

Public Document Pack



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

Town House,
ABERDEEN Date Not Specified

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 17 JANUARY 2017 at 10.30 am.**

FRASER BELL
CLERK TO THE LICENSING BOARD

B U S I N E S S

1 List of Applications (Pages 5 - 12)

- 1.1 Application for Provisional Premises Licence-Hampton By Hilton Aberdeen, Airport Hotel, Harvest Way, D2 Business Park, Dyce, Aberdeen (Pages 13 - 16)
- 1.2 Application for Provisional Premises Licence- Prezzo, Unit A2, Marischal Square, Aberdeen (Pages 17 - 22)
- 1.3 Application for Provisional Premises Licence- Simply Malts Ltd, C/O Deemouth business Centre, South Esplanade East, Aberdeen AB11 9PB (Pages 23 - 28)
- 1.4 Application for provisional Premises Licence- Unit A, Hillhead Halls of Residence, Aberdeen, AB24 1WU (Pages 29 - 36)

- 1.5 Application for Variation of Premises Licence- Chiquito, Unit FS6/7, Union Square, Aberdeen, AB11 5RG (Pages 37 - 42)
- 1.6 Application for variation of Premises Licence- Chiquito, Unit 2, Queens Links Leisure Park, Aberdeen, AB24 5EN (Pages 43 - 48)
- 1.7 Application for Variation of Premises Licence, Coast to Coast, Unit FS 14, 5 First Level Mall, Union Square, Guild Street, Aberdeen (Pages 49 - 54)
- 1.8 Application for Variation of Premises Licence- Dyce Bowling Club, Off Skene Place, Dyce, Aberdeen, AB21 7AY (Pages 55 - 60)
- 1.9 Application for Variation of a Premises Licence- Five Guys, Unit 2, 1-7 St Nicholas Street, Aberdeen, Aberdeen, AB10 1HE (Pages 61 - 66)
- 1.10 Application for Variation of Premises Licence- Handmade Burger Company, Unit FS 16 Union Square , Aberdeen AB11 5RG (Pages 67 - 70)
- 1.11 Application for Variation of Premises Licence- I & J General Stores, 142 Spital, Aberdeen, AB24 3JU (Pages 71 - 74)
- 1.12 Application for Variation of Premises Licence- Red Lion, 130 Spital, Aberdeen, AB24 3JU (Pages 75 - 78)
- 1.13 Application for Variation of Premises Licence-Saltoun Arms, 69 Frederick Street, Aberdeen, AB24 5HY (Pages 79 - 86)
- 1.14 Application for Variation of Premises Licence- Six Degrees North, 8 Littlejohn Street, Aberdeen, AB10 1FF (Pages 87 - 92)
- 1.15 Application for Variation of Premises Licence- The Pier Bistro, Sea Beach, Aberdeen, AB24 5NS (Pages 93 - 98)
- 1.16 Application for Variation of Premises Licence- Underdog. 5 Union Street, Aberdeen, AB11 5BU (Pages 99 - 106)
- 1.17 Application for a Grant of a Personal Licence- AC4707 (Pages 107 - 110)
- 1.18 Application for the Grant of a Personal Licence-AC4729 (Pages 111 - 114)

Should you require any further information about this agenda, please contact Karen Gatherum- kgatherum@aberdeencity.gov.uk - 01224522462

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ABERDEEN CITY LICENSING BOARD

Meeting 17 January 2017 at 10:30am in Committee Room 2, Town House, Broad Street , Aberdeen

Licensing (Scotland) Act 2005

Provisional(s)				
	Premises	Applicant	Date Received	Comments
1	HAMPTON BY HILTON ABERDEEN AIRPORT HOTEL HARVEST WAY D2 BUSINESS PARK DYCE ABERDEEN	BRICKS D2 OPCO LTD C/O JOHN GAUNT & PARTNERS OMEGA COURT 372-374 CEMETERY ROAD SHEFFIELD S11 8FT	22 November 2016	
	PREZZO UNIT A2 MARISCHAL SQUARE ABERDEEN	PREZZO LTD C/O BRODIES LLP SOLICITORS 15 ATHOLL CRESCENT EDINBURGH EH3 8HA	19 October 2016	
3	SIMPLY MALTS LTD C/O DEEMOUTH BUSINESS CENTRE SOUTH ESPLANADE EAST ABERDEEN AB11 9PB	SIMPLY MALTS LTD	3 October 2016	
4	UNIT A HILLHEAD HALLS OF RESIDENCE ABERDEEN AB24 1WU	THE FIRM OF OMAR RETAIL LOGISTICS C/O INN BUSINESS SCOTLAND FORSYTH HOUSE LOMOND COURT CASTLE BUSINESS PARK STIRLING FK9 4TU	23 November 2016	

ABERDEEN CITY LICENSING BOARD

Meeting 17 January 2017 at 10:30am in Committee Room 2, Town House, Broad Street , Aberdeen

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
5	CHIQUITO UNIT FS6/7 UNION SQUARE ABERDEEN AB11 5RG	THE RESTAURANT GROUP (UK) LIMITED C/O PINSENT MASONS LLP SOLICITORS 141 BOTHWELL STREET GLASGOW G2 7EQ	29 September 2016	
	CHIQUITOS UNIT 2 QUEENS LINKS LEISURE PARK ABERDEEN AB24 5EN	THE RESTAURANT GROUP (UK) LIMITED C/O PINSENT MASONS LLP SOLICITORS 141 BOTHWELL STREET GLASGOW G2 7EQ	29 September 2016	
7	COAST TO COAST UNIT FS14 5 FIRST LEVEL MALL UNION SQUARE GUILD STREET ABERDEEN	THE RESTAURANT GROUP (UK) LIMITED C/O PINSENT MASONS LLP SOLICITORS 141 BOTHWELL STREET GLASGOW G2 7EQ	29 September 2016	
8	DYCE BOWLING CLUB OFF SKENE PLACE DYCE ABERDEEN AB21 7AY	DYCE BOWLING CLUB	24 November 2016	

ABERDEEN CITY LICENSING BOARD

Meeting 17 January 2017 at 10:30am in Committee Room 2, Town House, Broad Street , Aberdeen

Licensing (Scotland) Act 2005

Variation (Major)(s)

Page 7	Premises	Applicant	Date Received	Comments
9	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	14 November 2016	
	HANDMADE BURGER COMPANY UNIT FS16 UNION SQUARE ABERDEEN AB11 5RG	THE SARGET PARTNERSHIP LTD C/O HILL BROWN LICENSING LLP RWF HOUSE 5 RENFIELD STREET GLASGOW G2 5EZ	3 November 2016	
11	I & J GENERAL STORES 142 SPITAL ABERDEEN AB24 3JU	VISHAL SOOD	19 October 2016	
12	RED LION 130 SPITAL ABERDEEN AB24 3JU	MARK JAMES CAVANAGH	26 September 2016	
13	SALTOUN ARMS 69 FREDERICK STREET ABERDEEN AB24 5HY	L & H INVESTMENTS LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	3 November 2016	

ABERDEEN CITY LICENSING BOARD

Meeting 17 January 2017 at 10:30am in Committee Room 2, Town House, Broad Street , Aberdeen

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
14	SIX DEGREES NORTH 8 LITTLEJOHN STREET ABERDEEN AB10 1FF	6DN LTD C/O RAEBURN CHRISTIE CLARK & WALLACE SOLICITORS 12-16 ALBYN PLACE ABERDEEN AB10 1PS	28 September 2016	
15	THE PIER BISTRO SEA BEACH ABERDEEN AB24 5NS	MCAULEY (ABERDEEN) LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	3 November 2016	
16	UNDERDOG 5 UNION STREET ABERDEEN AB11 5BU	BREWDOG RETAIL LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	10 November 2016	

ABERDEEN CITY LICENSING BOARD

Meeting 17 January 2017 at 10:30am in Committee Room 2, Town House, Broad Street , Aberdeen

Licensing (Scotland) Act 2005

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4	UNIT A HILLHEAD HALLS OF RESIDENCE ABERDEEN AB24 1WU	THE FIRM OF OMAR RETAIL LOGISTICS C/O INN BUSINESS SCOTLAND FORSYTH HOUSE LOMOND COURT CASTLE BUSINESS PARK STIRLING FK9 4TU	23 November 2016	

ABERDEEN CITY LICENSING BOARD

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ABERDEEN CITY LICENSING BOARD

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ABERDEEN CITY LICENSING BOARD

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Page 12	THE PIER BISTRO SEA BEACH ABERDEEN AB24 5NS	MCAULEY (ABERDEEN) LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	3 November 2016	
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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION PROVISIONAL PREMISES LICENCE

PREMISES: HAMPTON BY HILTON, ABERDEEN AIRPORT, HARVEST WAY, D2 BUSINESS PARK, DYCE, ABERDEEN

DESCRIPTION

- Hotel with consumption on and off the premises Monday to Sunday 11:00 to 00:00
- Accommodation, conference facilities, restaurant facilities, bar meals, receptions, club meetings, recorded music, live performances, dance facilities, films, gaming, televised sports and outdoor drinking

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.

19 OUTSIDE SEATING AREAS

19.2 The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence. Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

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19 December 2016

Your Ref:

Our Ref: 192326

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 GRANT OF A
PROVISIONAL PREMISES LICENCE
HAMPTON BY HILTON ABERDEEN AIRPORT, D2 BUSINESS PARK, DYCE,
ABERDEEN, AB21 0BX
BRICKS D2 OPCO LTD, 66 PRESCOT STREET, LONDON, E1 8NN**

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) and (iii) of the Licensing (Scotland) Act 2005, I recommend that the operating plan in its current form be modified to reflect the following point:

- At Question 5 relating to Outdoor Drinking, it is recommended that outdoor drinking has a form of physical barrier or structure to demark it as such and is subject to a terminal hour of 2200 hours each day.

This representation 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 306468

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION PROVISIONAL PREMISES LICENCE
PREMISES: PREZZO, UNIT 2, MARISCHAL SQUARE, ABERDEEN

DESCRIPTION

- Restaurant seeking on sales from 11:00 to 01:00 Monday to Sunday;
- Recorded music, receptions, bar meals, group meetings, live performances, outdoor drinking facilities;
- Children accompanied by adult at all times and young persons are to be accompanied by an adult after 22:00 in restaurant.

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- EHO Noise Enforcement

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.

19 OUTSIDE SEATING AREAS

19.2 The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence. Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

20 December 2016

Your Ref:

Our Ref: 192289

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 GRANT OF A
PROVISIONAL PREMISES LICENCE
PREZZO, UNIT A2, MARISCHAL SQUARE, ABERDEEN
PREZZO LTD, JOHNSTON HOUSE, 8 JOHNSTON ROAD, WOODFORD
GREEN, ESSEX, IG8 0XA**

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) and (iii) of the Licensing (Scotland) Act 2005, I recommend that the operating plan that accompanies the application in its current form is modified to reflect the following points:

1. In relation to Question 5 which relates to outdoor drinking, it is recommended that the external area which is marked on the layout plan has barriers or other physical structure in place to demark it as same and is subject to a terminal hour of 2200 hours each day;
2. In relation to Question 6, it is recommended that children aged 0 -13 are only permitted access if accompanied by a responsible adult of eighteen years or over and children and young persons are only permitted entry to, or to remain on the premises after 2200 hours if accompanied by a responsible adult of eighteen years or over.

This representation 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 306466.

MEMO

Environmental Health and Trading Standards

Communities, Housing and Infrastructure

Business Hub 15 ,3rd Floor South ,Marischal College



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
Tel.	01224 522596		02/12/16
Fax.			Our Ref.
			Your Ref.

Licensing (Scotland) Act 2005

Application for Provisional Premises License

Premises: Prezzo Unit 2A Marischal Square, Broad Street, Aberdeen

Applicant: Prezzo Limited, Johnston House, Johnston Road, Woodford Green, Essex, IG8 0XA

Dear Sir/Madam,

The above application has been assessed by this Service in relation to noise including music noise breakout from the premises. Consideration has been given to the risk of noise impact on local residences 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. However, in relation to the outside seating area, to protect the amenity of residential property near to the proposed location from noise I recommend a condition prohibiting amplified music in the outdoor area and that the outdoor area is not used after 22:00 Hours.

There is also an expectation that Management at the premises would establish and apply suitable and robust noise control measures for all reasonably foreseeable noise sources associated with the business. This is considered necessary to protect the amenity of local residences and reduce the risk of noise impact and disturbance constituting a statutory nuisance. These noise sources may include for example; music noise breakout from the premises, food and beverage delivery and waste disposal along with patron noise from use of the outside seating area.

I would therefore recommend that these noise control measures are formalised in writing to demonstrate and convey to staff for training purposes the specific detail of the required noise controls.

I trust this meets with your satisfaction. If you have any queries on the above matters, please contact me on the number above.

Kind regards

Mark Nicholl
Environmental Health Officer

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE
PREMISES: SIMPLY MALTS, C/O DEEMOUTH BUSINESS CENTRE,
SOUTH ESPLANADE EAST, ABERDEEN

DESCRIPTION

- Store room within secured patrolled business centre– distribution point (no retail sales)
- Internet and telephone sales only

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- 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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14 December 2016

Your Ref:

Our Ref: 192265

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 GRANT OF A
PROVISIONAL PREMISES LICENCE
SIMPLY MALTS LTD
C/O DEEMOUTH BUSINESS CENTRE, SOUTH ESPLANADE EAST,
ABERDEEN, AB11 9PB
SIMPLY MALTS LTD, 2 ABBOTSHALL DRIVE, ABERDEEN, AB15 9JD**

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) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

The applicant has indicated that they intend operating as an internet business and will be using an external organisation for delivery of any alcohol related sales. As such, the applicant cannot confirm if the person delivering the alcohol has undergone any training regarding any of the provisions of the Licensing (Scotland) Act 2005. The applicant has indicated that the website from which the alcohol is to be purchased is currently under construction.

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

Yours faithfully

Philip Gormley QPM

Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

Date 22nd December 2016
Enquiries to 01224 557047
Our Ref 20161176
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Provisional Premises Licence
Simply Malts Ltd, c/o Deemouth Business Centre, South Esplanade East, Aberdeen,
AB11 9PB**

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 objectives:

**Protecting and improving public health
Protecting children from harm**

Simply Malts is a store room within a secured, patrolled business centre where alcohol will be stored as part of an internet delivery business.

Although this is not a new concept and we are aware of a range of companies who accept orders and deliver in a similar manner, this appears to be a new concept for Aberdeen and poses a number of questions.

1. I am particularly interested in the controls in place to restrict inappropriate deliveries of alcohol as I assume a national courier will be engaged to deliver parcels.
2. In Scotland we have robust practice in relation to Challenge 25. What controls will be in place around this. – will this be implemented in other areas?
3. If successful this licence will be granted in Aberdeen. The Aberdeen City Licensing Board will have no means to monitor deliveries out with its licensing area. Where will complaints regarding any inappropriate deliveries be made, how will this be investigated and how will this process be conveyed to the public?

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 requesting that the Licensing Board seek assurance from the applicant on the above three points in order that it may be satisfied that granting the license would not be inconsistent with the licensing objectives of Protecting Children from Harm and Protecting and improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

Heather Wilson
Health Improvement Officer (Alcohol & Drugs)

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE

PREMISES: UNIT A, HILLHEAD HALLS OF RESIDENCE, ABERDEEN

DESCRIPTION

- General convenience store
- Alcohol to be sold for consumption off the premises
- Licensed Hours 10:00 to 22:00 Monday to Sunday

OBJECTIONS/REPRESENTATIONS

- NHS

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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19 December 2016

Your Ref:

Our Ref: 192201

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 GRANT OF A
PROVISIONAL PREMISES LICENCE
UNIT A, HILLHEAD HALLS OF RESIDENCE, DON STREET, ABERDEEN,
AB24 1WU
THE FIRM OF OMAR RETAIL LOGISTICS, 14/16 MAIN STREET, COWIE,
STIRLING, PL7 7BL**

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.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306472

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Date 22nd December 2016
Enquiries to 01224 557047
Our Ref 20161175
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Provisional Premises Licence
Unit A, Hillhead Halls of Residence, Aberdeen, AB24 1QWU**

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.

Omar Retail Logistics has applied for a Provisional Premises License for the ground floor retail outlet within Hillhead Halls of Residence. The premises will be open from 07:00 till 24:00 Monday to Sunday for the provision of non-alcoholic goods, groceries, newspapers etc, with alcohol available 10:00 to 22:00 Monday to Sunday.

The local shop was previously located in a stand alone building adjacent to Hillhead Halls of Residence and had an alcohol capacity of 16.94m². The new off-sales capacity for this premises has still to be confirmed but could be in the region of 32m², an increase of 89% in total capacity. The shop is now relocated to within Hillhead Halls of Residence and has been operating for a number of weeks under occasional licenses.

Its location within the student village suggests that its main customer base will be students aged 17 and above. Hazardous alcohol consumption (most commonly binge drinking) is the most common public health issue affecting university students in the UK¹, affecting up to 89% of young men and 77% of young women. Just under a third of students identified themselves as “problem drinking”. These levels of consumption are extremely concerning to parents of young people going away to university as well as to staff and students tasked with improving student health and well-being. Aberdeen University recognise that they

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

are no different from other universities in terms of alcohol problems and have signed up to the National Union of Students "Alcohol Impact Programme".

The health of university students is poorer than that of their non student peers. Emotional health is more of a problem than physical health with worries about finances and study pressures contributing to increased levels of anxiety². Alcohol could be seen by a minority as an easily available coping mechanism, placing them at heightened risk of experiencing harm to their health.

At the SARN (Scottish Alcohol Research Network) meeting held on Tuesday 27th September 2016 at Robert Gordon University, commendable and innovative efforts to tackle binge drinking in the student population were described by the student presidents and welfare officers of Robert Gordon University. They described a typical night out for members of sports clubs. The consumption of alcohol in student flats, bought from local off-sales featured as a defining part of the evening. These heavy drinking episodes might be limited to groups of students on isolated occasions but they are still more common in university students than non students³. The harm that this type of drinking can cause can persist well into later life, recent research from Glasgow University shows that attending university is a risk factor for heavy drinking in middle and older age⁴.

We have a duty of care to young people to ensure their health and wellbeing and provide an environment that does not encourage them to consume more alcohol than they intended or to consume alcohol when they hadn't intended to.

The size of the alcohol display and its position in the shop has all been shown to encourage more alcohol purchasing than was originally intended. Marketing advice to retailers suggests maximising visual impact to encourage sales. Suggested means include placing alcohol at the end of an aisle, increasing the size and appeal of the alcohol display area⁵. The more alcohol that is purchased, the more is consumed.

Non drinking adolescents' exposure to in-store alcohol displays are significantly linked to their onset of alcohol consumption within 2 years⁶.

Whilst I accept that a local shop is an important amenity, I am of the opinion that it serves a population in whom hazardous alcohol consumption is already an important public health problem. It will also serve as a local amenity for young people under the age of 18 who may be living away from home for the first time. Whilst many young people may be emotionally mature and able to handle peer pressure and stress, others may not be so confident or so emotionally mature. It is therefore vitally important that this premises, a facility that they are likely to use on a regular basis, does not pose a risk to the health and wellbeing of our young people by directly or inadvertently encouraging them to purchase alcohol where they had not intended to do so.

² Stewart-Brown, Sarah, et al. "The health of students in institutes of higher education: an important and neglected public health problem?." *Journal of Public Health* 22.4 (2000): 492-499.

³ Webb, E., et al. "Alcohol and drug use in UK university students." *Lancet* 348 (1996): 922-25.

⁴ Green, Michael J., et al. "Adolescent smoking and tertiary education: opposing pathways linking socio-economic background to alcohol consumption." *Addiction* (2016).

⁵ Robertson H 2015 Evidence on alcohol point-of-sale (POS) position/placement in small independent shops and its influence on purchasing and consumption (available at http://www.hi-netgrampian.org/wp-content/uploads/2015/12/CERGA-Off-sales-alcohol-promotion_18122015.pdf)

⁶ Institute of Alcohol Studies: Marketing and Alcohol Factsheet May 2013

To this end I would suggest that the off-sales capacity for the new store is restricted to match what was available in the previous premises.

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.
(see attached booklet for examples of products)
2. That the premises do not position alcohol at the front of the store or at the end of an aisle.

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 letter of objection and 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 harm

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: CHIQUITO, UNION SQUARE, ABERDEEN

DESCRIPTION

- Addition of off consumption Monday to Sunday 10:00 to 22:00
- Vary Q5(f) of the operating plan to add "takeaway"
- Vary Q6(b) of the operating plan to read to "Challenge 25" instead of "Challenge 21"

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian

LICENSING POLICY STATEMENT

N/A

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20 December 2016

Your Ref:

Our Ref: 192774

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
CHIQUITOS, UNIT FS6/7, UNION SQUARE, GUILD STREET, ABERDEEN,
AB11 6LX**

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 amendments to the Operating Plan to include 'off sales' as part of a takeaway service.

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 representation.

From contact with the applicant's agent, it is understood that a small selection of alcohol will be available as part to a home delivery service. It is further understood that the delivery company whom the applicant has engaged to deliver such orders has advised the applicant that their delivery staff have received basic training regarding the delivery of alcohol and that the delivery company operates a 'Challenge 25' policy.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, the Chief Constable is of the opinion that the variation in its current form should be modified to indicate that alcohol will only be sold as part of a takeaway service when it is ordered in conjunction with a food order.

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

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

Date 22nd December 2016
Enquiries to 01224 557047
Our Ref 20161188
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
Chiquito, Unit FS6/7, Union Square, Aberdeen, AB11 5RQ**

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.

Chiquito restaurant wishes to amend their operating plan to include:

- off-sales availability between the hours of 10:00 to 22:00, Monday to Sunday
- takeaway options for alcohol and food
- and amend Challenge 21 to Challenge 25.

NHS Grampian is aware of an increasing trend for on sales premises to include a “takeaway” option with the delivery of menu items and alcohol. We have been advised that only a limited selection of alcohol will be available for delivery and that alcohol will only be delivered with food.

Whilst we appreciate that no alcohol will be delivered between the hours of midnight and 06:00 and that the operation will be run in compliance with the Licensing (Scotland) Act 2005 this does provide an additional availability. and we wish to suggest that the following condition is considered in an effort to limit any potential harm or abuse:

“Alcohol will only be delivered with a food item from the menu”.

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 BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: CHIQUITO, QUEENS LINKS, ABERDEEN

DESCRIPTION

- Addition of off consumption Monday to Sunday 10:00 to 22:00;
- Vary the on consumption hours on a Sunday from 12:30 to 11:00;
- Vary Q5(f) of the operating plan to add "takeaway";
- Amend Q6(b) of the operating plan to read "Challenge 25" instead of "Challenge 21" and
- Add seasonal variations.

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian

LICENSING POLICY STATEMENT

N/A

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20 December 2016

Your Ref:
Our Ref: 192769

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
CHIQUITOS, UNIT 2, QUEENS LINKS LEISURE PARK, ABERDEEN,
AB24 5EN**

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 amending the commencement of 'on sales' hours on Sunday from 1230 to 1100 hours and making amendments to the Operating Plan to include 'off sales' as part of a takeaway service.

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

In relation to the first element of this variation, I have no adverse comment to make. In relation to the latter elements regarding the takeaway service, in terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

From contact with the applicant's agent, it is understood that a small selection of alcohol will be available as part to a home delivery service. It is further understood that the delivery company whom the applicant has engaged to deliver such orders has advised the applicant that their delivery staff have received basic training regarding the delivery of alcohol and that the delivery company operates a 'Challenge 25' policy.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, the Chief Constable is of the opinion that the variation in its current form should be

modified to indicate that alcohol will only be sold as part of a takeaway service when it is ordered in conjunction with a food order.

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

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

Date 22nd December 2016
Enquiries to 01224 557047
Our Ref 20161187
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
Chiquito, Queens Links Leisure Park, Aberdeen, AB24 5EN**

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.

Chiquito restaurant wishes to amend their operating plan to include:

- off-sales availability between the hours of 10:00 to 22:00, Monday to Sunday
- change Sunday opening times from 12:30 to 11:00
- takeaway options for alcohol and food
- amend Challenge 21 to Challenge 25.

NHS Grampian is aware of an increasing trend for on sales premises to include a “takeaway” option with the delivery of menu items and alcohol. We have been advised that only a limited selection of alcohol will be available for delivery and that alcohol will only be delivered with food.

Whilst we appreciate that no alcohol will be delivered between the hours of midnight and 06:00 and that the operation will be run in compliance with the Licensing (Scotland) Act 2005 this does provide an additional availability. We wish to suggest that the following condition is considered in an effort to limit any potential harm or abuse:

“Alcohol will only be delivered with a food item from the menu”.

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 BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: COAST TO COAST, UNION SQUARE, ABERDEEN

DESCRIPTION

- Addition of off consumption Monday to Sunday 10:00 to 22:00
- Vary Q5(f) of the operating plan to add "takeaway"

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian

LICENSING POLICY STATEMENT

N/A

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20 December 2016

Your Ref:

Our Ref: 192781

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
COAST TO COAST, UNIT FS14, UNION SQUARE, GUILD STREET,
ABERDEEN, AB11 5RG**

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. Amending Question 1 to permit the consumption of alcohol both on and off the premises;
2. Amending Question 3 to include off-sales core hours from 1000 to 2200 hours from Monday to Sunday;
3. Amending the wording within Question 5 relating to activities to include the provision of "takeaway's" and "club meetings".

In terms of Section 29(5) 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 representation.

From contact with the applicant's agent, it is understood that a small selection of alcohol will be available as part to a home delivery service. It is further understood that the delivery company whom the applicant has engaged to deliver such orders has advised the applicant that their delivery staff have received basic training regarding the delivery of alcohol and that the delivery company operates a 'Challenge 25' policy.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, the Chief Constable is of the opinion that the variation in its current form should be modified to indicate that alcohol will only be sold as part of a takeaway service when it is ordered in conjunction with a food order.

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

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

Date 22nd December 2016
Enquiries to 01224 557047
Our Ref 20161189
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
Coast to Coast, Unit FS14, 5 First Level Mall, Union Square, Guild Street, Aberdeen,
AB11 5RG**

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.

Coast to Coast restaurant wishes to amend their operating plan to include:

- off-sales availability between the hours of 10:00 to 22:00, Monday to Sunday
- club meetings
- takeaway options for alcohol and food

NHS Grampian is aware of an increasing trend for on sales premises to include a “takeaway” option with the delivery of menu items and alcohol. We have been advised that only a limited selection of alcohol will be available for delivery and that alcohol will only be delivered with food.

Whilst we appreciate that no alcohol will be delivered between the hours of midnight and 06:00 and that the operation will be run in compliance with the Licensing (Scotland) Act 2005 this does provide an additional availability. We wish to suggest that the following condition is considered in an effort to limit any potential harm or abuse:

“Alcohol will only be delivered with a food item from the menu”.

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 BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: DYCE BOWLING CLUB, OFF SKENE PLACE, DYCE

DESCRIPTION

- Core hours for on consumption on Monday to Thursday from 11:00-23:00hrs, and 12:30-23:00hrs on Friday and Saturday;
- Addition of off consumption on Monday to Saturday from 11:00-22:00hrs and Sunday from 12:30-22:00hrs ;
- variation to operating plan to include restaurant facilities and televised sport as activities;
- variation to 5(f) of the operating plan to include reference to pop up restaurant;
- Vary to remove premises manager details from the operating plan.

OBJECTIONS/REPRESENTATIONS

- Police
- Dyce Community Council

LICENSING POLICY STATEMENT

N/A

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20 December 2016

Your Ref:

Our Ref: 192428

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
DYCE BOWLING CLUB, SKENE PLACE, DYCE, ABERDEEN, AB21 7AY**

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 introduction of restaurant facilities, an amendment to the activities provided to include televised sport and the addition of 'off sales' from 1100 to 2200 hours, Monday to Saturday inclusive and 1230 to 2200 hours on a Sunday.

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

On 8 December 2016, an officer from Police Scotland's licensing unit contacted the applicant and established that the applicant does not intend to sell alcohol for consumption off the premises in the conventional sense and applied for such to allow members to consume alcohol purchased on an 'on sales' basis to be consumed outwith the clubhouse but within the curtilage of the bowling club.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation and am of the view that in the circumstances described, the outdoor area should be included in the 'licensed area' if not already so. As statutory consultees, Police Scotland have an undated copy of a site plan relating to the premises, around which a red line, which ordinarily delineates a licensed area, is drawn around the area that appears to be the whole property. This is a matter which perhaps requires clarification by the local authority.

If, however, the area external to the clubhouse or pavilion is not a licensed area but is adopted as such, or in the case that the consumption of alcohol in that area is to be permitted on an 'on sales' basis, I further recommend that this outdoor area be subject to a terminal hour of 2100, in recognition of the premises being largely bounded by residential properties.

This representation 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 306468

Hello,

I am e-mailing on behalf of Dyce and Stoneywood Community Council re the application for a variation of licence (major) by Dyce Bowling Club.

We object to the off-sales component of this application. Reason: to protect public health and minimise crime and disorder. The bowling club is adjacent to a children's playground and it is not appropriate for alcohol to be consumed there. There are several convenience stores and licenced premises already selling alcohol (off sales) within a few hundred metres of this site.

We object to the provision of restaurant facilities outwith core hours (after 10pm). Reason: to protect nearby residential amenity from the effects of late-night noise and potential antisocial behaviour. There is insufficient car parking space on nearby streets to accommodate large groups.

We have serious concerns re a 'pop-up' (temporary?) restaurant in terms of noise and smells affecting nearby residential amenity. If the 'pop-up' restaurant is allowed, there should a condition prohibiting outdoor amplified television and radio broadcasts, music and other announcements at all times. Reason: to protect residential amenity.

Best regards,

Bill Harrison (Secretary)

The University of Aberdeen is a charity registered in Scotland, No SC013683.

Tha Oilthigh Obar Dheathain na charthannas clàraichte ann an Alba, Àir. SC013683.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: FIVE GUYS, UNIT 2, 1-7 ST NICHOLAS STREET, ABERDEEN

DESCRIPTION

- Vary operating and layout plans to include outdoor drinking

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- Environmental Health

LICENSING POLICY STATEMENT

19 OUTSIDE SEATING AREAS

19.2 The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence. Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

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21 December 2016

Your Ref:

Our Ref: 192443

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
FIVE GUYS ABERDEEN, 7 ST NICHOLAS STREET, ABERDEEN, AB10 1HE**

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 amending Question 5 of the Operating Plan to include the provision of outdoor drinking.

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

In terms of Section 22(1)(a) of the same Act, I wish to make the following objection.

This application relates to an area that is approximately eight metres in length, three metres wide and situated to the left of the main door to the premises, thus occupying a considerable section of the delineated pavement. Although the area is predominantly pedestrianised it is still considered a public road to which certain vehicles are permitted access.

St Nicholas Street, Aberdeen is an area that experiences very heavy pedestrian footfall as it is a main thoroughfare which intersects Union Street and a crossing point between large retail areas.

In the past year, there have been several reported crimes of anti-social behaviour involving youths in St Nicholas Street, Aberdeen. Whilst the number of incidents is not significantly high, Police Scotland is of the view that an outdoor drinking

area is not conducive to an area that experiences such heavy pedestrian footfall and youth disorder and is additionally concerned that should this application be granted, it would set a precedent that other premises in a similarly busy area would seek to replicate.

In terms of section 22(1)(a) of the Licensing (Scotland) Act 2005 the Chief Constable is of the opinion that the variation should be refused on the grounds that it would be inconsistent with the licensing objectives of:

- preventing crime and disorder;
- preventing public nuisance.

If, however, the Board are minded to grant this application, in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I make representation in connection with the foregoing concerns and recommend that the following conditions be imposed:

- the outdoor seating area must be clearly demarked by barriers or other form of physical boundary;
- alcohol is to be decanted into plastic containers or safety glass;
- alcohol is only to be sold for consumption in the outdoor area when in conjunction with food;
- alcohol is not to be consumed within the outdoor seating area after 2100 hours daily.

These matters are submitted for your attention when considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

MEMO

Environmental Health and Trading Standards

Communities, Housing and Infrastructure

Business Hub 15 ,3rd Floor South ,Marischal College



ABERDEEN
CITY COUNCIL

To	Litigation & Licensing , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College		
From	Barbara Armstrong-Hill		
Email	bahill@aberdeencity.gov.uk		Date
Tel.	01224 522064		07/12/16
Fax.			Our Ref.
			Your Ref.

Licensing (Scotland) Act 2005

Application for Variation of Premises License

Premises: Five Guys, Unit 2 1-7 St. Nicholas Street, Aberdeen, AB10 1HE

Applicant: Five Guys JV Ltd, Units 2-3, 1 Bard Road, London, W106TP

Dear Sir/Madam,

The above application has been assessed by this Service in relation to noise including music noise breakout from the premises. Consideration has been given to the risk of noise impact on local residences 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. However, in relation to the outside seating area, to protect the amenity of residential property near to the proposed location from noise I recommend a condition prohibiting amplified music in the outdoor area and that the outdoor area is not used after 22:00 Hours.

There is also an expectation that Management at the premises would establish and apply suitable and robust noise control measures for all reasonably foreseeable noise sources associated with the business. This is considered necessary to protect the amenity of local residences and reduce the risk of noise impact and disturbance constituting a statutory nuisance. These noise sources may include for example; music noise breakout from the premises, food and beverage delivery and waste disposal along with patron noise from use of the outside seating area.

I would therefore recommend that these noise control measures are formalised in writing to demonstrate and convey to staff for training purposes the specific detail of the required noise controls.

I trust this meets with your satisfaction. If you have any queries on the above matters, please contact me on the number above.

Kind regards

Barbara Armstrong-Hill
Senior Authorised Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: HANDMADE BURGER COMPANY, UNION SQUARE, UNIT FS 16,
GUILD STREET, ABERDEEN, AB11 5RG.

DESCRIPTION

- Variation to commencement of on sales hours to 11:00 on Sundays
- To add off sale hours from 11:00 hrs to 22:00, Monday to Sunday
- Variation to question 5(f) of operating plan to add “charity events, quiz nights , takeaways & deliveries”

OBJECTIONS/REPRESENTATIONS

- Police Scotland

LICENSING POLICY STATEMENT

N/A

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22 December 2016

Your Ref:

Our Ref: 192415

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
HANDMADE BURGER COMPANY, UNION SQUARE, UNIT FS 16, GUILD
STREET, ABERDEEN, AB11 5RG
THE SARGEANT PARTNERSHIP, 18 VICTORIA STREET, VICTORIA WORKS,
BIRMINGHAM, B1 3PE

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

The variation requested consists of amending the commencement of 'on sales' hours on Sunday from 1130 to 1100 hours and making amendments to the Operating Plan to include 'off sales' as part of a takeaway service.

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

In relation to the first element of this variation, I have no adverse comment to make. In relation to the latter elements regarding the takeaway service, in terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

From contact with the applicant's agent, it is understood that a small selection of alcohol will be available as part to a home delivery service. It is further understood that the delivery company whom the applicant has engaged to deliver such orders has advised the applicant that their delivery staff have received basic training regarding the delivery of alcohol and that the delivery company operates a 'Challenge 25' policy.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, the Chief Constable is of the opinion that the variation in its current form should be modified to indicate that alcohol will only be sold as part of a delivery service when it is ordered in conjunction with a food order.

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

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 304152.

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: I & J GENERAL STORES, 142 SPITAL, ABERDEEN

DESCRIPTION

- To vary off sale hours to 10:00 hrs - 22:00hrs Monday to Friday.

OBJECTIONS/REPRESENTATIONS

- None

LICENSING POLICY STATEMENT

N/A

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5 December 2016

Your Ref:

Our Ref: 192763

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
I & J GENERAL STORES, 142 SPITAL, ABERDEEN, AB24 3JU**

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

The variation requested consists of amending the core "off-sales" hours from between 1000 to 2100 hours on Monday to Saturday and 1000 to 1800 hours on Sunday to between 1000 to 2200 hours Monday to Sunday.

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

I have no adverse comment to make regarding the variation proposed.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306472

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: RED LION, 130 SPITAL, ABERDEEN

DESCRIPTION

- Variation of core hours on Sunday to 11:00hrs -00:00 hrs

OBJECTIONS/REPRESENTATIONS

- None

LICENSING POLICY STATEMENT

N/A

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5 December 2016

Your Ref:

Our Ref: 192454

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
THE RED LION, 130 SPITAL, ABERDEEN, AB24 3JU
MARK CAVANAGH, 32 RUBISLAW DEN SOUTH, ABERDEEN, AB15 4BB**

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

The variation requested consists of an increase to core hours for on sales.

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

I have no adverse comment to make regarding the variation proposed.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306472

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LICENSING BOARD INFORMATION SHEET

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

DESCRIPTION

- Amend on consumption hours to Monday to Sunday 10:00hrs to 00:00hrs
- Amend commencement of off consumption hours on Monday to Saturday from 11:00hrs to 10:00hrs and on Sunday from 12:30hrs to 10:00hrs;
- Amend Q5 of the Operating Plan to remove bar meals, club meetings, receptions and film facilities
- Amend Q5 of the Operating Plan to add outdoor drinking during core hours
- Amend premises layout to change unused kitchen area into bar with seated area and to include and outside “beer garden”

OBJECTIONS/REPRESENTATIONS

- Police
- NHS

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)

19 OUTSIDE SEATING AREAS

19.2 The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary

the licence. Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

20 December 2016

Your Ref:

Our Ref: 192548

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
SALTOUN ARMS, 69 FREDERICK STREET, ABERDEEN, AB24 5HY
L & H INVESTMENTS LTD, BAYLISS COTTAGE, DALMUINZIE ROAD,
BIELDSIDE, ABERDEEN, AB24 5HY**

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 1100 to 1000 hours daily;
2. Amend the commencement of 'off sales' hours from 1100 hours Monday - Saturday and 1230 on Sunday to 1000 hours daily;
3. Amend Question 5 relating to other activities or services to have receptions, including weddings, funeral teas, birthdays, retirements etc, club or other group meetings and films removed;
4. Amend Question 5(d) to include 'Outdoor Drinking', during 'core' hours
5. Increase the premises on sales capacity from 72 to 88;
6. Amend the premises layout plan to change an unused kitchen area into a bar with seated area;
7. Amend the premises layout plan to include an outside 'beer garden'.

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

In respect of points 1, 2, 3, 5 and 6, I have no adverse comment to make.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation in respect of point 4 and 7 above which relates to outdoor drinking and recommend that the area, which is clearly marked on layout plan, is subject to a terminal hour of 2200 hours daily.

This representation 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 306468

Date 22nd December 2016
Enquiries to 01224 557047
Our Ref 20161183
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
Saltoun Arms, 69 Frederick Street, Aberdeen, AB24 5HY**

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.

The Saltoun Arms wishes to amend their operating plan to include:

- off-sales availability between the hours of 10:00 to 22:00, Monday to Sunday
- on-sales availability between the hours of 10:00 to 24:00, Monday to Sunday
- removal of bar meals, club, receptions and film facilities
- add outdoor drinking facilities

The premises intend to incorporate the unused kitchen into a bar area with the creation of seated space and also create a beer garden. The provision of food within licensed premises can be viewed as a protective factor as this slows the absorption of alcohol and also offers patrons the choice of eating. Removing the provision of food is therefore viewed in a negative way. When combined with additional capacity for drinking alcohol, both in customer numbers (additional 16 persons – not including the beer garden) and extended opening times (additional 10 hours on sales and 5 hours off-sales) this gives reason for concern from a public health perspective.

This objection will focus on the following points

1. The direct and indirect health effects of alcohol on the local population
2. Evidence of alcohol dependence in the local population
3. Low risk drinking guidelines

1. The direct and indirect health effects of alcohol on the local population.

The health of the population living around the premises is described in detail below; rates of harm caused directly and indirectly by alcohol consumption are particularly high in the local areas surrounding the premises. Although we compare the local area to the Scottish average, it is important to place our findings in context. Scotland has amongst the highest rates of alcohol related harm in the United Kingdom and fares poorly in comparison with other European nations. Comparing poorly to the Scottish average should therefore give great cause for concern.

Rates of alcohol related deaths for the postcode sector where the applicants premises is located are recorded as red for men and women in the Aberdeen City Traffic Light profiles indicating that they are higher than the Scottish average¹.

During 2015/16, in Aberdeen, 44 people died as a direct consequence of alcohol. Over the past 15 years, there has been no decline in death rates in Aberdeen City. Many of the deaths in the city are due to the toxic effect of alcohol on the liver following years of heavy consumption. People who die as a result of alcohol do so prematurely, the average age of Aberdeen residents who died was 56. The shortened life span of some long term heavy drinkers in Aberdeen City contributes to the health inequalities evident across the city and the poor health outcomes evident in residents of the AB24 5 post code sector area.

In 2014/15, there were 1533 hospital stays as a result of alcohol of which 86% were emergency admissions. Rates of alcohol related hospital admissions for the postcode sector in which the applicants premises is located are recorded as red for men and women in the Aberdeen City Traffic Light profiles indicating that they are higher than the Scottish average¹.

Premature deaths from cancer in this post code area are recorded as red in the ScotPHO profiles indicating that they are higher than the Scottish average¹. Harmful alcohol consumption is one of the top three most preventable causes of cancer².

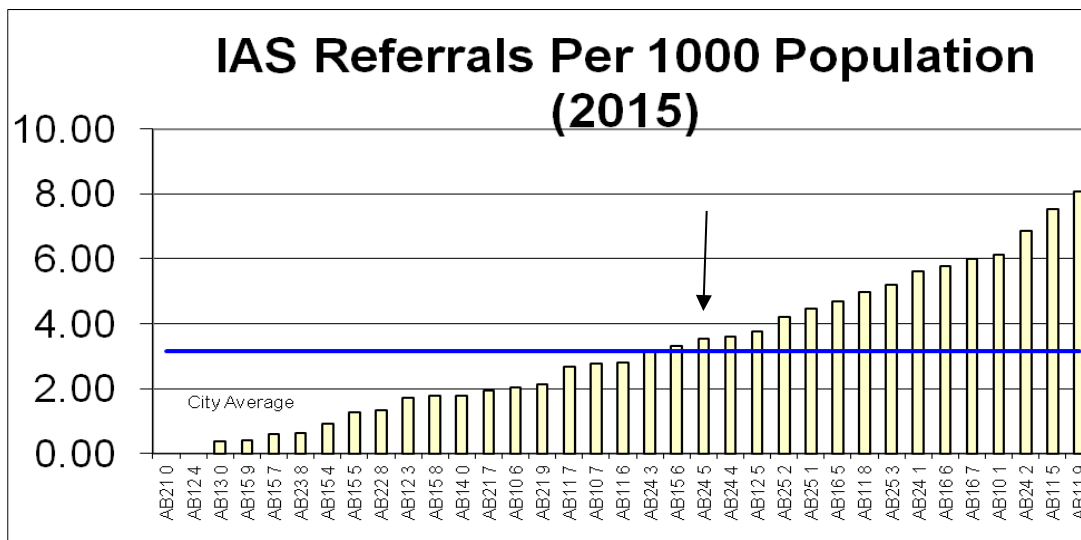
ScotPHO mental health indicators also give cause for concern with higher than the Scottish average psychiatric hospital patient admissions for the entire post code area. Data zone IZ022, which represents 74.8% of this post code population is recorded as red for deaths from suicide¹. Depression is one of the most common mental health problems in the UK – experienced by as many as one in ten people in any year and it shares a complex, mutually re-inforcing relationship with excessive alcohol consumption. This means regardless of whether heavy alcohol consumption or mental health issues came first, having one condition makes it significantly more likely the other will develop.

¹ http://www.nhsgrampian.org/grampianfoi/files/ABERDEENCITYTraffic_Lights_Pack_2016.pdf

² <https://www.alcoholconcern.org.uk/factsheets>

2. Referrals to Integrated Alcohol Service

In Aberdeen City, people who develop dependence or addiction to alcohol are referred by their GP to the Integrated Alcohol Service for specialist treatment. In 2015, the area surrounding this premises had a higher rate of referral for alcohol addiction treatment than Aberdeen City as a whole. We would infer from these findings that there are likely to be a higher proportion of people living in the local area who are affected by alcohol dependence than other parts of Aberdeen City.



Whilst there is no silver bullet to tackling alcohol problems, it is clear that availability is linked to consumption and consumption is linked to harm. We conclude from the wide range of statistics presented above that the area surrounding the applicants premises has demonstrably higher levels of alcohol related harm than the rest of the city. The applicants proposal to extend the hours during which alcohol can be sold and increase the capacity of the premises serve to increase the availability of alcohol in the local area.

3. Low risk drinking guidelines

Recent changes to the low risk alcohol guidance issued by the Chief Medical Officers for the United Kingdom highlighted that there was “*no safe level of drinking*”. The health harms from regular drinking of alcohol can develop over many years. Whilst the short term harms, such as accidents and violence as a result of alcohol are well recognised, it is less well recognised that repeated exposure to these risks can exert a cumulative long term effect. The guidance also identified a number of long term diseases caused by alcohol, which may take ten to twenty years to develop. These illnesses, include certain cancers, strokes, heart disease, liver disease, and damage to the brain and nervous system. The damage can occur despite drinking for years at apparently normal levels. The Chief Medical Officer recommends drinking alcohol with food to minimise the short and long term health risks from the regular drinking of alcohol. One of the purposes of this revised guideline was to provide information for the public in a clear and open way so that they can make informed choices. We are concerned that the proposed variation prevents people from choosing and adopting low risk drinking behaviour that would protect and improve their health.

From the evidence submitted in this letter signs of significant alcohol related harm are already evident in this local population. I would suggest that granting this variation would contribute to further negative impact on their health and wellbeing. 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 objection 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 BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: SIX DEGREES NORTH, 8 LITTLEJOHN STREET, ABERDEEN

DESCRIPTION

- To vary the layout of the premises to include more seated drinking than vertical drinking, increasing capacity.
- Variation to include restaurant facilities, televised sport and beer tasting
- To allow children and young persons entry until 22:00hrs.

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian

LICENSING POLICY STATEMENT

LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

28.1 The Board wishes to see family friendly premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children. 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 recognising that parents and other adults accompanying children also have responsibilities.

28.3 Children may be adequately protected from harm by the action taken to protect adults but they may also need particular measures to be taken. When addressing the issue of protecting children from harm, the applicant must consider those factors which may particularly impact on children.

These include but are not exhaustive:

- the provision of entertainment or services of an adult or sexual nature are provided
- members of staff who have convictions for serving alcohol to children
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided there

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.

The Board requires applicants who submit operating plans which include provision for children to ensure that they are not given access to premises when activities such as adult entertainment are taking place.

12 December 2016

Your Ref:

Our Ref: 192397

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
SIX DEGREES NORTH, 8 LITTLEJOHN STREET, ABERDEEN, AB10 1FF**

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. Amending the description of the premises as it reads on the premises licence;
2. Changing the layout of the premises and its plans to facilitate more seating and restaurant dining areas, the inclusion of a retail area and other minor alterations that also increase capacity;
3. Amending Question 4 within the operating plan to include Seasonal Variations;
4. Amending Question 5 to include conference facilities, restaurant facilities, films and televised sport during and outwith core hours and the provision of bar meals outwith core hours;
5. Amending Question 6 to permit Children and Young Persons access.

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 representation on behalf of the Chief Constable.

In relation to points 1, 2, 3, 4, I have no adverse comment to make.

In relation to point 5 above and in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I recommend that the operating plan in its current form should be modified so that the wording within Question 6(b) also includes the qualification that children and young persons will not be permitted to sit adjacent to the bar area or any other areas where alcohol is displayed.

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

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 304152.

Date 22nd December 2016
Enquiries to 01224 557047
Our Ref 20161179
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
Six Degrees North, 8 Littlejohn Street, Aberdeen, AB10 1FF**

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 Children from harm.

Six Degrees North wishes to vary the operating plan to reflect a significant change in the intended character of the premises. The variation is intended to move more of the capacity to seated dining rather than vertical drinking with a greater dining area to be created and restaurant facilities provided in addition to the current “bar meals”. It is also intended that Children and Young Persons be allowed to attend the premises on certain terms

Section 6(c) of the operating plan states that *“Children and young persons will be allowed access to the premises if they are accompanying a person aged 18 or over and a) that person is present within the premises for the purpose of making an off-sales purchase, or b) that person and the child or young person are both present for the purpose of partaking in a meal,”*

Section 6(d) of the operating plan states that *“Children and young persons will be allowed in the premises until 10pm”*

We wish to suggest that Section 6(d) of the operating plan be amended in an effort to limit any potential harm to children and young people to read:

*“Children will be allowed in the premises until 21:00
Young people will be allowed in the premises until 22:00”*

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 BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: THE PIER BISTRO, SEA BEACH, ABERDEEN

DESCRIPTION

- Vary core hours on Sunday to commence at 11:00hrs
- Vary Q4 of the Operating Plan to include opening from 08:00 for coffee, breakfasts, meals, snacks, takeaways, background music.
- Vary Q5 of the Operating Plan to include bar meals, live performances and outdoor drinking
- Delete words “in future” and “late opening is subject to customer demand” from Q5 of the Operating Plan

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian
- Environmental Health

LICENSING POLICY STATEMENT

19 OUTSIDE SEATING AREAS

19.2 The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence. Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

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21 December 2016

Your Ref:

Our Ref: 192574

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
THE PIER BISTRO, SEA BEACH, ABERDEEN, AB24 5NS**

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 a change of core hours on a Sunday from 1230 hours to 1100 hours; a variation of the activities provided to include bar meals and live entertainment and the addition of an outdoor drinking area, increasing the capacity to 122.

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 Licensing (Scotland) Act 2005, the Chief Constable is of the opinion that the variation in its current form should be modified so that the outdoor drinking area is clearly demarcated with barriers or other physical structure and the terminal hour for the outdoor drinking area is 2200 hours, each day of the week.

The applicant's agent has been advised of this recommendation and it is understood that the applicant is amenable to same.

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

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

MEMO

Protective Services
Housing and Environment
3rd Floor, Marischal College



To	Team Leader, Legal and Democratic Services		
From	Diane Sande, Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	8 December 2016
Tel.	Ext. 2541	Our Ref.	DBS/PAC
Fax.	01224 523887	Your Ref.	

Licensing (Scotland) Act 2005
Application for Variation of Premises Licence
Address: Pier Bistro, Sea Beach, Aberdeen, AB24 5NS
Applicant: McAuley (Aberdeen) Limited

I refer to the above and I would like to make the following representation.

The application submitted is for a variation of premises licence to vary the operating plan in order to amend core hours on Sundays, to include Bar Meals within and outwith core hours, live entertainment and outdoor drinking within core hours. The application also amends wording within the operating plan. In addition the variation includes the formation of an outside decking area within the premises licence.

I have no comment regarding the addition of Bar Meals, live entertainment, outdoor drinking or the change in Sunday core hours.

Regarding the outdoor licensed area, I have no objection, however – if granted, I would recommend that the outdoor drinking is marked yes on the operating plan and that the terminal hour for this area would be limited to 22.00.

Diane Sande
Licensing Standards Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: UNDERDOG, 5 UNION STREET, ABERDEEN

DESCRIPTION

- Variation to merge the separate licences for Underdog and Brewdog.
- Variation of layout plan to reflect the creation of a new doorway on ground floor leading to basement.

OBJECTIONS/REPRESENTATIONS

- Police
- 1 x Objector

LICENSING POLICY STATEMENT

N/A

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21December 2016

Your Ref:

Our Ref: 192525

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
UNDERDOG, 5 UNION STREET, ABERDEEN, AB11 5BU**

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 seeks to merge the separate premises at 5 and 9 Union Street, Aberdeen and to include a connecting stairway between the ground and basements floors of the 'new' premises. The application indicates that the terms detailed in both premises' current operating plans are to remain unaltered, thus creating what is referred to as a 'hybrid' premises.

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 representation on behalf of the Chief Constable.

The operating plan that accompanies the application specifies the different 'on-sales' commencement and terminal hours that apply to the two parts of what is to become one premises. However, the latest version of the operating plan does not detail the difference between certain activities: for example, it indicates that 'dance facilities' apply to the premises but does not define that the 'dance facilities' relate to the basement part of the premises and not the ground floor, which would be in keeping with the existing activities. This is similarly the case in the section that refers to the times during which children and young persons will be permitted access to the premises. The new operating plan indicates that children will not be permitted access after 2230 hours, however the times currently in place for that

particular element are 2230 hours for the basement, subject to certain terms, and 1800 hours on the ground floor.

The applicant's agent has confirmed that the existing terms in respect of these two matters remains unchanged. I am therefore of the opinion that the operating plan in its current form should be modified to clarify the matters raised herein.

This representation 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 306468

Our Ref ABE/1184/00008/EFB/TGGH/KS
Your Ref AC0602

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1 Union Wynd
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AB10 1DQ

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The Clerk
Aberdeen City Licensing Board
Legal & Democratic Services
Corporate Governance
Ground Floor
Town House
Broad Street
Aberdeen AB10 1AQ



BY EMAIL AND HARD COPY

23 December 2016

Dear Sirs

LICENSING (SCOTLAND) ACT 2015

PREMISES AT 5 UNION STREET, ABERDEEN – UNDERDOG

APPLICATION FOR MAJOR VARIATION TO PREMISES LICENCE NO. AC0602

We act on behalf of Royal Athenaeum Suites (“the Suites”) which are operated by Aberdeen Douglas Hotel. Our clients were notified of a major variation in respect of Premises Licence reference AC0602 UnderDog, 5 Union Street, Aberdeen, by letter dated 5 December 2016. The notification letter stated that the deadline to object to the application is Tuesday 27 December 2016. This letter is therefore timeous.

Our clients have operated the Suites since 2014, following refurbishment of the top 4 floors from first to fourth floor level at 15 Union Street, Aberdeen. The Suites comprise 46 serviced studio, one and two bedroomed apartments which can be rented out for short or long term stays. The Suites are served through a 24 hour reception desk accessed from Union Street. The central location overlooking the City’s Town House, historic Castlegate square and the city centre views make the Suites attractive to tourists, business clientele and short stay vacationers alike. The major variation application relates to the licensed premises which sit in the basement, beneath our clients’ Suites, but also affects the licensed premises at ground floor level immediately beneath our clients’ Suites.

We note that the major variation application has been submitted in order that two separate licences can be amalgamated into a single licence. We understand that the premises licence to be altered is reference AC0602 relating to the premises called UnderDog at 5 Union Street, which is a licensed nightclub in the basement of the property which also houses our clients’ Suites. Premises licence reference AC0603 in respect of the premises referred to in that licence as The Granite City Fix at 9 Union Street, a bar/restaurant at ground floor/street level, is to be surrendered in due course should

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the major variation application for the proposed merger of the licences be granted by the Board. We note that the variation application does not seek to amend the hours of either of the separately licensed premises at this stage and should the variation application be granted the terminal hours will remain unchanged for each of the two different parts of the premises.

Section 22 of the Licensing (Scotland) Act 2005 sets out the grounds on which any person can object or make representations on an application. Detailed grounds of refusal are set out in Section 23(5) and these include where, inter alia, the Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives. Representations can also be made as to modifications which a person considers should be made to the operating plan accompanying the application, or as to conditions which the person considers should be imposed.

Our clients have concerns about the way in which the licensed premises will operate under the proposed amalgamated single licence and accordingly believe that the major variation application is contrary to the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance.

Our clients therefore object to the major variation application on the following grounds:

1. As the covering letter for the major variation application notes, this is a “novel variation”, the result of which will be that the operating plan for the single licensed premises will contain different provisions and separate requirements for both the ground floor and basement levels. Our clients are concerned that this will lead to difficulties in managing the combined premises and indeed for the Police and LSOs in terms of monitoring compliance with the terms of the operating plan and the licensing objectives. Whilst combining the licences will enable a single Designed Premises Manager (DPM) to be appointed for the combined premises, given the layout, the very different nature of the premises and the potential clientele on each floor, it is not clear that the DPM will have the requisite control to ensure that no offences are committed on the licensed premises and hence that the premises are managed in accordance with the licensing principles.
2. As the Board’s Licensing Policy states, factors which impact on crime and disorder include, but are not exclusively limited to, underage drinking, drunkenness on premises, illegal possession and/or use of drugs, violent behaviour, anti-social behaviour and noise nuisance as a result of those smoking outside premises. The applicant has not demonstrated how the variation will meet the licensing objectives of preventing crime and disorder in light of the factors noted above. It is particularly important that they are able to do that if patrons will be able to pass freely between the different licensed areas.
3. The Board’s Policy also looks for an applicant to consider those factors which impact on public safety. No such statement is included with the application and the mere inclusion of an internal stair for patrons to use is not sufficient to demonstrate public safety will be maintained.
4. The covering letter for the application indicates that the merger of the two Licences is sought in order for “*inter-connectivity internally to allow customers to move from one*

premises to another". Our clients believe that such movement will potentially circumvent the local condition imposed on Premises Licence AC0602 and the ability of trained door supervisors to make a judgement about whether or not to deny the entry of customers who are drunk or disorderly, as they would normally do in order to uphold the prevention of public nuisance objective in accordance with the Board's Policy which expects door supervisors to be particularly vigilant about numbers entering the premises.

There is no suggestion that the hours of either separate premise licences are to be altered at this stage, but it is of concern that the public may be able to go between the premises freely. There is a significant overlap between the opening hours of the premises as UnderDog opens at 5pm and the ground floor premises do not shut until midnight or 1am. The overlap of hours does not increase the number of hours people may be able to purchase alcohol, but the internal access arrangements will enable free passage between the premises such that the bar staff may not be able to assess the suitability or otherwise of the patrons being served, or monitor the alcohol intake of those patrons, since they will not always be served at the same bar. There is no mention of whether the stair well will be staffed and if drinks will be able to be purchased in one area, but consumed in the other licensed area.

It is not clear whether the combination of the licensed areas ~~which require amendments~~ to toilet provision and/or fire escape routes. We trust that Building Standards will review the plans and consider these issues in more detail than our clients are able to. We note that a building warrant application was made on 22 October 2016, which works included the installation of an acoustic corridor, but we have not been able to ascertain if a completion certificate has been issued and therefore whether or not the acoustic corridor has been implemented in accordance with the building warrant. An explanation as to how the safe passage of people may be managed appropriately, having regard to the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance is required. The fact that people are not exiting the building does not automatically mean that the objectives will be met.

5. Our clients currently experience noise disturbance in their Suites as a result of the premises being operated by the applicant. Noise is being transferred from the basement level through the works which the applicant has carried out to strip the property back to bare walls and steel beams, which offer no protection or mitigation to sound escaping. The fit out of the premises in fact appears to amplify the noise throughout the building. Our clients have received complaints from those staying in the Suites, as well as staff members working in the reception area, who are all affected by the noise generated from the licensed premises due to the loud music. Our clients wish to work with the applicant to resolve these issues and have written directly to them to discuss matters further, but the Board's policy states that there is a wish to maintain and protect the amenity of occupiers of other businesses and residents from the potential consequence of the operation of licensed premises. Paragraph 26.3 of the Board's Policy indicates that the Board may apply stricter conditions, including restrictions on licensed hours, where the activities may impact on residents or other business premises and where relevant representations have been received.

It should also be noted that our clients are concerned that combining the licences blurs the distinct obligations under each licensed area and will therefore lead to further noise issues, as it will be more difficult to monitor and observe the terms of the separate obligations in a single licensed area. In considering the application for the major variation we would request that, should the Board be minded to approve the application, noise conditions be imposed to ensure that the different parts of the premises, which have different hours of operation, are run appropriately and incognisance of the quasi residential uses above the premises. Our clients have, and will continue to liaise with the applicant in terms of perceived public nuisance from the noise which is currently being generated from the premises. Our clients do not believe that the noise generated is arising from patrons going between the two separate licensed areas.

We trust that the issues raised in this letter of representation will be considered at the Board when the application is determined, which we understand to be scheduled for Tuesday 17 January 2017. We would wish the opportunity to appear with our clients in order to speak to this representation and look forward to receiving confirmation of when the variation application will be determined.

Yours faithfully

A black rectangular redaction box covering the signature of the sender.

for and on behalf of Burness Paul LLP

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