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To: Councillor Boulton, Cameron, Donnelly, Lesley Dunbar, Grant, Greig, Mason, McLellan and Townson.

Town House,
ABERDEEN 14 June 2017

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in **Committee Room 2 - Town House** on **TUESDAY, 20 JUNE 2017 at 10.30 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Election of Convener
- 2 Application for provisional premises licence- Cognito, 1 Midstocket Road, Aberdeen, AB10 5JL (Pages 5 - 10)
- 3 Application for premises licence - JK Fine Foods, 16 Chattan Place, Aberdeen, AB10 6RD (Pages 11 - 14)
- 4 Application for premises licence- SO, 269 Union Street, Aberdeen, AB11 6BR (Pages 15 - 22)
- 5 Application for variation of premises licence- Abergeldie Bar, 504 Holburn Street, Aberdeen AB10 7LY (Pages 23 - 30)
- 6 Application for variation of premises licence-Amarone, 257 Union Street, Aberdeen AB11 6BR (Pages 31 - 36)

- 7 Application for variation of premises licence-BP King Street Filling Station, 661 King Street, Aberdeen, AB24 1SD (Pages 37 - 38)
- 8 Application for variation of premises licence- Gilcomston Bar, 5 Gilcomston Steps, Aberdeen AB25 1UW (Pages 39 - 60)
- 9 Application for variation of premises licence- Grape and Grain, 31 Thistle Street, Aberdeen, AB10 1UY (Pages 61 - 62)
- 10 Application for variation of premises licence- Halo, 7 Crown Street, Aberdeen AB11 6HA (Pages 63 - 66)
- 11 Application for variation of premises licence- Hush (Unit 6) and JamJar (Unit 10), the Galleria, Bon Accord Street, Aberdeen AB11 6FB (Pages 67 - 74)
- 12 Application for variation of premises licence-Portals Bar, 17 Castle Street, Aberdeen, AB11 5BQ (Pages 75 - 76)
- 13 Application for variation of premises licence-Revolution, 25 Belmont Street, Aberdeen, AB10 1JS (Pages 77 - 84)
- 14 Application for variation of premises licence- the New Albyn, 11 Albyn Place, Aberdeen, AB10 1YE (Pages 85 - 86)
- 15 Application for variation of premises licence-The Ploughman, North Deeside Road, Peterculter, Aberdeen, AB31 5AE (Pages 87 - 88)
- 16 Application for variation of premises licence- Topo La Bamba, 367 Union Street, Aberdeen AB11 6BT (Pages 89 - 96)
- 17 Section 34 Transfer of premises licence (Pages 97 - 98)
- 18 Premises Licence Review Proposal- Asda Stores Limited (Pages 99 - 100)
- 19 Premises Licence Review Proposal-Martin McColl (Pages 101 - 102)
- 20 Gambling Act 2005- Application for variation-Gaming Machine Permit (Pages 103 - 104)
- 21 Interim Off-Sales Overprovision Consultation (Pages 105 - 108)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Karen Gatherum, e-mail Kgatherum@aberdeencity.gov.uk or tel. 01224 522462

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION PROVISIONAL PREMISES LICENCE

PREMISES: COGNITO, 1 MIDSTOCKET ROAD, ABERDEEN

DESCRIPTION

- Bistro seeking on sales and off sales from 11:00 to 23:00 Monday to Sunday;
- Restaurant facilities and recorded music;
- Children and young persons will be permitted access when accompanied by adult for the purpose of having a meal or snack up to 20:00
- Children will be permitted in the Ice cream parlour area without adult supervision

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- Environmental Health Memo

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.

LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

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

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

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

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

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

30 May 2017

Your Ref:

Our Ref: 232343

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
COGNITO, 1 MIDSTOCKET ROAD, ABERDEEN, AB15 5JL**

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 and recommend that if the applicant intends to allow Children and Young Persons on the part of the premises referred to as the 'patisserie' and 'café' in the layout plan, beyond 2000 hours, as it is understood is the case, that this is reflected at Question 6(d) of the Operating Plan.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

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MEMO

Protective Services

Communities, Housing and Infrastructure

Business Hub 15 ,3rd Floor South ,Marischal College



ABERDEEN
CITY COUNCIL

To	The Clerk to the Licensing Board , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College		
From	Andrew Gilchrist		
Email	agilchrist@aberdeencity.gov.uk	Date	26/05/17
Tel.	01224 522596	Our Ref.	ACG/Incognito
Fax.		Your Ref.	

Licensing (Scotland) Act 2005

Application for Provisional Premises License

Premises: Cognito 1 Midstocket Road Aberdeen AB15 5JL

Applicant: Nicky Turnbull/Café Cognito Ltd. 39 St Swithin AB10 6XL

The above application has been assessed by this Service primarily in relation to potential noise breakout from operation of the premises. The comments largely reflect those made on planning application **170099/DPP** :-

1. that only amplified music for the purpose of background ambience be permitted within the premises,
2. a prohibition of amplified music in the open vestibule seating area whilst the external vestibule doors are open,'
3. a prohibition of amplified music outside the premises,
4. That the external vestibule doors are closed at 22:00.

It should be noted that the aforementioned permission does not include use of any external area.

There has been no application made for a Section 50 (Food Hygiene) Certificate and the layout detailed on the submitted plan may be subject to amendment before a Certificate can be issued.

Andrew Gilchrist

Principal Environmental Health Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PREMISES LICENCE

PREMISES: JK FINE FOODS, 16 CHATTAN PLACE, 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

- Police Scotland

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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23 May 2017

Your Ref:

Our Ref: 232371

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
PREMISES LICENCE**

**J K FINE FOODS, 16 CHATTAN PLACE, ABERDEEN, AB10 6RD
APPLICANT: FOODSTORE LTD, 15 CROMBIE ROAD, ABERDEEN,
AB11 9QQ**

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 306468

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION PREMISES LICENCE
PREMISES: SO, 269 UNION STREET, ABERDEEN

DESCRIPTION

- Coffee shop seeking on sales 11:00 to 20:00 Sunday to Thursday; 11:00 to 00:00hrs Friday and Saturday.
- Off sales from 11:00 to 22:00 Monday to Sunday;
- Outdoor area, Restaurant facilities, receptions, live performances , televised sport and recorded music;
- Unaccompanied Children and young persons will be permitted access up until 18:00hrs, thereafter accompanied by adult for the purpose of having a meal or snack

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian
- Environmental Health Memo

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.

LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

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

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

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

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

29 May 2017

Your Ref:

Our Ref: 232415

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

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE
SO, 269 UNION STREET, ABERDEEN, AB11 6BR
PB DEVELOPMENT COMPANY LIMITED, 15 SUMMER STREET, ABERDEEN
AB10 1SB**

I refer to the above application and in terms of Section 21(4) (a) (i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

The premises currently operates as a café, offering light meals. With regard to the layout plan, it is understood that the two alcohol display cabinet to the left of the serving area will be used to display products offered for sale on an 'off sales' basis and that alcohol for consumption on the premises will available from the sales counter or by table service later in the evening.

It is also understood that the activity of 'live performance' will involve occasional acoustic performances.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation and request it be granted subject to the condition that the outdoor drinking facilities must be delineated by a portable physical structure/barrier when in operation and should be subject to a terminal hour of no later than 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

Date 25th May 2017
Enquiries to 01224 557047
Our Ref 20171042
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 Premises Licence
SO, 269 Union Street, Aberdeen, AB11 6BR**

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.

SO restaurant and coffee shop wish to apply for a licence for the sale of alcohol. They provide a wide range of food, teas, coffees and soft drinks including sandwiches, pastries, cakes, rolls, confectionery, hot goods and general meals. The premises also plan to provide an outside catering service. In the future there may be a Deliveroo style operation aimed mainly at delivering craft beer with food deliveries

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. I 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)

MEMO

Protective Services

Communities, Housing and Infrastructure

3rd Floor, Marischal College



To	The Clerk to the Licensing Board , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College		
From	Commercial Team		
Email	commercial@aberdeencity.gov.uk		Date 29 th May 2017
Tel.	01224 523800		Our Ref. DBS/SO
Fax.	01224 523887		Your Ref.

Licensing (Scotland) Act 2005

Application for: Premises Licence

Premises: So, 269 Union Street, Aberdeen, AB11 6BR

Applicant: PB Development Company Ltd

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

Regarding the external area, I have no objection, but if granted I would recommend that a terminal hour of 10pm is implemented, and also that there will be no live entertainment or recorded music played within the external area.

Licensing Standards Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE
PREMISES: ABERGELDIE BAR, 504 HOLBURN STREET, ABERDEEN

DESCRIPTION

- Amend layout plan to include outdoor area
- Amend wording in children and young persons' access to allow entry for the purpose of consuming a meal or to end of function

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- Public Objection

LICENSING POLICY STATEMENT

LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

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

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

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

- effective and responsible premises management
- adoption of best practice guidance
- imitations on the hours when children may be present, in all or parts of the premises
- imitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder
- appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a

responsible person / adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function

19 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

31 May 2017

Your Ref:

Our Ref: 232455

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
ABERGELDIE BAR, 504 HOLBURN STREET, ABERDEEN, AB10 7LY
PREMISES LICENCE HOLDER - SPIRIT PUB COMPANY (LEASED) LTD**

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 amendment to the terms in relation to Children and Young Person access to include access when consuming a meal between 0900 and 2000 hours or when attending a function, where they can remain until the terminal hour and the addition of outdoor drinking facilities.

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.

I am of the opinion that the variation in its current form should be modified to reflect that the outdoor drinking area has a terminal hour of 2200 hours, each day.

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.

For the attention of Karen

29/05/2017

Dear Sir/Madam

I wish to object to the current application put forward by the Abergeldie Bar, 504 Holburn Street, Aberdeen AB107LY.

The applicant being Spirit Pub Company (leased) Ltd

Details of their application are as follows:- Change to operating plan to allow children and young persons access to premises if consuming a meal or attending a function.

The grounds of my application are based upon how these changes will continue to affect my environment and living conditions. Elements of health and safety breaches will continue to be a hazard to myself, my family and patrons should the application be granted.

Previously the Abergeldie Bar held an open day to promote their services and the use of the beer garden to families in the area.

The open day times were 12/1 o clock till 6pm (this is the time that patrons used the beer garden)

There was a DJ with professional equipment that I feel is too loud for the size of the gardens.

Given that despite my television and radio being on . I could hear the music in my living room with the doors closed.

There used to be thick growth of shrubs and trees that acted in part as a sound barrier, but this was thinned out and mostly removed just before the Open Day taking place.

Other than the extreme noise the day was pretty uneventful until children used my garden as a dumping ground for fruit shoot bottles and food.

I could hear people running through the garden and along the side of my house. I thought it may be an isolated incident and ignored it.

However it continued repeatedly and I went to my back door to find children excitedly running around my back garden.

I asked the children to please stop running around and not to play in my garden . I politely encouraged them to return to the beer garden where adult supervision should be in place.

Throughout the day children continued frequenting my garden and running around chasing each other.

On two occasions that day. teenagers were seen climbing up onto the stone dyke, crossing through my garden. along the side of the house and exiting to the main street to travel up Margaret place towards the flats at the end of the street.

One of the teenagers returned using my garden to cut through and access entry to the beer garden again.

The usual way to gain entry and to leave would be by using the open iron gate at the side of the Abergeldie Bars door facing holburn street.

Alternatively by accessing the side entrance door within the Bar that leads into a pathway to the beer garden.

That pathway leads along past my back garden to their beer garden.

As you walk along the paved pathway you pass a short wall made from stones with soil.

At the tops of the wall are posts bedded into the ground where wooden panels were previously intact.

Only the first two panels of fencing are intact. This is due to strong winds that took down most of the existing wooden fence and left the panels broken and laying across the pathway between my garden and the bars pathway.

At the time of this incident. The panels were tidied up after I brought it to the land ladies attention within one week of part of the fencing coming down.

At the time I reported it to the land lady she assured me the fence would be replaced before the open day and not to be concerned.

As the date of the Open Day drew nearer, no repairs or replacements were carried out.

My gardener has said that the posts for the missing panels are rotten and that if anyone were to pull themselves up from the pathway or lean on it from my side of the garden, it would give way and cause potential serious harm.

I am unable to have my sisters dog in the area of my garden. I can't let my brothers grandchildren into my back garden without supervision despite them being 8 years old.

If the changes were made to their license I would have several issues to contend with.

The noise of a DJ would cause me stress as it lasts up to 6 hours at a time.

The on going issue with people using my back garden as a dumping ground will only continue and children will still have access to my garden .

I enjoyed sitting in my garden in peace without disturbances.

I moved here because it was a peaceful area despite living next door to a public house.

These disturbances would spoil my time in my garden.

I don't want to sit in my back garden and see children on a bouncy castle, or hear that level of noise, my privacy being taken away would distress me further .

I rely on carers to help me with personal care and it is not their job to pick up rubbish from my garden.

When I am sitting outside . On occasion patrons have become a bit loud and as time wears on the language turns to swearing and loud debates about football. On top of this some people try to engage me in conversation.

I ask that my issues be taken into consideration when you meet to consider the changes to the landlords application to amend the hours that children may be present on the premises.

Kind regards

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: AMARONE, 257 UNION STREET, ABERDEEN

DESCRIPTION

- Amend layout plan to include outdoor area

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- LSO Memo

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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22 May 2017

Your Ref:

Our Ref: 232446

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
AMARONE RESTAURANT & BAR, 257 UNION STREET, ABERDEEN, AB11
6BR
AMARONE RESTAURANTS LTD**

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 an amendment to the operating plan, to include outdoor drinking facilities as an activity, both during and outwith core licensed hours.

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, I am of the opinion that the variation application and accompanying operating plan, in its current form, be amended and be modified to reflect the following:

The outdoor drinking facilities must be delineated by a portable physical structure when in operation and should be subject to a terminal hour of no later than 2200 hours each day

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

Communities, Housing and Infrastructure

3rd Floor, Marischal College



To	The Clerk to the Licensing Board , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College		
From	Commercial Team		
Email	commercial@aberdeencity.gov.uk		Date 29 May 2017
Tel.	01224 523800		Our Ref. DBS/Amarone
Fax.	01224 523887		Your Ref.

Licensing (Scotland) Act 2005

Application for Variation of Premises Licence

Premises: Amarone, 257 Union Street, Aberdeen, AB11 6BR

Applicant: Amarone Restaurants Limited

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

Regarding the external area, I have no objection but, if granted, I would recommend that a terminal hour of 10pm is implemented, and also that there will be no live entertainment or recorded music played within the external area.

Licensing Standards Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE
PREMISES: BP FILLING STATION, 661 KING STREET, ABERDEEN

DESCRIPTION

- To vary off sale hours on a Sunday at 12:30hrs to commence from 10:00hrs

OBJECTIONS/REPRESENTATIONS

None

LICENSING POLICY STATEMENT

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE
PREMISES: GILCOMSTON BAR, 5 GILCOMSTON STEPS, ABERDEEN

DESCRIPTION

Variation to on sale hours from 00:00hrs to 01:00hrs on a Friday and Saturday

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian
- Environmental Health
- LSO
- 3 Public Objections

LICENSING POLICY STATEMENT

HOURS OF TRADING – GENERAL & EXTENDED General

20.1 The Board expects that all applicants for licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Applicants should not overestimate their trading hours just in case they may be required, as this may precipitate a review of the licence. Should licence holders wish to reduce their operating hours this can be done by way a minor variation which can be granted using delegated powers.

20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.

20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours. The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose

built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

20.4- 20.7 N/A

20.8 Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays .The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and /or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music. The Board are entitled to distinguish between premises of different descriptions offering different facilities or activities. e.g. Section 27(9) of the 2005 Act allows the Board to impose conditions in relation to the sale of alcohol on a premises to which a licence relates or any other activity carried on in such premises. In light of the evidence before the Board on the levels of alcohol consumption in the city and the levels of alcohol related crime the Board wish to promote in terms of the objectives the types of premises which can operate where the service and sale of alcohol is not the primary objective thus contributing to the positive night time economy in the City but not adding to the health or crime related harms associated with are premises which focus wholly or mainly on alcohol consumption.

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

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

- the effect of the grant of a licence before 10:00 hours or after 01:00 hours
- the proposed hours when any music, including incidental music and karaoke, will be played
- the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
- whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night
- the capacity of the premises
- the type of use, recognising that premises which sell alcohol, play music, provide late night refreshment or takeaway food, are more likely to be associated with for example crime and disorder and public nuisance than premises where the consumption of alcohol is not the main activity.

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

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

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

20.12 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder caused or exacerbated by customers departing from the premises or the rise of alcohol related crime or disorder in the vicinity of the premises.

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31 May 2017

Your Ref:

Our Ref: 232362

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
GILCOMSTON BAR, 5 GILCOMSTON STEPS, ABERDEEN, AB25 1UW**

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 an amendment to core 'on sales' hours from 1100 to 0000 hours to 1100 to 0100 hours every Friday and Saturday.

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

The premises are situated outwith the city centre area, as defined in Appendix 3(a) of the Aberdeen City Licensing Board Statement of Licensing Policy 2013-2016. The premises are in a mainly residential area, with properties immediately adjacent to the premises.

The operating hours enjoyed by the premises are consistent with the guideline operating hours for premises offering 'not significant entertainment' as detailed within Appendix 4 of said Policy, which is a terminal hour of 0000, all days of the week. The Operating Plan pertaining to the premises indicates that the activity of 'live performances', including 'live bands, a DJ and dancing' amongst other activities, may take place during the core hours.

It is understood, following contact with the applicant's agent, that the amendment to the operating plan in respect of the terminal hour on Friday and Saturday is sought for the purpose of allowing patrons to enjoy an extra hour of live music to be held on the premises each Friday and Saturday.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I make representation that the variation is granted subject to the condition that pre-booked significant entertainment, to the satisfaction of the Licensing Board, is to take place during some part of the additional hours sought, that is between 0000 and 0100 on Friday and Saturday.

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 25th May 2017
Enquiries to 01224 557047
Our Ref 20171044
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
Gilcomston Bar, 5 Gilcomston Steps, Aberdeen, AB25 1UW**

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 NHS Grampian objection will focus on the following areas:

1. Aberdeen City Licensing Board, Statement of Licensing Policy
2. Integrated Alcohol Service Referral Rates for 2015
3. Scottish Health Observatory Data for post code area AB25 1
4. Comparison of alcohol related death rates for Aberdeen

1. Aberdeen City Licensing Board, Statement of Licensing Policy

The premises wish to extend their core on sales hours on Fridays and Saturdays to 01:00 hours.

The Aberdeen City Licensing Board Statement of Licensing Policy, 2013-2016 states at Section 20.7, paragraph 4:

“Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted later hours..” “The Board regards significant entertainment to be entertainment which is of such a nature to be the principal

attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and/or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.”

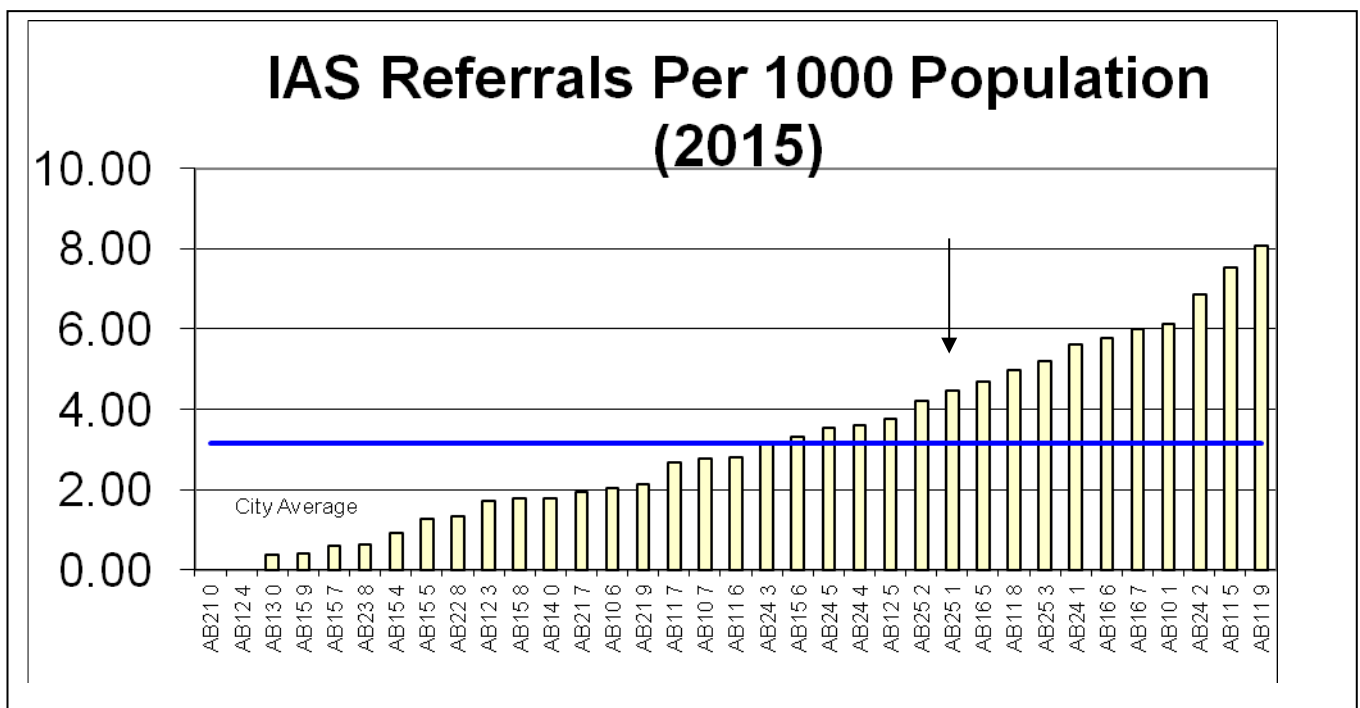
The Aberdeen City Licensing Board Statement of Licensing Policy, 2013 – 2016 also states at Section 20.3, paragraph 2:

“The Board will not normally grant hours beyond 00:00 hours outwith the city centre. Function rooms, for private functions only, wherever located will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites.”

As the Gilcomston **Bar** is outwith the city centre boundary, has no designated private function suite facility I do not feel it meets the required criteria for a late opening extension. I am not convinced that the entertainment on offer can be deemed as the “*principal reason for patrons attending the licensed premises*”. Although a range of entertainment is quoted in the operating plan the regularity of appearance is not. I am unsure if this entertainment will be provided every Friday and Saturday night or sporadically throughout the year.

This would appear to be a local bar that would attract patrons from the local area. The following paragraphs illustrate some of the local health related data.

2. Integrated Alcohol Service Rates for 2015



3. Scottish Health Observatory Data for post code area AB25 1

The post code sector of AB25 1 comprises three areas; City Centre (7.4%), Rosemount (25.7%) and George Street (66.9%).

Scottish Health Observatory Data has been used to compile The Health Traffic Lights document for Aberdeen City¹. Data from this document is illustrated below using health indicator areas for this community:

Key	Description
	5% higher than the Scottish average
	Within +/- 5% of the Scottish average
	5% lower than the Scottish average

Area	Alcohol related/attributable hospital patients	Alcohol related deaths	Early deaths from Coronary Heart Disease	Psychiatric Hospital Patients	Deaths from suicide	Early deaths from cancer
City Centre (7.4%)						
Rosemount (25.7%)						
George Street (66.9%)						

It is clear to see that alcohol related ill health is impacting on these citizens' health and wellbeing already. This data illustrates the current health status. Regularly drinking alcohol raises blood pressure and significantly increases the chance of people developing heart disease in the future².

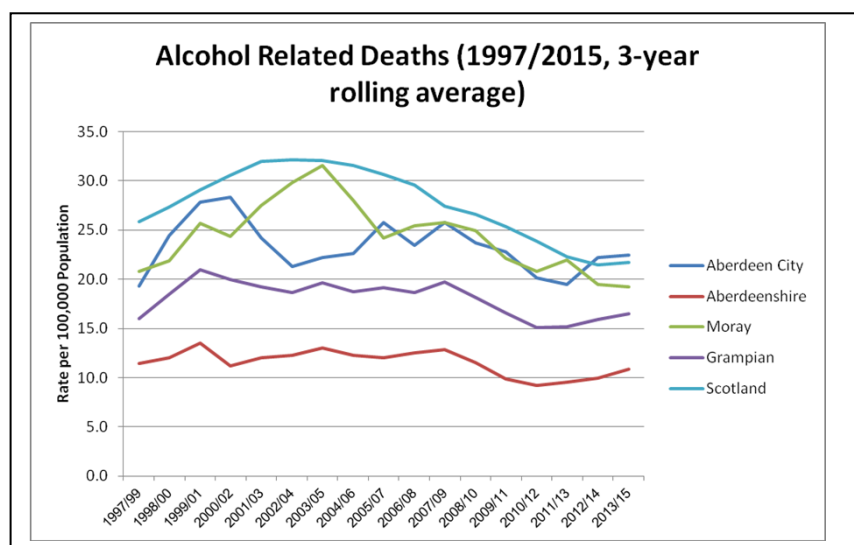
Depression shares a complex, mutually reinforcing relationship with excessive alcohol consumption². Regardless of whether heavy alcohol consumption or mental health issues came first, having one condition increases the chances of developing and likely complexity of the other.

Harmful alcohol consumption is the third most common preventable cause of cancer in the UK².

¹ http://foi.nhsgrampian.org/globalassets/foidocument/dispublicdocuments---all-documents/ABERDEENCITYTraffic_Lights_Pack_2016.pdf

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

4. Comparison of alcohol related death rates for Aberdeen city



The chart above illustrates the three year rolling average for alcohol related deaths with the most recent period shown being 2013 - 2015. This shows that after a fall during the early 2000s we have seen an increase in Aberdeen City alcohol related deaths that are now slightly higher than the Scottish figure.

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

The Scottish Public Health Observatory (ScotPHO) Health & Wellbeing Profiles for Aberdeen City identify Alcohol related hospital stays as being “statistically significantly worse” than the National average³.

I am not aware that this application has identified sufficient activity that would indicate “significant entertainment” and when consideration is also given to the harmful use of alcohol for these local residents I would therefore request that this application is not granted.

³ <https://scotpho.nhsnss.scot.nhs.uk/scotpho/homeAction.do>

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)

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MEMO

Protective Services

Communities, Housing and Infrastructure

Business Hub 15 ,3rd Floor South ,Marischal College

To	The Clerk to the Licensing Board, Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College		
From	Andrew Gilchrist		
Email	agilchrist@aberdeencity.gov.uk	Date	26/5/17
Tel.	01224 522720	Our Ref.	ACG /Gil
Fax.		Your Ref.	

Licensing (Scotland) Act 2005

Application for Variation of Premises Licence by: Trust Inns Ltd. for Gilcomston Bar, 5 Gilcomston Steps, Aberdeen AB12 5BT

This application is for an extension of hours until 1am (Friday/Saturday and Saturday/Sunday).

This Service has recently been investigating a complaint of amplified music noise from the premises. However the complaint has not been substantiated.

I bring this to the Board's attention for their information only, as I have no grounds for making a objection to this application.

Andrew Gilchrist

Principal Environmental Health Officer

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MEMO

Protective Services

Communities, Housing and Infrastructure

Business Hub 15 ,3rd Floor South ,Marischal College



To	Clerk to the Licensing Board Litigation & Licensing , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College	
From	Commercial Team	
Email	commercial@aberdeencity.gov.uk	Date 29 th May 2017
Tel.	01224 523800	Our Ref. TEG/AMG
Fax.	01224 523887	Your Ref.

Licensing (Scotland) Act 2005

Application for Variation of Premises Licence

Premises: Gilcomston Bar, 5 Gilcomston Steps, Aberdeen

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

The Licensing Standards Officer (LSO) refers to the above and comments as follows:

The application submitted is for a variation of premises licence to amend the 'on sales' licensed core hours from 11.00 am to midnight on Friday and Saturday to 11.00 am to 1.00 am on Friday and Saturday.

In regards to the application, the LSO would like to inform the Licensing Board of an unresolved noise complaint.

In April 2017, the LSO received a complaint from a resident living near the Gilcomston Bar. The resident informed the LSO that customers are shouting and screaming outside the premises. The complainant also informed Protective services that every weekend they are affected by the volume of music from the live bands playing at the premises.

The LSO and the Environmental Health Officer Mark Nicholl visited the complainant's home on the 29th April 2017 to investigate the matter. It was established on that particular night, that there were no 'crowd noise' evident outside the premises.

On the 4th May 2017, the Licensing Standards Officers visited the premises to discuss the noise complaint with the Company Directors Roy Wylle and Steven Bowman. The LSOs' discussed possible control measures that can be put in place to ensure that there are no further noise issues.

On the 27th May 2017, a recording was made by the resident on their mobile phone at their home address. The sound of people screaming and music is audible on the recordings. The LSO sent the recordings to the premises manager Martin Slater. Martin informed the LSO that on the 27th May he had asked the band to stop playing their instruments and leave the premises. This was due to the band ignoring the management decision to turn down the volume.

The LSO has requested the complainant to document future noise issues in order for this to be investigated further. The service will continue to monitor the situation and mediate between the resident and the premises.

Licensing Standards Officer

To whom it may concern,

As a local resident who lives in the same building as the Gilcomston Bar, I strongly disagree in the extended hours for these premises, I feel that this bar being open until midnight is long enough, as the excessive noise from these premises, especially at the weekends with live bands and karaoke, is already a nuisance. As I have a young family, extra noise with regard from these extra requested opening hours I feel will just to much for us all to contend with.

Please take my views into consideration whilst deciding the future hours of the Gilcomston Bar.

Sent from my iPad

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Hello,

I would like to object to the gilcomston bars license variation.

My details are:

Is this anonymous?

It's the gilcomston bar on Baker Street.

The reason for me objecting is, at the moment the bar is breaching their licensing objective. They are not doing very well in preventing public nuisance.

I have just moved here in January and every weekend have been plagued with loud and disruptive music. Very loud voices and shouting coming from just outside the bar at closing but also have been frequent occasions of it being all the way through the evening at the weekends starting Friday. We can't sleep when this is ongoing. We now, if we don't have our son that night, go out and come back after 12 so we can get to sleep peacefully. I have provided some evidence and sent it to the LSO Tara who is dealing with our complaints. I can't put into words how much of a disruption this is to us, we are quite a bit away from the bar and we never thought we would hear it but it honestly sounds like it's our next door neighbour that's playing the music.

We have a young son who is now being woken up to the shouting and the drums, he wakes up crying in hysterics. It's distressing to him as he is used to peace and calm and now has to listen to this.

I feel if the hours get later we will have to go through this longer. They are not doing enough to maintain their objective at all. They have been told to close their doors so the music isn't so loud but that hasn't been heeded again.

It's making such an impact on our day to day life's, the weekends are horrible for us as our son is tired, we are tired and it's not very nice as grumpiness comes with that. Weekends are for chilling but we can't even do that in our own home. Can't even open our windows if it's warm at night as it makes the noise so much worse.

Thanks,

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Subject: Re: Extension of bar license Gilcomston Bar Aberdeen

Dear Sirs

I believe an extension to the licensing hours has been requested by the Gilcomston Bar at the bottom of Baker Street in Aberdeen.

I am emailing on behalf of a number of our tenants who live at 14 – 18 Baker Street who have serious reservations about this application.

They have already been experiencing noise disturbance from the bar over recent months and are worried that any extension will add to the issues already being experienced. Our tenants have small children who have been woken by music noise during opening hours when doors have been open as well as shouting and other noise from people leaving the bar at closing time.

Please can you consider this email when making any decision about the extension to opening hours.

Regards

Housing Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: GRAPE AND GRAIN, 31 THISTLE STREET, ABERDEEN

DESCRIPTION

- Remove provision of restaurant facilities
- To add the provision of bar meals, club facilities and live performances during core hours
- To add conference facilities during and out with core hours
- Amend the layout plan to increase kitchen facilities, therefore reducing capacity

OBJECTIONS/REPRESENTATIONS

LICENSING POLICY STATEMENT

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: HALO, 7 CROWN STREET, ABERDEEN

DESCRIPTION

- To vary the operating plan to add indoor/outdoor sports during and out with core hours
- Addition of pool table in downstairs bar

OBJECTIONS/REPRESENTATIONS

- Police Scotland

LICENSING POLICY STATEMENT

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22 May 2017

Your Ref:

Our Ref: 232581

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
HALO/THE OFFICE, 7 CROWN STREET, ABERDEEN, AB11 6HA
PUNCH PARTNERSHIPS LTD, JUBILEE HOUSE, SECOND AVENUE,
BURTON-ON-TRENT, STAFFORDSHIRE, DE14 2WF**

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 an amendment to the operating plan, to include indoor/outdoor sports as an activity.

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

It is understood, following contact with the premises manager, that the variation is solely to allow for the provision of a pool table in the downstairs bar and that contrary to the information in the proposed operating plan, the activity will only be permitted during core hours.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation application and accompanying operating plan, in its current form, be amended and modified accordingly:

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

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: HUSH AND JAMJAR, THE GALLERIA, BON ACCORD, ABERDEEN

DESCRIPTION

- To vary core hours from 11:00hrs - 01:00hrs to 12:00hrs to 02:00hrs on a Friday and Saturday.

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian

LICENSING POLICY STATEMENT

HOURS OF TRADING – GENERAL & EXTENDED

General

20.1 The Board expects that all applicants for licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Applicants should not overestimate their trading hours just in case they may be required, as this may precipitate a review of the licence. Should licence holders wish to reduce their operating hours this can be done by way of a minor variation which can be granted using delegated powers.

20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.

20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours. The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

20.4- 20.7 N/A

20.8 Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays .The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and /or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music. The Board are entitled to distinguish between premises of different descriptions offering different facilities or activities. e.g. Section 27(9) of the 2005 Act allows the Board to impose conditions in relation to the sale of alcohol on a premises to which a licence relates or any other activity carried on in such premises. In light of the evidence before the Board on the levels of alcohol consumption in the city and the levels of alcohol related crime the Board wish to promote in terms of the objectives the types of premises which can operate where the service and sale of alcohol is not the primary objective thus contributing to the positive night time economy in the City but not adding to the health or crime related harms associated with are premises which focus wholly or mainly on alcohol consumption.

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

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

- the effect of the grant of a licence before 10:00 hours or after 01:00 hours
- the proposed hours when any music, including incidental music and karaoke, will be played
- the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
- whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night
- the capacity of the premises
- the type of use, recognising that premises which sell alcohol, play music, provide late night refreshment or takeaway food, are more likely to be associated with for example crime and disorder and public nuisance than premises where the consumption of alcohol is not the main activity.
- the hours at which noise may occur and the disturbance of nearby residents' rest, relaxation and sleep.

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

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

20.12 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder caused or exacerbated by customers departing from the premises or the rise of alcohol related crime or disorder in the vicinity of the premises.

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31 May 2017

Your Ref:

Our Ref: 232577

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
JAMJAR/HUSH, UNIT 6 & 10 THE GALLERIA, LANGSTANE PLACE,
ABERDEEN, AB11 6FB**

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 the 'on sales' terminal hour on Friday and Saturday from 0100 to 0200.

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.

Currently, the premises operating hours with are consistent with the guideline operating hours for premises offering 'not significant entertainment' as detailed within Appendix 4 of Aberdeen City Licensing Board Statement of Licensing Policy 2013-2016. Meanwhile, the Operating Plan pertaining to the premises has indicated that the activity of 'live performances' may take place during the core hours. 'Live performances' is not further described in said Plan.

Following contact with the Premises Manager, it is understood that the additional hour on Friday and Saturday is sought for the purpose of allowing patrons to enjoy an extra hour of DJ entertainment and to allow patrons to dance in an area within the larger part of the premises (Unit 10). There is currently a local condition

attached to the licence that the licence holder shall not provide DJ and live performances in Unit 6.

The Operating Plan which accompanies the application does not indicate any change in the activities that may take place. The Plan also indicates that there are no dance facilities.

In March 2017, in connection with very similar applications for other licensed premises within the city centre, Police Scotland objected to such applications in support of the Preventing Crime and Disorder licensing objective and in doing so, provided ample, detailed evidence that demonstrated that the longer and later licensed premises are open, the higher the likelihood of crimes of anti-social behaviour, violence and disorder occurring, particularly the commission of crimes of serious assault.

Police Scotland reserves this position, however, acknowledges that Aberdeen City Licensing Board are entitled to grant such variations if satisfied that premises are offering 'significant entertainment' as defined within said Policy.

To that end, in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I make representation that the variation is granted subject to condition that pre booked, significant entertainment, to the satisfaction of the Licensing Board, is to take place during some part of the additional hours sought, that is between 0100 and 0200 on Friday and Saturday.

Additionally, in the event the applicant premises are not considered premises to which the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 applies, I recommend that the variation be granted subject to the conditions specified at 6.5 of Aberdeen City Licensing Board's Statement of Licensing Policy 2013 - 2016, specifically in respect of CCTV. Conditions in respect of Door Supervisors and Radiolink are already attached to the premises licence.

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 25th May 2017
Enquiries to 01224 557047
Our Ref 20171053
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
Hush & Jamjar, The Galleria, Bon Accord Street, Aberdeen, AB11 6FB**

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 premises wish to extend their core on sales hours on Fridays and Saturdays from 11:00 – 01:00 to 12:00 – 02:00.

The Aberdeen City Licensing Board Statement of Licensing Policy, 2013-2016 states at Section 20.7, paragraph 4:

“Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted later hours..” “The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and/or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.”

I am not aware that this application has identified sufficient activity that would indicate “significant entertainment”. There is no plan to provide a dance facility and the only additional feature I can identify is to provide patrons with a further hour in which to consume alcohol. The restricting of trading hours for on-sales licences premises has been

found to limit the availability of alcohol after midnight. Policy measures targeting the physical availability of alcohol are one of the most effective ways to reduce alcohol-related harm¹.

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

The Scottish Public Health Observatory (ScotPHO) Health & Wellbeing Profiles for Aberdeen City identify Alcohol related hospital stays as being “statistically significantly “worse” than the National average².

I would therefore request that the application for an extension to the terminal hour of these premises is refused.

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 as the granting of the application 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)

¹ http://apps.who.int/iris/bitstream/10665/148114/1/9789241564854_eng.pdf

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

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: PORTALS BAR, ABERDEEN

DESCRIPTION

- To vary core hours on a Sunday from 11:00hrs to 10:00hrs

OBJECTIONS/REPRESENTATIONS

None

LICENSING POLICY STATEMENT

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: REVOLUTION, 25 BELMONT STREET, ABERDEEN

DESCRIPTION

Variation to on sale hours from 01:00hrs to 02:00hrs on a Friday and Saturday

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian

LICENSING POLICY STATEMENT

HOURS OF TRADING – GENERAL & EXTENDED

General

20.1 The Board expects that all applicants for licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Applicants should not overestimate their trading hours just in case they may be required, as this may precipitate a review of the licence. Should licence holders wish to reduce their operating hours this can be done by way a minor variation which can be granted using delegated powers.

20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.

20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours. The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

20.4- 20.7 N/A

20.8 Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays .The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and /or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music. The Board are entitled to distinguish between premises of different descriptions offering different facilities or activities. e.g. Section 27(9) of the 2005 Act allows the Board to impose conditions in relation to the sale of alcohol on a premises to which a licence relates or any other activity carried on in such premises. In light of the evidence before the Board on the levels of alcohol consumption in the city and the levels of alcohol related crime the Board wish to promote in terms of the objectives the types of premises which can operate where the service and sale of alcohol is not the primary objective thus contributing to the positive night time economy in the City but not adding to the health or crime related harms associated with are premises which focus wholly or mainly on alcohol consumption.

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

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

- the effect of the grant of a licence before 10:00 hours or after 01:00 hours
- the proposed hours when any music, including incidental music and karaoke, will be played
- the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
- whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night
- the capacity of the premises
- the type of use, recognising that premises which sell alcohol, play music, provide late night refreshment or takeaway food, are more likely to be associated with for example crime and disorder and public nuisance than premises where the consumption of alcohol is not the main activity.
- the hours at which noise may occur and the disturbance of nearby residents' rest, relaxation and sleep.

20.10 The Board believes that there may be merit in promoting the licensing

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

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

20.12 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder caused or exacerbated by customers departing from the premises or the rise of alcohol related crime or disorder in the vicinity of the premises.

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1 June 2017

Your Ref:

Our Ref: 234159

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
REVOLUTION, 25 BELMONT STREET, ABERDEEN, AB10 1JS**

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 the 'on sales' terminal hour on Friday and Saturday from 0100 to 0200.

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.

Currently, the premises operating hours with are consistent with the guideline operating hours for premises offering 'not significant entertainment' as detailed within Appendix 4 of the Aberdeen City Licensing Board Statement of Licensing Policy 2013 - 2016. Meanwhile, the Operating Plan pertaining to the premises has indicated that the activity of 'live performances' may take place during the core hours. 'Live performances' is not further described in said Plan. The Operating Plan which accompanies the application does not indicate any change in the activities that may take place.

Following contact with the Premises Manager, it is understood that the additional hour on Friday and Saturday is sought for the purpose of allowing patrons to enjoy an extra hour of live music, in particular, live percussion bands, and an area will be identified to allow for patrons dancing. The current Operating Plan and that which accompanies the application indicates that there are no dance facilities.

The section of the Plan which relates to premises which open after 0100 has been completed with the responses 'N/A'. As the premises are seeking to open after 0100 hours, I am of the view that this section ought to be more accurately completed.

In March 2017, in connection with very similar applications for other licensed premises within the city centre, Police Scotland objected to such applications in support of the Preventing Crime and Disorder licensing objective and in doing so, provided ample, detailed evidence that demonstrated that the longer and later licensed premises are open, the higher the likelihood of crimes of anti-social behaviour, violence and disorder occurring, particularly the commission of crimes of serious assault. Police Scotland reserves this position, however, acknowledges that Aberdeen City Licensing Board are entitled to grant such variations if satisfied that premises are offering 'significant entertainment' as defined within said Policy.

To that end, in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I make representation that the variation is granted subject to condition that pre-booked significant entertainment, to the satisfaction of the Licensing Board, is to take place during some part of the additional hours sought, that is between 0100 and 0200 on Friday and Saturday.

Additionally, in the event the applicant premises are not considered premises to which the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 applies, I recommend that the variation be granted subject to the conditions specified at 6.5 of Aberdeen City Licensing Board's Statement of Licensing Policy 2013 - 2016, specifically in respect of CCTV, Door Supervisors and Radiolink .

This letter of 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 25th May 2017
Enquiries to 01224 557047
Our Ref 20171055
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 to a Premises Licence
Revolution, 25 Belmont Street, Aberdeen, AB10 1JS**

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 premises propose to change the terminal hour for consumption on the premises on a Friday and a Saturday to 02:00 hours.

The Aberdeen City Licensing Board Statement of Licensing Policy, 2013-2016 states at Section 20.7, paragraph 4:

“Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted later hours..” “The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and/or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.”

I am not aware that this application has identified sufficient activity that would indicate “significant entertainment”. There is no plan to provide a dance facility and the only additional feature I can identify is to provide patrons with a further hour in which to consume alcohol. The restricting of trading hours for on-sales licences premises has been

found to limit the availability of alcohol after midnight. Policy measures targeting the physical availability of alcohol are one of the most effective ways to reduce alcohol-related harm¹.

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

The Scottish Public Health Observatory (ScotPHO) Health & Wellbeing Profiles for Aberdeen City identify Alcohol related hospital stays as being “statistically significantly “worse” than the National average².

I would therefore request that the application for an extension to the terminal hour of these premises is refused.

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 as the granting of the application 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)

¹ http://apps.who.int/iris/bitstream/10665/148114/1/9789241564854_eng.pdf

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

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: THE NEW ALBYN, 11 ALBYN PLACE, ABERDEEN

DESCRIPTION

- To vary children's access to allow all children and young persons in the dining room and outdoor drinking area.

OBJECTIONS/REPRESENTATIONS

None

LICENSING POLICY STATEMENT

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: THE PLOUGHMAN, NORTH DEESIDE ROAD, ABERDEEN

DESCRIPTION

- To vary operating hours on a Sunday from 12:30-00:00hrs to 11:00-00:00hrs.

OBJECTIONS/REPRESENTATIONS

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: TOPO LA BAMBA, 367 UNION STREET, ABERDEEN

DESCRIPTION

- Change name of premises from La Tasca to Topo La Bamba
- To increase on sale hours to 11:00-01:00hrs daily from 11:00-00:00hrs Monday to Thursday, 11:00 -01:00hrs Friday and Saturday and 12:30-00:00hrs Sunday.
- Commence off sale hours from 11:00hrs on a Sunday
- To add conference facilities, training courses, receptions, lunches, corporate events, fashion shows, takeaways, deliveries, outdoor catering, indoor/outdoor sports and outdoor drinking facilities.
- Children and young persons to be admitted when accompanied by an adult

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian
- LSO Memo

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.

LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

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

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

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

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

29 May 2017

Your Ref:

Our Ref: 232545

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
TOPO LA BAMBA (PREVIOUSLY LA TASCA)
367 UNION STREET, ABERDEEN, AB11 6BT**

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 amendments:

1. to increase the core 'on sales' terminal hour to 0100 daily;
2. to commence 'off sales' from 1100 on Sunday;
3. to include conference and indoor/outdoor sports as activities;
4. to include an outdoor drinking facility;
5. to include certain activities outwith core hours;
6. to add several activities, as listed in the application form and
7. to amend the terms of access by children and young persons.

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

With regard to points 1, 2, 3, 5 and 6, I have no adverse comment to make.

With regard to points 4 and 7, in terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make representation and request that the variation in its current form should be modified so that, in relation to point 7, the terms of access by children and young persons, the primary purpose, and that of the accompanying adult, where applicable, remains as 'having a meal' or similar wording. In respect of point 4, I request it be granted subject to the condition that the outdoor drinking facilities must be delineated by a portable physical structure when in operation and should be subject to a terminal hour of no later than 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 304152.

Date 25th May 2017
Enquiries to 01224 557047
Our Ref 20171049
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
Topo La Bamba (Formerly La Tasca) 367 Union Street, Aberdeen, AB11 6BT**

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.

Topo La Bamba restaurant wishes to amend their operating plan to include:

1. Increase on sale hours to 11:00 to 01:00 each day
2. Commence off sale hours from 11am on Sunday
3. Include Conference Facilities and indoor/outdoor sports as activities
4. Include outside drinking facilities as an activity
5. To provide that certain activities may take place from 08:00
6. To add training courses, receptions, launches, corporate events, fashion shows, **takaways (within licensed hours), deliveries (which may include alcohol)** and outside catering as activities.
7. Amended access to children and young persons.

NHS Grampian has no comment to make to items 1 – 5 and item 7 but is aware of an increasing trend for on sales premises to include a “takeaway” option with the delivery of menu items and alcohol.

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)

MEMO

Protective Services

Communities, Housing and Infrastructure

3rd Floor, Marischal College



To	The Clerk to the Licensing Board , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College		
From	Commercial Team		
Email	commercial@aberdeencity.gov.uk		Date 29 May 2017
Tel.	01224 523800		Our Ref. DBS/Topo La bamba
Fax.	01224 523887		Your Ref.

Licensing (Scotland) Act 2005

Application for Variation of Premises License

Premises: Topo La Bamba, 367 Union Street, Aberdeen, AB11 6BT

Applicant: Topo La Bamba (Aberdeen) Limited

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

Regarding the external area, I have no objection but, if granted, I would recommend that a terminal hour of 10pm is implemented and also that there will be no live entertainment or recorded music played within the external area.

Licensing Standards Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: SECTION 34 TRANSFER OF PREMISES LICENCE

PREMISES: 67-69 VICTORIA ROAD, ABERDEEN and THE SUPERMARKET, 384-386
GREAT NORTHERN ROAD, ABERDEEN

DESCRIPTION

- Application by two separate premises for a transfer of licence by a person other than the licence holder.
- The named licence holder has left the country and attempts to contact him have been unsuccessful.
- Due to this the applications were made outwith the statutory 28 days from sale, lease or transfer of the businesses.
- Board to decide whether or not to accept the applications for processing in terms of S135 below

LEGISLATION

s34 Transfer on application of person other than licence holder

(1) A person other than—

(a) the holder of a premises licence, or

(b) an individual under the age of 18,

(being a person of a prescribed description) may, within 28 days of the occurrence of any of the events specified in subsection (3), apply to the appropriate Licensing Board for the transfer to that person of the licence.

(2) An application under subsection (1) must be accompanied by—

(a) the premises licence to which the application relates, or

(b) if that is not practicable, a statement of the reasons for failure to produce the licence.

(3) The events referred to in subsection (1) are—

(a) the premises licence holder, being an individual—

(i) dies, or

(ii) becomes incapable within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000 (asp 4),

(b) the premises licence holder, being an individual, a partnership or a company, becomes insolvent,

(c) the premises licence holder, being a person other than an individual, a partnership or a company, is dissolved,
and

(d)the business carried on in the licensed premises to which the licence relates is transferred (whether by sale or otherwise) to another person.

(4)Subsections (4) to (10) of section 33 apply for the purposes of an application under subsection (1) of this section as they apply for the purposes of an application under subsection (1) of that section, but as if references in them to the transferee were references to the applicant in relation to the application under subsection (1) of this section.

(5)Subsections (7) and (8) of section 28 apply for the purposes of subsection (3)(b) of this section as they apply for the purposes of subsection (5)(d) of that section.

s135 Power to relieve failure to comply with rules and other requirements

(1)A Licensing Board may relieve any applicant or other party to proceedings before the Board of any failure to comply with any procedural provision if—

(a)the failure is due to mistake, oversight or other excusable cause, and

(b)the Board considers it appropriate in all the circumstance to relieve the failure.

(2)Where a Board exercises the power under subsection (1), the Board may make such order as appears necessary or expedient to enable the proceedings to continue as if the failure had not occurred.

(3)In subsection (1), “procedural provision” means—

(a)any requirement of regulations under—

(i)section 133(2),

(ii)section 134(1), or

(iii)paragraph 12(4) of schedule 1,

(b)any requirement of rules under paragraph 12(5) of that schedule, and

(c)any other requirement imposed by virtue of this Act as respects the procedure to be followed in connection with applications made to, or other proceedings before, a Licensing Board.

5th April 2017

Your Ref:

Our Ref: SID223423

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



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE HOLDER DUTY TO NOTIFY LICENSING BOARD OF CONVICTIONS
ASDA STORE
UNIT 1, BEACH BOULEVARD RETAIL PARK, ABERDEEN
ASDA STORE, GARTHEE ROAD, BRIDGE OF DEE
ASDA STORE, RIVERVIEW DRIVE, DYCE
ASDA STORE, JESMOND DRIVE, BRIDGE OF DON
ASDA STORES LIMITED**

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

Date	Court	Crime/Offence	Disposal
03.03.17	Highbury Corner Magistrates' Court	3 x offences contrary to the Food Safety and Hygiene (England) Regulations 2013)	Fine £300,000 Costs £4843.61

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306466.

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2nd February 2017

Your Ref:

Our Ref: .

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



Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE HOLDER DUTY TO NOTIFY LICENSING BOARD OF
CONVICTIONS
MARTIN MCCOLL HOUSE, ASHWELLS ROAD, PILGRIMS HATCH,
BRENTWOOD, ESSEX, CM15 9ST**

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

Date	Court	Crime/Offence	Disposal
15/03/2016	Ipswich MagistratesCout	Under age sales (x 2), Offences of Licensing Act 2003 section 146 (1) & (7) (sale of alcohol to persons under 18) and Under Age Sale (x 1)	Fine £3,000 x 2 Fine £4,000 and Costs £1,818.63

Yours faithfully



Philip Gormley QPM
Chief Constable

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: GAMBLING ACT 2005-GAMING MACHINE PERMIT

PREMISES: THE FOUNDRY, 43 HOLBURN STREET, ABERDEEN

DESCRIPTION

- To increase the number of category C gaming machines from 5 to 6.

RELEVANT INFORMATION

- The Board must have regard to the Gambling Licensing Objective and the Gambling Commissions Guidance.
- You can grant or refuse the application
- In granting the application the Board may vary the number and category of gaming machines authorised by the permit
- Due to the number of machines, officers are admitting it to the Board for their consideration.

GAMBLING LICENSING POLICY STATEMENT

- Not applicable

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LICENSING BOARD

DATE 9 June 2017

REPORT TITLE Interim Off-sales Overprovision Policy

CLERK TO THE LICENSING BOARD Fraser Bell

REPORT AUTHOR Sandy Munro

1. PURPOSE OF REPORT:-

1.1 To determine the extent of the locality or localities in respect of the interim overprovision policy for off-sales premises

2. RECOMMENDATION(S)

2.1. That the Board

- (1) identify the extent of the locality or localities;
- (2) instructs the Clerk to undertake a consultation exercise on whether or not there is overprovision of off-sales premises within the locality or localities; and
- (3) instructs the Clerk to report back to the Board with the results of the consultation exercise on 10 October 2017 Licensing Board Hearing.

3. BACKGROUND

3.1 Under the Licensing (Scotland) Act 2005 ("the 2005 Act") Licensing Boards have a duty to assess if there is an overprovision of licensed premises within the Board's jurisdiction. In particular, the assessment, which will form part of the Board's Statement of Licensing Policy, must include a statement as to the extent to which the Board considers there to be overprovision of—

- (a) licensed premises, or
 - (b) licensed premises of a particular description,
- in any locality within the Board's area.

Members' clubs are discounted for the purpose of this overprovision assessment, as are premises which are the subject of an occasional licence.

In formulating the Statement the Board must first determine the localities (if

any) within its area which might be overprovided for, and (a) have regard to the number and capacity of licensed premises in that locality, and (b) consult.

4. GUIDANCE

4.1. The Scottish Government has provided guidance to assist Licensing Boards in formulating their assessments. The Board is

- required to take a pro-active position on overprovision and identify those localities in which it would propose not to grant new licences or licences for premises of a particular description;
- allowed to take account of the "particular description" of premises (that is to say, their styles of operation) when assessing overprovision; and;
- directed to have regard to the number **and** the capacity of licensed premises in localities.

4.2. This approach:

- allows Licensing Boards to take account of changing market trends, such as the development of so-called "hybrid" premises;
- provides potential entrants to the market with a clear signal that they may incur abortive costs if they intend to apply for a licence in a locality which the Licensing Board has declared to be overprovided for;
- improves public and licensed trade confidence in a system by setting out clearly the grounds on which overprovision should be determined.
- recognises that halting the growth of licensed premises in localities is not intended to restrict trade but may be required to preserve public order, protect the amenity of local communities, and mitigate the adverse health effects of increased alcohol consumption resulting from growing outlet density.

4.3. The policy statement must promote the licensing objectives which are:

- preventing crime and disorder;
- securing public safety;
- preventing public nuisance;
- protecting and improving public health; and
- protecting children from harm.

5. DETERMINING LOCALITIES

5.1 The first step is to determine the localities in the city where there may or may not be overprovision.

It is not necessary to divide the whole of the city into separate localities. A locality could be a particular area, a city centre, a street, a collection of streets or a council ward. Selection of locality is a matter for the Board and will involve the use of its own local knowledge.

Previously the Board had identified the whole of the city with the exception of two defined areas as a single locality in respect of overprovision of off-sales premises. Following a legal challenge this was declared invalid by the Court and the off-sales part of the Board's overprovision policy was set aside. The whole of the Board's Policy Statement will be under review in the next 18 months but it is considered appropriate to put in place an interim overprovision policy in respect of off-sales premises in the meantime. Failure to do so would deprive the Board of robust evidence on which to base any decision to refuse an application on the grounds of overprovision.

The legislation has since been amended by the Air Weapons and Licensing (Scotland) Act 2015 and it is now permissible for a Board to determine the whole of its area as one locality should it wish to do so. Given the particular difficulty in establishing a causal link between the sale of alcohol from off-sale premises and the statistics available from partner organisations such as Police Scotland and the NHS when localities are broken down to smaller areas it is suggested that the Board consider identifying the whole of the Board area as a single locality for the purposes of off-sales overprovision. It is considered a reasonable assumption that the majority of the alcohol sold from off-sales premises within the Board's area will be consumed within the Board's area, something that cannot be said for smaller areas such as wards or neighborhoods. By identifying the whole of the Board's area as a single locality for off-sales overprovision it would mean that the statistics provided by the partner agencies would be of greater relevance and ensure that the final decision on overprovision is reached with the best available evidence.

6. CONSULTATION

6.1 The duty to consult is statutory and set out in Section 6(3)(b) of the Act. The Licensing Board is required to consult the Local Licensing Forum, those who appear to be representative of the interests of the holders of personal licences, persons having functions relating to health, education, education or social work, young people, and persons resident in the Forum's area.

10. REPORT AUTHOR DETAILS

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HEAD OF SERVICE DETAILS-

Name -Fraser Bell

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