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LICENSING BOARD

ABERDEEN, 17 January 2017. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener; and Councillors Grant, Lawrence, Cameron, Copland, Townson and Yuill.

LIST OF APPLICATIONS

The Board had before it, for its consideration the applications as listed in articles 2-20 of this minute.

APPLICATION FOR PROVISIONAL PREMISES LICENCE-HAMPTON BY HILTON ABERDEEN, AIRPORT HOTEL, HARVEST WAY, D2 BUSINESS PARK, DYCE, ABERDEEN

The Board had before it a letter of representation dated 19 December 2016 from Police Scotland.

By way of a preliminary point Mr Grunert, solicitor, on behalf of the applicant confirmed that he accepted the proposed condition as set out in the Police representation.

Mr Munro, Legal Advisor, advised that the Operating Plan and Layout Plan had been amended accordingly.

Sergeant Flett confirmed this was acceptable and withdrew her letter of representation.

Thereafter, Mr Grunert addressed the Board in support of the application.

The Board resolved:

To grant the application as amended and subject to the local conditions in respect of the Drugs Policy and Outdoor Seating Areas.

APPLICATION FOR PROVISIONAL PREMISES LICENCE- PREZZO, UNIT A2, MARISCHAL SQUARE, ABERDEEN

The Board had before it a letter of representation dated 20 December 2016 from Police Scotland and a memo dated 02 December 2016 from Environmental Health Noise Enforcement.

As a preliminary point, Ms Hunter, Solicitor, confirmed on behalf of the applicants that the Operating Plan and Layout Plan had been amended to reflect the conditions recommended in the letter and memo with regards to physical barriers, a terminal hour of 22:00hrs and no amplified music for outdoor areas and children and young person access.

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Subsequently the Police and Environmental Health Officer had withdrawn their letters.

Thereafter, Ms Hunter addressed the Board in support of the application.

The Board Resolved:

To grant the application as amended.

**APPLICATION FOR PROVISIONAL PREMISES LICENCE- SIMPLY MALTS LTD,
C/O DEEMOUTH BUSINESS CENTRE, SOUTH ESPLANADE EAST, ABERDEEN
AB11 9PB**

Mr Munro, Legal Advisor, advised the Board that the application had been deferred to the next Board meeting on 21 March 2017.

**APPLICATION FOR PROVISIONAL PREMISES LICENCE- UNIT A, HILLHEAD
HALLS OF RESIDENCE, ABERDEEN, AB24 1WU**

The Board had before it a letter of representation dated 22 December 2016 from NHS Grampian.

The Board heard Mrs Wilson speak to her letter of representation from NHS Grampian

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

The Board resolved:

To grant the application subject to the local condition of CCTV.

**APPLICATION FOR VARIATION OF PREMISES LICENCE- CHIQUITO, UNIT FS6/7,
UNION SQUARE, ABERDEEN, AB11 5RG**

The Board had before it a letter of representation dated 20 December 2016 from Police Scotland and a letter of representation dated 22 December 2016 from NHS Grampian.

By way of preliminary point, Ms Walker, Solicitor, confirmed on behalf of the applicant that they would amend the application to off sales hours commencing at 11:00hrs and agreed to the proposed condition that alcohol will only be delivered with food.

Police Scotland and NHS Grampian subsequently withdrew their letters of representation.

The Board Resolved:

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To grant the application as amended.

APPLICATION FOR VARIATION OF PREMISES LICENCE- CHIQUITO, UNIT 2, QUEENS LINKS LEISURE PARK, ABERDEEN, AB24 5EN

The Board had before it a letter of representation dated 20 December 2016 from Police Scotland and a letter of representation dated 22 December 2016 from NHS Grampian.

By way of preliminary point, Ms Walker, Solicitor confirmed on behalf of the applicant that they would amend the application to off sales hours commencing at 11:00hrs and agreed to the proposed condition that alcohol will only be delivered with food.

Police Scotland and NHS Grampian subsequently withdrew their letters of representation.

The Board Resolved:

To grant the application as amended.

APPLICATION FOR VARIATION OF PREMISES LICENCE, COAST TO COAST, UNIT FS 14, 5 FIRST LEVEL MALL, UNION SQUARE, GUILD STREET, ABERDEEN

The Board had before it a letter of representation dated 20 December 2016 from Police Scotland and a letter of representation dated 22 December 2016 from NHS Grampian.

By way of preliminary point, Ms Walker, Solicitor confirmed on behalf of the applicant that they would amend the application to off sales hours commencing at 11:00hrs and agreed to the proposed condition that alcohol will only be delivered with food.

Police Scotland and NHS Grampian subsequently withdrew their letters of representation.

The Board Resolved:

To grant the application as amended.

APPLICATION FOR VARIATION OF PREMISES LICENCE- DYCE BOWLING CLUB, OFF SKENE PLACE, DYCE, ABERDEEN, AB21 7AY

The Board had before them a letter of representation dated 20 December 2016 from Police Scotland and a letter of objection from Dyce Community Council.

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By way of preliminary point, Mr Munro, Legal Advisor, advised that the application had been amended to reflect the proposed conditions by Police Scotland and that the objection from Dyce Community Council had been withdrawn.

Police Scotland subsequently withdrew their letter of representation.

Thereafter, Mr Robertson and Mr Cruickshank, representatives of the applicant addressed the Board in support of the application.

The Board resolved:

To grant the application as amended.

APPLICATION FOR VARIATION OF A PREMISES LICENCE- FIVE GUYS, UNIT 2, 1-7 ST NICHOLAS STREET, ABERDEEN, ABERDEEN, AB10 1HE

The Board had before it a letter of representation dated 21 December 2016 from Police Scotland and a memo dated 07 December 2016 from Environmental Health Noise Enforcement.

The Board heard Sergeant Flett speak to the letter from Police Scotland.

As a preliminary point Ms Hunter, Solicitor, agreed to the proposed conditions of no external amplified music and a terminal hour of 21:00hrs for serving alcohol, physical barriers to demark the outdoor seating area and alcohol only served with food.

Thereafter, Ms Hunter addressed the Board in support of the application, in particular requesting one of the proposed conditions of decanting alcohol into safety glass or plastic containers by Police Scotland, should not be applied.

Councillor Yuill moved to grant the application including the proposed condition but amending the condition to allow for beers to be served in original bottles with any other alcohol to be decanted into plastic glasses or safety glass.

Councillor Townson moved an amendment to grant the application without the proposed condition.

On division there voted for the motion (3) The Convener, Councillors Cameron and Yuill; for the amendment (4) Councillors Copland, Grant, Townson and Lawrence.

The Board resolved:

To adopt the amendment.

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APPLICATION FOR VARIATION OF PREMISES LICENCE- HANDMADE BURGER COMPANY, UNIT FS 16 UNION SQUARE , ABERDEEN AB11 5RG

The Board had before it a letter of representation dated 22 December 2016 from Police Scotland.

As a preliminary point, Mr Dawson, Solicitor, acting on behalf of Hill Brown and applicant accepted the proposed recommendations of Police Scotland that alcohol would only be sold for takeaway or delivery with food.

Sergeant Flett confirmed this was acceptable and withdrew their letter of representation.

Mr Dawson addressed the Board in support of the application.

The Board resolved:

To grant the application as amended.

Councillor Yuill excused himself from the Board meeting for the remainder of the applications.

APPLICATION FOR VARIATION OF PREMISES LICENCE- I & J GENERAL STORES, 142 SPITAL, ABERDEEN, AB24 3JU

A representative of the applicant addressed the Board in support of the application.

The Board Resolved:

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE- RED LION, 130 SPITAL, ABERDEEN, AB24 3JU

Mark Cavanagh, applicant, applicant addressed the Board in support of the application.

The Board resolved:

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE-SALTOUN ARMS, 69 FREDERICK STREET, ABERDEEN, AB24 5HY

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The Board had before it a letter of representation dated 20 December 2016 from Police Scotland and a letter of objection dated 22 December from NHS Grampian.

The Board heard Sergeant Flett speak to the letter from Police Scotland.

Mr Dawson, Solicitor confirmed that he agreed on behalf of the applicant to the condition of 22:00hrs terminal hour for outdoor drinking, no amplified music outdoors and sufficient supervision of outside drinking areas.

Sergeant Flett subsequently confirmed she was happy to withdraw her letter of representation.

Thereafter, the Board heard Mrs Wilson speak to the letter from NHS Grampian.

Mr Dawson addressed the Board in support of the application.

The Board resolved:

To grant the application as amended.

APPLICATION FOR VARIATION OF PREMISES LICENCE- SIX DEGREES NORTH, 8 LITTLEJOHN STREET, ABERDEEN, AB10 1FF

The Board had before it a letter of representation dated 12 December 2016 from Police Scotland and a letter of representation dated 22 December 2016 from NHS Grampian.

As a preliminary point, Mr Fraser, Solicitor, informed the Board that on behalf of the applicant the operating plan and layout plan had been amended to reflect the recommendations of Police Scotland and NHS Grampian in respect of Children and Young Persons.

Subsequently Police Scotland and NHS Grampian had withdrawn their letters.

Mr Fraser addressed the Board in support of the application.

The Board resolved:

To grant the application as amended.

APPLICATION FOR VARIATION OF PREMISES LICENCE- THE PIER BISTRO, SEA BEACH, ABERDEEN, AB24 5NS

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The Board had before it a letter of representation dated 21 December 2016 from Police Scotland and a memo dated 08 December 2016 from the Licensing Standards Officer.

The Board heard Sergeant Flett speak to the letter from Police Scotland.

Mr Dawson, Solicitor, agreed to the condition for outdoor seated areas of a terminal hour of 22:00hrs on behalf of the applicant.

Subsequently, Police Scotland and the Licensing Support Officer withdrew their letters.

Mr Dawson addressed the Board in support of the application.

The Board resolved:

To grant the application as amended.

APPLICATION FOR VARIATION OF PREMISES LICENCE- UNDERDOG. 5 UNION STREET, ABERDEEN, AB11 5BU

The Board had before it a letter of representation dated 21 December 2016 from Police Scotland and a letter of objection dated 23 December 2016 from Burness Paull on behalf of their client.

As a preliminary point Mr McGowan, Solicitor, confirmed that he had amended the Operating Plan and Layout Plan on behalf of the applicant to reflect the existing conditions and children and young person access.

Sergeant Flett confirmed she was happy and had subsequently withdrawn her letter.

Thereafter, the Board heard Ms Hunt, Solicitor; speak to the letter of objection on behalf of her client.

Mr McGowan addressed the Board in support of the application.

The Board resolved:

To grant the application as amended.

APPLICATION FOR A GRANT OF A PERSONAL LICENCE- AC4707

The Board had before it a notice in terms of Section 83 (4) (b) of the Licensing (Scotland) Act 2005 dated 16 September 2016 submitted by the Chief Constable, Police Scotland.

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In the absence of the applicant;

The Board resolved:

To defer the hearing until the Board meeting on 21 March 2107.

APPLICATION FOR THE GRANT OF A PERSONAL LICENCE-AC4729

The Board had before it a notice in terms of Section 83 (4) (b) of the Licensing (Scotland) Act 20005 dated 05 October 2016 submitted by the Chief Constable, Police Scotland.

In the absence of the applicant;

The Board resolved:

To defer the hearing until the Board meeting on 21 March 2107.

**MARTIN MCCOLL V ABERDEEN CITY LICENSING BOARD NOTE OF DECISION
BY DEPUTE CLERK TO THE LICENSING BOARD**

The Board had before it a report by Mr Munro, Depute Clerk, on the recent Judgment of Martin McColl v Aberdeen City Licensing Board.

The Board resolved:

To note the content of the Report.

Convener- Councillor Boulton :

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