

# Public Document Pack



To: Councillor Boulton, Convener; and Councillors Cameron, Councillor Donnelly, the Depute Provost, Lesley Dunbar, Grant, Greig, McLellan, Townson and John.

Town House,  
ABERDEEN 25 June 2018

## LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in **Committee Room 2 - Town House** on **TUESDAY, 3 JULY 2018 at 10.30 am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

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- 9 Premises Licence Review Application - Amore Ristorante, 80-82 Huntly Street, Aberdeen, AB10 1TD (Pages 105 - 108)

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Karen Gatherum, email [Kgatherum@aberdeencity.gov.uk](mailto:Kgatherum@aberdeencity.gov.uk), tel 01224522462

## LICENSING BOARD

ABERDEEN, 15 May 2018. Minute of meeting of the LICENSING BOARD.  
Present: Councillor Boulton, Convener; and Councillors Cameron, Councillor Donnelly, the Depute Provost, Lesley Dunbar, Greig, McLellan, Townson and John.

### MINUTE OF PREVIOUS MEETING OF 20 MARCH 2018

1. The Board had before it the minute of meeting of 20 March 2018.

#### The Board resolved:

To approve the minute.

### LIST OF APPLICATIONS

2. The Board had before it, for its consideration, the application as listed in articles 3 to 17 of this minute

#### **APPLICATION FOR PROVISIONAL PREMISES LICENCE - W H SMITH - LANDSIDE, ABERDEEN AIRPORT, DYCE, ABERDEEN, AB21 7DU**

3. The Board heard from Mr Alexander Munro, Legal advisor, that there had been no objections or representations received in connection with the application.

#### The Licensing Board resolved:

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

#### **APPLICATION FOR VARIATION OF PREMISES LICENCE - FOUR MILE INN, INVERURIE ROAD, BUCKSBURN, ABERDEEN, AB21 9BA**

4. The Board heard from Mr Alexander Munro, Legal advisor, that there had been no objections or representations received in connection with the application.

#### The Licensing Board resolved:

To grant the application.

**LICENSING BOARD**

15 May 2018

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - LIDL, 739 KING STREET, ABERDEEN, AB24 1XZ**

5. The Board heard from Mr Alexander Munro, Legal advisor, that there had been no objections or representations received in connection with the application.

**The Licensing Board resolved:**

To grant the application.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - NORTHERN BAR, 325 GEORGE STREET, ABERDEEN, AB25 1EE**

6. The Board heard from Mr Alexander Munro, Legal advisor, that there had been a representation submitted by Police Scotland however we understood this was to be withdrawn if the applicant confirmed he accepted the recommended amendments.

Sergeant Gill Flett confirmed that the representation would be withdrawn if the amendments were agreed.

Thereafter the Board heard from Andrew Hunter, agent for applicant that the applicant was happy to agree the recommendations and an amended operating plan would be submitted to reflect this.

**The Licensing Board resolved:**

To grant the application as amended.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - OLD BLACKFRIARS, 52 CASTLEGATE, ABERDEEN, AB11 5BB**

7. The Board heard from Mr Alexander Munro, Legal advisor, that there had been a representation submitted by Police Scotland and Diane Sande, Licensing Standards Officer however we understood these were to be withdrawn if the applicant confirmed he accepted the recommended amendments.

Sergeant Gill Flett confirmed that the representation would be withdrawn if the amendments were agreed. Mrs Sande confirmed same.

**LICENSING BOARD**

15 May 2018

Thereafter the Board heard from Andrew Hunter, agent for applicant that the applicant was happy to agree the recommendations and an amended operating plan would be submitted to reflect this.

**The Licensing Board resolved:**

To grant the variation as amended.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - PRINCE OF WALES, 7 ST NICHOLAS LANE, ABERDEEN, AB10 1HF**

8. The Board heard from Mr Alexander Munro, Legal advisor, that there had been a representation submitted by Police Scotland however we understood this was to be withdrawn if the applicant confirmed he accepted the recommended amendments.

Sergeant Gill Flett confirmed that the representation would be withdrawn if the amendments were agreed.

Thereafter the Board heard from Andrew Hunter, agent for applicant that the applicant was happy to agree the recommendations and an amended operating plan would be submitted to reflect this.

**The Licensing Board resolved:**

To grant the variation as amended.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - THE ARCHIBALD SIMPSON, 5 CASTLE STREET, ABERDEEN, AB11 5BQ**

9. The Board heard from Mr Alexander Munro, Legal advisor, that there had been no objections or representations received in connection with the application.

**The Licensing Board resolved:**

To grant the amended application

**APPLICATION FOR VARIATION OF PREMISES LICENCE - THE INSTITUTE, 5 BRIDGE PLACE, ABERDEEN, AB11 6HZ**

**LICENSING BOARD**

15 May 2018

10. The Board heard from Mr Alexander Munro, Legal Advisor, that after consultation with building standards, the change of layout resulted in a reduction of capacity and therefore a minor variation. The application had therefore been granted under delegated powers.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - THE LEMON TREE, 5 WEST NORTH STREET, ABERDEEN, AB24 5AT**

11. The Board heard from Mr Alexander Munro, Legal advisor, that there had been no objections or representations received in connection with the application.

**The Board resolved:**

To grant the application.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - WILD BOAR, 19 BELMONT STREET, ABERDEEN, AB10 1JR**

12. The Board heard from Mr Alexander Munro, legal advisor, that there had been no objections or representations received in connection with the application

**The Board resolved:**

To grant the application.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - SLAINS CASTLE, 14 -18 BELMONT STREET, ABERDEEN, AB10 1JH**

13. The Board heard from Mr Alexander Munro, legal advisor, that objections to the application had been received by Police Scotland, NHS Grampian and the City Centre Community Council, Mr Munro advised the Licensing Standards Officer had withdrawn their representation.

Thereafter the Board heard from Jack Cummings, agent for the applicant who appeared alongside Lauren McCarroll, manager of the premises. Mr Cummings advised that the issue appeared to be that the variation would result in the premises operating for more than 14 hours. He accepted the views given by the objectors and advised that they would be happy to amend their application to the effect that the commencement hour Thursday to Sunday would be 12 noon (from the proposed 11am) which would then take them under 14 hours.

**LICENSING BOARD**

15 May 2018

The Board then heard from Sergeant Gill Flett who advised they would be happy to withdraw their letter on the basis of the amended commencement hour.

The Board then heard from Heather Wilson, NHS Grampian, who also advised they would withdraw their letter in light of the amendment.

The Community Council representative confirmed that the amendment suggested taking the premises under 14 hours would be enough and they would therefore withdraw their objection on that basis too.

**The Board resolved:**

To grant the amended application.

**APPLICATION FOR A PERSONAL LICENCE - AC5206**

14. The Board heard from Mr Munro, legal advisor, that the application had been deferred from the Board meeting of 20 March 2018, however the applicant was seeking a further deferral as he was abroad at his sister's wedding.

**The Board resolved:**

To defer the application.

**REVIEW OF A PERSONAL LICENCE - AC1686**

15. The Board had before it letter from Police Scotland dated 7 March 2018. The licence holder was not present. The Convenor moved that the review be deferred once more to allow appearance from the Licence holder.

**The Board Resolved:-**

To defer the review.

**SCOTTISH GOVERNMENT CONSULTATION ON LICENSING PROCEDURES -  
REPORT BY LICENSING SOLICITOR**

16. The Board had before it the Scottish Government Consultation on Update of The Licensing (Procedure) (Scotland) Regulations 2007.

## **LICENSING BOARD**

15 May 2018

The purpose of the report was to note the contents of the consultation exercise and to determine whether or not to instruct officers to submit a response on behalf of the Board.

### **The Board Resolved:-**

For officers to provide further information and circulate this to the members for comment.

## **INTERIM OVERPROVISION POLICY - REPORT BY LICENSING SOLICITOR**

**17.** The Board had before it a report on the off-sales Overprovision Policy.

The purpose of the report was to provide the Board with responses to the consultation exercise with regard to the Off-Sales Overprovision Policy.

### **The Board Resolved:-**

To defer the report to a further special meeting of the Licensing Board to allow time to fully go over and consider the report.

## **ESTABLISHMENT OF LICENSING BOARD SUB COMMITTEE - REPORT BY LICENSING SOLICITOR**

**18.** The Board had before it a report to request the Board to appoint a permanent Sub-Committee to deal with application for Extended Hours and Occasional Licences which have attracted representations or are contrary to policy.

The report recommends a permanent Sub Committee be created and the Board appoints a minimum of three members to the Sub-Committee.

### **The Board Resolved:-**

To defer for officers to prepare a report on the options including the implications of setting up a formal sub-committee, updating the current rota system or continuing with the current arrangements.



**LICENSING BOARD**  
15 May 2018

**LICENSING BOARD**  
15 May 2018

## LICENSING BOARD

ABERDEEN, 28 May 2018. Minute of meeting of the LICENSING BOARD.  
Present: Councillor Boulton, Convener; and Councillors Cameron, Councillor Donnelly, the Depute Provost, Lesley Dunbar, Grant, Greig, John, McLellan and Townson.

### OFF SALES OVERPROVISION POLICY DISCUSSION

1. The Board had before it for its consideration responses to the consultation on setting the Board Policy regarding Off Sales Overprovision within Aberdeen City.

The Board considered all the consultation responses and the legal position.

The Board resolved that:

- (i) The evidence available did not currently support a finding of overprovision within the Board's area and;
- (ii) To write to the Scottish Government to express concerns with the legislative requirements around overprovision.

**LICENSING BOARD**  
28 May 2018

## ABERDEEN CITY LICENSING BOARD

Meeting 3 July 2018 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen

### Licensing (Scotland) Act 2005

#### Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
1	LANGDYKES LOIRSTON AVENUE COVE BAY ABERDEEN AB12 3HE	SPIRIT PUB COMPANY (LEASED) LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	17 May 2018	Variation to the commencement of on & off-sales core hours on a Sunday from 12:30 to 11:00 Variation to terminal hour on Mondays to Wednesday from 23:00 hours to 00:00 Addition of restaurant facilities and outdoor drinking facilities Amendment to layout plant to include outdoor area within licensed area Amendment to times children are permitted on the premises. Reconfiguration of internal layout resulting in increase of capacity.
2	TESCO EXPRESS 571 GREAT WESTERN ROAD ABERDEEN AB10 6PA	TESCO STORES LIMITED C/O HILL BROWN LICENSING LLP RWF HOUSE 5 RENFIELD STREET GLASGOW G2 5EZ	8 May 2018	

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## ABERDEEN CITY LICENSING BOARD

Meeting 3 July 2018 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen

### Licensing (Scotland) Act 2005

#### Variation (Major)(s)

Premises		Applicant	Date Received	Comments
3	THE CRAFTSMAN COMPANY 2 GUILD STREET ABERDEEN AB11 6NE	ABERDEEN DOUGLAS HOTEL LIMITED C/O BURNES PAULL LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	11 May 2018	Variation to the operating plan to include outdoor drinking facilities and corresponding increase in capacity. Variation to the layout plan to include outdoor area within redline of the licensed area of the premises.

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## ABERDEEN CITY LICENSING BOARD

Meeting 3 July 2018 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen

### Licensing (Scotland) Act 2005

#### Variation (Major)(s)

Premises	Applicant	Date Received	Comments
4 THE FILLING STATION 254 UNION STREET ABERDEEN AB10 1TN	PB DEVELOPMENT COMPANY LIMITED C/O LEDINGHAM CHALMERS LLP SOLICITORS JOHNSTONE HOUSE 52-54 ROSE STREET ABERDEEN AB10 1HA	17 April 2018	Variation of Operating Plan Variation of the core licensed hours with separate hours applying on the ground and basement floors. Variation to the commencement of core hours on the ground floor from 11:00 to 10:00 Mondays to Wednesday and from 12:30 to 10:00 on Sundays. Variation to the terminal hour on the ground floor on Thursdays from 00:00 to 01:00. Introduction of hours on the basement floor: Mondays to Wednesday 19:00 to 01:00; Thursday and Sundays 19:00 to 02:00; Friday and Saturdays 19:00 to 03:00. Amendment to Children's Access Policy Variation of the Layout plan Amendment to the layout of the ground floor restaurant, formation of separate bar area in the basement. Change of name to Vovem

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## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** LANGDYKES, LOIRSTON AVENUE, COVE BAY, ABERDEEN

### DESCRIPTION

- Variation to the commencement of on & off-sales core hours on a Sunday from 12:30 to 11:00
- Variation to terminal hour on Mondays to Wednesday from 23:00 hours to 00:00
- Addition of restaurant facilities and outdoor drinking facilities
- Amendment to layout plan to include outdoor area within licensed area
- Amendment to times children are permitted on the premises.

### OBJECTIONS/REPRESENTATIONS

- Police
- LSO

### POLICY

#### 19 OUTSIDE SEATING AREAS

19.1 The Board recognises a growing trend for outside seating areas in licensed premises. The Act allows the consumption of alcohol off the premises in these areas. However Aberdeen City Council has a byelaw prohibiting the consumption of alcohol in designated public places. This is part of the overall strategy to make safe all the public areas within the city. The text of the byelaw is available at Appendix 1 and on Aberdeen City Council website at: [www.aberdeencity.gov.uk/licensing](http://www.aberdeencity.gov.uk/licensing)

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.

19.3 Aberdeen City Council operates a scheme whereby a permit may be applied for to occupy the footway with tables and chairs. This scheme is operated under the Roads (Scotland) Act 1984. The Board expects that licence holders will not only comply with any conditions attached to such a permit but will also put into place effective management controls, supervision and other measures to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity

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22 June 2018

Your Ref:

Our Ref: 330441

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



Iain Livingstone QPM  
Deputy Chief Constable Designate

North East Division  
Queen Street  
Aberdeen  
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
THE LANGDYKES, LOIRSTON AVENUE, COVE BAY, ABERDEEN, AB12 3HE**

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

The variation requested consists of the following requests, namely;

1. Amend the core onsales hours from Sunday between 1230 to 0000 hours and Monday to Wednesday between 1100 to 2300 hours to between 1100 to 0000 hours Sunday to Wednesday;
2. Amend the wording within the seasonal variation to include any additional hours afforded to them by the licensing board;
3. Amend Question 5 to include the provision of restaurant facilities and outdoor drinking;
4. Amend the times in which Children and Young Persons are permitted access from between 1100 to 2000 hours to until 2100 or when consuming meal until the end of that meal.

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

In respect of points 1 and 2, I have adverse comment to make.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

In respect of point 3, the outdoor area to be licensed is already bounded by high fencing, however, due to nearby residential properties, I recommend that the outdoor area is subject to a terminal hour of 2200 hours.

In respect of point 4, it is recommended that the wording within the operating plan is amended to reflect that after 2000 hours, Children and Young Persons are only permitted for the purposes of consuming a meal (whilst accompanied) and are not permitted after 2200 hours.

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

Yours faithfully

Iain Livingstone QPM  
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01224 306468.

# MEMO

Operations and Protective Services

## Operations

3<sup>rd</sup> Floor, Marischal College



**ABERDEEN**  
**CITY COUNCIL**

To	Jenni Wilson, Team Leader Licensing, Legal and Democratic Services		
From	Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	18 June 2018
Tel.	01224 523800	Our Ref.	DBS
Fax.	01224 523887	Your Ref.	

### **Application for Variation of Premises Licence**

**Address: The Langdykes, Loirston Avenue, Cove Bay, Aberdeen**

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

If this variation is granted I would like to make the following recommendations:

- 1 The external area is restricted to a terminal hour of 22.00, there is clear delineation and that no amplified music is played within the area.
- 2 With regard to the children and young persons access, to include the external area as an access area and to extend the terminal hour to 22.00 on the basis that the child or young person is accompanied by a responsible adult aged 18 or over when consuming a meal.

The wording "or when consuming a meal until the end of that meal" should be removed as in theory this could extend the child or young persons access to an open-ended terminal hour.

- 3 Within the submitted operating plan the activity for Restaurant is marked "No" in column 1, this should be amended to "Yes"
- 4 As the layout plan is being amended to show as a licensed area, the layout plan should be submitted, and the application form should be amended to show that there is an amendment to the layout plan.
- 5 If the inclusion of an external area is granted, this will affect the capacity also, which should be amended on the submitted operating plan.
- 6 It may also be advisable to include the reference to an external area within the description for the premises. This would enable an accurate description of the premises with associated licensed area.

Licensing Standards Officer

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Dear Sir/Madam

Thank you for your email and attached letter advising of the application for major variation to the licensing hours and facilities by the owners of the Langdykes pub in Cove Bay, Aberdeen.

I have consulted with my Cove and Altens Community Councillor colleagues and have received the following feedback for consideration by the Licensing Board.

- Based on previous incidents, there are concerns about unruly behaviour inside and in the vicinity of the pub as this may increase with longer drinking times. Extending the hours at night may increase the potential for such incidents and behaviour. The police have had cause to monitor this over a period of time.
- The request to extend the opening times may also be detrimental to quality of life for residents living close to the pub due to increased noise and safety risks.
- The need for extending the licence to midnight is not conducive to a quiet residential area and does not fit into the city centre night time activity/economy
- Concerns have also been raised regarding the use of the outside area in particular until midnight
- There should be a clear deadline /time that children need to leave the premises in the evening (which also includes outdoor areas). This request is currently open to ad hoc interpretation which would lead to confusion.

I trust the above concerns will be considered and look forward to the outcome of the application.

Kind regards

Community Councillor

Cove and Altens community Council

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## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** THE CRAFTSMAN COMPANY, 2 GUILD STREET, ABERDEEN

### DESCRIPTION

- Variation to the operating plan to include outdoor drinking facilities and corresponding increase in capacity.
- Variation to the layout plan to include outdoor area within redline of the licensed area of the premises.

### OBJECTIONS/REPRESENTATIONS

- Police
- LSO

### POLICY

#### 19 OUTSIDE SEATING AREAS

19.1 The Board recognises a growing trend for outside seating areas in licensed premises. The Act allows the consumption of alcohol off the premises in these areas. However Aberdeen City Council has a byelaw prohibiting the consumption of alcohol in designated public places. This is part of the overall strategy to make safe all the public areas within the city. The text of the byelaw is available at Appendix 1 and on Aberdeen City Council website at: [www.aberdeencity.gov.uk/licensing](http://www.aberdeencity.gov.uk/licensing)

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.

19.3 Aberdeen City Council operates a scheme whereby a permit may be applied for to occupy the footway with tables and chairs. This scheme is operated under the Roads (Scotland) Act 1984. The Board expects that licence holders will not only comply with any conditions attached to such a permit but will also put into place effective management controls, supervision and other measures to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity

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13 June 2018

Your Ref:

Our Ref: 329303

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



Iain Livingstone QPM  
Deputy Chief Constable Designate

North East Division  
Queen Street  
Aberdeen  
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
THE CRAFTSMAN COMPANY, 2 GUILD STREET, ABERDEEN, AB11 6NE  
PREMISES LICENCE HOLDER - ABERDEEN DOUGLAS HOTEL LIMITED**

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 amended layout plan to incorporate the addition of an outdoor drinking area for up to 25 persons.

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 make the following representation and recommend that the variation in its current form should be modified to indicate that the outside drinking area will have a terminal hour of 2200 hours and will be clearly demarcated by barrier or other removable structure.

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

Yours faithfully

Iain Livingstone QPM  
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01224 306468

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# MEMO

Operations and Protective Services

## Operations

3<sup>rd</sup> Floor, Marischal College



**ABERDEEN**  
**CITY COUNCIL**

To	Jenni Wilson, Team Leader Licensing, Legal and Democratic Services		
From	Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	18 June 2018
Tel.	01224 523800	Our Ref.	DBS/PAC
Fax.	01224 523887	Your Ref.	

### **Application for Variation of Premises Licence**

**Address: The Craftsman Company, 2 Guild Street, Aberdeen**

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

If this variation is granted I would like to make the following recommendations:

The external area is restricted to a terminal hour of 22.00, there is clear delineation and that no amplified music is played within the area.

Licensing Standards Officer

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## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** Filling Station, 254 Union Street, Aberdeen

### DESCRIPTION

- Variation of Operating Plan
- Variation of the core licensed hours with separate hours applying on the ground and basement floors. Variation to the commencement of core hours on the ground floor from 11:00 to 10:00 Mondays to Wednesday and from 12:30 to 10:00 on Sundays. Variation to the terminal hour on the ground floor on Thursdays from 00:00 to 01:00. Introduction of hours on the basement floor: Mondays to Wednesday 19:00 to 01:00; Thursday and Sundays 19:00 to 02:00; Friday and Saturdays 19:00 to 03:00.
- Amendment to Children's Access Policy
- Variation of the Layout plan
- Amendment to the layout of the ground floor restaurant, formation of separate bar area in the basement.
- Change of name to Vovem

### OBJECTIONS/REPRESENTATIONS

- Police
- NHS

### LICENSING POLICY STATEMENT

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

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.

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22 June 2018

Your Ref:

Our Ref: 330452

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



Iain Livingstone QPM  
Deputy Chief Constable Designate

North East Division  
Queen Street  
Aberdeen  
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
VOVEM (FORMERLY FILLING STATION), 254A UNION STREET, ABERDEEN,  
AB10 1TP**

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:

1. Amending the layout plan to include a bar area within the existing basement of the premises which will be accessed from within the ground floor of the premises and directly from Union Street. This will include increasing amending the capacity of the premises;
2. Amending core licensed hours in respect of both floors of the premises;
3. Amending Children and Young Persons access.

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

Following discussion with a representative of the applicant company, it is understood that the ground floor part of the premises will operate as a restaurant and the basement floor as a themed bar.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

In relation to point 1, I have no adverse comment to make.

In relation to point 2, I have no adverse comment to make in relation to the hours sought in respect of the ground floor part of the premises.

The applicant seeks core licensed hours for the basement floor as follows: 1900 - 0100 hours on Monday to Wednesday inclusive; 1900 - 0200 hours on Thursday and Sunday; 1900 - 0300 hours on Friday and Saturday and a commencement of core hours at 1300 hours for any private function.

I recommend that the hours sought after 0000 on Sunday to Thursday inclusive and after 0100 on Friday and Saturday are only granted if the Board is satisfied that the premises are offering 'significant entertainment' as defined within Appendix 4 of Aberdeen City Licensing Board's Statement of Licensing Policy 2013 - 2016.

Additionally, it would appear that the premises are not premises to which Section 3 of the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 will apply.

In support of the Preventing Crime and Disorder and Securing Public Safety licensing objectives, I therefore recommend the Licensing Board considers imposing the conditions contained within 6.5.1 and 6.5.3 of Aberdeen City Licensing Board's Statement of Licensing Policy 2013 - 2016 in respect of the basement part of the premises at any time it trades after 0100 hours.

In relation to point 3, I recommend that variation in its current form should be modified to reflect that in respect of the basement part of the premises, children (albeit accompanied by an adult and present only for a private function) will not be permitted access after 0100 hours.

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

Yours faithfully

Iain Livingstone QPM  
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01224 306468

Date 21<sup>st</sup> June 2018  
Enquiries to 01224 557047  
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Email: [grampian.phalcohollicensing@nhs.net](mailto:grampian.phalcohollicensing@nhs.net)

Ms Jennifer Wilson  
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 Wilson

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence  
VOVEM (Formerly The Filling Station), 254 Union Street, Aberdeen, AB10 1TN**

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

**Protecting and Improving Public Health.**

The applicant seeks to make a number of variations to the Operating Plan. The variation that is of concern to NHS Grampian is:

- to amend the on sales terminal hour in the basement bar
  - Monday – Wednesday to 01:00;
  - Thursday & Sunday to 02:00 and
  - Friday & Sunday to 03:00.

According to the Statement of Licensing Policy, Appendix 4, this is in keeping with the acceptable hours of trading for premises providing **significant entertainment**.

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."*

If entertainment at its lowest level is the action of a premises receiving people and providing drinks (and or food) and an enjoyable atmosphere I would anticipate that significant entertainment, at the top end of the scale would be providing an event, activity or performance specifically designed to entertain people.

I understand from the agent that the basement bar will possibly be themed as a "prohibition"/1920s type premises with jazz, informal and recorded music provided. It is not anticipated that this will be live bands and entertainment may not be available every evening. The entertainment on offer at these premises would appear to be low key.

The Licensing Board will decide whether this application meets their view of significant entertainment.

From a health point of view individuals will make their own judgements as to the risks they are willing to accept from alcohol, how much and how often to drink. We are of the view that in pursuing the public health objective of licensing, premises should take reasonable measures to ensure that people are enabled to drink in a low risk way. The 2016 Chief Medical Officer (CMO) guidance suggests that this can be achieved by limiting the amount of alcohol drunk on a single occasion, drinking with food and spacing out drinks.

I have a concern that these premises will attract customer from surrounding bars at closing time e.g. after 01:00 who wish to extend their drinking time until 03:00. From talking to the agent it is clear that there will be no curfew on admission to the premises. I also understand that there are plans to provide a food offering in the basement bar.

**I wish to request that:**

- **a condition is added to the license which makes the provision of food (not crisps, nuts or bar snacks) in the basement bar compulsory during late opening periods**
- **that the premises develop and implement a managing intoxication policy and commit to providing a duty of care for vulnerable or intoxicated customers**
- **that the premises develop a policy for admission to the premises (this may overlap with the above)**

Scotland has the highest rates of alcohol related hospital admissions of the four UK home nations. Recently published data on Alcohol Related Deaths for Aberdeen suggest an upward trend in the numbers of people dying as a result of alcohol<sup>1</sup>.

Although alcohol related hospital stays appear to be on a decreasing trend there is evidence of an increasing trend in alcoholic liver disease stays. This figure is currently over double the rate recorded in 1997/98<sup>2</sup>.

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<sup>1</sup> <https://www.nrscotland.gov.uk/files/statistics/alcohol-related-deaths/2016/alcohol-related-deaths-2016-tab3.pdf>

<sup>2</sup> <http://www.isdscotland.org/Health-Topics/Drugs-and-Alcohol-Misuse/Publications/2017-11-21/visualisation.asp>

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 representation 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

pp Heather Wilson  
Health Improvement Officer (Alcohol & Drug

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