

# Public Document Pack



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

Town House,  
ABERDEEN 24 August 2018

## LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in **Committee Room 2 - Town House** on **TUESDAY, 4 SEPTEMBER 2018 at 10.30 am.**

**FRASER BELL**  
CHIEF OFFICER - GOVERNANCE

### **B U S I N E S S**

- 1 Minute of previous meeting of 3 July 2018 (Pages 5 - 10)
- 2 List of Applications (Pages 11 - 18)
  - 2.1 Application for Provisional Premises Licence - Shell Cocket Hat South, North Anderson Drive, Aberdeen (Pages 19 - 60)
  - 2.2 Application for Premises Licence - Linx Ice Arena Beach Esplanade, Aberdeen (Pages 61 - 62)
  - 2.3 Application for Variation of Premises Licence - Bankhead Inn, 165 Bankhead Road, Bucksburn, Aberdeen (Pages 63 - 80)
  - 2.4 Application for Variation of a Premises Licence - Cafe Boheme, 23 Windmill Brae, Aberdeen (Pages 81 - 82)
  - 2.5 Application for Variation of a Premises Licence - Cognito the Deli, 245/247 Union Grove, Aberdeen (Pages 83 - 84)

- 2.6 Application for Transfer of a Premises Licence - Dizzy's, 70 Carden Place, Aberdeen
- 2.7 Application for Variation of a Premises Licence - Dizzy's, 70 Carden Place, Aberdeen (Pages 85 - 112)
- 2.8 Application for Variation of Premises Licence - Hazlehead Stores, 1 Hazlehead Crescent, Aberdeen (Pages 113 - 130)
- 2.9 Application for Variation of a Premises Licence - Morrisons, 215 King Street, Aberdeen (Pages 131 - 132)
- 2.10 Application for Variation of a Premises - The Kings Bar, 97 Kings Street, Aberdeen (Pages 133 - 134)
- 2.11 Application for Variation of Premises Licence - The Music Hall, Union Street, Aberdeen (Pages 135 - 136)
- 2.12 Application for Variation of Premises Licence - The Town House, 1 Golden Square, Aberdeen (Pages 137 - 138)
- 2.13 Application for Variation of Premises Licence - Revolucion De Cuba, Unit 1, The Academy, Aberdeen (Pages 139 - 156)
- 2.14 Application for Variation of a Premises Licence - White Cockade, 2 Oscar Road, Aberdeen (Pages 157 - 160)
- 2.15 Application for Variation of a Premises Licence - Fierce Beer, 4-6 Exchequer Row, Aberdeen (Pages 161 - 162)

### 3 Application for Personal Licences

- 3.1 Application for Personal Licence - AC5356 (Pages 163 - 164)
- 3.2 Application for Personal Licence - AC5359 (Pages 165 - 166)
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### 4 AC3467 - Report of Conduct inconsistent with Licensing Objective (Pages 169 - 172)

### 5 Reports

- 5.1 Procedure for Determination of Occasional Licence or Extended Hours Applications (Pages 173 - 176)
- 5.2 Gambling Policy Statement (Pages 177 - 222)
- 5.3 Licensing Policy Statement - Licensing (Scotland) Act 2005 (Pages 223 - 256)

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Should you require any further information about this agenda, please contact Gillian Scott, e-mail [giscott@aberdeencity.gov.uk](mailto:giscott@aberdeencity.gov.uk) or tel. 01224 522867

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## LICENSING BOARD

ABERDEEN, 3 July 2018. Minute of meeting of the LICENSING BOARD.  
Present: Councillor Boulton, Convener and Councillors Cameron, Councillor Donnelly, the Depute Provost, Lesley Dunbar, Grant, Greig, McLellan, Townson and John.

### MINUTE OF MEETING OF 15 MAY 2018

1. The Board had before it for its consideration the minute of the meeting of 15 May 2018.

**The Board resolved:-**

To approve the minute.

### MINUTE OF MEETING OF 28 MAY 2018

2. The Board had before it for its consideration the minute of the meeting of 28 May 2018.

**The Board resolved:-**

To approve the minute.

### LIST OF APPLICATIONS

3. The Board had before it, for its consideration, the applications as listed in 4- 7.

### APPLICATION FOR VARIATION OF A PREMISES LICENCE - LANGDYKES, LOIRSTON AVENUE, COVE BAY, ABERDEEN, AB12 3HE

4. 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.

There was also a public objection from the Community Council.

A representative of the Community Council addressed the Board on their objection

Sergeant Gill Flett confirmed that the representation would be withdrawn if the amendments were agreed. Tara Erin Gilchrist confirmed same on behalf of Diane Sande.

**LICENSING BOARD**

3 July 2018

Thereafter the Board heard from Steven McGowan, agent for applicant confirmed that the applicant was happy to agree the recommendations and that the amendments would address the Community Council objection, which the Community Council representative was happy to accept. Mr McGowan also confirmed that an amended operating plan had been submitted to reflect this.

**The Licensing Board resolved:**

To grant the variation as amended.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - TESCO EXPRESS, 571 GREAT WESTERN ROAD, ABERDEEN**

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 - THE CRAFTSMAN COMPANY, 2 GUILD STREET, ABERDEEN**

6. 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 - THE FILLING STATION, 254 UNION STREET, ABERDEEN**

7. The Board had before them a letter of representation dated 22 June 2018 from Police Scotland and a letter of representation dated 21 June 2018 from the NHS. Sergeant Flett and Ms Wilson Spoke to their letters, thereafter, Mr David Scott, agent and Paul Clarkson and Joshua Clarkson spoke in support of the application.

**The Board resolved:**

**LICENSING BOARD**

3 July 2018

To grant the application subject to the that at least one SIA steward must be on duty at all times that the premises are open after 01:00 hours.

**REPORT OF CONDUCT INCONSISTENT WITH THE LICENSING OBJECTIVES -  
PERSONAL LICENCE NO: AC3467**

8. The Board had before it a letter of representation from Police Scotland dated 23 April 2018

The licence holder did not attend

**The Board resolved to:**

To defer the application

**REPORT OF CONDUCT INCONSISTENT WITH THE LICENSING OBJECTIVES -  
PERSONAL LICENCE NO: AC1686**

9. This report had been deferred from the last Board meeting.

The licence holder did not attend.

**The Board resolved:**

To endorse the personal Licence

**APPLICATION FOR A PERSONAL LICENCE - AC5206**

10. The Board had before them a letter of objection from Police Scotland dated 15 February 2018

The application had been deferred from previous Board meetings.

Gill Flett spoke to the letter and thereafter the applicant addressed the Board through an interpreter in support of the application.

**The Board resolved:**

To refuse the licence

**APPLICATION FOR A PERSONAL LICENCE - AC5309**

11. The Board had before it a letter of representation from Police Scotland dated 4 May 2018

Gill Flett spoke to the letter, thereafter the applicant addressed the Board in support of the application.

**LICENSING BOARD**

3 July 2018

**The Board resolved:**

To grant the licence

**PERSONAL LICENCE REVIEW HEARING: AC3996**

12. The Board had before it a letter from Police Scotland dated 25 May 2018. Gill Flett spoke to the letter, thereafter David Scott, agent and the licence holder addressed the Board in support of the licence holder.

**The Board resolved:**

To endorse the licence

**PREMISES LICENCE REVIEW APPLICATION - AMORE RISTORANTE, 80-82 HUNTLY STREET, ABERDEEN, AB10 1TD**

13. The Board had before it a letter from Police Scotland dated 25 May 2018. Gill Flett spoke to the letter, thereafter David Scott, agent and the licence holder addressed the Board in support of the licence holder.

**The Board resolved:**

To take no action.



**LICENSING BOARD**  
3 July 2018

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**ABERDEEN CITY LICENSING BOARD**

**Meeting 4 September 2018 at 10:30am in Committee Room 2 , Town House, Broad Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

**Provisional(s)**

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<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
1 SHELL COCKET HAT SOUTH NORTH ANDERSON DRIVE ABERDEEN AB15 5DB	SHELL UK OIL PRODUCTS LIMITED C/O LOCKETT & CO LOCKETT HOUSE 13 CHURCH STREET KIDDERMINSTER WORCESTERSHIRE DY10 2AH	21 June 2018	Convenience store located on a petroleum forecourt offering off-consumption 10:00 to 22:00 Monday to Sunday.

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**ABERDEEN CITY LICENSING BOARD**

**Meeting 4 September 2018 at 10:30am in Committee Room 2 , Town House, Broad Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

**New Grant(s)**

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<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
2 LINX ICE ARENA BEACH ESPLANADE ABERDEEN AB24 5NR	SPORT ABERDEEN C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	12 July 2018	Premises offering on consumption Monday to Friday 16:00 to 23:00 and Saturday and Sundays 13:00 to 23:00 and conference facilitates, bar meals, receptions, club meetings, recorded music, live performances, dance facilities, indoor/outdoor sports and televised sports.

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## ABERDEEN CITY LICENSING BOARD

Meeting 4 September 2018 at 10:30am in Committee Room 2 , Town House, Broad Street, Aberdeen, AB10 1AQ

### Licensing (Scotland) Act 2005

#### Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
3	BANKHEAD INN 165 BANKHEAD ROAD BUCKSBURN ABERDEEN AB21 9HQ	ALISON GAIL BLEAKLEY	19 June 2018	Variation to the operating plan to include restaurant facilities and inclusion of poker tournaments in other activities.
4	CAFE BOHEME 23 WINDMILL BRAE ABERDEEN AB11 6HU	CAFE BOHEME RESTAURANT LIMITED	13 June 2018	Vary licenced hours for on sales on a Sunday to 12:00 to 23:00.
	COGNITO THE DELI 245/247 UNION GROVE ABERDEEN AB10 6XL	CAFE COGNITO LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	19 July 2018	Variation to terms upon which children and young persons are permitted access to allow them access unaccompanied for the purpose of purchasing confectionary or similar take away products and when accompanied by an adult for the purpose of having a meal or snack only.

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**ABERDEEN CITY LICENSING BOARD**

**Meeting 4 September 2018 at 10:30am in Committee Room 2 , Town House, Broad Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

**Transfer(s)**

**Premises**

**Applicant**

**Date Received**

**Comments**

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6

DIZZY'S  
70 CARDEN PLACE  
ABERDEEN  
AB10 1UP

RELIANCE (AB) LIMITED

17 July 2018

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## ABERDEEN CITY LICENSING BOARD

Meeting 4 September 2018 at 10:30am in Committee Room 2 , Town House, Broad Street, Aberdeen, AB10 1AQ

### Licensing (Scotland) Act 2005

#### Variation (Major)(s)

Premises	Applicant	Date Received	Comments
7 DIZZY'S 70 CARDEN PLACE ABERDEEN AB10 1UP	QUATRO VENTURE LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	31 July 2018	The inclusion of the outside balcony at first floor level within the licensed area.
8 HAZLEHEAD STORES 1 HAZLEHEAD CRESCENT ABERDEEN AB15 8EX	RAKESH BABU VARANASI C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	25 July 2018	Alterations to install additional shelving and a larger chiller for the display and sale of alcohol. Removal of internal partition. Provision of additional shelving under sales counter and installation of any additional central gondola resulting in an increase in capacity.
9 MORRISONS 215 KING STREET ABERDEEN AB24 5AH	WM MORRISON SUPERMARKETS PLC C/O GOSSCHALKS SOLICITORS QUEENS GARDENS HULL HU1 3DZ	25 June 2018	Variation to include restaurant facilities and amendment to Q5(f) of the operating plan to include reference to occasional free samples/tastings of alcohol products to its customers.

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## ABERDEEN CITY LICENSING BOARD

Meeting 4 September 2018 at 10:30am in Committee Room 2 , Town House, Broad Street, Aberdeen, AB10 1AQ

### Licensing (Scotland) Act 2005

#### Variation (Major)(s)

Premises	Applicant	Date Received	Comments
10 THE KINGS BAR 97 KING STREET ABERDEEN AB24 5AB	KB PUB ABERDEEN LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	18 June 2018	Variation to operating plan to include bar meals.
11 THE MUSIC HALL UNION STREET ABERDEEN AB10 1QS	ABERDEEN PERFORMING ARTS C/O STRONACHS SOLICITORS 34 ALBYN PLACE ABERDEEN AB10 1YL	6 July 2018	Variation to the layout plan. Variation to the commencement hours on Monday to Saturday from 11:00 to 10:00 and Sundays from 12:30 to 10:00. Receptions, Club meetings, Live performances, Dance facilities, Theatres and films are to be provided out with core hours. Variation to the operating plan to include indoor/outdoor sports as an activity. Variation to the Licence to amend the description of premises to include reference to studios and cafe bar.



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## ABERDEEN CITY LICENSING BOARD

Meeting 4 September 2018 at 10:30am in Committee Room 2 , Town House, Broad Street, Aberdeen, AB10 1AQ

### Licensing (Scotland) Act 2005

#### Variation (Major)(s)

Premises	Applicant	Date Received	Comments
12 THE TOWNHOUSE 1 GOLDEN SQUARE ABERDEEN AB10 1RD	GREAT RESTAURANTS LIMITED	12 July 2018	Variation to the operating plan to include bar meals and televised sports as activities. Variation so the terms under which Children and Young persons are permitted access to the premises; they are to be permitted access for the purpose of consuming a meal.
UNIT 1 THE ACADEMY ABERDEEN AB10 1LB	REVOLUCION DE CUBA LIMITED C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW G20 6NB	29 June 2018	Variation to the terminal on Fridays and Saturdays from 01:00 to 02:00.
14 WHITE COCKADE 2 OSCAR ROAD ABERDEEN AB11 8ER	PUNCH PARTNERSHIPS (PTL) LIMITED C/O FLINT BISHOP LLP ST MICHAEL'S COURT ST MICHAEL'S LANE DERBY DE1 3HQ	17 July 2018	Variation to the commencement hours from 11:00 on Mondays to Thursday to 10:00 and variation to the terminal hour on Sunday to Tuesday to 23:00 to 00:00 and Friday and Saturdays from 00:00 to 01:00.

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**ABERDEEN CITY LICENSING BOARD**

**Meeting 4 September 2018 at 10:30am in Committee Room 2 , Town House, Broad Street, Aberdeen, AB10 1AQ**

**Licensing (Scotland) Act 2005**

**Variation (Major)(s)**

<b>Premises</b>	<b>Applicant</b>	<b>Date Received</b>	<b>Comments</b>
15 FIERCE BEER 4-6 EXCHEQUER ROW ABERDEEN AB11 5BW	FIERCE BEER LIMITED C/O RAEBURN CHRISTIE CLARK & WALLACE SOLICITORS 12-16 ALBYN PLACE ABERDEEN AB10 1PS	2 August 2018	Variation to layout plan to include the addition of an outdoor drinking area within the footprint of the licensed area and variation to the operating plan to reflect the increase in capacity.
16 DOUBLETREE BY HILTON ABERDEEN TREETOPS 161 SPRINGFIELD ROAD ABERDEEN AB15 7SA	77 HOSPITALITY UK LIMITED	2 August 2018	Variation to the operating plan to include off sales Monday to Sunday 10:00 to 22:00

## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** PROVISIONAL PREMISES LICENCE

**PREMISES:** SHELL COCKET HAT SOUTH, NORTH ANDERSON DRIVE, ABERDEEN

### DESCRIPTION

- Convenience store located on a petroleum forecourt offering off-consumption 10:00 to 22:00 Monday to Sunday.

### OBJECTIONS/REPRESENTATIONS

None

### POLICY

#### 6 CONDITIONS ATTACHING TO LICENCES

6.5 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.

#### Legislation

##### S123 Excluded premises

(1) No premises licence or occasional licence has effect to authorise the sale of alcohol on excluded premises.

(2) For the purposes of this Act, "excluded premises" means—

(a) premises on land—

(i) acquired or appropriated by a special roads authority, and

(ii) for the time being used,

for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class 1 (with or without other classes), and

(b)subject to subsection (5), premises used as a garage or which form part of premises which are so used.

(4)For the purposes of subsection (2)(b), premises are used as a garage if they are used for one or more of the following—

(a)the sale by retail of petrol or derv,

(b)the sale of motor vehicles, or

(c)the maintenance of motor vehicles.

(5)Despite subsection (2)(b), premises used for the sale by retail of petrol or derv or which form part of premises so used are not excluded premises if persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of—

(a)petrol or derv, or

(b)groceries (where the premises are, or are to be, used also for the sale by retail of groceries).

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# Shell Cocket Hat South Filling Station

North Anderson Drive

Aberdeen, AB15 5DB

Customer Profiling Research Report

April 2018

Research & Reporting by

Taylor McKenzie Research & Marketing Ltd (TMcK)

TMcK



Page 39

# Executive Summary Page Cocket Hat Filling Station

## Introduction

The following report outlines the findings from a customer research interviewing program carried out between Monday 26<sup>th</sup> March and Tuesday 10<sup>th</sup> April at Cocket Hat Filling Station, North Anderson Drive Aberdeen, AB15 5DB. The research explored the buying behaviours of persons' resident in the locality of the site. Customers were asked to provide information on; their place of residence in relation to the premises, their means of travel to the premises and their purchasing behaviour in relation to fuel and groceries.

This summary page contains the results from the key objective of the research as outlined below.

## Key Research Objective

[Section 123(5) seeks to determine, as interpreted in the Opinion of the Inner House of the Court of Session in *BP Oil UK Limited v City of Glasgow Licensing Board and City of Edinburgh Licensing Board (5<sup>th</sup> April 2011)* whether a recognisable number of persons in the locality see and treat the said premises as the principal source from which they, in ordinary course, purchase groceries or fuel and who would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

### Materially disadvantaged or inconvenienced?

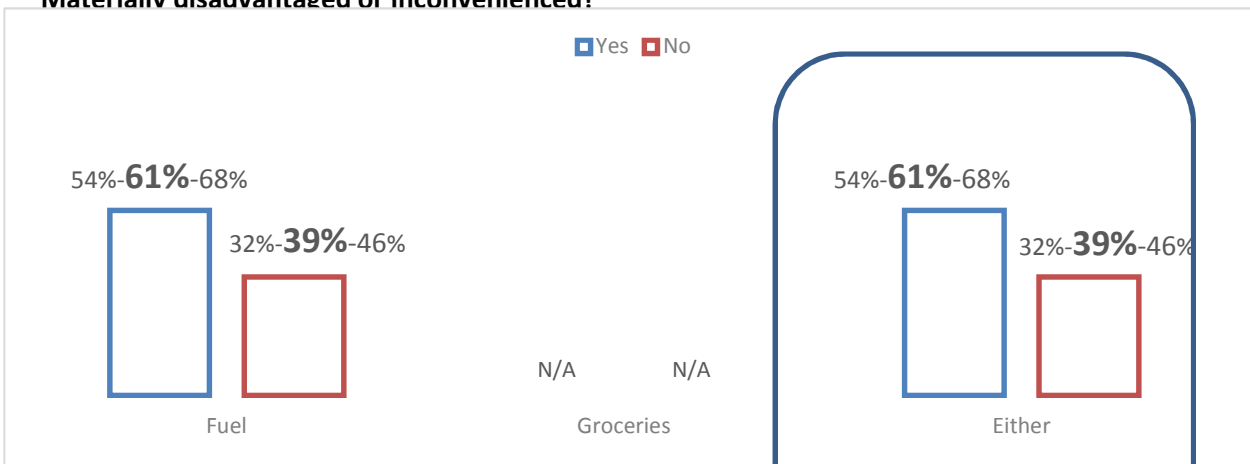


Figure 9 – Fuel Base 172

Groceries Base 0

Either Base 172

## Conclusion

The results show that a statistically significant\* proportion of persons (61% (+/-7.4%) in the locality) see and treat this service station on North Anderson Drive as the principal source from which they, in ordinary course, purchase groceries or fuel and would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

\* Statistically significant - In statistics, a result is called **statistically significant** if it is unlikely to have occurred by chance. The likelihood that a result or relationship is caused by something other than mere random chance.

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# Research Methodology

Cocket Hat Filling Station

A quantitative research study was carried out at Cocket Hat Filling Station, North Anderson Drive Aberdeen, AB15 5DB between Monday 26<sup>th</sup> March and Tuesday 10<sup>th</sup> April 2018 with 726 customers (or 'participants'), all of whom were selected as they were exiting the store. Fieldwork was stratified to cover the core hours of off-sale of alcohol on the premises 10am until 10pm.

The structured questionnaire (please see Appendix 2 for full questionnaire) was executed via Computer Assisted Personal Interviewing (CAPI) with the use of an iPad. The screen was shared with participants so that they could view all images and questions. All participants were asked to give their full postcode in order to help map travel time and distance to location.

## Sample Size

All intercepts (interviews) were conducted as participants were exiting via the main front entrance/exit; participants were selected at random to ensure sampling confidence. Upon completion of each survey, interviewers were under strict instruction to approach the second customer that passed them. By completing 726 interviews with current service station users we can be sure that the data and attitudes collected will be statistically representative of the customer base. Importantly this large number of 'base' participants allowed for statistical comparison of sub-groups. **An important sub-group within this research that will form the 'population of interest' are participants who live within the locality of the premises AND use the garage as their principal source for purchasing Fuel or Groceries [Base – 172]. This figure represents 24% of the entire customer population.**

## Population of Interest

This sub-group of 172 participants will be used to answer the key objective of the research. Whether a recognisable number of persons in the locality see and treat the said premises as the principal source from which they, in ordinary course, purchase groceries or fuel and who would properly consider themselves materially disadvantaged or inconvenienced were these retail facilities to no longer be provided from said premises.

## Defining the Population of interest

### **Q2 – How far from this Station do you live? (Map 1)**

Within 1.5 miles = continue

1.5 miles+ = record postal code & close

### **Q7 – In the ordinary course of your purchasing habits, do you treat these premises as the principal source of: a) Petrol or DERV (Fuel)? b) Groceries?**

Yes to a) *or* b) = Continue

No to a) *and* b) = Close



Map 1

# Research Findings – Locality Cocket Hat Filling Station

## Locality to Premises

### Q2 – How far away from this Service station do you live?

If codes 1-4 were selected (under 1.5 miles) then respondent was categorised as **living within the locality**.

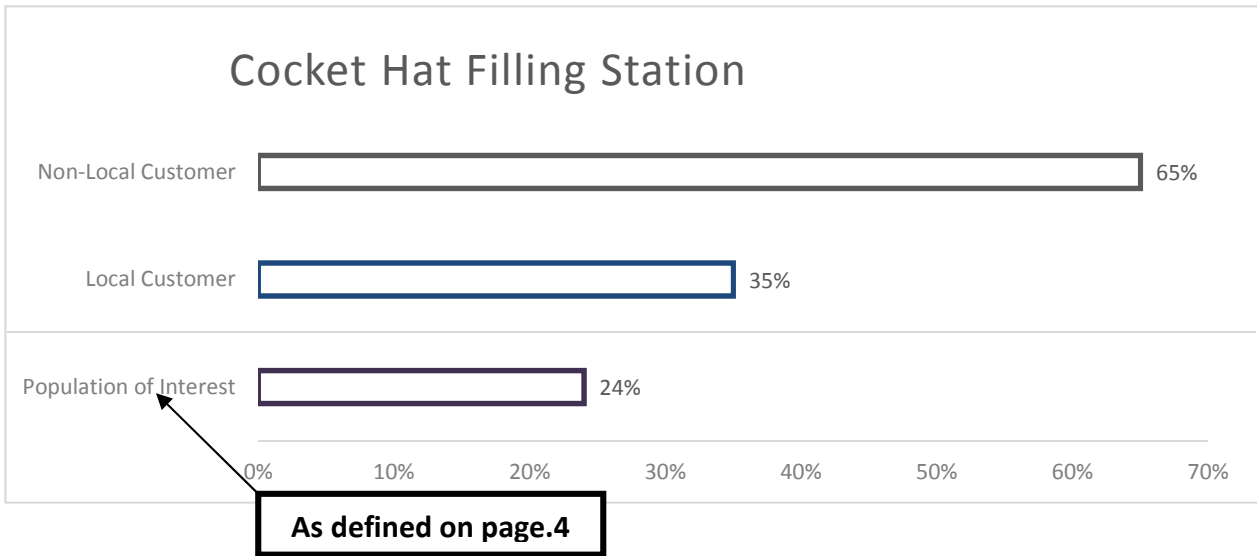


Figure 2 – Base - 726

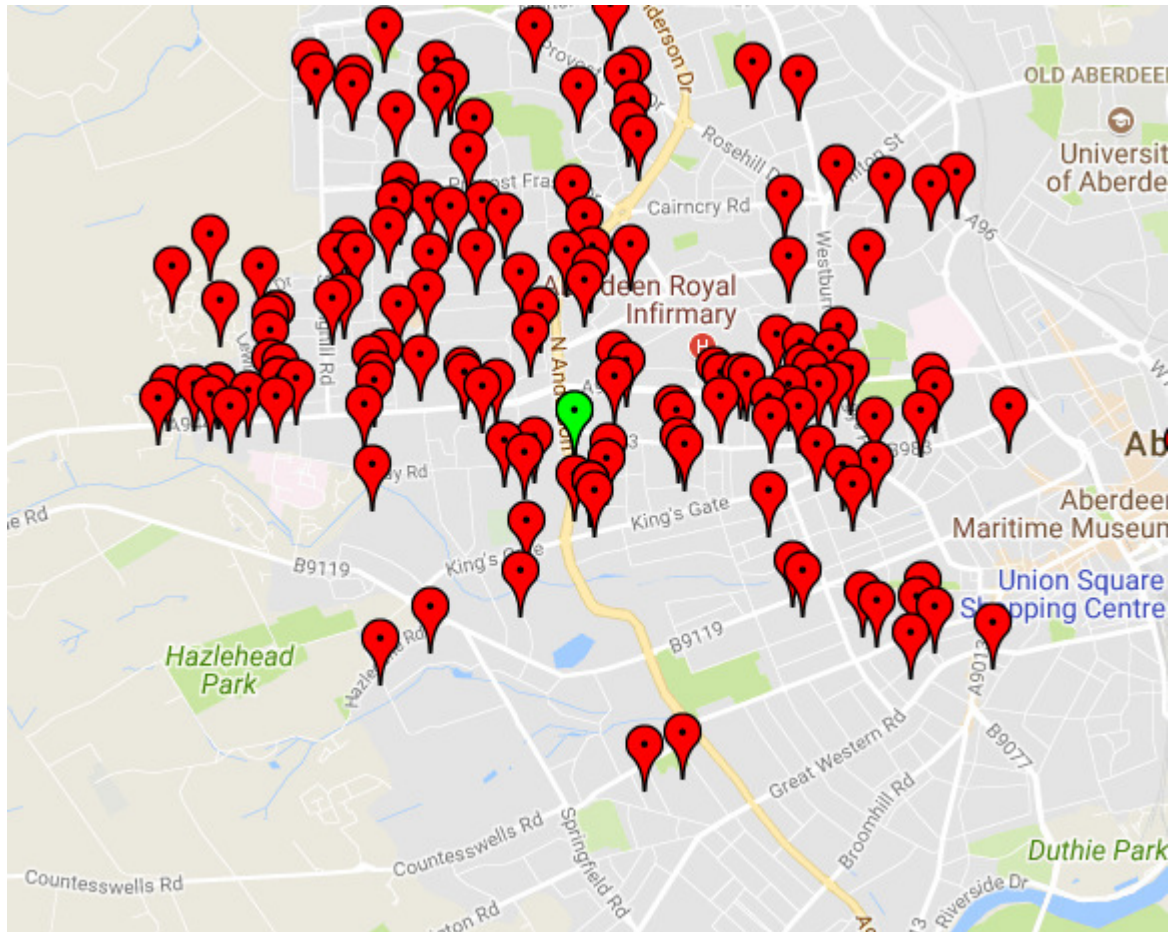
# Research Findings–Geo-mapping

Cocket Hat Filling

Station

All participants were asked to provide their postcode in order to allow for them to be geo-tagged on a map. Out of the 172 participants who fell into **the population of interest** 158 provided a full and complete postcode. They are represented below as red icons, in some cases the same postcode has been given and will be represented by only 1 icon.

## Average distance from filling station – 0.81 miles



Map 2

Analysis of the postcode data has shown that the participants from the 'population of interest' live within a locality of 0.81 miles from the service station on average.

# Research Findings – Demographics Cocket Hat Filling Station

Station

## Gender

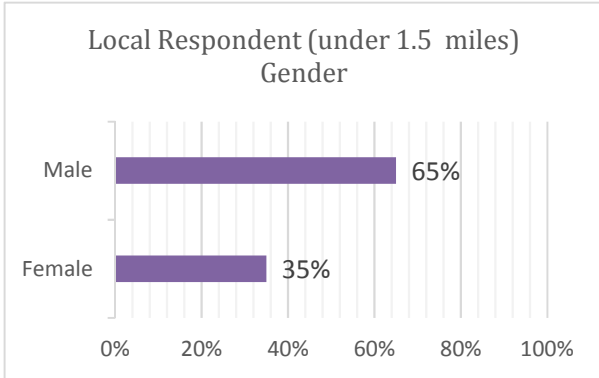


Figure 3 – Base 255

## Average visits per week (local users)

Grocery Shopping Base -58	<b>1.46 visits per week</b>
Fuel Purchase Base -249	<b>1.04 visits per week</b>

Table 1 – Base varied

## Age

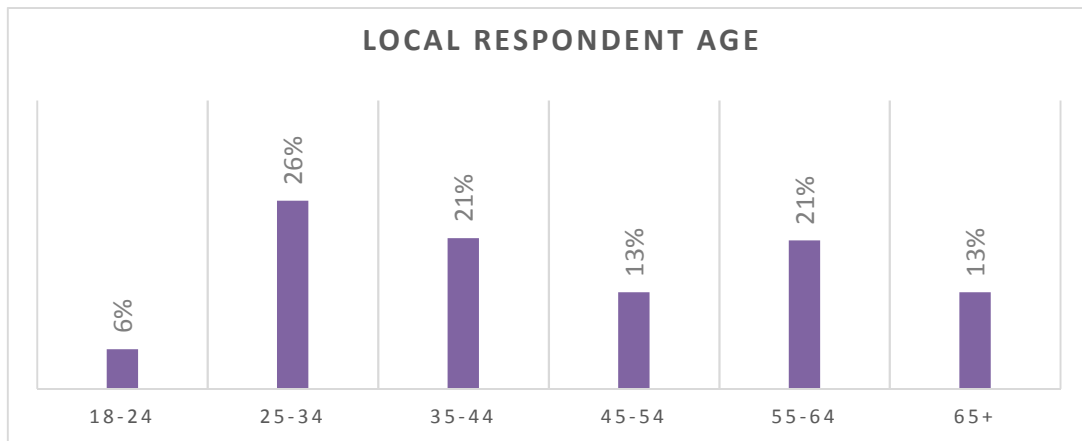


Figure 4 – Base 255

## Respondent travel habits

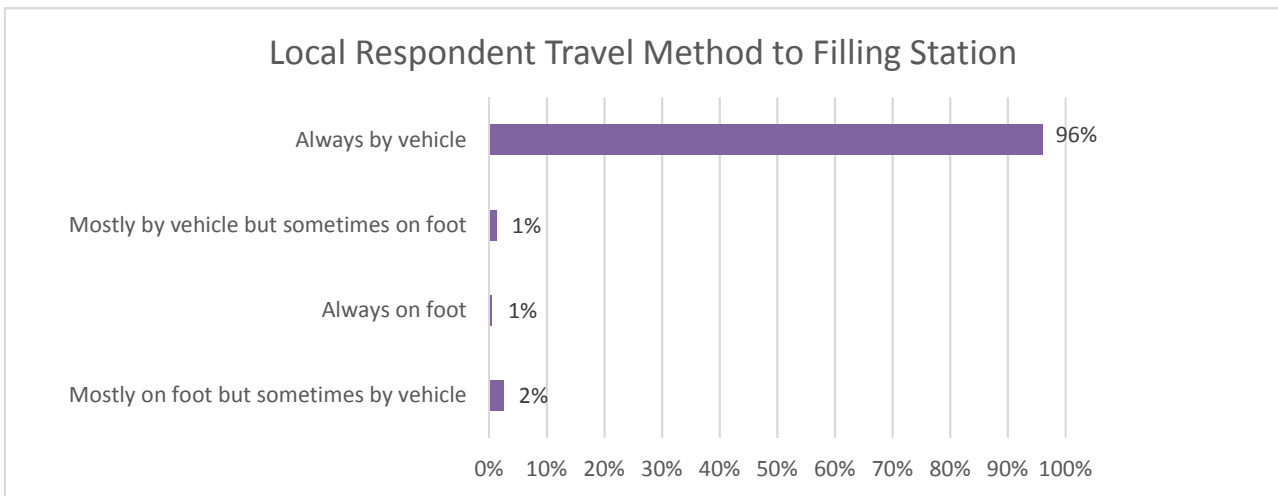
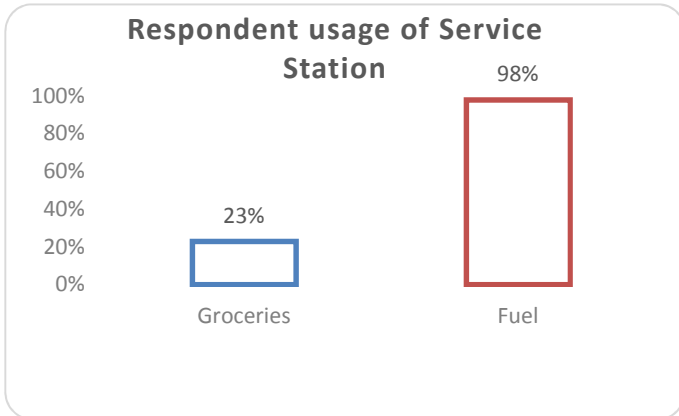


Figure 5 – Base 255

# Research Findings – Premises Usage Cocket Hat

Filling Station

## How Cocket Hat filling station is being used



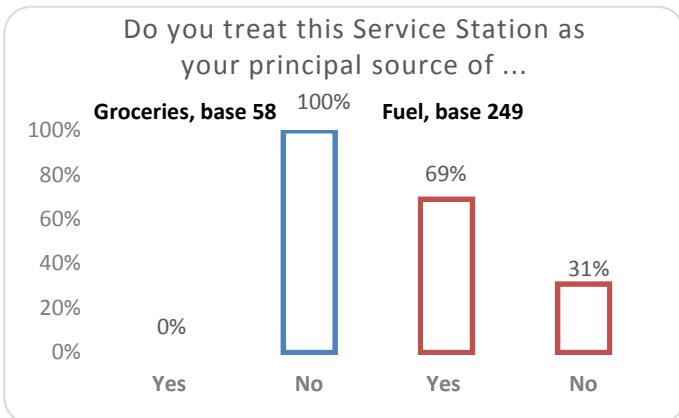
**58 participants (23%)**

Use service station as a source of **Groceries**

**249 participants (98%)**

Use service station as a source of **Petrol/DERV (Fuel)**

Figure 6 – Base 255



## Defining the population of interest

Participants, who live within the locality (within 1.5 miles) of the service station [Base 255], were asked how they currently use the Service Station – **Figure 6**.

They were then asked if, in the ordinary course of their purchasing habits, they treated this Service Station as their principal source of Petrol/DERV or Groceries – **Figure 7**.

Figure 7 – Base Varied

172 (67.5%) local customers (participants) answered ‘yes’ to treating the service station as their principal source of either groceries or fuel. This forms the population of interest as outlined in the introduction – **Figure 8**.

**Population of interest**  
**172 participants**

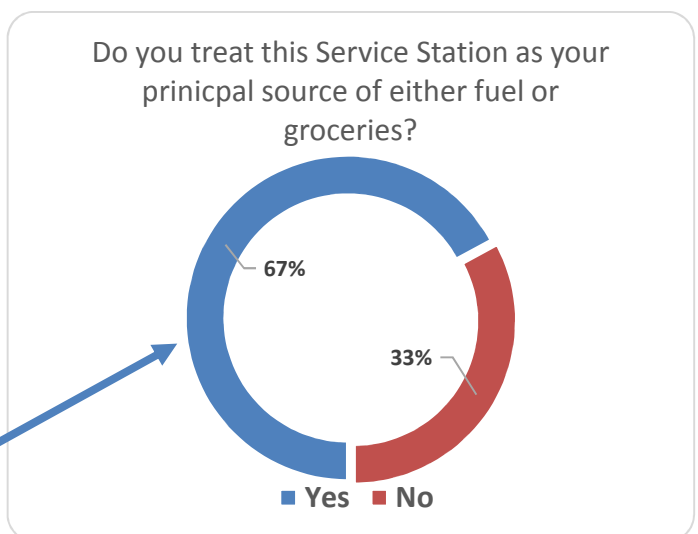


Figure 8 – Base 255

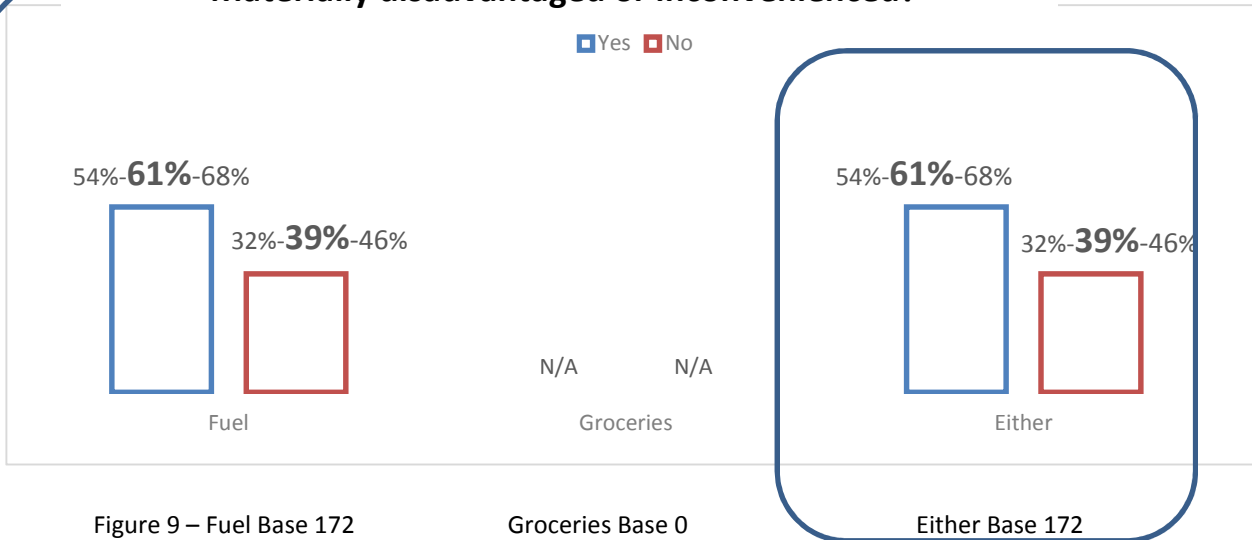


# Research Findings – Key Findings Cocket Hat Filling Station

Station

Once the population of interest had been defined (Base 172), these participants were asked:  
 Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with: a) Petrol or DERV (Fuel)? b) Groceries?

## Materially disadvantaged or inconvenienced?



The results show that a statistically significant proportion of persons in the locality (61%) see and treat the premises as the principal source from which they, in ordinary course, purchase groceries or fuel and that they would properly consider themselves materially disadvantaged or inconvenienced were any of these retail facilities to no longer be provided from said premises.

### Bases explained

**Fuel:** Overall 172 participants from the locality stated that they used the station as their principal source of fuel, of these participants 61% (105) stated that they would be materially disadvantaged if the premises could no longer provide them with fuel.

**Groceries:** We did not speak with any customers who used the station as a principle source of groceries

**Either:** The combined base and response for fuel and groceries.

# Research Findings – Key Findings

Cocket Hat Filling

Station

In order to qualify the result all participants who coded yes to being materially disadvantaged if the service station could no longer provide fuel were asked **'Would you have an alternative fuel source you could use?' Base 105**

**Yes – 69.5% (73)**

**No – 30.5% (32)**

Those who answered 'Yes' to having an alternative fuel source – 69.5% (73) were then asked: **Is this alternative fuel source available to you without causing you to be disadvantaged or inconvenienced in any way? Base 73**

**Yes – 8.2% (6)**

**No – 91.8% (67)**

Results show that the alternative fuel sources available to 69.5% of participants would cause 91.8% of this group to be inconvenienced.

**94.2% (99) of those materially disadvantaged (base 105) confirmed this was still the case after considering alternatives.**

# Research Findings – Key Findings Cocket Hat Filling Station

Station

The graph below highlights participants who live locally and use the garage as their principal source of either fuel or groceries and who, after considering local alternatives, still feel they would be materially disadvantaged or inconvenienced if the premises could no longer provide them with either.

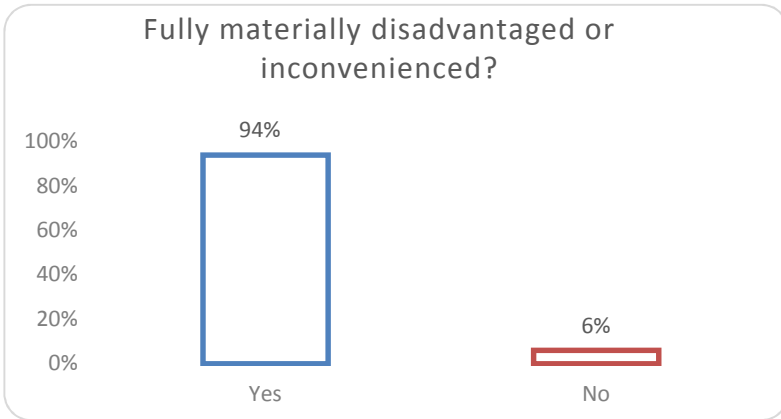
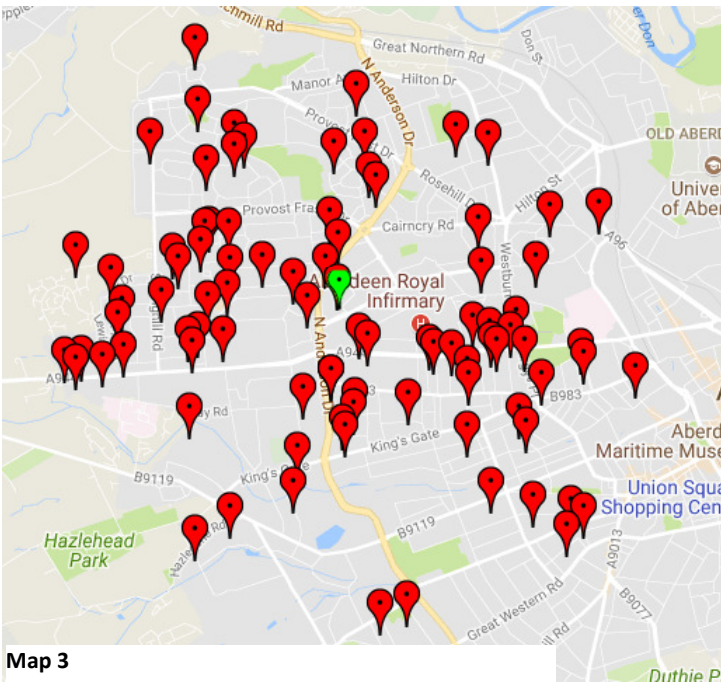


Figure 10, Base 105

The geo-map below shows where all participants (99) who coded 'yes' live; on average 0.83 miles from the station.



Map 3

# Research Findings – Key Findings Cocket Hat Filling Station

Station

The graphs below highlight the demographic of those who are materially disadvantaged or inconvenienced after having considered local alternatives.

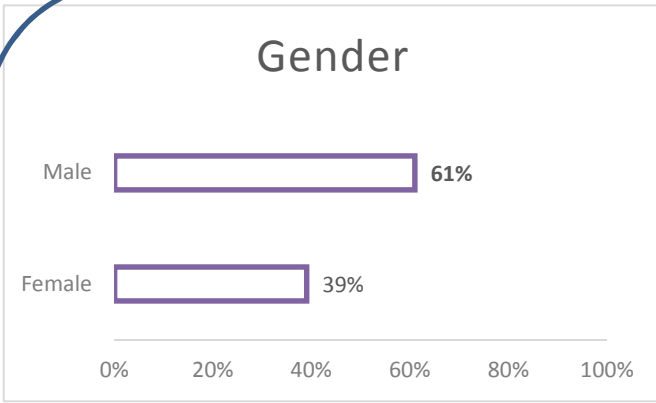


Figure 11 – Base 99

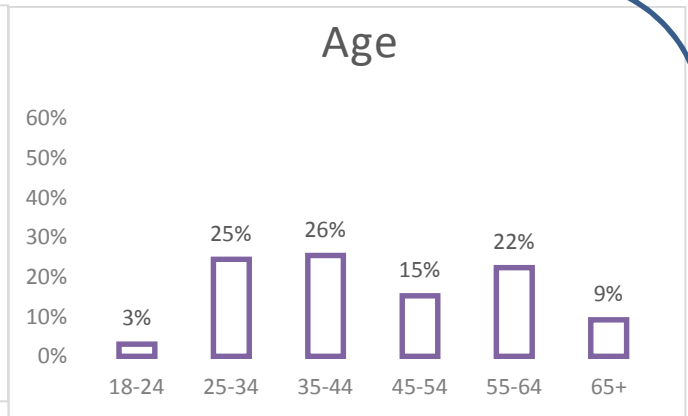


Figure 12 – Base 99

### Average visits per week

Grocery Shopping <i>Base 24</i>	<b>1.07 visits per week</b>
Fuel Purchase <i>Base 99</i>	<b>1.4 visits per week</b>

Table 2 – Base Varied

# About TMcK

---

Taylor McKenzie Research & Marketing (TMcK) are a full service agency and provide all stages in the market research process from fieldwork and recruitment, through to interviewing and analysis of data. We are also proud to host one of the UK's best viewing facilities, known as 'The Glasgow View'.

Based in Glasgow since formation in 2001 our steady growth over the past seventeen years has been down to the dedication of our skilled, reliable and creative staff.

TMcK's research team is headed up by Research Director Nicky Taylor who has extensive knowledge of consumer research in Scotland. In the past 12 months he has headed up similar quantitative research projects for KPMG, Tennent's, AXA amongst others. Nicky acts as the main contact for client and will attend briefings and debriefs and will be aided in the completion of the project by research executive Lisa Dixon and TMcK field. TMcK are Company Partners of the Market Research Society and abide by their code of conduct.

This demonstrates that we are one of a small number of Scottish companies who work with the Market Research Society in ensuring that quality standards are consistently upheld within the research industry.

*Research Director Nicky is the current chair of the MRS Scotland committee.*

## About Market Research Society (MRS)

In the competitive world of market research, one name assures you of instant recognition and respect - that of MRS.

MRS is the 'voice of your profession'. Their role is to represent and communicate good practice in research to the business community, government and the public; to award accreditation and to provide support for our members.

### **Professional standards**

All members of the Society must comply with the [MRS Code of Conduct](#) which is enforced through a disciplinary process. This is the primary means by which market research remains a self-regulated profession. A range of guidelines and advisory services provide support to members in practical implementation of the *Code*.

The *Code of Conduct* embodies the principles of confidentiality and transparency. It provides protection to research users, participants and to researchers themselves. The *Code* has the confidence of the business community, government and regulators. It embraces the principles of data protection legislation. Membership of MRS is your way of showing that you subscribe to these ethical and legislative principles.

# Appendix 1 – Research Background

---

The Licensing (Scotland) Act 2005 defines premises that operate in whole or in part as a garage for the sale of petrol or derv as “excluded premises”. Subject to the provisions of section 123(5) of the Act, garage premises are “excluded premises”. Where premises are “excluded premises”, sale of alcohol is not permitted. The Client wishes to explore the motivations and buying behaviours of the consumers who visit affected forecourt premises with the purpose of ascertaining whether or not their forecourt premises fall to be determined as “excluded premises” or within the exception contain under section 123(5). Section 123(5) seeks to determine, as interpreted in the Opinion of the Inner House of the Court of Session in *BP Oil UK Limited v City of Glasgow Licensing Board and City of Edinburgh Licensing Board* (5<sup>th</sup> April 2011) whether a recognisable number of persons in the **locality**<sup>1</sup> see and treat the said premises as the **principal source**<sup>2</sup> from which they, in **ordinary course**<sup>3</sup>, purchase **groceries**<sup>4</sup> or fuel and who would properly consider themselves **materially disadvantaged** or **inconvenienced**<sup>5</sup> were these retail facilities to no longer be provided from said premises.

Should the research prove that a substantial % of a **representative sample**<sup>6</sup> local residents who use the outlet as their principal source of groceries and would be materially disadvantaged or inconvenienced if the outlet stopped selling groceries then it would help to form a case to include the outlet as being ‘not excluded’ from the changing legislation.

<sup>1</sup> **Locality** will be defined on a premises by premises basis. This will be determined via respondent answering what will be Q1 (How far away from this station do you live?) and will be confirmed with geo-mapping postcode software. Those living within the chosen distance will be deemed suitable to represent persons living in the locality and they will be further questioned on purchasing habits. Those living out with the chosen distance will be asked for their postcode and interview will be terminated.

<sup>2-3</sup> **Principal source / Ordinary course**; these points must be answered by asking each respondent a question that will be interpreted consistently and fully understood.

Generally speaking, do you treat this premises as your principal source for a) Petrol or DERV (a full description of DERV will be provided in Showcard to help understanding) b) Groceries. A simple yes or no answer will be collected.

This will provide the research with its population of interest.

<sup>4</sup> **Groceries**; will be defined as being food or other things used within the home.

# Appendix 1 – Research Background

(continued)

<sup>5</sup> **Materially disadvantaged or inconvenienced;** the term materially disadvantaged is perhaps not in the general diction of the average respondent, and we would not expect it to be used by a respondent if asked to describe how they felt about a retail outlet closing. However, when it is combined with the word inconvenienced in the Q. “Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with a) petrol (DERV) b) Groceries?”) we would expect a good understanding. An open question asking why participants would feel materially disadvantaged or inconvenienced will be asked if ‘yes’ is coded at either a) petrol (DERV) or b) groceries.

<sup>6</sup> **Representative sample;** in quantitative market research studies which are to be conclusive it is very important that the data collected and the findings and recommendations made from the data are representative of the given population. In real terms this means that should the study be repeated at any given time then the results will be similar 95 times out of 100 and within an acceptable margin of error (+/-) %.

In order to achieve this, data collection should be stratified in terms of opening hours and weekend / weekday footfall and respondent selection should be entirely random.

## Statistical Representation

In order for the findings to be conclusive it is very important that the data collected, the findings and recommendations made from the data are representative of the given population. In real terms this means that should the study be repeated at any given time then the results will be similar 95 times out of 100 and within an acceptable margin of error (+/-) %.

In order to achieve this, data collection was stratified in terms of opening hours and weekend / weekday footfall and respondent selection was entirely random.

The table below indicates achieved error thresholds for the overall base of participants and for the population of interest base. Error bars are present throughout each table to represent statistical relevance of each figure.

<u>Population</u>	<u>%GIVING PARTICULAR ANSWER</u>		
	<u>10%/90%</u>	<u>30%/70%</u>	<u>50%</u>
Total Base 726	+ 2.18	+ 3.33	+ 3.64
Local Base 255	+ 3.68	+ 5.62	+ 6.14
Pop of interest Base 172	+ 4.48	+ 6.85	+ 7.47
Fully Inconvenienced Base 99	+ 5.91	+ 9.03	+ 9.85

## Appendix 2 – Research Questionnaire

Good morning/afternoon my name is ..... & I am work for Taylor McKenzie Research & Marketing Ltd, an independent Scottish research agency. We are here today to better understand how this filling station is being used by its customers. We only have a few questions to ask and it is important you help so that we can ensure a representative view of all customers. It should only take 2 minutes.

### Q1 Interviewer select filling station

Cocket Hat Filling Station .....



### Q2 How far away from this Service station do you live?

Showcard s2

Within 1/4 of a mile

Go to Q3

Within 1/2 a mile

Within 1 mile

Within 1.5 miles

Within 1.5 to 2 miles CLOSE

Within 2 to 10 miles (approx.) CLOSE

More than 10 miles away (approx.) CLOSE

### Q3 Which of these best describes how you travel to this station?

Showcard s3

Always by vehicle .....  Go to Q4

Always on foot .....  Go to Q4

Mostly by vehicle but sometimes on foot .....  Go to Q4

Mostly on foot but sometimes by vehicle .....  Go to Q4

Other (write in).....  Go to Q3

### Q4 Including today, in the past 6 months have you used this station as a source of ...

Showcard s4

Interviewer - Read out...

Petrol or DERV (fuel) .....  Go to Q5

Groceries .....  Go to Q6

Both for Petrol or DERV (fuel) and Groceries .....  Go to Q5

**Interviewer note - if respondent queries what qualifies as 'groceries' please give the following description -  
Groceries - 'food or other things used within the home'**



# Appendix 2 – Research Questionnaire

(Continued)

**Q5 How often do you visit this station for the purchase of petrol or DERV (fuel)?**

Showcard s5

- Every day .....
- 4 - 5 times a week .....
- 2 - 3 times a week .....
- Once a week .....
- 2 - 3 times a month .....
- Once a month .....
- Once every 2 months .....
- 3 - 4 times a year .....
- Once a year .....
- Less often .....
- First visit** .....

**Q6 How often do you visit this station for the purchase of groceries?**

Showcard s5

- Every day .....
- 4 - 5 times a week .....
- 2 - 3 times a week .....
- Once a week .....
- 2 - 3 times a month .....
- Once a month .....
- Once every 2 months .....
- 3 - 4 times a year .....
- Once a year .....
- Less often .....
- First visit** .....

**Q7 Generally speaking, do you treat this premises as your principal source for:**

Showcard s6a & s6b

Interviewer - Read out full statement above for both petrol and groceries

	Yes	No
Purchasing Petrol or DERV (fuel)	<input type="checkbox"/>	<input type="checkbox"/>
Purchasing Groceries	<input type="checkbox"/>	<input type="checkbox"/>

**Q8 Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with:**

Showcard s7

	Yes	No
<b>Petrol or DERV (fuel)</b>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Would you have an alternative fuel source you could use?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Is this alternative fuel source available to you without causing you to be disadvantaged or inconvenienced in any way?</b>	<input type="checkbox"/>	<input type="checkbox"/>

If no: Why is this? (probe fully)

---



---

# Appendix 2 – Research Questionnaire

(Continued)

**Q9**      **Would you consider yourself materially disadvantaged or inconvenienced were this premises to be unable to provide you with...**

Showcard s7b

	Yes	No
<b>Groceries</b>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Would you have an alternative grocery source you could use?</i>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Is this alternative grocery source available to you without causing you to be disadvantaged or inconvenienced in any way?</b>	<input type="checkbox"/>	<input type="checkbox"/>

If no: Why is this? (probe fully)

---



---

**Q10**      **Record Gender**

- Male* .....
- Female* .....

**Q11**      **Which of these age groups do you fall into?**

Showcard s8

- 18-24* .....
- 25-34* .....
- 35-44* .....
- 45-54* .....
- 55-64* .....
- 65+* .....

**Interviewer Say: Could you please tell me your home postcode, this is so we can get a better understanding of store catchment. This data will never be used for contacting you and will never be passed on with any personal information. Interviewer please enter with a space, as follows.... e.g. G2 4EZ**

**Postcode**

---

## Appendix 3 – Open Ended Responses

---

Participants who confirmed they were materially disadvantaged or inconvenienced after having considered the alternatives were asked to explain their answer below.

"Q8b"

"If yes: Why is this? (probe fully)"

"Only one on way to work"

"This is close and handy"

"Handy"

"It's so close"

"A trek to others and like the coffee"

"Need to go further"

"Have to go out way"

"Like shell"

"It's on way to work"

"Only use car for leisure and this is on way out of town"

"It's my nearest and stays open convenient hours"

"This is easiest whichever way I'm going"

"Only use v power"

"Been using v power years"

"Us e for taxi and convenience"

"Used to it ideal location"

"Other petrol stations all away"

"It's the one I pass by"

"This is my closest and use shell"

"Handy and has all I need, toilets car wash etc"

"Handy outside house"

"Nearest"

"Don't know where next one is"

"Most convenient and although busy you never have to wait long"

"On the way home from work"

"Most convenient for me"

"Nothing near. No v power"

"Nothing else near here and don't like supermarket fuel"

"I'd have to find another shell"

"It's just round the corner"

"Have to go further"

"This is on main road and can get in from either direction"

"The nearest any good is further on"

"It's closest to home and on way from work"

"Have only got shell card"

"There are hardly any garages near me"

"Only shell around"

"Need to travel further to find shell"

"It's so close"

"There is only another shell at bucksburn"

"Only one other I can use"

"Have to come here for work with card"

"I only use v power"  
 "Next one westhill"  
 "Like shell"  
 "I get on way home"  
 "It's on my way to work and children's work"  
 "Need to go further"  
 "Hardly any in Aberdeen"  
 "Like shell"  
 "Not a lot of fuel stations limited"  
 "Next one miles away further down"  
 "This is most convenient and in main road don't need to go off road to get here"  
 "Got a shell card and no other she'll garage near"  
 "Closest to me and I run on red often"  
 "It's on way home"  
 "There are not many more"  
 "Nearest to house"  
 "On way to work"  
 "It's close to me and dk next one"  
 "Live next to here"  
 "This is closest"  
 "Fill up multiple cars for work"  
 "Need to go further"  
 "This on route"  
 "Not sure where next is"  
 "Can only use shell"  
 "Collect she'll points not another shell garage near here"  
 "Need v power fuel"  
 "Need to go further"  
 "Have to go morrisons"  
 "Close and only use shell"  
 "Nearest would be airport"  
 "Be problem no others"  
 "Further to others"  
 "So handy round corner"  
 "It's on way work"  
 "This is good proximity to house"  
 "Next one too far away"  
 "Need to go distance"  
 "Very few left"  
 "So close to home"  
 "Right on road"  
 "Not enough petrol stations here"  
 "Not so many here now"  
 "This is close in my area"  
 "It's a big nuisance when it's closed as need to go two miles or hope can manage till return journey"  
 "Have to go to site further away"  
 "Nearest shell"  
 "We only use shell"  
 "Have to go further"  
 "I'm close to here"

"Have to travel to find other"  
 "Have to drive further or need to wait on it opening again"  
 "Q8e"  
 "If no: Why is this? (probe fully)"  
 "Further away"  
 "Need to go further on"  
 "It's on my way places here , dk nearest"  
 "Most of others are gone near here, need to travel"  
 "Means using more fuel"  
 "Wrong direction"  
 "It's busier road and harder to drive in and out of"  
 "Wouldn't be on way out"  
 "Further to go"  
 "Not another shell for miles , other fuel not as good"  
 "Further to get to"  
 "A lot further to go will only use shell"  
 "Have to go out way"  
 "Need to go much further"  
 "Out my way"  
 "Need to go away out to altens"  
 "Not got fuel I like or facilities"  
 "Not as handy"  
 "Not on way to work"  
 "Out of my way"  
 "Out of way"  
 "Too far if running out"  
 "Need to go further to it"  
 "It's awkward to get in and out or need to go out way"  
 "Can go if have to but out way"  
 "This is nearest if not shopping"  
 "Good bit out my way"  
 "No local shops in area so use grocery too"  
 "It's further away"  
 "Other shell a bit away"  
 "Closest other isn't shell"  
 "to as convenient"  
 "Too far out from here"  
 "Further away"  
 "Other shell far away"  
 "Not many and none close"  
 "It's out my way to it"  
 "They are in busy supermarkets and not on roads we travel"  
 "Not one I could get to if on red"  
 "to as handy"  
 "Further away"  
 "Far on"  
 "Eyed to go out way to it"  
 "Have to cut back"  
 "Have to go to dyce"

"Two miles out"  
"Out way"  
"Might be other way"  
"Far to next"  
"Not many others in Aberdeen"  
"Too far to next shell"  
"Further on"  
"Need to go out my road"  
"Need to go elsewhere dk where shell"  
"Too far"  
"Need to go bit further out"  
"Not handy"  
"They are well out for me"  
"Others all disappear"  
"Need to drive down further"  
"Red to drive further"  
"Dk where next shell station is"  
"Supermarket annoying to fill up"  
"Drive further to it"  
"Next shell a few miles away"

## LICENSING BOARD INFORMATION SHEET

**TYPE OF APPLICATION:** PREMISES LICENCE

**PREMISES:** LINX ICE ARENA, BEACH ESPLANADE, ABERDEEN, AB23 5NR

### DESCRIPTION

- Premises offering on consumption Monday to Friday 16:00 to 23:00 and Saturday and Sundays 13:00 to 23:00
- Conference facilitates, bar meals, receptions, club meetings, recorded music, live performances, dance facilities, indoor/outdoor sports and televised sports.

### OBJECTIONS/REPRESENTATIONS

None

### POLICY

#### 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.

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## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** BANKHEAD INN, 161-165 BANKHEAD ROAD

### DESCRIPTION

- Variation to the operating plan to include restaurant facilities and inclusion of poker tournaments in other activities.

### OBJECTIONS/REPRESENTATIONS

- Police

### POLICY

N/A

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10 August 2018

Your Ref:

Our Ref: 345105

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

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  
BANKHEAD INN, 161-165 BANKHEAD ROAD, BUCKSBURN, ABERDEEN,  
AB21 9HQ**

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

The variation requested consists of amending Question 5 to include the provision of Restaurant facilities during core hours and the wording within Question 5(f) to include weekly poker tournaments as an activity.

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

In respect of the addition of Restaurant facilities, I have no police objection.

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

In relation to the addition of weekly poker tournaments as an activity, I have no police objection, however in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation in its current form should be modified to state that 'poker tournaments are only permitted within the Public bar area, where Children and Young Persons do not have access or within the Restaurant area after 2000 hours, when Children and Young Persons are no longer permitted entry'.

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.



## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** CAFÉ BOHEME, 23 WINDMILL BRAE, ABERDEEN, AB11 6HU

### DESCRIPTION

- Vary licenced hours for on sales on a Sunday to 12:00 to 23:00.

### OBJECTIONS/REPRESENTATIONS

None

### POLICY

N/A

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## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** COGNITO THE DELI, 245/247 UNION GROVE

### DESCRIPTION

- Variation to terms upon which children and young persons are permitted access to allow them access unaccompanied for the purpose of purchasing confectionary or similar take away products and when accompanied by an adult for the purpose of having a meal or snack only.

### OBJECTIONS/REPRESENTATIONS

None

### POLICY

#### 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

## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** DIZZY'S 70 CARDEN PLACE, ABERDEEN

### DESCRIPTION

- Inclusion of outside balcony at first floor level within licensed area.

### OBJECTIONS/REPRESENTATIONS

- Police
- LSO
- Member of Public x 4
- Community Council

### 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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14 August 2018

Your Ref:

Our Ref: 346247

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

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  
DIZZYS BAR & DINER, 70 CARDEN PLACE, ABERDEEN, AB10 1UL**

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

The variation requested consists of amending the layout plan of the premises to include an outdoor balcony area where alcohol can be consumed. The operating plan has also been amended to reflect the increased in capacity.

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.

It is our recommendation that the operating plan in its current form at Q5 is amended to state that the outdoor drinking area has a terminal hour of 2200 hours.

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.



# MEMO

Protective Services

## Operations

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



**ABERDEEN**  
**CITY COUNCIL**

To	Jenni Wilson, Team Leader Licensing, Legal and Democratic Services		
From	Diane Sande, Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	13 August 2018
Tel.	Ext. 2541	Our Ref.	
Fax.	01224 523887	Your Ref.	

**Application for Variation of Premises Licence**  
**Premises: Dizzy's, 70 Carden Place, Aberdeen**  
**Applicant :Reliance (AB) Limited**

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

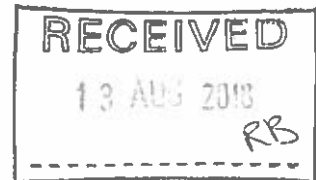
If this variation is granted I would like to make the following recommendations:

The external area, (Balcony area), is restricted to a terminal hour of 22.00 and that no amplified music is played within the area.

Licensing Standards Officer

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Clerk to the Licensing Board  
Legal Services  
Aberdeen City Council  
Business Hub 6 L1S  
Marischal College  
Aberdeen  
AB10 1AB



Dear Sir/Madam

**DIZZY'S, 70 CARDEN PLACE, ABERDEEN  
ABERDEEN CITY LICENSING BOARD  
LICENSING (SCOTLAND) ACT 2005**

Thank you for your notification of the application for a major variation to the licence for the above premises.

We note that the outside balcony at first floor level has lately been used, and is currently being used, as part of the bar premises. In conjunction with that use, it appears that live and / or recorded music has been played. Since the balcony is immediately adjacent to established commercial office premises, we would request that any variation to the licence includes a provision that live and / or recorded music shall not be played on the balcony until after 18:00 hours on weekdays.

Yours faithfully

**Andrew Robertson**  
Partner, Rural

70 Carden Place, Aberdeen AB10 1UL  
T: 01224 974130 E: [info@bidwells.co.uk](mailto:info@bidwells.co.uk) W: [bidwells.co.uk](http://bidwells.co.uk)

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Dizzy's ,  
70 Carden Place  
Aberdeen  
Ref AC068

Clerk to the Licensing Board  
Aberdeen City Licensing Board  
Marischal College  
Aberdeen  
AB101AB

Dear Sir/Madam

I wish to object to the application from Dizzy's, 70 Carden Place, Aberdeen for a variation (major) of its licence. This variation is in relation to a roof terrace/balcony bar on the rear first floor of the above premises.

I believe my property at \_\_\_\_\_, Aberdeen may be the nearest residential property to Dizzy's. Since this additional facility was introduced earlier in June, there has been a significant degree of noise nuisance emanating from Dizzy's. This increase in noise has been exceptionally disruptive.....bad language is common, noise of broken glass, music, shouting and laughing and the general sounds of people under the influence of alcohol.

The roof terrace/balcony bar is very spacious and accommodates a large number of tables and chairs and therefore a lot of people. This area is used regularly, week days as well as weekends, and customers can be there until very late at night and on occasion after midnight. One just has to look at the official Facebook page of Dizzy's to see how busy it is.

The main bedroom in my property is to the rear and as such is very close to the roof terrace/balcony bar at Dizzy's. I believe one is entitled to peace and quiet in one's home and to be able to retire to sleep with the window open and not have to close it to try to diminish noise intrusion. When customers are using the roof terrace/balcony bar there is no point in trying to sleep until beyond midnight.

In addition, there has been at least one barbecue held on the roof terrace/balcony bar where the food has been prepared and cooked there. The noise and smells were, again, intolerable.

This roof terrace/balcony bar opened in June and it has been a nuisance and disruptive to quality of life ever since. Can I point out that I have owned my property for 17 years, have lived in harmony with Dizzy's all that time and never had any cause to complain until now.

It is my understanding that there is a desire within the city and Aberdeen City Council for more of the properties in the Carden Place/ Queen's Cross area to be returned to residential use. I respectfully suggest that will not happen if licensed premises are allowed to create such areas, with the associated noise and nuisance. I believe this area of the city is already well served by licensed premises and there is no need for further capacity, especially of this type.

Rain is now welcomed in the hope it will deter people from using the roof terrace/balcony bar.

I urge you to consider these points and the impact this roof terrace/balcony bar is having when you decide on the application from Dizzy's.

Twice I have contacted Dizzy's to discuss this with the owner or manager. Both times my details were taken and I was told I would be contacted.....no one has been in touch.

Kind regards

**Arlene Dunbar**

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**Subject:** FW: Dizzy's Restaurant and Bar Balcony Plans

Hello

As a long-standing resident of the lower area of Blenheim Place that overlooks the back of Dizzy's, I was aware of the new developments. I am not sure, but I believe the workmen started on the site a good few months ago and the upstairs open-air level opened for business soon after.

I was disappointed to find out that our addresses were not included in the 'Neighbour Notification List'. Of all the people contacted, I would have thought that local residents who will usually be at home when the premises are open should have been informed. Of course, the ones that were contacted were either vacant buildings, businesses that have a connection to the development or offices open Monday to Friday 9am – 5pm and will not be troubled with the late night open-air operating hours and therefore would not complain. *"... the hereby approved roof terrace shall only be permitted for use between the 18.00hrs and 23.00hrs Monday to Friday, and 12.00hrs and 23.00hrs on Saturdays and Sundays"*

Anyway, my concerns are, although it seems that this proposal has been rubber-stamped already, the noise.

What is the regulation about playing live amplified music outside?

Playing live music loudly inside with the doors open?

Open air cooking – BBQ's?

People congregating in the car park at closing time.

I have tried to contact the Aberdeen Council Antisocial Behaviour Investigation Team for clarification but have just reached an answering machine.

I am also apprehensive that proper controls and ongoing monitoring does not take place and it slowly expands covertly into a covered, brightly lit, heated area serving drinks to patrons from an upstairs bar.

I have lived in this street for at least 20 years and happily lived alongside the Restaurant/Bar without any concern until now. I too would like to appreciate the lovely summer weather we have been having without having to close all my windows to block out the sound of 'Mustang Sally' belting out for the third time!

Kind regards

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**Arlene Dunbar**

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**Subject:** External Balcony: Dizzy's Restaurant

Subject: External Balcony: Dizzy's Restaurant

I note that an application to use the external balcony at Dizzy's Restaurant and Bar has been lodged.

As a local resident, I am happy to see this business doing well.

However, as this is very much a residential area with properties facing directly onto Albert Lane, I would like to see a restriction on loud music being played on the balcony or projected from outside speakers. There are some residents who have babies and young children and some who work shifts and, therefore, I believe an absolute curfew of 9:00pm for loud music would be more appropriate than 11:00pm which is more standard for night noise limitations.

Kind regards

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## **Arlene Dunbar**

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**From:** Queens CrossCC <abdn.qxcc@hotmail.co.uk>  
**Sent:** 23 August 2018 13:24  
**To:** Licensing  
**Subject:** Dizzy - Alcohol Licence for balcony area Ref AC0068 (as ascertained from tellmescotland)

We, Queens Cross/Harlaw Community Council wish to strongly object to a licence for the Balcony area as requested by Dizzy's.

The main concern is the noise which will likely be much worse than previously as drink will be consumed in an open area which will affect neighbours much more. I state MUCH more as the neighbours already have noticed an annoying increase in the disturbing noise coming from Dizzy's since June this year, which is presumably because Dizzy's has already been given a temporary licence for the new area. The additional noise from Dizzy's till 11 o'clock at night (the time designated as a restriction on the Planning application approval) does not seem to us a reasonable hour to try and stop noise. One neighbour in particular is already disturbed by drinking on the roof top terrace especially when a barbecue was in progress where food was being prepared there. The associated noise and smell was very unpleasant to the neighbours. Apparently this roof terrace can be very busy where often there are not enough seats and people are standing to have their drinks.

We have been told by another member of the Community Council not quite so nearby Dizzy's (and so not on the Neighbourhood list) that they were annoyed by the noise when walking along Fountainhall Road so obviously the noise can be heard some distance away.

I am trying to find out if Dizzy's has permission to have so many people on the roof terrace drinking as in my experience they have to have a licence to allow a certain number of people on a roof terrace especially when serving food and drink. I have had a response from a solicitor associated with the Licensing Dept. but unfortunately I am still not clear on this matter. Neither am I clear either on who and why the additional TEMPORARY licence was granted to Dizzy's. Certainly the Community Council was not made aware of the change in Licensing.

As well as noise neighbours have informed us that since the temporary licence was approved with an increase of the roof terrace bar activities that :-

"bad language is common, as is loud laughing and the general sounds associated with people under the influence of alcohol."

"This area is used regularly and customers can be there until midnight or even later."

"the value of my property will be reduced. It will represent a significant inhibitor to the resale of my property"

"I am also apprehensive that proper controls and ongoing monitoring does not take place"

"People congregating in the car park at closing time."

I have tried to contact the Aberdeen Council [Antisocial Behaviour Investigation Team for clarification but have just reached an answering machine.](#)"

Regarding the car park it is noted that on the Planning approval for the number of parking spaces was queried and Dizzy's (I assume) put in a hand written list (which is difficult to read) of the number cars parked up to 9pm at night. Their numbers are much lower than the 13 cars that I saw almost filling the parking spaces at 7pm recently. However I have to accept mine was only a single check. Nevertheless the experience of residents in other areas where there have been queries over approval of an alcohol licence is the noise of car doors and indiscriminate parking late at night which is the problem. This should be checked out as a possible problem at Dizzy's where it was already noted that the number of car park spaces was low.

It is suggested that anyone considering whether Dizzy's Licence Application should be approved only needs to go to Dizzy's OWN Facebook page and look and listen to the video there of the highly amplified singer on the roof terrace and ask themselves if they would want to live anywhere near a venue making such a loud noise with people eating

and drinking. Note if the video is no longer available on Dizzy's Facebook site then an archived copy can be made available. Certainly present neighbours in the area are very unhappy at the noise.

Answers to whether there are or should be restrictions on numbers of seats and standing people being served food and drinks on the roof top terrace are still being clarified but it is suggested that decision makers take note (from the video) of the number of people standing (as there are no seats left presumably) as well as sitting on Dizzy's roof terrace.

For practical and safety reasons it would appear unwise to have that large number of people (seen in the video) assembled for drinking and eating (along with a Barbecue on occasions) on a **roof terrace**.

Regards Ken Hutcheon Secretary Queens Cross/Harlaw Community Council



## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** HAZLEHEAD STORES, 1 HAZLEHEAD CRESCENT, ABERDEEN

### DESCRIPTION

- Variation to the layout to install additional shelving for the display and sale of alcohol, removal of internal partition. Provision of additional shelving under sales counter.

### OBJECTIONS/REPRESENTATIONS

- Member of the Public

### POLICY

N/A

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Dear Sir/Madam,

In response to a recent licensing application for Hazlehead Stores, 1 Hazlehead Crescent I wish to object on the following grounds:

1. There has already been an increase of kids/teenagers outside of the shop smoking, drinking and constantly harassing passers by to go to the shop and buy alcohol/cigarettes for them. Unfortunately I have already seen evidence that a gentleman took money from a group of kids aged around 12-16yrs old, went to the shop, returned and gave the kids a case of Tennants Lager and a bottle of buckfast, now the kids hang around the shop day and night.
2. There are already empty cans and broken bottles littering the area around and behind the shop as well as in the neighbouring alleyway. One one occasion recently there were 3 empty smashed up vodka bottles in the alleyway, I had to ask a council litter picker who was passing if he could clear them up.
3. Over the past few years there has been a large increase in vulnerable people in the area and a huge increase in alcoholics. These people have

severe drink problems and barely buy food or feed themselves, they definitely do not need the shop to sell more alcohol. This application would have a very negative effect on the local community and lead to an increase in crime. This has already been proven as around 3 weeks ago a man entered the shop as I was at the counter paying for my shopping, he proceeded to the beer fridge where on the floor a recent delivery of beer still lay, he picked up a whole case of 20/24 beers and walked out of the shop stating "I'll be back in a minute". The shop assistant just gasped and did nothing. She later told me he of course never returned. How can you possibly grant a license for more alcohol when the shop/shop workers are not responsible for the alcohol they already have?

4. The large chiller applied for has already been installed this happened before Christmas and has caused us countless problems since. The owner (without permission, consent or any notification) installed the chillers and 2 condenser units on the roof of the shop which is joined on to the 3 flats above. This unit buzzes, vibrates and rattles through all 3 flats. After contacting environmental health because of the noise the shop was only allowed to turn the chiller on during the day, they did not stick to this. On many many occasions they were left on all night. I have video evidence to prove this.



meaning the residents of all 3 flats could not get any sleep at night. The noise is like a washing machine on full spin - constantly!

This is especially traumatic for my autistic son who gets extremely upset by noise.

He already has trouble sleeping (as many autistic people do) and a bad nights sleep for him means a terrible day ahead. It is worse for my neighbour at [redacted] as the unit sits directly below his window, he tells me everything in his house shakes when the chiller is on.

5. The condenser units on the roof will devalue the private property in which we reside as the noise is intolerable and any future tenants / landlords will not want the property. My landlord will take action in regards to this if the application is approved I myself will be in touch with environmental health to come and do a noise assesment as soon as they are switched on as it causes so much distress to my son.

6. Two final objections are the staff - they are not even capable of checking for out of date stock, cleaning or even basic hygiene standards, one of whom speaks poor english, they should not be responsible for more alcohol.

This brings me to the applicant - Mr Varanasi - his attitude towards the local residents is very disrespectful - he tells me he does not own the shop anymore and he is not listed on companies house for BK Hazlehead so why is the application

in his name? He is dishonest to say the least. The very fact that he installed the chillers without any prior notice or permission shows his blatant disregard for this community and for his responsibilities as a shop owner.

Do the right thing for this once peaceful community and deny the application.

## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** MORRISONS, 215 KING STREET, ABERDEEN

### DESCRIPTION

- Variation to include restaurant facilities and amendment to Q5(f) of the operating plan to include reference to occasional free samples/tastings of alcohol products to its customers.

### OBJECTIONS/REPRESENTATIONS

None

### POLICY

- N/A

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## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** THE KING'S BAR, 97 KING STREET, ABERDEEN

### DESCRIPTION

- Variation to operating plan to include bar meals.

### OBJECTIONS/REPRESENTATIONS

- None

### POLICY

N/A

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## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** THE MUSIC HALL, UNION STREET, ABERDEEN AB10 1QS

### DESCRIPTION

- Variation to the layout plan.
- Variation to the commencement hours on Monday to Saturday from 11:00 to 10:00 and Sundays from 12:30 to 10:00.
- Receptions, Club meetings, Live performances, Dance facilities, Theatres and films are to be provided out with core hours.
- Variation to the operating plan to include indoor/outdoor sports as an activity.
- Variation to the Licence to amend the description of premises to include reference to studios and cafe bar.

### OBJECTIONS/REPRESENTATIONS

None

### POLICY

N/A

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## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** THE TOWNHOUSE, 1 GOLDON SQUARE, ABERDEEN, AB10 1RD

### DESCRIPTION

- Variation to the operating plan to include bar meals and televised sports as activities.
- Variation so the terms under which Children and Young persons are permitted access to the premises; they are to be permitted access for the purpose of consuming a meal.

### OBJECTIONS/REPRESENTATIONS

- None

### POLICY

N/A

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## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** REVOLUCION DE CUBA, UNIT 1, THE ACADEMY, ABERDEEN

### DESCRIPTION

- Variation to the terminal on Fridays and Saturdays from 01:00 to 02:00.

### OBJECTIONS/REPRESENTATIONS

- Police

### POLICY

#### Hours of trading – General and extended

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.

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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7 August 2018

Your Ref:

Our Ref: 345013

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  
REVOLUCION DE CUBA  
UNIT 1, THE ACADEMY, BELMONT STREET, ABERDEEN, AB10 1LB**

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

The variation requested consists of amending the core on sales hours on Friday and Saturday from 1100-0100 hours to between 1100-0200 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 same Act, I make the following representation.

If granted, the terminal hour for the premises on a Friday and Saturday would be outwith the guidelines contained within the Licensing Board's Statement of Licensing Policy 2013 - 2016 for premises offering 'not significant entertainment' and would result in the premises trading for a continuous period of 15 hours.

Should the Board be satisfied that the applicant premises are offering 'significant entertainment' as defined within Appendix 4 of said Policy and in the event the premises are not considered premises to which the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007, Section 3(2) applies, I request the variation be granted subject to the conditions specified at 6.5 of the aforementioned Policy, specifically in respect of CCTV, Door Supervisors and Radiolink and that 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.

Contact has been made with the applicant's agent who saw no difficulty with this request.

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.

## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** WHITE COCKADE, 2 OSCAR ROAD, TORRY, ABERDEEN AB11 8ER

### DESCRIPTION

- Variation to the commencement hours from 11:00 on Mondays to Thursday to 10:00 and variation to the terminal hour on Sunday to Tuesday to 23:00 to 00:00 and Friday and Saturdays from 00:00 to 01:00.

### OBJECTIONS/REPRESENTATIONS

Police

### POLICY

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 .....

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.

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17 August 2018

Your Ref:

Our Ref: 345074

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

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 WHITE COCKADE, 2 OSCAR ROAD, TORRY, ABERDEEN, AB11 8ER**

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 request, namely;

1. Amend the core on sales hours from 1100-2300 hours on Sunday to Tuesday and from 1100-0000 hours Wednesday to Saturday to between 1000-0000 hours on Monday to Thursday, 1100-0100 hours on Friday and Saturday and between 1100-0000 hours on Sunday;
2. Amend the core off sales hours from 1100-2200 hours on Monday to Saturday and 1230-2200 hours on Sunday to between 1000-2200 hours Monday to Thursday, 1100-2200 hours Friday to Sunday;
3. Amend Q4 to remove the wording within Seasonal Variations;
4. Amend the wording with Q5 to state 'We can open our function room for meeting, funerals etc. without opening our bar which is a separate area';
5. Amend Q6 relating to the times in which Children and Young Persons are admitted from 1100 hours to 1000 hours.

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

In relation to points 2-5 I have no police objection.

In relation to point 1 relating to the core on sales hours and in terms of Section 22(1)(a) of the same Act, I make the following objection.

The application seeks to operate the bar area until a terminal hour of 0100 hours on Friday and Saturday.

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 and are in the heart of a built up residential area.

The current policy states the Board will not normally grant hours beyond 0000 hours outwith the city centre. In addition, the application nor the operating plan that accompanies the application form provides any information to suggest that the premises be would entitled to extend their terminal hour.

Police Scotland also notes the operating plan that accompanied the application form at Question 5(f) removes all other activities, which also does not provide any justification for the premises seeking to extend the terminal hour on Friday and Saturday to 0100 hours.

If granted, I am of the opinion that this would set a precedent which other licensed premises outwith the 'city centre' area as defined, would be likely to seek to replicate.

Any extension to the operating hours for the applicant premises, or any other premises enjoying similar licensed hours, may exacerbate this and could result in an increase in crime and disorder and it is for this reason, in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005 and in support of the Preventing Crime and Disorder and Preventing Public Nuisance licensing objectives, that the Chief Constable objects to the grant of the variation.

This objection 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.

## LICENSING BOARD INFORMATION SHEET

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

**PREMISES:** FIERCE BAR ABERDEEN, 406 EXCHEQUER ROW, ABERDEEN

### DESCRIPTION

- Variation to layout plan to include the addition of an outdoor drinking area within the footprint of the licensed area and variation to the operating plan to reflect the increase in capacity.

### OBJECTIONS/REPRESENTATIONS

- None

### POLICY

N/A

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## ABERDEEN CITY LICENSING BOARD

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COMMITTEE	Licensing Board
DATE	4 September 2018
TITLE OF REPORT	Procedure for Determination of Occasional Licence or Extended Hours Applications

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### 1. PURPOSE OF REPORT

To establish a procedure for the determination of Occasional Licences or Extended Hours applications that require to be considered by a Sub-Committee of the Board in accordance with the Scheme of Delegation.

### 2. RECOMMENDATION(S)

It is recommended that the Board agree on either Option ONE, Option TWO or Option THREE detailed below as the procedure for the determination of applications for Occasional Licences or Extended Hours that require to be considered by a Sub-Committee in terms of the approved Scheme of Delegation.

### 3. BACKGROUND/MAIN ISSUES

In terms of the approved Scheme of Delegation, applications for Occasional Licences or Extended Hours which have attracted representations require to be determined by a Sub-Committee of the Board. Currently this is done on a rota basis, with 3 Board Members sitting at any one time. There have been isolated incidences where similar applications resulted in different outcomes under this system and accordingly it was suggested that alternative options be considered.

### 4. OPTION ONE – STATUS QUO WITH LONGER ROTAS

This option would see the rota system continue as currently operated. Three Members would be placed on the rota at one time and those Members would be contacted by e-mail when an application or applications require to be determined. The application(s) would be placed in the Members Lounge for consideration along with a decision sheet for completion by the Members on the rota. The decision sheet would indicate whether or not the application(s) should be granted and the reasons for each decision.

#### Pros

- Flexibility which allows decisions to be reached in a short space of time.
- Applications can be viewed by Members when convenient to do so.

#### Cons

- Potential risk of inconsistency when the membership of the sub-committee is changing on a regular basis.
- Perceived lack of transparency and formality as no formal meeting

Should the status quo be the preferred option it is suggested that each rota should last a longer period of time to attempt to ensure that all applications for the same or similar events are dealt with by the same sub-committee. This would reduce the potential risk of inconsistency.

### 5. OPTION TWO – INFORMAL SUB-COMMITTEE MEETINGS

This option retains the basis of option one but expands upon the concept to introduce greater scope for discussion when considering the applications. It would again involve a rota system where 3 Members would be notified when applications require to be considered. A mutually convenient date and time would then be fixed for the three Members to consider the applications together. Legal support would also be available if required but neither the applicant or consultee would be invited. The decision sheet would then be completed with the consensus of the 3 Members and the reasons for reaching that decision.

#### Pros

- Retains a degree of flexibility and efficiency.
- Allows Members on the rota scope for discussion when coming to a decision.
- Should allow greater transparency and formality and provides more robust reasons for decisions to be recorded.

#### Cons

- There would still be a risk of inconsistency although this should be lessened by the opportunity to discuss the applications thoroughly before coming to a decision.
- Potential delays if a mutually convenient date and time for all 3 Members cannot be arranged.
- Meetings would not be public so there could still be a perceived lack of transparency.

## 6. OPTION 3 – FORMAL SUB-COMMITTEE MEETINGS

This option would be organised similarly to option 2 but would involve formal, public meetings. The applicant and any consultee who had submitted representations would be invited and a full formal hearing would be held.

### Pros

- Complete transparency in decision making.
- Opportunity to question all relevant parties before coming to a decision.

### Cons

- Notice periods would have to be adhered to which could risk a high number of applications being unable to be determined in time.
- Potential difficulties in finding appropriate accommodation and mutually convenient date/time for hearings.
- Increased staffing costs
- Lack of flexibility and convenience for Members and applicants.

It should be noted that the legislation specifically states that the Board does not require to hold a formal hearing in such circumstances, provided the applicant has been given the opportunity to comment upon any representation. The most likely reason for this is the fact that many such applications are time sensitive, and so to undergo the formal hearing procedure would mean applications would have to be submitted a considerable time in advance of the event to guarantee a decision being made on the application, something which is not always possible.

## 6. NEIGHBOURING BOARDS

As part of the exercise officers were requested to establish the procedure in neighbouring Board areas for comparison purposes. In all 3 Aberdeenshire Divisional Boards the decision is delegated to the Clerk following consultation with the Convenor and is largely carried out by e-mail. In Moray, decisions are delegated to the Convenor and Vice-Convenor, with a third Member consulted if there is no consensus. If either the Convenor or Vice-Convenor is unavailable, then any other Board Member can substitute. Again, all correspondence is by e-mail.

## 7. MISCELLANEOUS

In all 3 options, to reduce the risk of inconsistency it would be possible to establish a permanent membership of the Sub-Committee with the operation of substitutes in the case of unavailability.

8. REPORT AUTHOR DETAILS

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## ABERDEEN LICENSING BOARD

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COMMITTEE: ABERDEEN CITY LICENSING BOARD

DATE 4 SEPTEMBER 2018

TITLE OF REPORT GAMBLING POLICY STATEMENT

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### 1. PURPOSE OF REPORT

To advise the Licensing Board that the three-year Statement of Policy in terms of Section 349(1) of the Gambling Act 2005 ('the Act') requires to be reviewed, revised and consulted upon.

### 2. RECOMMENDATION(S)

- 2.1 That the Board notes the contents of the report; and
- 2.2 Approves Appendix 1 for public consultation.

### 3. BACKGROUND/MAIN ISSUES

- 3.1 Section 349 (1) of the Act requires all licensing authorities to prepare and publish every three years a statement of the principles that they propose to apply in exercising their function under the Act during the three-year period to which the policy applies.

The Licensing Authority Statement of Policy will last for a maximum of three years but can be reviewed at any time. The Board's current policy runs from January 2016 to January 2019. Members are invited to view the current policy on the Board's website at <https://www.aberdeencity.gov.uk/services/business-and-licensing/licences-and-permits/gambling-act-2005>

The Policy requires to be reviewed, revised and published by 3 January 2019. Officers have carried out a review of the existing Policy and a draft Statement of Policy for 2019-2022 is attached ("Appendix 1").

- 3.2 Section 349 (3) of the Act requires the licensing authority to consult with the following on the Statement of Policy or any subsequent revision:

- Chief Constable

- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's function under this Act.

The Gambling Commission's Guidance to Licensing Authorities recommends that licensing authorities may wish to consider consulting with a range of organisations including: faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, medical practices or primary care trusts, and advocacy organisations, other tiers of local government, holders of gambling premises licences and responsible authorities named in the Act.

The Clerk to the Board will conduct a consultation with all statutory consultees and also with the consultees recommended by the Gambling Commission. The Board will allow 12 weeks for responses to the draft Statement of Policy 2019-2022. The results of the consultation will thereafter be reported back to the Board for its consideration.

#### 4. APPENDICES

Appendix One - draft Statement of Policy for 2019-2022.

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## ABERDEEN LICENSING BOARD

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COMMITTEE:	ABERDEEN CITY LICENSING BOARD
DATE	4 SEPTEMBER 2018
TITLE OF REPORT	LICENSING POLICY STATEMENT 2018

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### 1. PURPOSE OF REPORT

This report provides information on the procedures for the statutory triennial review of the Licensing Board's Statement of Licensing Policy and seeks approval of the draft Policy to be issued for consultation.

### 2. RECOMMENDATION(S)

That the Licensing Board: -

- 2.1 notes the contents of this report;
- 2.2 approves the terms of the draft Statement of Policy (Appendix One);
- 2.3 allows Appendix One to be issued for consultation with interested parties until 31 October 2018;
- 2.4 agrees the locality or localities on which to consult in terms of the on-sales overprovision supplementary policy and instruct the Chief Officer of Governance to undertake the necessary consultation exercise; and
- 2.5 schedules a special meeting in the week beginning 5 November 2018 to analyse consultation responses in respect of items 2.3 and 2.4 and prepare a final draft Statement of Licensing Policy for approval at the Board Meeting on 13 November 2018.

### 3. BACKGROUND/MAIN ISSUES

Section 6 of the Licensing (Scotland) Act 2005 ("the 2005 Act") places a duty on Licensing Boards to publish a licensing policy statement within 18 months after an ordinary election of councillors for the local government area. The current policy must be reviewed and published by 30 November 2018.

In preparing the statement, the Board must (a) ensure that the policy seeks to promote the licensing objectives, and (b) consult the Local Licensing Forum (“the Forum”), the relevant health board and such other persons as the Board thinks appropriate. It is intended to consult these parties and all other relevant parties.

Boards must have regard to any guidance issued to them by the Scottish ministers. The first guidance was published in April 2007 and has not been updated since.

As instructed by the Board the draft policy has been completely revamped in an effort to be user-friendly, concise and accessible. The Supplementary Policy on Off-Sales Overprovision and the Scheme of Delegation have already been approved by the Board, and so, although part of the document, will not be subject to the consultation exercise.

A similar consultation exercise to that carried out in respect of off-sales overprovision will be required for on-sale premises. Again, as a first step it is for the Board to identify the locality or localities in which to assess overprovision. Whilst the whole Board area was deemed appropriate in respect of off-sales it is considered that smaller areas are more apt for on-sales premises. It is suggested that Ward areas would be suitable, with the possible exception of the city centre areas which may benefit from being broken down further. Once the localities are agreed, a map indicating the location of all premises within the localities will be produced and the provision of such premises will be the subject of a consultation exercise.

It is recommended that a special meeting of the Board be convened in the week beginning 5 November 2018 to analyse the responses to both consultations and prepare the final Policy document for Approval at the scheduled Board Meeting on 13 November 2018.

The draft policy is attached as Appendix 1.

#### 4. APPENDICES

Appendix One - draft Statement of Policy for 2018.

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