

### 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.

#### Adult Entertainment

A register of performers must be maintained and kept up to date. The register will (a) include (i) the name, address, date and place of birth, nationality and a current passport sized photograph (ii) in the case of foreign nationals, the passport number and country of origin and (b) be made available for inspection by the Police and/or the Licensing Standards Officer.

#### 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.

#### LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

28.1 The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate

children and families. In determining any such application the risk of harm to children will be paramount.

28.2 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time as recognising that parents and other adults accompanying children also have responsibilities.

28.4 -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.

## **16 ADULT ENTERTAINMENT**

The Board is concerned at the growth of premises offering adult entertainment in the city. Applicants should be aware of the statutory definition of adult entertainment contained in SSI 2007/336 (1) (2)(a) and (b). The Board reserves the right to give this provision a wide interpretation.

The Board will particularly expect applicants who propose to offer adult entertainment to give consideration to the promotion of the licensing objectives, in particular those relating to the protection of children, the prevention of crime and disorder and the prevention of public nuisance.

Where premises licence applications include adult entertainment in the planned activities, the Board will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other places where significant numbers of children or young people are likely to congregate. The Board however is mindful that any decision must relate to the sale of alcohol and the licensing objectives.

The Board recognises the potential for exploitation, abuse and human trafficking

associated with the sex industry. With that in mind, the Board will add local conditions to the effect that those who operate premises providing adult entertainment must maintain a register of performers, including their date of birth and address and a photograph and make this available at any time for the Police to inspect without warrant.

The Board will expect licence holders to ensure that performers, while outside the premises smoking, do not cause a nuisance to neighbouring residents, businesses and/or the public.

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18 August 2016

Your Ref:

Our Ref: 160226

Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6 L1S  
Marischal College, Broad Street  
Aberdeen  
AB10 1AB



**POLICE  
SCOTLAND**

Keeping people safe

Philip Gormley QPM  
Chief Constable

North East Division  
Queen Street  
Aberdeen  
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A  
PROVISIONAL PREMISES LICENCE  
THE TIVOLI THEATRE, 1 TRINITY STREET, ABERDEEN, AB11 6NB  
THE TIVOLI THEATRE COMPANY LIMITED, 1 TRINITY STREET, ABERDEEN,  
AB11 6NB**

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.

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

The operating plan which accompanies the application, in its current form, indicates that the premises will have a terminal hour of 0100. The operating plan also indicates that the premises will provide adult entertainment, although no further detail in this regard has been provided.

'Adult Entertainment' is defined in The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 as: 'any form of entertainment which-

- (a) involves a person performing an act of an erotic or sexually explicit nature;
- and
- (b) is provided wholly or mainly for the sexual gratification or titillation of the audience.'

The Aberdeen City Licensing Board Statement of Licensing Policy 2013-2016, at 16.6, provides a local condition that, the Policy states, will be attached to all premises which offer adult entertainment.

It may be the case that the entertainment to be provided at the premises does not fall into the definition as detailed above, however, if that is the intention of the applicant that adult entertainment is to be provided, the Chief Constable makes representation that child and young persons will not be present on the premises when such entertainment takes place.

The operating plan further indicates that children and young persons are to be permitted access at all times the premises are open and operating.

In respect of children who are accompanied by a person aged 18 or over, and who are attending a private function until 0100 hours, I have no adverse comment to make.

In respect of children's access in circumstances other than a private function, on the Chief Constable's behalf and in terms of Section 22(1)(b)(ii) of the Act, I recommend that the operating plan be modified to reflect that accompanied children who are attending a performance are not permitted access after 2200 hours or, in the case of any performance that ends beyond that time, children will not remain on the premises after the conclusion of said performance. Young persons may remain on the premises until 0100 hours provided they are accompanied by an adult aged 18 years or over.

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

Yours faithfully

Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01224 306472

Date 18<sup>th</sup> August 2016  
Enquiries to 01224 557047  
Our Ref 20161120  
Email: [grampian.phalcohollicensing@nhs.net](mailto:grampian.phalcohollicensing@nhs.net)

Ms Ruth O'Hare  
Solicitor  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6, Level 1 South,  
Marischal College, Broad Street  
Aberdeen AB10 1AB

Dear Ms O'Hare

**Licensing (Scotland) Act 2005 – Application for a Provisional Premises Licence  
The Tivoli Theatre, 1 Trinity Street, Aberdeen, AB11 6NB**

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

**Protecting and Improving Public Health.**

The Tivoli Theatre has applied for a Provisional Premises License. The main focus of the premises will be theatrical productions and entertainment with bar meals provided. Private functions and conferences are also included in the mix. I am not aware that there are plans for bar meals to be served after performances have finished or that any corporate functions are planned.

Whilst we do not wish to object to the application for a license for this premises there is a concern that the requirement to open every evening until 01:00 is perhaps un-necessary. I am aware that similar establishments, e.g. HM Theatre and The Music Hall each have a license which operates from 11:00 until 24:00. I would suggest that The Tivoli Theatre also adopt these opening hours and would ask that the Licensing Board take this into consideration when reviewing the application or that The Tivoli Theatre Company amend their Operating Plan.

The Scottish Public Health Observatory (ScotPHO) Health & Wellbeing Profiles for Aberdeen City<sup>1</sup> identify Alcohol related hospital stays as being “statistically significantly worse” than the National average.

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<sup>1</sup> <https://scotpho.nhs.uk/scotpho/homeAction.do>

ScotPHO<sup>2</sup> data also identifies that the Aberdeen City alcohol related death rates have remained essentially stable, in contrast to Scotland's falling rate.

NHS Grampian are of the opinion that any action to limit the availability of alcohol will impact positively on the health and wellbeing of the Aberdeen City population.

For these reasons, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this representation 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

Dr Tara Shivaji  
Consultant in Public Health

Heather Wilson  
Health Improvement Officer (Alcohol & Drugs)

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<sup>2</sup> <http://www.scotpho.org.uk/>



# MEMO

Environmental Health and Trading Standards

**Communities, Housing and Infrastructure**

Business Hub 15 ,3<sup>rd</sup> Floor South ,Marischal College



**ABERDEEN**  
CITY COUNCIL

To	Ruth O'Hare, Litigation & Licensing , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College		
From	Diane Sande		
Email	dsande@aberdeencity.gov.uk	Date	17 <sup>th</sup> August 2016
Tel.	01224 522541	Our Ref.	11643/LSO/DBS/AMG
Fax.	01224 523887	Your Ref.	

## **Licensing (Scotland) Act 2005**

### **Application for Provisional Premises License**

**Address: The Tivoli Theatre, 1 Trinity Street, Aberdeen, AB11 6NB**

**Applicant: The Tivoli Theatre Company Limited**

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

With regard to the operating plan, I note that conferences may be held outwith core licensed hours. I would recommend that the applicant consider if other activities may be offered outwith core hours alongside conference facilities.

Regarding adult entertainment, the applicant advised that this was in connection with adult humour comedy shows. The LSO view would be that this form of entertainment may not fall within the classification of adult entertainment as such and, subject to legal advice, this activity may not be a required category within the operating plan.

Regarding Children and young persons access, could the applicant clarify the access terms specifically for the bar areas ie would children and young persons be allowed accompanied access to the bar areas or no access at all?

In relation to other public access areas, I would recommend that the current terms be expanded to allow for all situations when children and young persons may access the premises for example :

private functions, matinee performances of the pantomime, ( where it may be feasible for unaccompanied children and young persons (depending on age, maturity and discretion of the theatre management team) to access the premises at certain times or for certain categories of performances.

Alternatively, for adult comedy shows, the theatre may wish to impose restrictions on access for children and young persons, depending on the format of performances/events at the management discretion.

This memo is submitted for your attention when considering the application

Diane Sande  
Licensing Standards Officer

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## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** PROVISIONAL PREMISES LICENCE

**PREMISES:** GROUND FLOOR, 244 KING STREET, ABERDEEN

### DESCRIPTION

- Specialist tobacconist with sale of specialist whiskies and craft beer
- Alcohol to be sold for consumption off the premises
- Licensed Hours 10:00 to 22:00 Monday to Sunday
- Sale cigars, specialist tobacco and coffee products and gentlemen's accessories.

### OBJECTIONS/REPRESENTATIONS

- NHS
- Objections x 3

### 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)

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Date 18<sup>th</sup> August 2016  
Enquiries to 01224 557047  
Our Ref 20161121  
Email: [grampian.phalcohollicensing@nhs.net](mailto:grampian.phalcohollicensing@nhs.net)

Ms Ruth O'Hare  
Solicitor  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6, Level 1 South,  
Marischal College, Broad Street  
Aberdeen AB10 1AB

Dear Ms O'Hare

**Licensing (Scotland) Act 2005 – Application for a Provisional Premises Licence  
244 King Street, Aberdeen, AB24 5BW**

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

**Protecting and Improving Public Health.**

This store has applied for a Provisional Premises License. The main focus of this shop will be the sale of cigars, specialist tobacco and associated products (not cigarettes) alongside the sale of specialist whiskies and craft beers. Also included is the sale of coffee products and gentlemen's accessories which are identified as shaving products and similar.

The Scottish Public Health Observatory (ScotPHO) Health & Wellbeing Profiles for Aberdeen City<sup>1</sup> identify Alcohol related hospital stays as being "statistically significantly worse" than the National average.

ScotPHO<sup>2</sup> data also identifies that the Aberdeen City alcohol related death rates have remained essentially stable, in contrast to Scotland's falling rate.

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<sup>1</sup> <https://scotpho.nhsnss.scot.nhs.uk/scotpho/homeAction.do>

<sup>2</sup> <http://www.scotpho.org.uk/>

I appreciate that this is a specialist shop which is not intending to sell cheap alcohol and will be attracting a clientele who will be attracted by the specialist nature of the products stocked and not necessarily used by local residents.

I am aware that there are a number of traditional licensed premises in the immediate vicinity of this store and have detailed addresses below.

<b>Address</b>	<b>Distance from 244 King Street</b>	<b>Walking time from 244 King Street</b>
The King Street Shop, 148 King Street	0.19 kilometres	3 minutes
Dobry, 176 King Street	0.14 kilometres	2 minutes
Wilson's Newsagent, 226 King Street	0.03	Less than 1 minute
A & C Smart, 314 King Street	0.17 kilometres	2 minutes
Morrisons, 215 King Street	0.14 kilometres	2 minutes
74 Urquhart Road	0.3 kilometres	4 minutes
91 Urquhart Road	0.56 kilometres	7 minutes
Keystone Express, Summerfield Terrace	0.44 kilometres	6 minutes
Brunswick Stores, 20 Beach Boulevard	0.68 kilometres	8 minutes

As you can see from this list there is an abundance of stores already selling alcohol in this area. I would ask that the Licensing Board consider applying the following condition when considering this application.

1. This premises restricts its alcohol stock to specialist whiskies and craft beers as described in the Operating Plan.

For these reasons, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this representation 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

Dr Tara Shivaji  
Consultant in Public Health

Heather Wilson  
Health Improvement Officer (Alcohol & Drugs)

## Licensing

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**From:** SPENCE Ian [REDACTED]  
**Sent:** 02 August 2016 16:54  
**To:** Licensing  
**Subject:** Ref - AJD.DM.A22261.1 - Contact Daisy Roberts

Dear Sir/Madam,

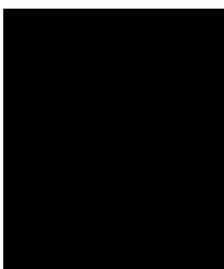
I write on behalf of my mother, Mrs Isabella Spence, [REDACTED], in connection with the above referenced letter advising of an application relating to a licence for property at 244 King Street, Aberdeen AB24 5BW, for activities offering alcohol for consumption off the premises and offering recorded music. I would like to lodge the under noted objection on behalf of my mother who is an elderly adjacent resident:

1. The immediate area is currently well served with establishments offering the same products and services and the introduction of yet another establishment, with the attendant traffic of visiting vehicles and footfall from 10am until 2200 hours in the evening, only adds to the inconvenience for residents in terms of additional noise in this mainly residential area.
2. Public Safety – the invariable increase in traffic stopping and taking off from the kerbside brings additional pedestrian/vehicular safety issues in an already notoriously dangerous road with many road traffic collisions, many involving pedestrians, some with a fatal outcome – this development would only add to this risk
3. Public Nuisance – off licences typically, often attract people purchasing alcohol who are already under the influence of alcohol, the introduction of yet another outlet encouraging the footfall of this group would only detract from the general amenity of the area, be a nuisance to the local residents living above and across from the premises (who are significant in number) and would not enhance the living environment, but significantly detract from it.
4. I would suggest that the area is sufficiently well served by similar establishments and the addition of another, with the negative impact for the people who live in close quarters to it, many are elderly, and would therefore not be an enhancement to the amenity of the area but an unwelcome introduction that does nothing to enhance the lives of those in the local community.

I hold welfare power of attorney for my mother, please advise if you require a copy of this in respect of this representation and in the meantime I look forward to your reply and hopefully a decision by the council that will have the interests of public safety, local amenity and quality of environment/life at their heart, rather than enterprise.

Yours faithfully

Ian Spence



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Mrs M Henderson



10/07/2016

**Objection to Application for licence to sell alcohol**  
**244 King Street Aberdeen AB24 5BW**

I am writing to object to the request for a license to be granted for the shop at 244 King Street Aberdeen AB24 5BW. There is already overprovision of premises selling alcohol in close proximity to the shop concerned.

There are 4 shops and a supermarket selling alcohol (one is a 24 hour shop) within 2 minutes walking distance from the shop requesting the license. This specialist shop as it is described is to offer free tasting this only encourages drinking. NHS Grampian and Aberdeen City Council are trying to encourage sensible eating and drinking limits. We are trying to improve and protect public health this only offers temptation to people who at times have no willpower to resist.

There are many people in this area with alcohol problems who are a public nuisance to local residents by begging money or staggering about the pavement. Drinking outside in this area happens regardless of laws forbidding street drinking. Empty alcohol bottles and cans are frequently left on the grass or side of the road. I and other members of the public including children have to negotiate and pass these people when they are in the street inebriated. Alcoholism is an illness and unfortunately free tasting will encourage people who suffer that illness to be drawn like a magnet. I would anticipate there could be trouble if they are refused I have seen nasty reactions when they are not allowed to purchase alcohol from a nearby shop because they were too drunk.

My other objection is our privacy and security in the tenement the shop is part of the tenement. I have lived in the tenement for 37 years. The intercom system was installed to provide security and privacy. The security of the

building has to be guaranteed and it must not be compromised. The shop only has access to one toilet which is through the front entrance of the tenement to the half landing toilet between basement and ground floor. Many of the flats are rented out to both male and female tenants it can be difficult for them to deal with problems as English is not their first language. We are constantly disturbed by intercom buzzers being pressed regardless of who they want sometimes it is for nobody they are just causing a public nuisance.

I am aware that not every person who visits the shop may be a problem but I have severe reservations and as I said the area is already well served with shops that sell alcohol and I do not want my home and surrounding area affected by another shop selling alcohol. I ask that my comments are taken into consideration.



Maureen Henderson

AC886  
AJD.DM.A22261.1



4-8-2016

Dear Daisy Roberts,

I do not want another licence premises they is already, Morrison Wilson Newagents and other premises in Urquhart Road so I see no need for any more ~~licence~~ premises.

Yours sincerely



MS. C. M. GRUGAN



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## LICENSING BOARD INFORMATION SHEET

### TYPE OF APPLICATION PROVISIONAL PREMISES LICENCE

**PREMISES:** Five Guys, Unit 2, 1-7 St Nicholas Street, Aberdeen

### DESCRIPTION

- Restaurant seeking on sales from 10:00 to 00:00 hours Monday to Sunday;
- Off- Consumption 10:00 - 22:00
- Receptions, club meetings and Recorded music;
- Takeaway facilities;
- Children and young person permitted access unaccompanied at the direction of management during opening hours.

### OBJECTIONS/REPRESENTATIONS

- Police Scotland

### 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.

Note: The applicant has accepted the imposition of the Drugs Policy.

#### LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

28.1 The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families. In determining any such application the risk of harm to children will be paramount.

28.2 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time as recognising that parents and other adults accompanying children also have responsibilities.

28.4 The following examples of control measures are given to assist applicants.

- effective and responsible premises management

- adoption of best practice guidance
- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder
- appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a responsible person / adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function

17/08/2016

Your Ref:

Our Ref: 160206

Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6 L1S  
Marischal College, Broad Street  
Aberdeen  
AB10 1AB



**POLICE  
SCOTLAND**

Keeping people safe

Philip Gormley QPM  
Chief Constable

North East Division  
Queen Street  
Aberdeen  
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A  
PROVISIONAL PREMISES LICENCE  
FIVE GUYS, 7 ST NICHOLAS STREET, ABERDEEN, AB10 1HE  
APPLICANT - FIVE GUYS JV LTD, 146 FRESTON ROAD, LONDON, W10 6TR**

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 application in its current form allows unaccompanied children and young persons, at the discretion of the management, to be within a licensed premise until midnight. The premises is situated in a city centre location in which late night alcohol fuelled violence and anti-social behaviour remains a concern to Police Scotland.

I have concerns regarding the terms under which it is proposed children and young persons are allowed access to the premises. Therefore, I wish to make representation under Section 22(1) (b) (ii) of the Act and consider that the following modification be made to the operating plan.

Question 6d (times during which children and young persons are allowed entry):

- Children will be allowed entry unaccompanied until 2000 hours after which they must be accompanied by a responsible adult aged 18 or over.

- Young persons will be allowed entry unaccompanied until 2200 hours after which they must be accompanied by a responsible adult aged 18 or over.

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

Yours faithfully

Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01224 306472



## LICENSING BOARD INFORMATION SHEET

### TYPE OF APPLICATION: PREMISES LICENCE

**PREMISES:** HAIGS FOOD HALL, 45 -51 SCHOOLHILL, ABERDEEN

### DESCRIPTION

- Food Hall
- Alcohol to be sold for consumption off the premises
- Licensed Hours 10:00 to 22:00 Monday to Saturday and 10:00 to 17:00 on Sunday

### OBJECTIONS/REPRESENTATIONS

- 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)

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Date 18<sup>th</sup> August 2016  
Enquiries to 01224 557047  
Our Ref 20161122  
Email: [grampian.phalcohollicensing@nhs.net](mailto:grampian.phalcohollicensing@nhs.net)

Ms Ruth O'Hare  
Solicitor  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6, Level 1 South,  
Marischal College, Broad Street  
Aberdeen AB10 1AB

Dear Ms O'Hare

**Licensing (Scotland) Act 2005 – Application for a Premises Licence  
Haigs Food Hall, 45 – 51 Schoolhill, Aberdeen, AB10 1JT**

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.**

Haigs Food Hall at 45 – 51 Schoolhill, Aberdeen wish to apply for an off-sales license for their food hall and in-house butchery and kitchen. At the time of writing this letter the unconfirmed capacity is 6.4sqm.

The NHS Grampian objection will focus on the following areas:

1. Survey data for Aberdeen city residents
2. Crish data for the area
3. Hospital admission rates for wholly attributable alcohol-related conditions.
4. Comparison of alcohol related death rates
5. Research on the measurable effects of local alcohol licensing policies

## 1. Survey data for city residents

In a mapping exercise carried out by NHS Grampian in October 2015 it was established that 96% of Aberdeen City Council residents live within 1000 metres of off-sales premises. See appendix 1 for details.

A City Voice survey of Aberdeen City residents in 2015 identified that 77% of respondents felt that the number of places they had available to them in order to buy alcohol in their local area was “*About right*” with 10% thinking that they had “*Too many*” and 2.5% “*Too few*”<sup>1</sup>. It is interesting to note that only 2.5% of the City Voice respondents felt they had “Too few” off-sales licensed premises.

## 2. Centre for research on environment, society and health (Cresh) data for this area

The Cresh website allows you to map alcohol outlet density and related harm for small neighbourhoods across Scotland. The selected neighbourhood for post code AB10 1JT is Datazone S01000109. **Cresh data identifies that there are 19.4 off-sales alcohol outlets per km<sup>2</sup> around its population centre.** This is:

- Higher than the Scottish average of 2.5 outlets per km<sup>2</sup>
- Higher than the Aberdeen City average of 3.8 outlets per km<sup>2</sup>
- In the top 10% of neighbourhoods in Scotland (for off-sales outlets)
- In the top 10% of neighbourhoods in Aberdeen City (for off-sales outlets)

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

Since 1997, a five fold increase in the rates of hospital stays as a result of the harmful use of alcohol has been recorded for Aberdeen City Council residents. This category includes conditions such as alcohol induced irritation of the stomach, chronic disease of the heart muscle due to alcohol, mental and behavioural disorder that occur as a result of alcohol (such as depression, anxiety etc). Over this time period, there has been a steady increase in the number of admissions due to alcoholic liver disease.

The Scottish Public Health Observatory (ScotPHO) Health & Wellbeing Profiles for Aberdeen City identify Alcohol related hospital stays as being “statistically significantly worse” than the National average<sup>2</sup>.

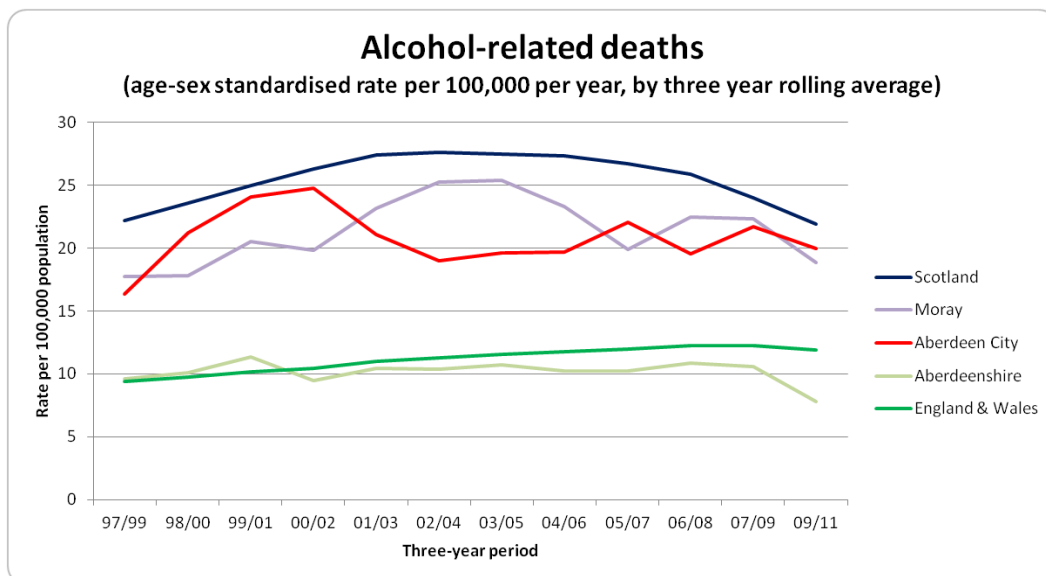
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<sup>1</sup> <http://communityplanningaberdeen.org.uk/cityvoice/wp-content/uploads/2014/06/35th-City-Voice-Report.pdf>

<sup>2</sup> <https://scotpho.nhs.uk/scotpho/homeAction.do>

#### 4. Comparison of alcohol related death rates.

The graph below illustrates death rates as reported by ScotPHO<sup>3</sup> using GROS data (General Register Office for Scotland). Aberdeen City's rate has remained essentially stable, in contrast to Scotland's falling rate.



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 - 2014<sup>4</sup>

Year	Aberdeen	Abnshire	Moray	Scotland
2011	33	22	19	1247
2012	38	25	21	1080
2013	42	23	22	1100
2014	51	27	14	1152

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.

<sup>3</sup> <http://www.scotpho.org.uk/>

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

## 5. Research on the measurable effects of local alcohol licensing policies

A recent research paper has identified that there were greater reductions in alcohol-related hospital admissions in areas with more intense alcohol licensing policies, suggesting that these policies really can help curb alcohol-related harm<sup>5</sup>. Although Aberdeen City Council Licensing Board does not have a policy of this nature in force at the moment they may wish to mitigate the negative impact of alcohol on public health by restricting the granting of further off-sales licenses in areas with high density. It is clear that the location of Haig's Food Hall falls within an area of high density.

Based on the evidence provided in this letter I would suggest that the introduction of a new off-sales licensed establishment within Aberdeen city centre can only have a negative impact on the population's health.

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

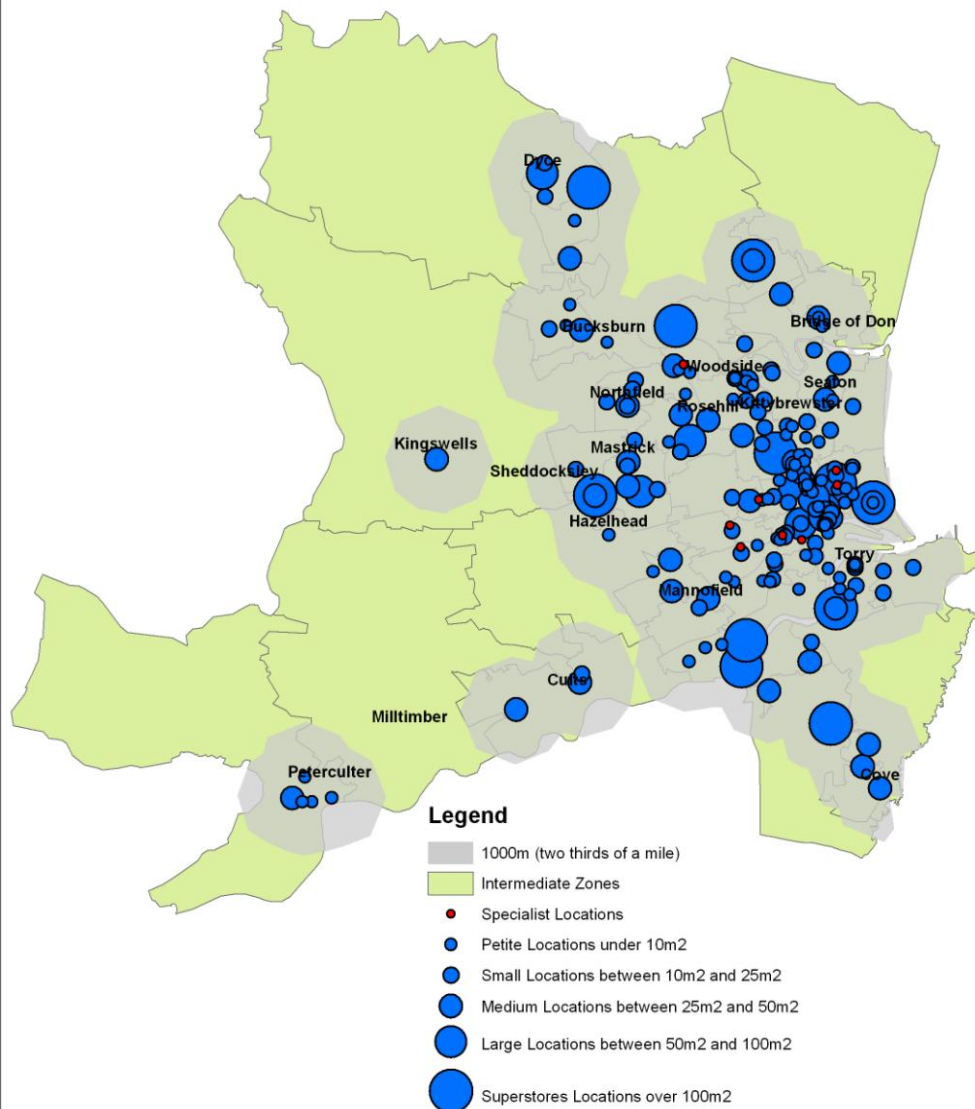
Dr Tara Shivaji  
Consultant in Public Health

Heather Wilson  
Health Improvement Officer (Alcohol & Drugs)

---

<sup>5</sup> [http://findings.org.uk/PHP/dl.php?file=de\\_Vocht\\_F\\_1.txt&s=eb](http://findings.org.uk/PHP/dl.php?file=de_Vocht_F_1.txt&s=eb)

## Aberdeen City Alcohol Off Sales Licensed Premises (198) as at September 2015 (1000m buffer)



Based on general practice registration of Aberdeen City residents at April 2015  
 193,500 = 18 years and over population  
 186,000 = 18 years and over live within 1000 metres of off-sales premises  
 96% = percentage of residents live within 1000 metres of off-sales premises

produced by Health Intelligence and Public Health - October 2015  
 NHS Grampian

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## LICENSING BOARD INFORMATION SHEET

### TYPE OF APPLICATION PREMISES LICENCE

**PREMISES:** THE HUB, UNIVERSITY OF ABERDEEN, ELPHINSTONE ROAD,  
ABERDEEN

### DESCRIPTION

- Licensed area containing café bar area, information service desk, meeting spaces, pc access facilities, shop, food outlet and international student area
- On consumption 11:00 – 23:00 (00:00 for private functions only)
- Conference facilities, receptions, club meetings, recorded music, live performances, dance facilities, films and televised sports
- Children and young persons permitted access at all times the premises are open. Children are to be accompanied by an adult.

### OBJECTIONS/REPRESENTATIONS

- NHS Grampian

### 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.

Note: The applicant has accepted the imposition of the Drugs Policy.

#### **LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM**

28.1 The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families. In determining any such application the risk of harm to children will be paramount.

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28.4 The following examples of control measures are given to assist applicants.

- effective and responsible premises management
- adoption of best practice guidance
- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder
- appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a responsible person / adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function

Date 18<sup>th</sup> August 2016  
Enquiries to 01224 557047  
Our Ref 20161115  
Email: [grampian.phalcohollicensing@nhs.net](mailto:grampian.phalcohollicensing@nhs.net)

Ms Ruth O'Hare  
Solicitor  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6, Level 1 South,  
Marischal College, Broad Street  
Aberdeen AB10 1AB

Dear Ms O'Hare

**Licensing (Scotland) Act 2005 – Application for a Premises Licence  
The Hub (Ground Floor), University of Aberdeen, Elphinstone Road, Aberdeen,  
AB24 3TU**

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

**Protecting and Improving Public Health.**

University of Aberdeen, (Campus Services), Kings College, Old Aberdeen, has applied for a Premises License for the ground floor area of The Hub. The licensed area contains a cafe bar area, information service desks, meeting spaces, PC access facilities, shop, food outlet and an International Student Centre. They have stated that "*the premises and building at large provides social focus, personal development and support services and is a natural meeting place for students. The provision and sale of alcohol is incidental to the primary purpose of both the premises and building at large.*" There is no proposal to provide restaurant facilities or bar meals within the premises.

We are aware that increasing numbers of young people between the ages of 16 – 24 are choosing not to drink alcohol but this does not appear to be representative of the student population.

A Systematic Review of UK Student Alcohol Consumption between 2002-2014<sup>1</sup> found:

- Student alcohol *consumption increasing* over this period
- Hazardous\* drinking patterns recorded ranging from 69% - 89% (M) & 62% - 77% (F)
- Male and Female consumption converging
- Between 20% and 30% of students identified as 'problem drinking'

Hazardous alcohol consumption continues to be the most prevalent public health issue encountered by university students. Despite increased efforts, levels of consumption among students have continued to increase throughout the past number of decades. These levels of consumption remain a primary concern to those attempting to improve student health and well-being. As nations attempt to reduce alcohol related harm, a spotlight on the excessive consumption patterns among university students showcases the need for interventions to achieve national goals.

I understand that the premises will be run in accordance with the "Alcohol Impact Programme". The overarching aim for this programme has been to create and implement a whole-institution approach to holistic behaviour change in universities to reduce alcohol related crime and disorder and promote responsible drinking amongst the student population.

To compliment this approach I would suggest that the following conditions are applied to the granting of this license:

1. That the premises stock and promote a range of "no" and "low" alcohol products to allow greater choice to patrons. (see attached booklet for examples of products)
2. The stock of "no" and "low" alcohol products is equal to or greater than 5% of the entire drinks stocked by the premises.
3. The premises applies for accreditation through the Best Bar None<sup>2</sup> scheme.

For these reasons, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this representation 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

Dr Tara Shivaji  
Consultant in Public Health

Heather Wilson  
Health Improvement Officer (Alcohol & Drugs)

\*Hazardous drinking is quantified as a level of consumption above the sensible limit increasing the risk of harms

---

<sup>1</sup> <https://bmcpublihealth.biomedcentral.com/articles/10.1186/s12889-016-2843-1>

<sup>2</sup> <http://www.aberdeencity.gov.uk/bestbarnone/>



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ABERDEEN CITY

**ADP**

alcohol & drugs partnership

[www.aberdeencityadp.org.uk](http://www.aberdeencityadp.org.uk)

## “No” & “Lower” Alcohol Products ADP Information Paper – February 2016

October 2011 saw the UK Government's budget introduction of a 50% tax break on the production of beer/lager/cider containing no more than 2.8% alcohol ABV (saving an average of £0.35p a pint). The result of this change in taxation has been that a number of major alcohol producers have since launched various 'no' and 'low' alcohol<sup>1</sup> brands including versions of existing products.

In a literature review Jones & Bellis (2012) point out that the health appeal of such products rely on consumer '*substitution*', and without this substitution there is a risk of an '*additive*' effect resulting in increased consumption. Furthermore it could be argued that in order to maximise the opportunity of increased availability and impact of these new products, there needs to be at the same time a restriction on the availability of higher strength products.

Incentives and promotion are very important but equally so is whether substitution can take place in market segments where alcoholic 'effect' can be valued more than taste. It remains difficult to be able to draw any definitive conclusion with regard to issues of 'quality' and price having any impact on individuals motivated by alcohol 'effect'. The impact of product availability, quality and marketing are one thing, how they interact and influence cultural shifts in the motivations and 'expectancies' of drinkers remain to be seen.

What is important around this development for health promotion purposes, is that with *increased consumer choice* (with the increasing variety of both 'no' and 'low' alcohol), there is a public health opportunity to enhance the promotion of sensible (and safer) drinking and it's association with health benefits. For example, lower calorie content of such products is an important development for those concerned about weight control. The average pint of standard-strength (4.2% ABV) beer will contain over 100 calories; however one pint of 'lower' alcohol beer can contain almost half that amount.

The availability of 'no' and 'low' alcohol products however does not change the overall nature of key health messages regarding alcohol. Rather they can be looked at as adding choice by *increasing options* available to individuals to encourage and engage with positive behaviour change through *substitution* of higher alcohol products for lower.

The following messages therefore remain very much applicable:

- **Being aware of sensible drinking limits and unit guidance** (keeping track of what you buy and consume)
- Drinking on less occasions (remembering to keep at least 2 days free of alcohol)
- Reducing the quantity, volume (glass size etc) **and strength** of drinks as necessary

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<sup>1</sup> Definitions (Alcohol by Volume (ABV) expressed as a percentage) are included with product listing



- Substituting with **non-alcoholic drinks**, or choosing to refrain from (or part-participate) in buying 'rounds' of drinks within social settings
- Having a plan and/or budget for consumption and sticking to it
- Using free time in more creative and active ways that could avoid any unnecessary consumption of alcohol

Included at the end of this document is an outline selection of products available in both the 'no' and 'low' alcohol categories<sup>2</sup>.

#### Key References:

HM Treasury (November 2012) *Review of Alcohol Taxation* [http://www.hm-treasury.gov.uk/d/alcohol\\_tax\\_review301110.pdf](http://www.hm-treasury.gov.uk/d/alcohol_tax_review301110.pdf)

Jones & Bellis (March 2012), *Can promotion of lower alcohol products help reduce alcohol consumption? A rapid literature review* (Liverpool JMU) <http://ranzetta.typepad.com/files/can-promotion-of-lower-strength-alcohol-products-help-reduce-alcohol-consumption-jmu-2012.pdf>

Drinkaware Guidance: *Low Alcohol Drinks* (2013) <https://www.drinkaware.co.uk/make-a-change/how-to-cut-down/cutting-down-when-out-and-about/low-alcohol-drinks>

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<sup>2</sup> The intention of this briefing is neither to promote alcohol consumption, nor to indicate preference for the specific products listed, but rather to present a representative sample of the current 'no' and 'lower' alcohol products available in local retail environments (and via online sales) at the time of writing



The “Dry Aberdeen” initiative is hosted by ‘The Garage’ club - a Best Bar None<sup>3</sup> Gold accredited venue recognised for its commitment to the promotion of responsible and safe drinking environments. The idea of ‘Dry Aberdeen’ was offered to all licensed venues in Aberdeen city centre by Aberdeen City, Alcohol & Drug Partnership with the Garage offering to take forward alcohol free nights within their programme. Two events have been held since February 2014 with a third planned for 2015, proving that a great night out does not need to involve alcohol.

An added bonus for The Garage came in March 2015 when they were awarded the Best Public Health Initiative at the Best Bar None national award finals.

The Best Bar None goal is to support a change in the public’s perception of licensed venues as solely places to drink, there is so much more on offer that can help enrich and strengthen communities in which they’re based. Since it opened in 2012, The Garage has been helping to promote this safety message by providing free soft drinks for designated drivers.

For further local information and updates, please visit:

<http://dryaberdeen.co.uk/>

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<sup>3</sup> Best Bar None operates throughout Scotland and over 400 venues have been accredited as part of the scheme. The scheme is sponsored by Diageo, Molson Coors, Heineken, Tennents, Maxxium UK and Chivas Brothers and is supported by Police Scotland, the Scottish Fire & Rescue Service, the Scottish Licensed Trade Association and the Scottish Government.

## Product Examples:

### Lager/Beer/Cider

(No Alcohol 0% Alcohol-free < 0.05% and Low 2.8% or less ABV)

Ambar Green	(No alcohol)
Bavaria Lager (varieties)	(No alcohol)
Bavaria Wheat Beer	(No alcohol)
Becks (Blue)	(No alcohol)
Bitburger	(No alcohol)
Carlsberg 0.0%	(No alcohol)
Cobra Zero	(No alcohol)
Estrella Galicia	(No alcohol)
Fosters Radler	(No alcohol)
Kirin Free	(No alcohol)
Koppaberg Cider (varieties)	(No alcohol)
San Miguel	(No alcohol)
San Miguel Limon	(No alcohol)
Weihenstephaner Alkoholfrei	(Alcohol-Free)
Holsten Pils alcohol-free	(0.02% ABV)
Bitburger Drive	(0.05% ABV)
Kaliber	(0.05% ABV)
Tennents Hee-Haw	(0.05% ABV)
Arcobrau (varieties)	(0.5% ABV)
Bernard	(0.5% ABV)
Bulmers 5 Fruit Cider	(0.5% ABV)
Bulmers Indian Summer Cider	(0.5% ABV)

Cheers (Light / Dark)	(0.5% ABV)
Clausthaler	(0.5% ABV)
Czech Lager Morrisons	(0.5% ABV)
Czech Pilsner Lager Sainsburys	(0.5% ABV)
English Cider Sainsburys	(0.5% ABV)
Erdinger Wheat Beer	(0.5% ABV)
Jever Fun	(0.5% ABV)
Jupiler	(0.5% ABV)
Krombacher Pilsner	(0.5% ABV)
Maisel's Weisse	(0.5% ABV)
Morrisons Low Alcohol Cider	(0.5% ABV)
O'Douls (& Amber)	(0.5% ABV)
Sagres	(0.5% ABV)
Schneider Weisse	(0.5% ABV)
St Omer Lager Shandy	(0.5% ABV)
Super Bock Lager / Stout	(0.5% ABV)
St Pauli NA	(0.5% ABV)
Veltins	(0.5% ABV)
Asda Smart-Price Lager	(2.0% ABV)
Carling Grapefruit	(2.0% ABV)
Fosters Radler	(2.0% ABV)
Becks Light	(2.2% ABV)
Asda French Lager	(2.6% ABV)
Bavaria Lager	(2.8% ABV)
Brewdog Nanny State	(2.8% ABV)

Cain's Calcutta Pale Ale	(2.8% ABV)
Carling C2	(2.8% ABV)
Carling Zest	(2.8% ABV)
Carlsberg Blackcurrant	(2.8% ABV)
Carlsberg Citrus	(2.8% ABV)
Fuller's Mighty Atom	(2.8% ABV)
Guinness Mid	(2.8% ABV)
Heracles Ale	(2.8% ABV)
Labatt's Blue	(2.8% ABV)
Marston's Pale Ale	(2.8% ABV)
Rolling Rock	(2.8% ABV)
Sweet Sussex Stout	(2.8% ABV)
Tennents Lemon T	(2.8% ABV)
Tolly English Ale	(2.8% ABV)

## **Wines**

(No Alcohol 0%, Alcohol-free <0.05% & Reduced/Low 1.2 – 5.5% ABV)

Ariel (varieties)	(No-alcohol)
Bonne Nouvelle (varieties)	(No-alcohol)
Carl Jung (varieties)	(No-alcohol)
Echo Falls Sparkling Infusion	(No-alcohol)
Eisberg (varieties)	(No-alcohol)
Eminasin (varieties)	(No-alcohol)
Eminazero	(No-alcohol)
Sorelle (varieties)	(No-alcohol)

Sutter Home Zinfandel / Merlot	(No-alcohol)
Weinkonig (varieties)	(No-alcohol)
Chenin Blanc (Sparkling) (Tesco)	(Alcohol-free)
Ebony Vale (varieties) (Waitrose)	(Alcohol-free)
Pinotage Blush (Tesco)	(Alcohol-free)
Pink Muscat (Asda)	(Alcohol-free)
Red/White/Rose/Sparkling (Sainsburys)	(Alcohol-free)
Sparkling Muscat (M&S)	(Alcohol-free)
Carl Jung (varieties)	(0.2% ABV)
Natureo Torres	(0.5% ABV)
Sutter Home Zinfandel	(0.5% ABV)
Torres Natureo	(0.5% ABV)
Spritzini	(4.0% ABV)
Lambrini	(5.0% ABV)
Banrock Station Light	(5.5% ABV)
Beachcomber	(5.5% ABV)
Bella Bellina Moscato	(5.5% ABV)
Black Tower Red / Rose	(5.5% ABV)
Black Tower Skinny White	(5.5% ABV)
Encounter Bay	(5.5% ABV)
First Cape (varieties)	(5.5% ABV)
Gallo (varieties)	(5.5% ABV)
J.P. Chenet (Varieties)	(5.5% ABV)
Spritzini Zinfandel Rose	(5.5% ABV)

For further updates (online) information:

[www.alcoholfree.co.uk/](http://www.alcoholfree.co.uk/)

[www.lono.co.uk/](http://www.lono.co.uk/)

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## **Arlene Dunbar**

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**From:** Maclachlan, Calum [REDACTED]  
**Sent:** 26 August 2016 13:37  
**To:** Licensing  
**Subject:** RE: premises licence-NHS objection

Karen

Many thanks for the message and after reviewing the attachments from NHS Grampian, I wish the following to be considered.

The proposed licensed premises is located on the ground floor of a building which has, located on the first floor, a successfully operating food court which sells & serves over 1,000 meals per day. Though the Café Bar itself does not have restaurant facilities or offers bar meals, it will provide a range of indulgent snacks (cafe, muffins, croissants etc), hot bites (paninis, pasties, wraps) and soup.

The premises will of course stock and extensive selection of low or no alcohol beverages (which will at least reflect a minimum of 5% of the drinks available) as it is anticipated the bulk of drinks activity, will centre around the sale of teas, speciality coffees & other chilled soft drinks.

The University and its Student Association is proud of its collaborative efforts and responsible approach to the provision of alcohol to the student community. Currently, both parties are active participants of the city's Weekend Planning Partnership; contributed to the City's successful Purple Flag accreditation and subsequent renewal; developed and launched an award winning student safety & wellbeing online portal (CluedUp), promoting a clear & common sense approach on all areas of interest to students (including alcohol); finally both the Student Association & the University is working towards a National Union of Students backed initiative promoting a responsible & sensible approach to the consumption of alcohol - Alcohol Impact. The board can be assured of every effort being made to provide for the wellbeing of Students on & off campus. Participation in the Best Bar None initiative will also form part of this responsible approach.

Do please contact me if further information is required.

Thank you again.

Regards

**Calum MacLachlan**  
**Head of Commercial Services**



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## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** VARIATION OF A PREMISES LICENCE

**PREMISES:** ABERGELDIE BAR, 504 HOLBURN STREET,

### DESCRIPTION

- Vary commencement of core hours on a Sunday from 12:30 to 11:00 hours for both on and off consumption

### 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:** CENTRAL BAR, 415 GREAT NORTHERN ROAD, ABERDEEN

### DESCRIPTION

- Vary commencement of core hours on a Sunday from 12:30 to 11:00 hours for both on and off consumption

### 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:** CLUB TROPICANA, 74 CHAPEL STREET, ABERDEEN

### DESCRIPTION

- Allow children & Young persons access to the premises for under 18 events

### OBJECTIONS/REPRESENTATIONS

- Police
- LSO
- Environmental Health
- Community Council

### LICENSING POLICY STATEMENT

#### 21 UNDER 18 EVENTS

- 21.1 Certain licensed premises have, in the past, held events on the premises catering only for customers who are under 18 years of age. During these events the licence holder has ensured that no alcohol is sold or is on display.
- 21.2 The Board expects applicants who wish to offer this activity to list it at question 6 in the operating plan. The Board may impose discretionary conditions in relation to this activity as necessary for the promotion of the licensing objectives.

#### LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

28.1 The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families. In determining any such application the risk of harm to children will be paramount.

28.2 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time as recognising that parents and other adults accompanying children also have responsibilities.

28.4 The following examples of control measures are given to assist applicants.

- effective and responsible premises management
- adoption of best practice guidance

- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder
- appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a responsible person / adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function



19 August 2016

Your Ref:  
Our Ref: 160180

Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6 L1S  
Marischal College, Broad Street  
Aberdeen  
AB10 1AB



Philip Gormley QPM  
Chief Constable

North East Division  
Queen Street  
Aberdeen  
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
CLUB TROPICANA (INCLUDING VOGUE), 74 CHAPEL STREET, ABERDEEN,  
AB10 1SN**

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

The variation requested consists of the following requests, namely:

1. Amend the commencement of core 'on sales' hours from 1800 seven days a week to 1300 hours, Sunday to Thursday inclusive and 1500 hours on Friday and Saturday;
2. Children and young persons between the age of 12 and 17 years to be given access to attend under 18's events, which are to be held within the premises between the hours of 1300 to 2200, Sunday to Thursday and 1500 to 2200 hours on Friday and Saturday;
3. Change of Premises Manager.

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

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representations on behalf of the Chief Constable.

In respect of point 1, this request is not contained within the application form for the variation of the premises licence and only detailed in the operating plan which accompanies the application. The application relates primarily to point 2 above during which no alcohol will be sold. On that basis there would appear to be no

requirement for an earlier commencement of core 'on sales' hours and if it is the case that this has been requested erroneously, then in terms of Section 22(1)(b)(ii) of the Act, I recommend the operating plan be modified to reflect the existing core 'on sales' hours.

In respect of point 2, the application appears to seek to incorporate under 18's events before 10pm. The licence holder has indicated that the proposed under 18's events are likely to be held on a monthly basis with a view to giving those attending an opportunity to see celebrity guests.

The operating plan which accompanies the application, at 5(f) proposes said under 18 events will finish by 2200 hours; however, at 6(b) it states that children and young persons will be allowed entry only until 2100 hours on all days.

In terms of Section 22(1)(b)(ii) and (iii) of the Act and in support of the Preventing Crime and Disorder, Preventing Public Nuisance and Protecting Children from Harm licensing objectives, on behalf of the Chief Constable, I recommend that that the variation is granted subject to the imposition of the following conditions:

1. No alcohol to be sold during any under 18's event;
2. Conspicuous displays of alcohol to be removed or covered;
3. Any under 18's events to be on a ticketed basis to provide an approximate number of children and young persons likely to attend any event;
4. Police Scotland to be notified of any such under 18's event no less 7 days prior the event;
5. Adequate SIA authorised stewards to be employed at the door and within the premises to steward the event and prevent entry by any person who reasonably appears to be over the age range of the intended customers. In addition, stewards should prevent entry by any child, young person or any other person who is, or is suspected to be, under the influence of alcohol or other substance, and prevent alcohol and illegal substances being taken into the premises;
6. A risk assessment and duty of care policy to be in place in respect of any child or young person who appears to be under the influence of alcohol or other substance;
7. All under 18's events to cease at 2100 hours and all children and young persons to have vacated the premises by 2130 hours;
8. Entry and exit from the events to be via the Club Tropicana door only;
9. A clean sweep of the premises to be undertaken on the completion of the event to ensure that no children or young persons are left within;
10. All staff/door stewards to remain in place until all children and young persons have left the premises and its curtilage.

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

Yours faithfully

Philip Gormley QPM  
Chief Constable

# MEMO

Environmental Health and Trading Standards

**Communities, Housing and Infrastructure**

Business Hub 15 ,3<sup>rd</sup> Floor South ,Marischal College



**ABERDEEN**  
CITY COUNCIL

To	Ruth O'Hare, Litigation & Licensing , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College
From	Tara-Erin Gilchrist
Email	tegilchrist@aberdeencity.gov.uk
Tel.	01224 522185
Fax.	01224 523887
Date	17 <sup>th</sup> August 2016
Our Ref.	LSO/TEG/AMG
Your Ref.	

## **Licensing (Scotland) Act 2005**

### **Application for Variation of Premises License**

**Address: Club Tropicana, 74 Chapel Street, Aberdeen, AB10 1SN**

**Applicant: Paul McGregor**

The applicant wishes to vary the premises licence to include events for ages 12 to 17 years old, between the hours of 1300 and 2100 hours on Sunday to Thursday, also between the hours of 1500 and 2100 hours on a Friday and Saturday.

Within the proposed operating plan two times are mentioned, one being 2100 hours (within 6d) and the other being 2200 hours (within 5f). The applicant has informed me that the events will finish at 2100 hours. An amendment to the operating plan is required to list the correct terminal hour.

As the capacity of the premises is 780, I would like to highlight there is the potential for 780 children and young persons to attend the under 18 event, I bring this to the Licensing Boards attention when considering this application.

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

### **Preventing Public Nuisance**

In my capacity as a Licensing Standards Officer, I have investigated several noise complaints at Club Tropicana. The complaints are in relation to patrons causing a public nuisance whilst leaving the premises at closing time and also making a noise whilst congregating in the smoking area. Since 2015 there have been 3 complaints made to Environmental Health in relation to noise from patrons shouting and causing a public nuisance. Mediation proved successful on two occasions. The third complaint was not resolved to the satisfaction of the resident who felt that management at the premises had dismissed his concerns. The complainant has since moved address.

The latest complaint was received on the 1<sup>st</sup> June 2016. The complaint was in regards to noise originating from patrons shouting after vacating the premises. The

complainant did not want to participate in mediation and informed me on the 13<sup>th</sup> July that he wishes to close the complaint.

All four of the complaints were made by residents living in the vicinity of Huntly Street. I have made a suggestion to the applicant that the entrance to Vogue (located near Huntly Street) is not used for children and young persons to vacate the premises at the end of the event. I suggest that the Club Tropicana entrance on Little Chapel Street is utilised. From a public nuisance point of view, this will minimise the potential for residents being affected by children and young persons vacating the premises and being collected by their parents at 9pm.

### **Protecting Children from harm**

If the variation is granted, I would like the following included as conditions;

- 1) A staff member who is trained in first aid to be available for the duration of the under 18 event.
- 2) It would be appropriate for the event to have both male and female SIA staff members present.
- 3) The premises to incorporate a 'ticket only' event in order to have adequate stewarding, but no less than a ratio of one staff member per 100.
- 4) Within the bar area - bottles of alcohol will be removed from their optics with other alcohol products covered for the duration of the under 18 event.

In addition to the above, if the Licensing Board deems it necessary, the applicant could consider staff to be involved in the PVG scheme. The PVG scheme was established by the Protection of vulnerable groups (Scotland) Act 2007. The PVG scheme is run by Disclosure Scotland and will ensure that children and young persons are protected.

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

[Redacted signature area]

Tara Erin Gilchrist  
Licensing Standards Officer

# MEMO

Environmental Health and Trading Standards

**Communities, Housing and Infrastructure**

Business Hub 15 ,3<sup>rd</sup> Floor South ,Marischal College



**ABERDEEN**  
CITY COUNCIL

To	Litigation & Licensing , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College		
From	Mark Nicholl		
Email	mnicholl@aberdeencity.gov.uk	Date	09/08/16
Tel.	01224 522596	Our Ref.	
Fax.		Your Ref.	

## **Licensing (Scotland) Act 2005**

### **Application for Variation of Premises License - Club Tropicana - 74 Chapel Street**

Dear Sir/Madam,

The above application has been assessed by this Service in relation to the amplified recorded music element including music noise breakout from the premises and external noise from customers and general operational activities. Consideration has been given to the risk of noise impact on local residences on a daily basis, including Sundays, at the proposed times.

As with any such matter it is naturally desirable to avoid a situation that would result in this Service serving formal notices to abate activities that have caused nuisance.

Having carefully considered the matter I am not objecting to this application. There is however an expectation that Management at the premises would apply suitable and robust noise control measures associated with all activities of the operation to protect the amenity of local residences and reduce the risk of noise impact and disturbance, if any.

I trust this information is of use. If you have any queries, please contact me on the number below.

Kind regards

Mark Nicholl  
Environmental Health Officer

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## Arlene Dunbar

---

**From:** teresa dufficy [REDACTED]  
**Sent:** 18 August 2016 14:33  
**To:** Licensing  
**Subject:** Club Tropicana

With regards to the above applicatoin the topic was discussed at the CC meeting and drew out a range of views for and against the application. It was agreed that we would put in response that said, "Rosemount and Mile End Community Council has discussed this application, which provided a range of views. Some supported the provision of under 18 events and some that felt it was inappropriate to be promoting events in Adult Nightclubs as a public health risk of starting a link to premises that serve alcohol for our your people. It was also noted that the location is above a strip bar and that this is perhaps not the best place to have an under 18 venue. We would like these views noted in the review of the application."

I hope this helps.

regards

Teresa (licencing rep)

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## RESPONSE FROM APPLICANT

In response to your comments of Club Tropicanas variation to premises license application / under 18 events we wish to clarify the following.

The terminal hour will be 22.00 hours and not 21.00, this was an error in application. Arlene Dunbar has been notified and amendments made.

Noise complaints- In the past 2 years it is noted that you have been contacted by 4 complainants.

You have stated that complaints were received in regards to public nuisance caused by customers leaving the venue.

The complaints that we have mediated were in regards to the smoking area in the lane behind the club. I do not recall a complaint regarding noise after 3am.

As you can confirm we have always done our utmost to resolve any issues, meeting with local residents, supplying them with direct telephone numbers which are manned 24 hours a day, not to mention the cost of all the measures put in place to eradicate any issues.

No stone was left unturned in our pursuit to satisfy these complaints, despite no actual physical or recorded proof of an issue.

E.H.O. visited one of the complainants during our operating hours and found no cause to uphold their complaint.

It is also noted you have suggested we operate only the Tropicana entrance.

Unfortunately, this would not be viable in smaller events designed to be held within Vogue nightclub. On busier sessions it would be our intention to use both entrances so that we could quickly get the young persons inside where they would be safe.

### Protecting children from harm

#### Point 1)

A trained first aider is always on duty during operating hours. This will remain the same during under 18 events.

#### Point 2)

Female SIA staff will be on duty at under 18 events where suitable cover is available. Our security provider has been notified of such requirements.

#### Point 3

## RESPONSE FROM APPLICANT

As discussed, we will be hosting ticketed events but we do not wish to have this limited to ticket only events. It is common practice for people not to commit to such events until the last minute. Therefore, we will require the ability to let customers pay at the door.

### Point 4

All alcohol will be removed from the public areas and display fridges will be covered up. No alcohol branding will be visible.

## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** VARIATION OF A PREMISES LICENCE

**PREMISES:** HOLIDAY INN, CLAYMORE DRIVE, BRIDGE OF DON, ABERDEEN

### DESCRIPTION

- Alterations to the location of the bar servery and to the restaurant to incorporate a buffet area

### 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:** NEWILLS BOWLING CLUB, WATERTON ROAD, BUCKSBURN,  
ABERDEEN

### DESCRIPTION

- Add season variations, conference facilities, bar meals and theatre
- Addition of receptions, televised sports, recorded music out with core hours (already permitted within core hours)
- Amendment to layout plan including the removal of fixed seating.

### 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 FOUNDRY, 43 HOLBURN STREET, ABERDEEN

### DESCRIPTION

- Amendment to On consumption hours on Fridays and Saturdays from 11:00 – 01:00 to 12:00 to 02:00;
- Amendment to the commencement of Off- Consumptions hours on Fridays and Saturdays from 11:00 to 12:00;
- Add receptions, club meetings and dance facilities;
- Variations of layout plan to show dance floor.

### OBJECTIONS/REPRESENTATIONS

- Police Scotland

### LICENSING POLICY STATEMENT

#### **HOURS OF TRADING – GENERAL & EXTENDED** **General**

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. 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.

20.4- 20.7 N/A

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.

20.9 Applicants will be expected to give due consideration to the impact their patrons may have after leaving their premises, taking into account the likely exits of patrons from the nearby licensed establishments

The following issues should be considered **in relation to the promotion of the licensing objectives:**

- the effect of the grant of a licence before 10:00 hours or after 01:00 hours
- the proposed hours when any music, including incidental music and karaoke, will be played
  - the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
    - whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night
  - the capacity of the premises
  - the type of use, recognising that premises which sell alcohol, play music, provide late night refreshment or takeaway food, are more likely to be associated with for example crime and disorder and public nuisance than



premises where the consumption of alcohol is not the main activity.

- the hours at which noise may occur and the disturbance of nearby residents' rest, relaxation and sleep.

20.10 The Board believes that there may be merit in promoting the licensing objectives whereby applicants give consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, thereby creating a calmer ambience, patrons leaving the premises may be inclined to behave less boisterously after they have left the premises. In addition patrons may be inclined to leave the premises in small groups on a gradual basis rather than all at once.

20.11 Restricted licensing hours may be appropriate in cases where licensed premises are situated in the vicinity of residential property, or have external areas, or where business hours in the vicinity are likely to lead to undue pressure on public transport, public nuisance, disorder or anti-social behaviour. The Board may impose different restrictions on hours for different premises and for different days of the week in order to promote the licensing objectives. Where applicants intend to apply for any core on sale hours outwith those detailed in paragraph 20.3 above, they will be expected to show how any such activity to be carried out on the premises is consistent with the licensing objectives.

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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19 August 2016

Your Ref:

Our Ref: 160173

Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Business Hub 6 L1S  
Marischal College, Broad Street  
Aberdeen  
AB10 1AB



**POLICE  
SCOTLAND**

Keeping people safe

Philip Gormley QPM  
Chief Constable

North East Division  
Queen Street  
Aberdeen  
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
THE FOUNDRY, 41- 43 HOLBURN STREET, ABERDEEN, AB10 6BR  
STONEGATE PUB COMPANY LIMITED, 2681, CRICKET SQUARE, GRAND  
CAYMAN, CAYMAN ISLANDS, KY11 1111**

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

The variation requested consists of:

1. Varying the core 'on sales' hours from 1000 hours - 0100 hours on a Friday and Saturday to 1200 hours - 0200 hours on a Friday and Saturday;
2. Varying the 'off sales' commencement time on a Friday and Saturday from 1000 hours to 1200 hours;
3. Amending the operating plan to include social activities such as receptions and club meetings;
4. Amending the operating plan to include dance facilities during licensed core hours.

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

In respect of points 2 and 3, I have no adverse comment to make.

In respect of point 4, the Chief Constable has no objection in principal to the inclusion of dance floor facilities, however, the Chief Constable has a concern that

by virtue of the inclusion of said dance floor facilities, the premises will be considered as offering 'significant entertainment', the guideline terminal hours for which differ from those the premises currently enjoy. Therefore, specifically in relation to point 1, which relates to the premises seeking a later terminal hour on Friday and Saturday, in terms of Section 22(1)(a) of the Act and in support of the Preventing Crime and Disorder licensing objective, I make the following objection to this element of the application.

Alcohol fuelled violence and disorder continues to be a problem in Aberdeen city centre, particularly in the late evening and the early hours.

In almost every crime of assault or serious assault recorded by the Police, which has taken place within the city centre, the perpetrator, victim, or both, have been under the influence of alcohol which was consumed within licensed premises.

Recorded crime figures demonstrate that the longer and later licensed premises are open, the higher the likelihood of crimes of violence occurring. This is not limited to crimes of violence and disorder taking place within or immediately outwith licensed premises. The Chief Constable asks that there is recognition that such incidents can, and do, also occur once patrons have dispersed from licensed premises, thus causally linking the commission of alcohol-influenced violence and disorder to the later and longer availability of alcohol and it is for this reason that the Chief Constable objects to this element of the variation.

In respect of point 1, the operating plan which accompanies the application contains insufficient detail to establish whether the premises, should point 1 be granted, will fall within the description of premises contained at Section 3 of The Licensing Conditions (Late Opening Premises)(Scotland) Regulations 2007, to which mandatory conditions must be attached.

In the event the applicant premises are not considered premises to which the aforementioned mandatory conditions must be attached and in the event the Licensing Board is minded to grant the later terminal hour as per point 1, in terms of Section 22(1)(b)(ii) and (iii) of the same Act and in support of the Preventing Crime and Disorder licensing objective, I recommend that the variation (at point 1) be granted subject to the conditions specified at 6.5 of Aberdeen City Licensing Board's Statement of Licensing Policy 2013 - 2016, specifically in respect of CCTV, Door Supervisors and Radio Link, for the trading days of Friday and Saturday.

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

Yours faithfully

Philip Gormley QPM  
Chief Constable

For enquiries please contact the Licensing Department on 01224 306472

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25 April 2016

Your Ref:

Our Ref: DCU/0799/16

Legal and Democratic Services  
Licensing Team  
Corporate Governance  
Aberdeen City Council  
Business Hub 6  
Level 1 South  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB



**POLICE  
SCOTLAND**

Keeping people safe

Philip Gormley QPM  
Chief Constable

North East Division  
Queen Street  
Aberdeen  
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
PREMISES LICENCE HOLDER DUTY TO NOTIFY LICENSING BOARD OF  
CONVICTIONS  
TESCO STORES LTD, TESCO HOUSE, DELAMARE ROAD,  
HERTFORDSHIRE, EN8 9SL**

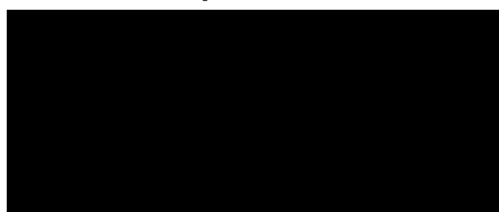
I refer to the above and your correspondence. In terms of Section 44(4)(b) of the Licensing (Scotland) Act 2005, I have to advise you that the licence holder has been convicted of the following relevant offence:

Date	Court	Crime/Offence	Disposal
8/12/2015	Waverley Borough Council	Failure to comply with the reporting of injuries, diseases and dangerous occurrences Regulations 2013  Contravening the Management of Health & Safety at work regulations 1999  Health & Safety etc Act 1974 - 2 offences	Fined £47,000 in total (£15k each in relation to a failure to provide a safe workplace for employees and customers; £15k in relation to a failure to effectively monitor our safety systems; and £2k for late reporting of the accident.

I am unable to confirm the following conviction:

<b>Date</b>	<b>Court</b>	<b>Crime/Offence</b>	<b>Disposal</b>
08/12/2015	Waverly Borough Council	Failure to comply with the reporting of injuries, diseases and dangerous occurrences regulations 2013. Contravening the management of health and safety at work regulations 1999 Health & safety at work etc Act 1974 - 2 offences.	Fine £47,000 in total (£15k each in relation to a failure to provide a safe workplace for employees and customers; £15k in relation to a failure to effectively monitor our safety systems; and £2k for late reporting of the accident.

Yours faithfully



Philip Gormley QPM  
Chief Constable

For enquires please contact the Licensing dept on 01224 306466