

# Public Document Pack



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

Town House,  
ABERDEEN 17 November 2015

## LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in the Council Chamber, Town House Council Chamber - Town House on **TUESDAY, 24 NOVEMBER 2015 at 9.00 am.**

FRASER BELL  
CLERK TO THE LICENSING BOARD

### BUSINESS

- 1 Applications for occasional licences - Entertainment Marquee, Aberdeen Winter Village (Pages 3 - 22)
  - 1.1 26 November - 08 December 2015
  - 1.2 09 - 21 December 2015
  - 1.3 22 December 2015 - 03 January 2016
  
- 2 Applications for occasional licences - Ice Rink Viewing Marquee, Aberdeen Winter Village (Pages 23 - 28)
  - 2.1 26 November - 08 December 2015
  - 2.2 09 - 21 December 2015

- 2.3 22 December 2015 - 03 January 2016
  
- 3 Applications for occasional licences - Walk Up Bar 1, Aberdeen Winter Village  
(Pages 29 - 34)
  - 3.1 26 November - 08 December 2015
  - 3.2 09 - 21 December 2015
  - 3.3 22 December 2015 - 03 January 2016
  
- 4 Applications for occasional licences - Walk Up Bar 2, Aberdeen Winter Village  
(Pages 35 - 40)
  - 4.1 26 November - 08 December 2015
  - 4.2 09 - 21 December 2015
  - 4.3 22 December 2015 - 03 January 2016

Should you require any further information about this agenda, please contact Jacqui Wallace, e-mail [jwallace@aberdeencity.gov.uk](mailto:jwallace@aberdeencity.gov.uk) or tel. 01224 522985

## JOHN CODONA'S PLEASURE FAIRS LIMITED

### APPLICATIONS – OCCASIONAL LICENCES UNION TERRACE, ABERDEEN CHRISTMAS VILLAGE

#### APPLICATIONS FOR OCCASIONAL LICENCES IN RESPECT OF

- (a) ENTERTAINMENT AND FAMILY MARQUEE
- (b) ICE RINK VIEWING MARQUEE
- (c) 2 FREE STANDING WALK UP BARS

This is the written Policy which is in place to support Occasional Licences in respect of two marquees and two bars which will form part of the Festive Village, Union Terrace, Aberdeen and which will be operational from 26<sup>th</sup> November 2015 until 3<sup>rd</sup> January 2016.

The whole of Union Terrace will be closed to vehicular traffic for the duration of the event and the said street will form the Premises in terms of said Applications.

The applicants are John Codona's Pleasure Fairs Limited of Amusement Park, Queens Links, Beach Boulevard, Aberdeen, AB24 5ED. The Applicants will ensure that the following policies are put in place and that hereto for the duration of the event.

- (1) Stewarding – Adequate and appropriate stewarding will be in place for the duration of the event.

The responsibility for stewarding this event has been awarded to Showsek, a company who are experienced in stewarding major events and who already have a presence in the City being involved in major events including some of those at Aberdeen Exhibition and Conference Centre.

Showsek will provide qualified and experienced Stewards who will be on duty at all times when alcohol can be purchased.

- (2) Bar Staff – Experienced bar staff will be used in the bars within the two marquees and also in the two Walk Up Bars. The bar staff will all be fully trained and they will be instructed and trained to operate the Challenge 25 Policy.
- (3) Event – This is a seasonal family festive event encompassing a Christmas Market, rides, ice rink and associated catering.

Alcohol sales will be from bars contained within the two marquees and also from the two Walk Up Bars the locations of all of which are shown on the attached plan.

Alcohol sales are part of the package to be offered and the marquees will typically offer a combination of wine, beer, cider, mainline spirits and mulled wine.

The Walk Up Bars will concentrate on the sale of beer, wine and mulled wine/cider.

Customers acquiring drinks from the two Walk Up Bars will be entitled to take their drinks along Union Terrace for the purposes of consumption but will not be permitted to leave Union Terrace with those drinks.

Customers acquiring drinks in the two marquees will not be entitled to remove those drinks from the marquees.

- (4) Glasses – Plastic glasses will be used in all locations and litter bins will be provided throughout Union Terrace.
- (5) Guidance and Advice – The Applicants will ensure that full compliance will be made in respect of any guidance or advice issued by such authorities as the Licensing Standards Officer, Police Scotland and the Fire and Rescue Service.
- (6) Noise Nuisance – The Festive Village and all entertainment will close at 2200 hours daily with the exception of Hogmanay. This will minimise the potential for noise nuisance emanating from the event.
- (7) Entertainment and Food Marquee – Families and customers of the event will be able to purchase food and beverages from the various vendors at the event and enjoy them in the fully enclosed and heated marquee. Additionally the marquee will be used for various types of live entertainment. The attached summary provides more information on the types of live entertainment to be provided. The exact timetable will follow shortly.

Customers buying drinks in this marquee will not be permitted to remove them from the marquee.

- (8) Ice Rink Marquee – This marquee is to enable families to purchase food and liquid refreshments in a covered and heated environment while watching the skaters on the rink. It will be fully enclosed with windows and panels to enable viewing of the ice rink.

Customers buying drinks in this marquee will not be permitted to remove them from the marquee.

- (9) Walk Up Bars – The Walk Up Bars will be located in two locations on Union Terrace as shown on the attached plan.

Children and young persons will not be served at these Bars.

It is envisaged that customers will take drinks bought at the Walk Up Bars along Union Terrace to consume but they will not be permitted to leave the street with any drinks bought at the Bars.

- (10) The Applicants confirm that a Notice under Section 110 of the Licensing (Scotland) Act 2005 will be displayed at each of the marquees and also at each of the Walk Up Bars.

Paper Apart

Description of Activities to be carried on in the premises:-

Entertainment and Covered Family Eating Marquee

This is designed to be a fully covered and heated marquee aimed at providing needs for the whole family.

There will be food and liquid refreshments including beer, cider, mainline spirits, wine and mulled wine available at all times the marquee is open.

The emphasis will be to provide food and drinks in a welcoming family atmosphere.

In addition there will be slots available during afternoons, early evenings and late evenings for community groups, live music and bands to play. The attached spreadsheet gives an illustrative indication of the types of entertainment which is to be provided with in the main Mondays, Tuesdays and Wednesdays being allocated to community groups whilst Thursdays will be devoted to a mixture of live music and community groups. On Fridays there will be live music and band nights. It is anticipated that the main entertainment to be provided on Saturdays will be a combination of live music and variety nights.

On Sundays there will be a combination of live music and comedy acts. It is emphasised that the exact nature of the entertainments to be provided has yet to be finalised but there is a significant effort ongoing in to ensure that entertainment is provided for the whole family.



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## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** OCCASIONAL LICENCE

**LOCATION:** ENTERTAINMENT MARQUEE, ABERDEEN WINTER VILLAGE

### DESCRIPTION

- The applicant has applied for 3 occasional licences for the duration of the Winter Village which runs from 26 November 2015 to 03 January 2016. The applicant is seeking :-
  - On sales daily from 12:00 to 22:00 hours, with the exception of Hogmanay when a terminal hour of 02:00 hours is sought.
  - It is intended to sell beer, cider, mainline spirits, wine and mulled wine
  - Children and young persons of all ages to be permitted entry at all times the premises is open
- Other activities:-
- Food, live music, comedians

### OBJECTIONS/REPRESENTATIONS

- Police
- LSO
- NHS Grampian

### LICENSING POLICY STATEMENT

#### Section 11.3

The Board expects any licensee or organisation catering for an event to have written policies in place, with an understanding to abide by them, which show how the licensing objectives will be met. These policies should relate to and be appropriate to the particular event as follows:

- (a) Adequate and appropriate stewarding to be in place.
- (b) The use of toughened glass or plastic drinking vessels, where appropriate.
- (c) How the Challenge 25 mandatory condition will be met.
- (d) An undertaking that there will be full compliance with any guidance or advice from the Licensing Standards Officer, the Police, The Fire and Rescue Service and any other appropriate authority.
- (e) Details of measures put in place or steps taken to lessen the chance of noise nuisance from any entertainment should be detailed.
- (f) Any further policies relating to the event should be shown under the appropriate licensing objective heading. If children are to be present in licensed areas then particular attention and detail should be given to showing how they will be protected from harm.

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2 November 2015

Your Ref:

Our Ref: AD/DCU/46169/9211/15

Senior Solicitor  
(Litigation and Licensing)  
Aberdeen City Council  
Legal and Democratic Services  
Corporate Governance  
Business Hub 6  
Level 1 South  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB



Sir Stephen House QPM  
Chief Constable

Aberdeen City Division  
Queen Street  
Aberdeen  
AB10 1ZA

01224 306472

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF OCCASIONAL LICENCES**  
**APPLICANT: JOHN CODONA, C/O LEDINGHAM CHALMERS LLP**  
**PREMISES TO BE LICENSED: ENTERTAINMENT AND COVERED FAMILY EATING MARQUEE, ABERDEEN FESTIVE VILLAGE, UNION TERRACE, ABERDEEN**

I refer to the above applications and in terms of Section 58(1)(b)(ii) of the Licensing (Scotland) Act 2005, make the following representation on behalf of the Chief Constable.

The applications relate to a festive event intended to be held between 26 November 2015 and 5 January 2016.

The event, which involves the closure of Union Terrace, Aberdeen will create a 'festive village' within a defined area, and will include stalls selling festive goods, festive food and drinks, family entertainment, funfair rides, a skating rink with viewing marquee and an entertainment marquee where food and drinks can be purchased and consumed.

It is intended that there will four areas within the footprint of the event site from which alcohol will be sold in accordance with Occasional Licences issued under the Licensing (Scotland) Act 2005.

This letter relates to the three applications made in respect of the area of the event site referred to as the Entertainment and Covered Family Eating Marquee, for the periods 26 November to 8 December 2015, 9 December to 21 December 2015 and 22 December 2015 to 3 January 2016, all dates inclusive.

The applications describe the premises as a covered marquee which can be used by the whole family where they can purchase food and drinks and at certain times there will be entertainment provided.

The nature of the entertainment is not specified as it is not yet confirmed however it is understood to be a variety of different forms of entertainment, ranging from community groups to live bands and comedy, particularly at the weekends.

The applicant, on the application forms, has indicated that the applications, in respect of this location, is for 'on sales' of alcohol only for the hours of 1200 - 2200 for every day covered by the applications, apart from 31 December 2015 when the hours requested are 1200 - 0200.

The applicant indicates that children of all ages are to be permitted entry to the Entertainment and Family Eating Marquee at all times the premises (in this case, the Entertainment and Family Eating Marquee) is open, as it is essentially a family event, as indicated on the application forms.

The Police Service of Scotland are supportive of the concept of the event as a whole and are a supportive partner alongside the local authority and local businesses in enhancing the festive experience in the city centre, especially one that firmly focusses on appealing to the whole family by providing a safe, child appropriate environment.

It is my view that such an event could be both appealing and successful without the sale of alcohol being included, or appearing as a major attraction to the event, and I would have welcomed an alcohol free event.

However, on the basis on supporting the concept of the event being a winter market, in which the sale and consumption of alcohol focusses upon seasonal products, on behalf of the Chief Constable, I make the following representation in relation to the applications, and recommend that they be granted subject to the condition that all sales of alcohol be restricted to mulled alcoholic products, i.e. mulled wine and mulled cider.

I understand that this position will undoubtedly disappoint the applicant however, it is a position I take primarily to support the Protecting and Improving Public Health and Protecting Children from Harm licensing objectives, and ask that you consider 'harm' in its broadest term, recognising that children learn behaviours from example and exposure; the normalising and acceptance of consumption of alcohol in everyday environments and the wide availability of alcohol at family oriented events being one such type of exposure. The imposition of this condition would also support Aberdeen Alcohol and Drug Partnership's strategy of engendering a healthier, safer and more responsible attitude to alcohol.

This letter is submitted for your attention when considering these applications and request it be considered in conjunction with two letters to follow relating to the other, similar applications made in terms of Section 56 of the Act in relation to this proposed event.

Yours faithfully



Jackie Craig  
T/Chief Inspector

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## David McKane

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**From:** Tara-Erin Gilchrist  
**Sent:** 05 November 2015 11:32  
**To:** LicensingBoard  
**Subject:** FW: Occasional Licence OC2240  
**Attachments:** application form.pdf

Hi,

With regards to the enclosed application I have discussed the following points with the applicant John Codona.

1. Licensing objective – Protecting children from harm - children to be accompanied by an adult at all times and young persons to be accompanied by an adult after 2100 hours
2. Licensing objective – Protecting children from harm – children and young persons are not permitted to approach the bar counter

If the Licensing Board grants the application and incorporates the points above; I recommend that a notice, detailing the above is also displayed at the entrance to the Marquee.

We discussed other items listed within his event plan and I am satisfied that if the above points are incorporated also, I have no further comment to make.

Kindest regards

Tara-Erin Gilchrist

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**Date:** 4<sup>th</sup> November 2016

**Enquiries to:** 01224 557047

**Email:** [REDACTED]

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

Please note this letter refers to all twelve occasional licence applications for the Aberdeen Christmas Village.

Dear Sir / Madam

**Licensing (Scotland) Act 2005 – Application for the Grant of an Occasional Licence Aberdeen Christmas Village – Ice Rink Viewing Marquee, Entertainment Marquee, Walk up Bar 1 and Walk up Bar 2**

I refer to the above applications for occasional licences to be granted for the period 26<sup>th</sup> November 2015 – 3<sup>rd</sup> January 2016, and in terms of Section 58(1)(a) of the Licensing (Scotland) Act 2005 wish to lodge an objection

The applications seek the grant of an occasional licence to cover the period Thursday, 26<sup>th</sup> November through to Sunday, 3<sup>rd</sup> January 2016 in respect of the Aberdeen Christmas Village which will be held on Union Terrace, Aberdeen at this time. The occasional licence relates to the sale of alcohol for consumption both on and off the premises as I understand that the local byelaw prohibiting street drinking has been suspended for Union Terrace for the duration of the event.

I make the following observations in relation to the application.

- **The close proximity** of the Christmas Village to the Belmont Street Locality
- The increased availability of alcohol through the four outlets detailed in the plan
- The potential harm to children and young people

The Aberdeen City Licensing Board Statement of Licensing Policy 2013 – 2016 identifies the Belmont Street Locality as an area of overprovision for the city of Aberdeen. Paragraph 9.3 states:

*“The Belmont Street, Locality, which is that area of Belmont Street bordered by Union Street, Back Wynd and Schoolhill. It includes Belmont Street, Union Street, (north side), Back Wynd, Little Belmont Street, Gaelic Lane(both sides) and the south side of Schoolhill between Belmont Street and Back Wynd”*

I would suggest that although Union Terrace is out with the overprovision area the proposed viewing marquee, entertainment marquee and two walk up bars represent a **substantial drinking footprint** within an area of the city that is already well provided for.

The Aberdeen Christmas Village is new to the city and would appear to be seeking a festive, family orientated audience with the inclusion of children's rides, ice skating rink and entertainment. I do not feel that the inclusion of an alcohol license provides any positive enhancement to this event.

I am particularly unhappy at the impact this event will have on children and young people through the following:

- Alcohol being served during children's shows in the entertainment marquee.
- The positioning of walk up bar 2 where it appears to be very close to fun fair rides for children and young people
- A bar area within the covered viewing area of the ice rink.

Once again I feel the need to state my concern that alcohol appears to be pervading every social gathering with an expectation that no event is complete without the inclusion of alcohol. Children and young people are growing up thinking that occasions are not complete without alcohol and that somehow an element of enjoyment is missing if it is not present. This sends the wrong message to our young people. If we are to succeed in changing cultural attitudes to alcohol it will be necessary to stop normalising its inclusion in so many aspects of life.

I have not been able to confirm that there will be toilet facilities provided for this event. I am sure you can appreciate the consequences of this which will potentially have an impact on public health and anti social behaviour.

Aberdeen City already has a higher incidence of wholly attributable alcohol related hospital admissions when compared to Aberdeenshire, Moray and the rest of Scotland. Alcohol related deaths are slightly lower than the Scottish average but are still higher than, Moray, Aberdeenshire or England & Wales. Even small reductions in the availability of alcohol can contribute to health gain and reduce violence and harm to the population generally, as well as to the drinker themselves. For these reasons I would request that the granting of a license for the Aberdeen Christmas Village is not granted.

For these reasons, and in terms of Section 58(1)(a) of the Licensing (Scotland) Act 2005, NHS Grampian objects to the application specifically in relation to the grounds for refusal at section 59(6)(c) of the same Act, in that the granting of the application would be inconsistent with the Protecting and Improving Public Health and Protecting Children from Harm licensing objectives.

Yours faithfully



Christopher Littlejohn  
Consultant in Public Health

**pp Heather Wilson**  
**Health Improvement Officer**

## Jacqui Wallace

---

**From:** Graham Cooper <[REDACTED]>  
**Sent:** 17 November 2015 16:46  
**To:** Jacqui Wallace  
**Cc:** {F2722574}.LIVE@lcaberserver10.ledinghamchalmers.com  
**Subject:** FW: John Codona's Pleasure Fairs Limited - Aberdeen Festive Village, Union Terrace, Aberdeen - Applications for Occasional Licences [IWOV-LIVE.FID2722574]

Jacqui

I understand that the special meeting of the Licensing Board to consider the bulk of the Applications for the Occasional Licences will be held on 24<sup>th</sup> November, 2015 at 9.00 am. I can confirm that my clients will be present at that meeting along with myself.

The bulk of the Applications for Occasional Licences will be considered at the meeting, namely, all Applications with the exception of the Applications for Bar 1 and Bar 2 respectively, between the hours of 2200 hours on Hogmanay and 0200 on New Year's Day.

The Applications for the 2 Marquees which have been submitted on an on-sales basis and which have been notified to the various consultees can be considered for all hours including between 2200 hours on Hogmanay and 0200 on New Year's Day.

The Applications to be considered are as follows:-

- 1) Application for Entertainment and Covered Family Eating Marquee shown on the plan which accompanies the Applications.
- 2) Application for Ice Rink Viewing Marquee, the location of which is shown on the plan attached to the Applications.
- 3) Application in respect of Bar 1, the location of which is shown on the plan accompanying the Applications.
- 4) Application for Bar 2, the location of which is shown on the plan accompanying the Applications.

In line with Police Observations our clients have proposed that Bar 2 is located from beside the fun rides to a position on the slip road leading from H M Theatre into Union Terrace. The remainder of this e-mail will assume that this proposal made by our clients is acceptable and if so, that would also mean that all Applications for Occasional Licences in respect of the Ice Rink Viewing Marquee can be withdrawn. On this basis the drinks sold from Bar 2 can be utilised by the following categories:-

- People drinking at the Bar
- People wishing to take drinks into the Ice Rink Viewing Marquee
- People taking drinks on an off-sales basis along Union Terrace but not outwith Union Terrace.

I now deal with each of the Applications as follows:-

- 1) Entertainment and Family Eating Marquee – These Applications will be considered on the basis that they were submitted. They will be considered on an on-sales basis between 1200 hours and 2200 hours daily and from between 2200 hours on Hogmanay and 0200 hours on New Year's Day.

The drinks which are applied for in respect of this Marquee comprise mulled wine and cider, beers, cider, wine and mainline spirits.

- 2) Bar 1 – This Bar comprises both an on and off-sale element to the Application. There will be an on-sales area around the Bar of 2.5 metres in order to allow customers who wish to enjoy their drink beside the Bar to do so.

Other than that there will be an off-sales element to the Application covering the whole of Union Terrace but customers will not be permitted to take their drinks off that street. In addition there will be no objections to customers purchasing drinks in plastic cups on an off-sales basis.

- 3) Bar 2 – Bar 2 will operate in a similar manner to Bar 1 with an area of 2.5 metres around the Bar dealing with the sale of alcohol on an on-sales basis. There will also be an off-sale element to it but again that off-sale element will be restricted to consuming drinks within Union Terrace.
- 4) Further applications in respect of Bars 1 and 2 covering the period between 2200 hours on Hogmanay and 0200 hours on New Year's Day have been submitted. As it is not possible to have an Off-sales Licence granted beyond 2200 hours, the further Applications will be in respect of On-sales Licences and reference to these Applications are made. These Applications in respect of Hogmanay were made of course at your suggestion and I understand that they are to be considered at the Licensing Board Meeting of 8<sup>th</sup> December.

The Premises in respect of Bar 1 under this application will extend to the bar and the whole of Union Terrace under exception of the areas licensed under the Marquee and Bar 2.

The Premises in respect of Bar 2 will be the structure comprising the Bar itself and on an area extending to 2.5 metres around the Bar.

Various observations have been received from consultees in respect of the Applications and they can be summarised as follows:-

- 1) Licensing Standards Officer:-

- (a) Marquee - The observations raised by the Licensing Standards Officer are acceptable. In particular children and young persons should be accompanied by an adult at all times. Children and young persons will also not be permitted to approach the Bar counter located within the Marquee.

Notices detailing these conditions will also be displayed at the entrance to the Marquee.

- (b) Bar 1 and Bar 2 – The Licensing Standards Officer had no observations to make in relation to these Applications.

- 2) NHS Grampian - NHS Grampian objected to the sale of any alcohol at this event.

Although our clients take on board the comments made by NHS Grampian, they nevertheless believe that these comments do not recognise what is being provided for the general public as part of the Festive Village and our clients believe they have not taken into account the fact that our clients are seeking to replicate what is on offer at other Festive Villages.

Essentially, NHS Grampian are indicating that the sale of alcohol at this event sends the wrong message to children and they also state that if cultural attitudes to alcohol are to be changed, alcohol should stop being regarded as being normal in many aspects of life.

Our clients take the view that the message which is being portrayed by NHS Grampian is important but is nevertheless out of context when it applies to the Festive Village.

Our clients will be organising and running a very responsible source of entertainment for the good and benefit of the wider community and it is expected that there will be a demand for alcoholic drinks, be that mulled wine, beer or the like. In order to ensure that this event is run responsibly and there is no abuse of alcohol, stewarding will be in place to ensure there is no abuse of alcohol and our clients will also ensure that the Licensing Objectives are followed. The Challenge 25 Policy will also be put in place and there will be trained staff and Personal Licence Holders on duty at all times the outlets for the sale of alcoholic products are open.

Only plastic cups and glasses will be available and this again complies with our clients' view that this event has to be run responsibly.

### 3) Police Scotland

#### (a) Entertainment and Family Eating Marquee

First of all our clients are pleased to note that Police Scotland are supportive of the concept of the event as a whole.

However, they do not agree with the suggestion that the sale of alcohol should be restricted to mulled alcohol products.

Our clients would wish to retain the ability to sell the alcoholic drinks referred to in the Applications relating to the Entertainment Marquee. Our clients believe that they can do this responsibly whilst at the same time complying with the Licensing Objectives.

#### (b) Letter in respect of Walk Up Bar 1

Police Scotland have again recommended that the sale of alcohol be restricted to mulled products. For the reasons given above our clients would wish to take issue with this and retain the ability to sell the types of drinks referred to in the Applications which comprise mulled wine and cider, beer, cider and wine.

#### (c) Walk Up Bar 2

Our clients have taken on board Police Scotland's concern at the proximity of this Bar to some of the rides. As indicated above our clients are proposing that the location of this Bar be relocated to a position away from the fair on the slip road leading from H M Theatre on to Union Terrace.

Again, our clients would wish to retain the ability to sell the alcoholic products referred to in the Applications.

It is important to emphasise that all drinks will be sold in plastic cups and glasses and there is no question of glass containers or bottles being sold.

Key points in regard to our clients' overall philosophy in regard to running this event are as follows:-

- Stewarding will be in place at all times Bars are open.
- Trained Bar staff will operate the various Bars.
- Our clients will operate the Challenge 25 Policy.
- Only plastic cups and glasses will be used.

- There will be at least 1 Personal Licence Holder on duty at all times the Bars are open.

Please also bear in mind that our clients' Policy in respect of these applications was forwarded to you along our letter of 20<sup>th</sup> October, 2015.

I hope that this summarises the position regarding these Applications and if you have any queries please revert to me. Otherwise, I look forward to attending the Board Meeting at 9.00 am on 24<sup>th</sup> November. We will also be attending the Special Licensing Committee Meeting to be held that day at 10.30 am.

Regards  
Graham

**Graham W J Cooper**  
**Partner**  
**Ledingham Chalmers LLP**

**Anna Patience**  
**Legal Secretary**  
**Ledingham Chalmers LLP**



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## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** OCCASIONAL LICENCE

**LOCATION:** ICE RINK VIEWING MARQUEE, ABERDEEN WINTER VILLAGE

### DESCRIPTION

- The applicant has applied for 3 occasional licences for the duration of the Winter Village which runs from 26 November 2015 to 03 January 2016. The applicant is seeking :-
  - On sales daily from 12:00 to 22:00 hours, with the exception of Hogmanay when a terminal hour of 02:00 hours is sought.
  - It is intended to sell beer, cider, mainline spirits, wine and mulled wine
  - Children and young persons of all ages to be permitted entry at all times the premises is open
- Other activities:-
- Food and refreshments

### OBJECTIONS/REPRESENTATIONS

- Police
- LSO
- NHS Grampian

### LICENSING POLICY STATEMENT

#### Section 11.3

The Board expects any licensee or organisation catering for an event to have written policies in place, with an understanding to abide by them, which show how the licensing objectives will be met. These policies should relate to and be appropriate to the particular event as follows:

- (a) Adequate and appropriate stewarding to be in place.
- (b) The use of toughened glass or plastic drinking vessels, where appropriate.
- (c) How the Challenge 25 mandatory condition will be met.
- (d) An undertaking that there will be full compliance with any guidance or advice from the Licensing Standards Officer, the Police, The Fire and Rescue Service and any other appropriate authority.
- (e) Details of measures put in place or steps taken to lessen the chance of noise nuisance from any entertainment should be detailed.
- (f) Any further policies relating to the event should be shown under the appropriate licensing objective heading. If children are to be present in licensed areas then particular attention and detail should be given to showing how they will be protected from harm.

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5 November 2015

Your Ref:

Our Ref: AD/DCU/46169/9211/15

Senior Solicitor  
(Litigation and Licensing)  
Aberdeen City Council  
Legal and Democratic Services  
Corporate Governance  
Business Hub 6  
Level 1 South  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB



Sir Stephen House QPM  
Chief Constable

Aberdeen City Division  
Queen Street  
Aberdeen  
AB10 1ZA

01224 306472

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF OCCASIONAL LICENCES**  
**APPLICANT: JOHN CODONA, C/O LEDINGHAM CHALMERS LLP**  
**PREMISES TO BE LICENSED: ICE RINK VIEWING MARQUEE, ABERDEEN FESTIVE VILLAGE, UNION TERRACE, ABERDEEN**

I refer to the above applications and in terms of Section 58(1)(b)(ii) of the Licensing (Scotland) Act 2005, make the following representation on behalf of the Chief Constable.

The applications relate to a festive event due to be held between 26 November 2015 and 5 January 2016.

The event, which involves the closure of Union Terrace, Aberdeen will create a 'festive village' within a defined area, and will include stalls selling festive goods, festive food and drinks, family entertainment, funfair rides, a skating rink with viewing marquee and an entertainment marquee where food and drinks can be purchased and consumed.

It is intended that there will four areas within the footprint of the event site from which alcohol will be sold in accordance with Occasional Licences issued under the Licensing (Scotland) Act 2005.

This letter relates to the three applications made in respect of the area of the event site referred to as the Ice Rink Viewing Marquee for the periods 26 November to 8 December 2015, 9 December to 21 December 2015 and 22 December 2015 to 3 January 2016, all dates inclusive.

The applications describe the premises as a covered marquee which can be used by the whole family, from which persons skating on the ice rink can be viewed.

The applications, in respect of this location, are for 'on sales' only and for the hours of 1200 - 2200 for every day covered by the applications, with the exception of 31 December 2015, when the hours applied for are 1200 - 0200.

The application form indicates that children of all ages are to be permitted entry to the Ice Rink Viewing Marquee at all times the premises (in this case the Ice Rink Viewing Marquee) is open, as it is essentially catering for the whole family event, as indicated on the application forms.

The Police Service of Scotland are supportive of the concept of the event as a whole and are a supportive partner alongside the local authority and local businesses in enhancing the festive experience in the city centre, especially one that firmly focusses on appealing to the whole family by providing a safe, child appropriate environment.

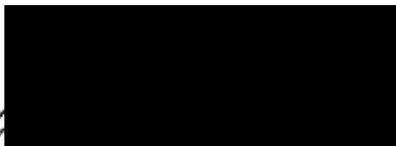
It is my view that such an event could be both appealing and successful without the sale of alcohol being included, or appearing as a major attraction to the event, and I would have welcomed an alcohol free event.

However, on the basis on supporting the concept of the event being a winter market, in which the sale and consumption of alcohol focusses upon seasonal products, on behalf of the Chief Constable, I make the following representation in relation to the applications, and recommends that they be granted subject to condition that all sales of alcohol be restricted to mulled alcoholic products, i.e. mulled wine and mulled cider.

I understand that this position will undoubtedly disappoint the applicant however, it is a position I take primarily to support the Protecting and Improving Public Health and Protecting Children from Harm licensing objectives, and ask that you consider 'harm' in its broadest term, recognising that children learn behaviours from example and exposure; the normalising and acceptance of consumption of alcohol in everyday environments and the wide availability of alcohol at family oriented events being one such type of exposure. The imposition of this condition would also support Aberdeen Alcohol and Drug Partnership's strategy of engendering a healthier, safer and more responsible attitude to alcohol.

This letter is submitted for your attention when considering these applications and request it be considered in conjunction with my other letters relating to similar applications made in terms of Section 56 of the Act in relation to this proposed event.

Yours faithfully



Jackie Craig  
T/Chief Inspector

## David McKane

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**From:** Tara-Erin Gilchrist  
**Sent:** 05 November 2015 12:01  
**To:** LicensingBoard  
**Subject:** FW: New Occasional Licence9s) OC 2246-8- Ice Rink Viewing Marquee (3) Appl  
**Attachments:** Application Form (1)\_Ice Rink.pdf; Application Form (2)\_Ice Rink.pdf; Application Form (3)\_Ice Rink.pdf

Hi

With regards to the enclosed application, I have discussed the following points with the applicant John Codona.

1. Licensing objective – Protecting children from harm - children to be accompanied by an adult at all times and young persons to be accompanied by an adult after 2100 hours
2. Licensing objective – Protecting children from harm – children and young persons are not permitted to approach the bar counter

If the Licensing Board grants the application and incorporates the above points; I recommend that a notice, detailing the information above, is also displayed at the entrance to the Marquee.

John and I discussed other items listed within the event plan and I am satisfied that if the above points are incorporated, I have no further comment to make.

Kindest regards

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## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** OCCASIONAL LICENCE

**LOCATION:** WALK UP BAR 1, ABERDEEN WINTER VILLAGE

### DESCRIPTION

- The applicant has applied for 3 occasional licences for the duration of the Winter Village which runs from 26 November 2015 to 03 January 2016. The Walk Up Bar is to be located at the southern end of Union Terrace towards Union Street.  
The applicant is seeking :-
- On sales daily from 12:00 to 22:00 hours, with the exception of Hogmanay when a terminal hour of 02:00 hours is sought (the applicant has now submitted separate applications for Hogmanay from 22:00 – 02:00 hours).
- Off sales daily from 12:00 to 22:00 hours
- It is intended to sell items such as mulled wine, beer, cider and wine
- Children and young persons will not be allowed at the Walk Up Bar

### OBJECTIONS/REPRESENTATIONS

- Police
- NHS Grampian

### LICENSING POLICY STATEMENT

#### Section 11.3

The Board expects any licensee or organisation catering for an event to have written policies in place, with an understanding to abide by them, which show how the licensing objectives will be met. These policies should relate to and be appropriate to the particular event as follows:

- (a) Adequate and appropriate stewarding to be in place.
- (b) The use of toughened glass or plastic drinking vessels, where appropriate.
- (c) How the Challenge 25 mandatory condition will be met.
- (d) An undertaking that there will be full compliance with any guidance or advice from the Licensing Standards Officer, the Police, The Fire and Rescue Service and any other appropriate authority.
- (e) Details of measures put in place or steps taken to lessen the chance of noise nuisance from any entertainment should be detailed.
- (f) Any further policies relating to the event should be shown under the appropriate licensing objective heading. If children are to be present in licensed areas then particular attention and detail should be given to showing how they will be protected from harm.

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5 November 2015

Your Ref:

Our Ref: AD/DCU/46169/9211/15

Senior Solicitor  
(Litigation and Licensing)  
Aberdeen City Council  
Legal and Democratic Services  
Corporate Governance  
Business Hub 6  
Level 1 South  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB



Sir Stephen House QPM  
Chief Constable

Aberdeen City Division  
Queen Street  
Aberdeen  
AB10 1ZA

01224 306472

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF OCCASIONAL LICENCES**  
**APPLICANT: JOHN CODONA, C/O LEDINGHAM CHALMERS LLP**  
**PREMISES TO BE LICENSED: STALL TO BE KNOWN AS WALK UP BAR 1, ABERDEEN FESTIVE VILLAGE, UNION TERRACE, ABERDEEN**

I refer to the above applications and in terms of Section 58(1)(b)(ii) of the Licensing (Scotland) Act 2005, make the following representation on behalf of the Chief Constable.

The applications relate to a festive event due to be held between 26 November 2015 and 5 January 2016.

The event, which involves the closure of Union Terrace, Aberdeen will create a 'festive village' within a defined area, and will include stalls selling festive goods, festive food and drinks, family entertainment, funfair rides, a skating rink with viewing marquee and an entertainment marquee where food and drinks can be purchased and consumed.

It is intended that there will be four areas within the footprint of the event site from which alcohol will be sold in accordance with Occasional Licences issued under the Licensing (Scotland) Act 2005.

This letter relates to the applications made in respect of the Walk Up Bar 1 within the event site for the periods 26 November to 8 December 2015, 9 December to 21 December 2015 and 22 December 2015 to 3 January 2016, all dates inclusive.

**NOT PROTECTIVELY MARKED**

Walk Up Bar 1 is to be situated at the Union Street end of the event site, in the proximity of the market stalls. There is one further, similar structure, referred to as Walk Up Bar 2 which is to be situated at the Rosemount Viaduct end of the event site.

The applications to which this letter refers request 'on sales' of alcohol between 1200 and 2200 on each day applied for, with the exception of 31 December 2015 when the hours requested are 1200 - 0200. The application also requests 'off sales' of alcohol for the hours 1200 - 2200.

The applications forms describe the premises to be licensed as "a bar selling items such as mulled wine, beer, cider and wine."

On the application forms, at the part in which the applicant describes the activities to be carried on in the premises, the applicant has indicated that customers who purchase alcoholic products sold from the bars will be 'entitled to consume the drinks within Union Terrace'.

Telephone contact has been made with the applicant's agent who has advised that he has submitted the applications on the understanding that the purchase of the alcohol and subsequent consumption of same on Union Terrace will be done so in accordance with 'on sales' of alcohol.

I am of the view that if this is the case, the description of the premises to be licensed should have included the actual street, Union Terrace as the area in which alcohol is to be consumed on the premises, and thus Union Terrace becomes the licensed area for the sale of alcohol for consumption on the premises, thus defining a clear licensed area. The absence of a 'licensed area' gives no scope for certain controls and measures under the Licensing (Scotland) Act 2005, particularly if any offences under the Act were committed.

I am aware that there is an intention to relax, or amend, the Aberdeen City Council (Drinking in Public Place) Byelaws 2009, in respect of Union Terrace only, for the dates of the event.

It may be the case that the Licensing Board considers that the sale of alcohol from the walk up bars will be done in accordance with 'off sales'. If this is the case, the licensed area is the physical structure of the bars only, as per the description provided on the application forms and such sales would have to cease at 2200 hours on 31 December 2015.

If it is viewed that sales of alcohol from a walk up bar are made on an 'off sales' basis, the consumption of same on Union Terrace will be permissible if the bye law is indeed relaxed, or amended to permit this activity.

It is my understanding that to date this has not been confirmed, therefore the applications for sale of alcohol on an 'off sales' basis are done on the presumption of the bye law being relaxed for that area. If such a relaxation of the bye law is not completed by the first date these applications relate to (26 November 2015) then I can foresee the only remedy being that the sale of alcohol is done so in accordance with the Occasional Licences for the sale of alcohol on an 'on sales' basis, with Union Terrace being included as the area to be licensed.

The applicant's agent has indicated that in respect of 'off sales' there is no intention for alcohol to be sold for consumption off the premises in the conventional manner, i.e. bottles of alcohol sold and taken off the premises for consumption elsewhere.

I understand that at similar, larger events in Edinburgh, the sales of alcohol from walk up bars which can then be consumed on the site, are on an 'on sales' basis and the area in which alcohol can be consumed is clearly defined and forms part of the licensed area.

I am of the view that there are issues regarding the precise basis on which alcohol will be sold from Walk Up Bar 1 that the Licensing Board may seek to clarify.

The Police Service of Scotland are supportive of the concept of the event as a whole and are a supportive partner alongside the local authority and local businesses in enhancing the festive experience in the city centre, especially one that firmly focusses on appealing to the whole family by providing a safe, child appropriate environment.

It is my view that such an event could be both appealing and successful without the sale of alcohol being included, or appearing as a major attraction, and I would have welcomed an alcohol free event.

However, on the basis of supporting the concept of the event being a winter market, in which the sale and consumption of alcohol focusses upon seasonal products, on behalf of the Chief Constable, I make the following representation in relation to the applications for Walk Up Bar 1, and recommend they be granted subject to the condition that all sales of alcohol be restricted to mulled alcoholic products, i.e. mulled wine and mulled cider.

I understand that this position will undoubtedly disappoint the applicant however, it is a position I take primarily to support the Protecting and Improving Public Health and Protecting Children from Harm licensing objectives, and ask that you consider 'harm' in its broadest sense, recognising that children learn behaviours from example and exposure; the normalising and acceptance of consumption of alcohol in everyday environments and the wide availability of alcohol at family oriented events being examples of such types of exposure. The imposition of this condition would also support Aberdeen Alcohol and Drug Partnership's strategy of engendering a healthier, safer and more responsible attitude to alcohol.

This letter is submitted for your attention when considering these applications and request it be considered in conjunction with my other letters relating to similar applications made in terms of Section 56 of the Act in relation to this proposed event.

Yours faithfully



Jackie Craig  
T/Chief Inspector

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## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** OCCASIONAL LICENCE

**LOCATION:** WALK UP BAR 2, ABERDEEN WINTER VILLAGE

### DESCRIPTION

- The applicant has applied for 3 occasional licences for the duration of the Winter Village which runs from 26 November 2015 to 03 January 2016. The Walk Up Bar is to be located at the northern end of Union Terrace towards HM Theatre.  
The applicant is seeking :-
- On sales daily from 12:00 to 22:00 hours, with the exception of Hogmanay when a terminal hour of 02:00 hours is sought (the applicant has now submitted separate applications for Hogmanay from 22:00 – 02:00 hours).
- Off sales daily from 12:00 to 22:00 hours
- It is intended to sell items such as mulled wine, beer, cider and wine
- Children and young persons will not be allowed at the Walk Up Bar

### OBJECTIONS/REPRESENTATIONS

- Police
- NHS Grampian

### LICENSING POLICY STATEMENT

#### Section 11.3

The Board expects any licensee or organisation catering for an event to have written policies in place, with an understanding to abide by them, which show how the licensing objectives will be met. These policies should relate to and be appropriate to the particular event as follows:

- (a) Adequate and appropriate stewarding to be in place.
- (b) The use of toughened glass or plastic drinking vessels, where appropriate.
- (c) How the Challenge 25 mandatory condition will be met.
- (d) An undertaking that there will be full compliance with any guidance or advice from the Licensing Standards Officer, the Police, The Fire and Rescue Service and any other appropriate authority.
- (e) Details of measures put in place or steps taken to lessen the chance of noise nuisance from any entertainment should be detailed.
- (f) Any further policies relating to the event should be shown under the appropriate licensing objective heading. If children are to be present in licensed areas then particular attention and detail should be given to showing how they will be protected from harm.

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5 November 2015

Your Ref:

Our Ref: AD/DCU/46253/9211/15

Senior Solicitor  
(Litigation and Licensing)  
Aberdeen City Council  
Legal and Democratic Services  
Corporate Governance  
Business Hub 6  
Level 1 South  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB



Sir Stephen House QPM  
Chief Constable

Aberdeen City Division  
Queen Street  
Aberdeen  
AB10 1ZA

01224 306472

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF OCCASIONAL LICENCES**  
**APPLICANT: JOHN CODONA, C/O LEDINGHAM CHALMERS LLP**  
**PREMISES TO BE LICENSED; STALL TO BE KNOWN AS WALK UP BAR 2, ABERDEEN FESTIVE VILLAGE, UNION TERRACE, ABERDEEN**

I refer to the above applications and in terms of Section 58(1)(a) and (b)(ii) of the Licensing (Scotland) Act 2005, the Chief Constable makes the following objection and representation in relation to the applications.

The applications relate to a festive event due to be held between 26 November 2015 and 5 January 2016.

The event, which involves the closure of Union Terrace, Aberdeen will create a 'festive village' within a defined area, and will include stalls selling festive goods, festive food and drinks, family entertainment, funfair rides, a skating rink with viewing marquee and an entertainment marquee where food and drinks can be purchased and consumed.

It is intended that there will four areas within the footprint of the event site from which alcohol will be sold in accordance with Occasional Licences issued under the Licensing (Scotland) Act 2005.

This letter relates to the applications in respect of the point of sale of alcohol referred to Walk Up Bar 2 within the event site for the periods 26 November to 8 December 2015, 9 December to 21 December 2015 and 22 December 2015 to 3 January 2016, all dates inclusive.

The applications to which this letter refers request 'on sales' of alcohol between 1200 and 2200 on each day applied for, with the exception of 31 December 2015 when the hours requested are 1200 - 0200. The application also requests 'off sales' of alcohol for the hours 1200 - 2200.

Walk Up Bar 2 is to be situated at the Rosemount Viaduct end of the event site, positioned between a children's funfair ride and a 'thrill' funfair ride. There is another such bar (Walk Up Bar 1) positioned at the Union Street end of the event site, alongside market stalls.

The application forms describe the premises to be licensed as "a bar selling items such as mulled wine, beer, cider and wine."

The applicant has indicated that customers who purchase alcoholic products sold from Walk Up Bar 2, will be 'entitled to consume the drinks within Union Terrace'.

Telephone contact has been made with the applicant's agent who has advised that he has submitted the applications on the understanding that the purchase of the alcohol, and consumption of same on Union Terrace, will be done so in accordance with 'on sales' of alcohol.

I am of the view that if this is the case, the description of the premises to be licensed should have included the actual street, Union Terrace, or other defined area, and thus such a defined area would become the licensed area for the sale of alcohol for consumption on the premises, there defining a clear and identifiable licensed area. The absence of a licensed area gives no scope for certain controls and measures under the Licensing (Scotland) Act 2005, particularly if any offences under the Act were committed.

I understand from colleagues in Edinburgh that at winter markets of this nature held in two prominent locations in their city, the sale of alcohol for consumption within the event is on an 'on sales' basis and much of the event site becomes a licensed area, in terms of the Act.

I am aware that there is an intention to relax, or amend, the Aberdeen City Council (Drinking in Public Place) Byelaws 2009, in respect of Union Terrace only, for the dates of the event.

It may be the case that the Licensing Board considers that the sale of alcohol from the walk up bars will be done in accordance with 'off sales'. If this is the case, the licensed area is the physical structure of the bars only, as per the description provided on the application forms and such sales would have to cease at 2200 hours on 31 December 2015.

If it is viewed that sales of alcohol from a Walk Up Bar 2 are made on an 'off sales' basis, the consumption of same on Union Terrace will be permissible if the bye law is indeed relaxed, or amended to permit this activity, but is restricted to a terminal hour of 2200 hours daily.

It is my understanding that to date this has not been confirmed, therefore the applications for sale of alcohol on an 'off sales' basis are done on the presumption of the bye law being relaxed for that area. If such a relaxation of the bye law is not completed by the first date to which these applications relate (26 November 2015) then

I foresee the only remedy being the sale of alcohol in accordance with Occasional Licences on an 'on sales' basis, with Union Terrace (or other defined area) being included as the area to be licensed.

The applicant's agent has indicated that in respect of 'off sales' there is no intention for alcohol to be sold for consumption off the premises in the conventional manner, i.e. bottles of alcohol sold and taken off the premises for consumption elsewhere.

I am of the view that there are issues regarding the precise basis on which alcohol will be sold from Walk Up Bar 2, that the Licensing Board may seek to clarify.

The Police Service of Scotland are supportive of the concept of the event as a whole and are a supportive partner alongside the local authority and local businesses in enhancing the festive experience in the city centre, especially one that firmly focusses on appealing to the whole family by providing a safe, child appropriate environment.

It is my view that such an event could be both appealing and successful without the sale of alcohol being included, or appearing as a major attraction, and I would have welcomed an alcohol free event.

Further to the above, I am of the view that the seeking of two points of sale of alcohol which are 'walk up bars' is placing a greater emphasis on the sale of alcohol than is perhaps merited at a family event.

To this end, on behalf of the Chief Constable, in terms of Section 58(1)(a) of the Act, , I wish to object to the grant of an Occasional Licence for Walk Up Bar 2, under the grounds at Section 59(6)(c) of the Act, in support the Protecting Children from Harm licensing objective.

The location of this point of sale of alcohol is, as articulated above, positioned between two funfair rides, one of which is solely for use by children. I ask that you consider the term 'harm' in its broadest sense, recognising that children learn behaviours from example and exposure; the normalising and acceptance of consumption of alcohol in everyday environments and the wide availability of alcohol at family oriented events being examples of such exposure.

I do not foresee that the relocation of the point of sale of alcohol to which these applications relate can be suitably or conveniently relocated within the event site, on the basis that the event site will be well served by three other points of sale of alcohol.

On the basis of supporting the concept of the event being a winter market, in which the sale and consumption of alcohol focusses upon seasonal products, in the event of this objection not being supported, on behalf of the Chief Constable, I make the following representation in relation to the applications, and recommend that they be granted subject to condition that sales of alcohol be restricted to mulled alcoholic products, i.e. mulled wine and mulled cider.

The imposition of this condition would also support Aberdeen Alcohol and Drug Partnership's strategy of engendering a healthier, safer and more responsible attitude to alcohol.

This letter is submitted for your attention when considering these applications and request it be considered in conjunction with my other letters relating to the similar

applications made in terms of Section 56 of the Act in relation to this proposed event.

Yours faithfully



Jackie Craig  
T/Chief Inspector