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

Town House,
ABERDEEN 4 March 2019

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in **Committee Room 2 - Town House** on **TUESDAY, 12 MARCH 2019 at 10.30 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

- 1 Minutes of Meeting of 15 January 2019 (Pages 3 - 10)
- 2 List of Applications (Pages 11 - 16)
 - 2.1 Application for Premises Licence - Woodside Post Office, 429 Great Northern Road (Pages 17 - 34)
 - 2.2 Application for Provisional Premises Licence - The Event Complex Aberdeen (TECA), Bucksburn (Pages 35 - 56)
 - 2.3 application for Variation of a Premises Licence - Balmoral Stadium, Altens Nigg, Aberdeen (Pages 57 - 58)
 - 2.4 Application for Variation of Premises Licence - CASC, 7 Stirling Street, Aberdeen (Pages 59 - 78)
 - 2.5 Application for Variation of Premises Licence - Krakatoa, 2 Trinity Quay, Aberdeen (Pages 79 - 102)

- 2.6 Application for Variation of a Premises Licence - O'Neills (Ground Floor), 9 Back Wynd, Aberdeen (Pages 103 - 122)
- 2.7 Applicaiton for Variation of Premises Licence - O'Neills (Upper Floor), 9 Back Wynd, Aberdeen (Pages 123 - 124)
- 2.8 Application for Variation of a Premises Licence - Revolution, 25 Belmont Street, Aberdeen (Pages 125 - 146)
- 2.9 Application for Variation of Premises Licence - Sandman Signature Hotel, Aberdeen (Pages 147 - 148)
- 2.10 Application for Variation of Premises Licence - The Foundry, 43 Holburn Street, Aberdeen (Pages 149 - 170)
- 2.11 Application for Variation of Premises Licence - The Hawthorn Bar and Adam Lounge (Pages 171 - 190)
- 2.12 Application for Variation of Premises Licence - Unit 1, The Academy, Aberdeen (Pages 191 - 212)
- 3 Application for Renewal of Personal Licence (Pages 213 - 216)
- 4 Notice of Convictions - Personal Licence Holder (Pages 217 - 220)
- 5 Licensing Forum
- 6 LSO Update

Should you require any further information about this agenda, please contact Arlene Dunbar ardunbar@aberdeencity.gov.uk 523411 or 522449

LICENSING BOARD

ABERDEEN, 15 January 2019. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener and Councillors Cameron, Donnelly, Lesley Dunbar, Grant, Greig, McLellan, Townson and John.

MINUTES OF MEETING OF 13 NOVEMBER 2018

1. The Board had before it for its consideration the minute of meeting of 13 November 2018.

The Board resolved:-

To approve the minute.

LIST OF APPLICATIONS

2. The Board had before it, for its consideration, the applications as listed in 3 - 17

APPLICATION FOR A PREMISES LICENCE - FIGMENT, 70 COUNTESSWELLS ROAD, ABERDEEN

3. The Board heard from Mr Alexander Munro, Legal advisor, that there had been two representations in support of the application received from members of the public.

The Board resolved:

To grant the application

APPLICATION FOR PROVISIONAL PREMISES LICENCE - SIMPSON PAVILLON, WOOLMANHILL HOSPITAL, SKENE STREET, ABERDEEN

4. The Board heard from Mr Alexander Munro, Legal advisor, that a final capacity figure had yet to be agreed with Building Standards.

The Board had before them for their consideration a letter of representation from Police Scotland.

The Board heard from Archie McIvor, Solicitor, in support of the application and thereafter Sergeant Wood, Police Scotland in support of their letter and from Gordon Spence, Building Standards.

The Board resolved:

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

LICENSING BOARD
15 January 2019

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - BREWDOG
CASTLEGATE, 5 UNION STREET, ABERDEEN**

5. Councillor McLellan declared an interest, left the meeting and took no further part in the application.

The Board heard from Mr Alexander Munro, Legal advisor, that a late public objection dated 11 January 2019 was received – the Board heard from the Objector the reasons why the objection was late and:

The Board resolved:

To accept the late objection

The Board had before them for their consideration a letter for representation dated 24 December 2018 from Police Scotland and a letter dated 21 December 2018 from Environmental Health 2018 and an email dated 11 January 2019 from a member of the public.

The Board heard from the public objector in support of their objection before hearing from Caroline Loudon, Solicitor in support of the application and thereafter Police Scotland in support of their representation and Environmental Health in support of their representation.

The Board resolved:

To grant the application.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - CAFE BOHEME, 23
WINDMILL BRAE, 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 Board resolved:

To grant the application.

LICENSING BOARD
15 January 2019

APPLICATION FOR VARIATION OF A PREMISES LICENCE - CENTRAL BAR, 415 GREAT NORTHERN ROAD, ABERDEEN

7. The Board had before it a letter of representation dated 11 December 2019 from Environmental Health.

The Board heard from Caroline Loudon, Solicitor in support of the application and thereafter Environmental Health in support of their representation.

The Board resolved:

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE - GRAMPIAN BAR, 21 VICTORIA ROAD, ABERDEEN

8. The Board heard from Mr Alexander Munro, Legal advisor, that a Police Scotland representation had been withdrawn following amendments made by the applicant.

The Board resolved:

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE - HUSH (UNIT 6) AND JAMJAR (UNIT 10), THE GALLERIA, BON ACCORD STREET, ABERDEEN

9. The Board heard from Mr Alexander Munro, Legal advisor, that the Police Scotland representation had been withdrawn following acceptance of the conditions contained within the letter and an Environmental Health representation had been withdrawn following amendments made by the applicant.

The Board resolved:

To grant the application as amended and subjected to the following Late Hours Conditions: Door Stewards, Radiolink, CCTV and Duty of Care. A personal licence holder must be on duty for any time the premises operates after 0100 hours.

LICENSING BOARD
15 January 2019

**APPLICATION FOR VARIATION OF PREMISES LICENCE - LANGDKYES,
LOIRSTON AVENUE, COVE BAY, ABERDEEN**

10. The Board had before them for their consideration a letter dated 24 December 2018 of representation from the Community Council.

The Board heard from Caroline Loudon, Solicitor in support of the application and from the representative from the Community Council in support of their objection.

The Board resolved:

To grant the application

**APPLICATION FOR VARIATION OF PREMISES LICENCE - MCNASTY'S, 37
SUMMER STREET, ABERDEEN**

11. The Board heard from Mr Alexander Munro, Legal advisor, that a Police Scotland representation had been withdrawn following acceptance of the conditions contained within it.

The Board resolved;

To grant the application subject to the following Late Hours Conditions: Door Stewards, Radiolink, CCTV and Duty of Care. A personal licence holder must be on duty for any time the premises operates after 0100 hours.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - PARAMOUNT BAR, 21
BON ACCORD STREET, ABERDEEN**

12. The Board heard from Mr Alexander Munro, Legal advisor, that a Police Scotland representation had been withdrawn following acceptance of the conditions contained within it.

The Board had before it for consideration a letter of representation from Environmental Health dated 20 December 2018.

The Board heard from Caroline Loudon, Solicitor in support of the application and from Nick Glover, Environmental Health in support of their representation.

The Board resolved:

To grant the application.

LICENSING BOARD
15 January 2019

APPLICATION FOR VARIATION OF PREMISES LICENCE - THE ASSEMBLY, 3 SKENE TERRACE, ABERDEEN

13. The Board had before it a letter or representation from Police Scotland dated 21 December 2018.

The Board heard from Audrey Junner, Solicitor, in support of the application and Sergeant Wood, Police Scotland in support of their representation.

The Board resolved:

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE - THE CHESTER HOTEL, 59 QUEENS ROAD, ABERDEEN

14. The Board heard from Mr Alexander Munro, Legal advisor that a representation from Building Standards had been withdrawn following acceptance of the occupancy capacity and a representation from Environmental Health had been withdrawn following agreement.

The Board heard from Theresa Hunt, Solicitor, who confirmed that agreement has been reached.

The Board resolved;

To grant the application as amended

APPLICATION FOR VARIATION OF PREMISES LICENCE - THE RAJ SPICE, ZARA HOUSE, BURNSIDE DRIVE, DYCE, ABERDEEN

15. The Board heard from Mr Alexander Munro, Legal advisor that a representation from Police Scotland had been withdrawn.

The Board resolved:

To grant the application.

LICENSING BOARD

15 January 2019

APPLICATION FOR VARIATION OF PREMISES LICENCE - THE SPIRITUALIST, 67 LANGSTANE PLACE, ABERDEEN

16. The Board had before it a letter of representation from Police Scotland.

The Board heard from Caroline Loudon in support of the application and Sergeant Wood, Police Scotland in support of their representation.

The Board resolved:

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE - TRIPLEKIRKS (GROUND FLOOR), SCHOOHILL, ABERDEEN

17. The Board heard from Mr Alexander Munro, Legal advisor that a representation from Police Scotland had been withdrawn following acceptance of the conditions outlined in the letter.

The Board heard from Audrey Junner, Solicitor in support of the application.

The Board resolved:

To grant the application subject to the following Late Hours Conditions: Door Stewards, Radiolink, CCTV and Duty of Care. A personal licence holder must be on duty for any time the premises operates after 0100 hours.

APPLICATION FOR RENEWAL OF A PERSONAL LICENCE - AC0893

18. The Board had before them a letter of representation from Police Scotland dated 29 November 2018.

The Licence holder did not attend

The Board resolved:

To defer the application.

PREMISES LICENCE REVEIEW - AC0458 - ROSCO'S, 449 GREAT NORTHERN ROAD

19. The Board were informed that the Licence Holder had now paid the licence fee.

LICENSING BOARD

15 January 2019

PREMISES LICENCE - REVIEW - AC857 - SHACK RESTAURANT, 57-63 UNION STREET, ABERDEEN

20. The Board were informed by Mr Alexander Munro, Legal advisor, that the premises had failed to pay its annual fee despite repeated attempts from the Licensing Standards Officer to contact the Licence Holder without success.

The Board resolved:

To revoke the licence

PREMISES LICENCE REVIEW - AC0496 - SHANGHAI RESTAURANT, 1 PORTLAND STREET, ABERDEEN

21. The Board were informed by Mr Alexander Munro, Legal advisor, that the premises had failed to pay its annual fee. The Licensing Standards Officer was informed that the premises was closed but no further correspondence has been received from the Licence Holder.

The Board resolved:

To revoke the licence.

PREMISES LICENCE REVIEW - AC0697- 1 ALBYN PLACE, ABERDEEN

22. The Board were informed that the licence had been surrendered

Councillor Marie Boulton
Convener

LICENSING BOARD
15 January 2019

ABERDEEN CITY LICENSING BOARD

Meeting 12 March 2019 at 10:30am in Committee Room 2 & 3, Broad Street , Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

New Grant(s)

Premises	Applicant	Date Received	Comments
1 WOODSIDE POST OFFICE 429 GREAT NORTHERN ROAD ABERDEEN AB24 2EU	ACCESS AND INFORM LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	24 December 2018	New Premises Licence - Off Consumption Monday to Sunday 10:00, Convenience Store.

ABERDEEN CITY LICENSING BOARD

Meeting 12 March 2019 at 10:30am in Committee Room 2 & 3, Broad Street , Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Provisional(s)

Premises

Applicant

Date Received

Comments

2	THE EVENT COMPLEX ABERDEEN (TECA) BUCKSBURN ABERDEEN AB21 9SB	SMG EUROPE HOLDINGS LIMITED C/O SHEPHERD & WEDDERBURN LLP SOLICITORS 1 EXCHANGE CRESCENT CONFERENCE SQUARE EDINBURGH EH3 8UL	30 January 2019	Event complex offering on and off consumption. On consumption Sunday to Thursday 10:00 to 00:00 and Friday and Saturday 10:00 to 01:00; off consumption Monday to Sunday 10:00 to 22:00 and offering conference, restaurant, bar meals, receptions, club meetings, recorded music, live performances, dance facilities, theatre, films, gaming, indoor sports, televised sports, outdoor drinking and children and young persons access.
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ABERDEEN CITY LICENSING BOARD

Meeting 12 March 2019 at 10:30am in Committee Room 2 & 3, Broad Street , Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
3 BALMORAL STADIUM ALTENS NIGG ABERDEEN AB12 3JG	COVE RANGERS FOOTBALL CLUB LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	20 December 2018	Inclusion of a standalone Fanzone into the licensed area.
CASC 7 STIRLING STREET ABERDEEN AB11 6ND	CASC (ABERDEEN) LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	30 January 2019	Variation to Local Conditions to permit the use of the outdoor area during core on sales hours". Variation to the terminal hour for consumption on the premises Sunday to Thursday to 01:00.
5 KRAKATOA 2 TRINITY QUAY ABERDEEN AB11 5AA	BLACK CAT (ABERDEEN) CIC C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	20 December 2018	Variation to the terminal hour Sunday to Thursday to 01:00; Variation to the operating plan Q5(a) Bar Meals to be provided during core licensed hours and variation to permit Children and young persons entry.

ABERDEEN CITY LICENSING BOARD

Meeting 12 March 2019 at 10:30am in Committee Room 2 & 3, Broad Street , Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
6 O'NEILLS (GROUND FLOOR) 9 BACK WYND ABERDEEN AB10 1JP	MITCHELLS & BUTLERS RETAIL LTD C/O HILL BROWN LICENSING LLP THE FORSYTH HOUSE 5 RENFIELD STREET GLASGOW G2 5EZ	16 January 2019	Variation to the Operating Plan - variation to on consumption hours to: Sunday to Thursday 11:00 to 02:00 and Friday and Saturday 12:00 to 03:00; variation to off-consumption hours to: Sunday to Thursday 11:00 to 22:00 and Friday and Saturday 12:00 to 22:00 Q6(a) is varied to allow children and young persons access to the premises when accompanied by adult to have a meal who is having a meal until 19:00 on Friday and Saturdays and 21:00 Sundays to Thursdays. Q6(b) is amended to state "Children and young persons will be allowed access to the premises when accompanied by an adult to have a meal or accompanied by an adult who is having a meal until 19:00 on a Friday and Saturday, and until 21:00 Sunday to Thursday. Variation to layout plan for to reflect layout alterations.

ABERDEEN CITY LICENSING BOARD

Meeting 12 March 2019 at 10:30am in Committee Room 2 & 3, Broad Street , Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
7 O'NEILLS (UPPER FLOOR) 9 BACK WYND ABERDEEN AB10 1JP	MITCHELLS & BUTLERS RETAIL LTD C/O HILL BROWN LICENSING LLP THE FORSYTH HOUSE 5 RENFIELD STREET GLASGOW G2 5EZ	24 December 2018	Variation to layout plan with resulting increase in capacity.
8 REVOLUTION 25 BELMONT STREET ABERDEEN AB10 1JS	REVOLUTION BAR LIMITED C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW G20 6NB	17 January 2019	Variation to the terminal hour to 02:00 on Sunday to Thursday and to 03:00 on Friday and Saturday.
9 SANDMAN SIGNATURE HOTEL ABERDEEN ST ANDREW STREET ABERDEEN AB25 1AD	SHARK CLUB (UK) LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	24 January 2019	Incorporation into the licensed area of the conference /banqueting room on the ground floor with associated bar and toilets.
10 THE FOUNDRY 43 HOLBURN STREET ABERDEEN AB10 6BR	STONEGATE PUB COMPANY LIMITED C/O HILL BROWN LICENSING LLP THE FORSYTH HOUSE 5 RENFIELD STREET GLASGOW G2 5EZ	18 December 2018	Variation to on consumption hours to Sunday to Thursday 10:00 to 01:00 and Friday and Saturdays to 10:00 to 02:00. Variation to off consumption Monday to Sunday 10:00 to 10:00.

ABERDEEN CITY LICENSING BOARD

Meeting 12 March 2019 at 10:30am in Committee Room 2 & 3, Broad Street , Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
11 THE HAWTHORN BAR AND ADAM LOUNGE 143 HOLBURN STREET ABERDEEN AB10 6BN	HAWTHORN BAR (ABERDEEN) LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	24 January 2019	Variation to terminal hour for on sales hours on Friday and Saturday to 01:00.
12 UNIT 1 THE ACADEMY ABERDEEN AB10 1LB	REVOLUCION DE CUBA LIMITED C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW G20 6NB	16 January 2019	Variation to the terminal hour to 02:00 on Sunday to Thursday and to 03:00 on Friday and Saturday.

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION PREMISES LICENCE

PREMISES: WOODSIDE POST OFFICE, 429 GREAT NORTHERN ROAD

DESCRIPTION

- Convenience store
- On consumption Monday to Sunday 10:00 to 10:00

OBJECTIONS/REPRESENTATIONS

- NHS Grampian

LICENSING POLICY STATEMENT

The Board has devised a number of local conditions which may be attached to premises licences.

1. The following condition will be attached to all off-consumption premises licences unless there is cause shown why this should not be the case:

CCTV

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current technical requirements of the Police Service of Scotland as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. (all off-sales are however exempt from 4.2 relating to lip sync capability at entrance and exit doors)

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Date 26th February 2019
Enquiries to 01224 557047
Our Ref 20191006
Email: grampian.phalcohollicensing@nhs.net

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

Dear Ms Wilson

**Licensing (Scotland) Act 2005 – New Premises License
Woodside Post Office, 429 Great Northern Road, Aberdeen**

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

Protecting and Improving Public Health

In creating the new Statement of Licensing Policy, the Licensing Board recognised that excessive consumption of alcohol can cause or exacerbate a number of health problems. They set guidance within the policy to help address these concerns and included details within page 10 of the document that would assist applicants to comply with the Licensing Objective of Protecting and Improving Public Health.

Applicants are asked to consider a number of points when submitting their application for a license. We would be interested in comment on the following points:

- **Proactive layout of off-sales premises to discourage impulse buying** – The Woodside area has higher than average statistics for alcohol related issues. We are aware that many people in recovery find it difficult to avoid alcohol as it is so readily available and visible as they go about their daily living. We appreciate that the alcohol display will be limited to two specific areas within the shop; behind the counter and within the general shop provision area. In order to restrict the visibility of the alcohol we would suggest that the behind the counter display to placed to the furthest possible area from the till points so that it is not within immediate eye contact of customers approaching the post office counter. It is appreciated that the

behind the counter alcohol will not be immediately visible from the main service point for the shop and this will help to discourage impulse purchasing.

- **Availability of low/non alcoholic products and soft drinks** – The range of low and non alcoholic products is growing along with their popularity among customers. We would suggest that the shop stock a selection of these products to give customers the option of purchasing. A selection of brands and reviews can be found at:

https://alcoholchange.org.uk/help-and-support/cut-down/low-and-no-alcohol-reviews/alcohol-free-beers?fbclid=IwAR12caNVN70UpUFgdgep2kpNLPQbkERS_QPb4zGAzSXC8k79Fhitnr2cV0g

Additional suggestions that would help address some of the harms created by alcohol would be to consider additional control measures that could be considered as conditions to the license such as:

- No single cans of alcohol displayed or sold at the premises (multi pack sales permitted)
- No beers or ciders will be sold with an ABV in excess of 6.5%

For this reason, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this letter of representation as the granting of the application would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drug

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE

PREMISES: THE EVENT COMPLEX ABERDEEN (TECA)

DESCRIPTION

- Event complex offering on and off consumption.
- On consumption Sunday to Thursday 10:00 to 00:00 and Friday and Saturday 10:00 to 01:00;
- Off consumption Monday to Sunday 10:00 to 22:00;
- Conference, restaurant, bar meals, receptions, club meetings, recorded music, live performances, dance facilities, theatre, films, gaming, indoor sports, televised sports, outdoor drinking and children and young persons access

OBJECTIONS/REPRESENTATIONS

- NHS Grampian
- Environmental Health

LICENSING POLICY STATEMENT

Conditions Attaching to Licences

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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EH comments -TECA

28 February 2019 12:08

Subject	EH comments -TECA
From	Andrew Gilchrist
To	LicensingBoard
Sent	28 February 2019 11:18

For the attention of Jennifer Wilson, Team Leader, Legal and Democratic Services, Corporate Governanance, Aberdeen City Council

Licensing Board Meeting 12 March 2019

Variation – The Event Complex ,(TECA) ,Aberdeen AB21 9SB

The following comments are considered appropriate:-

- *Amplified music on the Piazza and any outdoor areas should be restricted to low-level background music only.*
- *The Piazza and any outdoor areas are not to be used after 10pm as part of the licensed activities*



Andrew Gilchrist | Principal Environmental Health Officer
Aberdeen City Council | Commercial Team | Operations and Protective Services
| Operations | Marischal College | 3rd Floor South | Broad Street | Aberdeen | AB10 1AB

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Date 26th February 2019
Enquiries to 01224 557047
Our Ref 20191014
Email: grampian.phalcohollicensing@nhs.net

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

Dear Ms Wilson

**Licensing (Scotland) Act 2005 – Provisional Premises License
The Event Complex, Bucksburn, Aberdeen**

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

Protecting and Improving Public Health

The applicant seeks to trade on the following terms

- Sunday through to Thursday, 1000 until 0200 = 16 hours continuous trading
- Friday and Saturday, 1000 until 0300 = 17 hours continuous trading

The Licensing Board have already stated on page 12 of the Aberdeen City Statement of Licensing Policy that they consider 15 hours continuous trading to be reasonable within any 24 hour period and that opening or terminal hours should be adjusted accordingly to comply with this requirement.

In creating the new Statement of Licensing Policy, the Licensing Board recognised that excessive consumption of alcohol can cause or exacerbate a number of health problems. They set guidance within the policy to help address these concerns with trading hours being a key component of their strategy to address alcohol related harm within the city.

These premises are also out with the city centre boundry and would normally be subject to terminal hours of midnight Sunday to Thursday and 0100 Friday & Saturday.

We see nothing in this application that would justify these additional hours trading and suggest that the applicant adjust the licensing hours of the premises to comply with the Statement of Licensing Policy.

Premises have the option to apply for an extension to their trading times for special events and we suggest that this is the approach taken by the applicant.

For this reason, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this letter of objection as the granting of the application would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drug

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: BALMORAL STADIUM, ALTENS, NIGG

DESCRIPTION

- Incorporation into the licensed area of a standalone fanzone

OBJECTIONS/REPRESENTATIONS

- None

POLICY

- N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: CASC, 7 STIRLING STREET, ABERDEEN

DESCRIPTION

- Variation to Local Conditions to permit the use of the outdoor area during core on sales hours".
- Variation to the terminal hour for consumption on the premises Sunday to Thursday to 01:00.

OBJECTIONS/REPRESENTATIONS

- Police
- Environmental Health
- LSO

POLICY

Preventing Public Nuisance

The Board believes that licensed premises have the potential to have a significant impact on communities. It wishes to maintain and protect the amenity of the surrounding neighbourhoods whilst recognising the valuable cultural and social aspects of such premises.

Whilst licensing powers are not the main statutory mechanism for dealing with public nuisance in general the Board will interpret public nuisance in a wider sense where it relates to the operation of licensed premises, and in particular issues such as noise and litter.

Again, a number of factors should be considered including, but not limited to:

- Location of premises. In particular the proximity to residential or noise sensitive premises such as medical facilities, sheltered housing, schools, places of worship, nurseries and suchlike.
- Hours of operation. Closely related to the location of the premises, the hours of operation should reflect what is appropriate for the surrounding neighbourhood. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Nature of activities. Any activities carried on in the licensed premises should not be detrimental to the ambience of the locality.
- Outdoor areas. The Board will include a Supplementary Policy on this issue, but applicants will require to ensure that the inclusion of an outdoor licensed area in any premises is appropriate and will not contravene the licensing objective of preventing public nuisance.

- Smoking areas. These should be designed to minimise public nuisance and regularly monitored to cut down on noise and litter.
- Noise from patrons entering and exiting the premises.

What the Board Will Do:

- Consider the proximity of proposed licensed premises to noise sensitive premises when considering applications.
- Ensure that licensed hours and activities are appropriate for the type of premises and locality. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Improve communication between the trade, partners and local communities.
- Impose additional licence conditions where appropriate to prevent public nuisance.
- Highlight best practice where available and increase awareness and education on potential areas of risk.

What the Board Will Expect of Licence Holders/Applicants:

- Take a proactive approach to public nuisance with a risk-based approach.
- Be mindful of the location of the premises, hours of operation and activities.
- Comply with all conditions of the premises licence.
- Ensure appropriate control measures are in place and staff training is up to date and relevant.
- Consider public nuisance when establishing the design and layout of the premises.
- Adequate supervision of any outdoor area, smoking area and patrons entering/exiting the premises.
- Sharing of best practice via trade groups.
- Participation in communication to resolve any issues that may arise.
- Co-operation with Police Scotland and Licensing Standards Officers including access to all relevant policies and procedures such as dispersal policies and incident management.

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28 February 2019

Your Ref:

Our Ref: 391763

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
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Aberdeen
AB10 1AB



Iain Livingstone QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
CASC, 7 STIRLING STREET, ABERDEEN, AB11 6ND**

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

The variation requested consists of the following amendments to the operating plan:

1. Increase on sales core licensed hours from 1100 - 0000 hours to 1100 - 0100 hours, Sunday to Thursday;
2. Removal of existing condition that use of the outdoor drinking facilities is limited to 2200 hours.

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

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

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

In respect of point 2, I make the following representation in support of the Preventing Public Nuisance licensing objective.

The premises is situated within an area populated by a mix of both commercial and residential properties. There is, therefore, potential for noise nuisance from the outdoor drinking facilities disturbing local residents during later hours and I

therefore recommend that the existing local conditions preventing amplified music being played and limiting the use of the outdoor area to 2200 hours remain attached to the licence.

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

Yours faithfully

Iain Livingstone QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

FW: EH comments -CASC

01 March 2019 14:50

Subject	FW: EH comments -CASC
From	Andrew Gilchrist
To	LicensingBoard
Cc	Tara-Erin Gilchrist; Diane Sande
Sent	28 February 2019 15:40

For the attention of Jennifer Wilson, Team Leader, Legal and Democratic Services, Corporate Governance, Aberdeen City Council

Licensing Board Meeting 12 March 2019

- Application for Variation of Licence at CASC 7 Stirling St Aberdeen AB11 6ND

In relation to the variation of core hours this Service would accept the proposal, provided there is implementation of an effective Noise Management Plan (NMP), agreed in writing with this Service for all reasonably foreseeable noise sources associated with the activities to protect amenity of neighbouring residential properties.

In relation to the request to increase the times of use of the outdoor area beyond 22:00 hours to 01:00 hours daily, I would recommend refusal as there would be a significant risk to the amenity of neighbouring residents. I recommend -

- a) no amplified music or entertainment in the external seating area
- b) Use of the external area as part of the licensed activities to cease at 22:00 hours



Andrew Gilchrist | Principal Environmental Health Officer
Aberdeen City Council | Commercial Team | Operations and Protective Services
| Operations | Marischal College | 3rd Floor South | Broad Street | Aberdeen | AB10 1AB

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Variation – CASC 7 Stirling Street, Aberdeen

01 March 2019 14:47

Subject	Variation – CASC 7 Stirling Street, Aberdeen
From	Commercial
To	LicensingBoard
Cc	Diane Sande
Sent	28 February 2019 14:52

For the attention of Jennifer Wilson, Team Leader, Legal and Democratic Services and Corporate Governance, Aberdeen City Council

Licensing Board Meeting 12 March 2019 **Variation – CASC 7 Stirling Street, Aberdeen**

-
With reference to the above variation application to increase core hours on Sundays to Thursdays to 1am; amend the wording of the Local Condition to “ that the use of the outdoor area is permitted during core On sales hours” and the amendment of the postcode for the premises, telephone number and address of the premises licence holder” – I have the following recommendations.

1 Increase in hours – no comments

2 Amendments to postcode, telephone number and licence holder address – no comments, however the description of the premises still includes reference to an amusement arcade on the first floor. If this is no longer accurate I would recommend that part of the sentence “ There is an amusement arcade on the first floor and both commercial and residential properties to either side” – that the reference to the amusement arcade be deleted. This is a minor amendment to the description.

3 Regarding the amendment of the local condition relating to the external area, I recommend that the current wording of the local condition is retained as this is consistent with the current Licensing Board’s supplementary policy relating to external areas. The current wording and terminal hour of 22.00 is also consistent with the licensing objective “ Preventing public nuisance”.

-
-

Licensing Standards Officer
Operations and Protective Services
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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: KRAKATOA, 2 TRINITY QUAY

DESCRIPTION

- Variation to the terminal hour Sunday to Thursday to 01:00;
- Variation to the operating plan Q5(a) Bar Meals to be provided during core licensed hours
- Variation to permit children and young persons entry.

OBJECTIONS/REPRESENTATIONS

- Police
- Environmental Health
- LSO

POLICY

Protecting Children and Young Persons from Harm

The Board recognises that the question of access to licensed premises by children and young persons is not one that can be answered with a one size fits all type of approach. The suitability of premises will depend on a number of factors including layout of the premises, activities or services available, and typical customer demographic.

Applicants and licence holders should also be aware that access for children and young persons will bring with it additional responsibilities and may result in additional conditions being attached to the licence.

What the Board Will Do:

- Assess all applications for suitability of access for children and young persons.
- Impose additional conditions where necessary to protect children and young persons from harm.
- Limit the hours during which children and young persons have access if appropriate.
- Limit activities which may take place on the licensed premises during hours in which children and young persons have access if appropriate.

What the Board Will Expect of Licence Holders/Applicants

- Consider the ambience of premises and what is appropriate in terms of children and young persons' access.
- Ensure facilities are appropriate to the areas of the premises to which children and young persons are to be afforded access.
- Vigilance against underage drinking and proxy purchasing.
- Strict enforcement of Challenge 25.
- Comprehensive and up to date staff training.
- Restrict access for children and young persons to appropriate hours and parts of the premises.

Preventing Public Nuisance

The Board believes that licensed premises have the potential to have a significant impact on communities. It wishes to maintain and protect the amenity of the surrounding neighbourhoods whilst recognising the valuable cultural and social aspects of such premises.

Whilst licensing powers are not the main statutory mechanism for dealing with public nuisance in general the Board will interpret public nuisance in a wider sense where it relates to the operation of licensed premises, and in particular issues such as noise and litter.

Again, a number of factors should be considered including, but not limited to:

- Location of premises. In particular the proximity to residential or noise sensitive premises such as medical facilities, sheltered housing, schools, places of worship, nurseries and suchlike.
- Hours of operation. Closely related to the location of the premises, the hours of operation should reflect what is appropriate for the surrounding neighbourhood. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Nature of activities. Any activities carried on in the licensed premises should not be detrimental to the ambience of the locality.
- Outdoor areas. The Board will include a Supplementary Policy on this issue, but applicants will require to ensure that the inclusion of an outdoor licensed area in any premises is appropriate and will not contravene the licensing objective of preventing public nuisance.
- Smoking areas. These should be designed to minimise public nuisance and regularly monitored to cut down on noise and litter.
- Noise from patrons entering and exiting the premises.

What the Board Will Do:

- Consider the proximity of proposed licensed premises to noise sensitive premises when considering applications.
- Ensure that licensed hours and activities are appropriate for the type of premises and locality. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Improve communication between the trade, partners and local communities.

- Impose additional licence conditions where appropriate to prevent public nuisance.
- Highlight best practice where available and increase awareness and education on potential areas of risk.

What the Board Will Expect of Licence Holders/Applicants:

- Take a proactive approach to public nuisance with a risk-based approach.
- Be mindful of the location of the premises, hours of operation and activities.
- Comply with all conditions of the premises licence.
- Ensure appropriate control measures are in place and staff training is up to date and relevant.
- Consider public nuisance when establishing the design and layout of the premises.
- Adequate supervision of any outdoor area, smoking area and patrons entering/exiting the premises.
- Sharing of best practice via trade groups.
- Participation in communication to resolve any issues that may arise.
- Co-operation with Police Scotland and Licensing Standards Officers including access to all relevant policies and procedures such as dispersal policies and incident management.

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28 February 2019

Your Ref:

Our Ref: 391591

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



Iain Livingstone QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
KRAKATOA, 2 TRINITY QUAY, ABERDEEN, AB11 5AA**

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 points, namely;

1. Amend the core on-sales hours on Sunday to Thursday from 1200-0000 hours to 1200-0100 hours;
2. Amend Q5 to include the provision of Bar Meals;
3. Amend Q6 to permit Children and Young Persons access.

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

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

In relation to point 3 and in terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

The application seeks to permit Children and Young Persons access to the premises, with a view to permitting them to see age appropriate bands. A member of the Licensing Team within Police Scotland met with the premises manager to discuss this aspect of the application.

The premises itself, whilst having the ability to provide a space for concerts or similar music events, remains very much a bar environment and having regard for

the Protecting Children and Young Persons from harm licensing objective would have concerns should the application in its current form be granted.

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 reflect the following changes in relation to the terms and times during which Children and Young Persons are permitted:

Children aged 14 and 15 are permitted to attend the premises, at the manager's discretion, whilst accompanied by a responsible adult aged 18 years or over, for the purposes of attending an age appropriate concert or music event and are only permitted to remain on the premises until the conclusion of the performance and no later than 2230 hours.

Young persons are permitted to attend the premises, at the manager's discretion whilst accompanied by a responsible adult aged 18 years or over for the purposes of watching an age appropriate concert or music event. Young Persons are only permitted to remain on the premises until the conclusion of the performance and no later than 2330 hours.

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

Yours faithfully

Iain Livingstone QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468.

EH comments Krakatoa

28 February 2019 09:49

Subject	EH comments Krakatoa
From	Andrew Gilchrist
To	LicensingBoard
Sent	28 February 2019 09:16

For the attention of Jennifer Wilson, Team Leader, Legal and Democratic Services, Corporate Governance, Aberdeen City Council

Licensing Board Meeting 12 March 2019

Variation – Krakatoa, 2 Trinity Quay, Aberdeen, AB11 5AA

The above application has been assessed by this Service in relation to any music noise breakout from amplified / non-amplified music played / performed at the premises. Consideration has been given to the risk of noise impact on local residences at the proposed times listed in the application.

As with any such matter it is naturally desirable to avoid a situation that would result in this Service serving formal notices to abate activities that have caused nuisance.

Having carefully considered the application I am not objecting to this application.

However, there is an expectation that management at the premises would establish and apply suitable and robust noise control measures associated with music noise to protect the amenity of local residents and reduce the risk of adverse noise impact constituting a statutory nuisance.

I would recommend these noise control measures are formalised in writing to demonstrate and convey to staff for training purposes the specific detail of the required noise controls. A copy of these noise control measures should be submitted to this Service for approval.



Andrew Gilchrist | Principal Environmental Health Officer
Aberdeen City Council | Commercial Team | Operations and Protective Services
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Variation – Krakatoa, 2 Trinity Quay, Aberdeen

01 March 2019 14:46

Subject	Variation – Krakatoa, 2 Trinity Quay, Aberdeen
From	Commercial
To	LicensingBoard
Cc	Diane Sande
Sent	28 February 2019 14:50

For the attention of Jennifer Wilson, Team Leader, Legal and Democratic Services and Corporate Governance, Aberdeen City Council

Licensing Board Meeting 12 March 2019 **Variation – Krakatoa, 2 Trinity Quay, Aberdeen**

-
With reference to the above variation application to - Increase core hours on Sundays to Thursdays to 1am; include bar meals as an activity within core hours and to amend the children and young persons access I have the following recommendations:-

1 Increase in hours – no comments

2 Include bar meals as an activity within core hours – no comments

3 Children and young persons access – I recommend that the wording on the additional paper - 6 (b) 1 is amended to :-

“The venue will admit young persons to an age appropriate event only when accompanied by a responsible adult aged 18 or over, subject to the discretion of the premises manager and also that the young person will only be able to access the premises until 23.30”

I recommend that the wording on 6 (b) 2 is amended to:-

“14 – 17 year olds will be admitted to age appropriate events only when accompanied by a responsible adult aged 18 or over and subject to the discretion of the premises manager and only until 22.30.”

This recommendation is based on the full controls being in place as stated within the additional paper - per the Door Supervisors, colour coded wristbands and adherence to patrons only being able to purchase one drink at a time. Challenge 25 both on entry and at the bar.

-

Licensing Standards Officer
Operations and Protective Services

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: O'NEILLS (GROUND FLOOR), 9 BACK WYND

DESCRIPTION

- variation to on consumption hours to: Sunday to Thursday 11:00 to 02:00 and Friday and Saturday 12:00 to 03:00;
- variation to off-consumption hours to: Sunday to Thursday 11:00 to 22:00 and Friday and Saturday 12:00 to 22:00
- Operating plan is varied to allow children and young persons access to the premises when accompanied by adult to have a meal who is having a meal until 19:00 on Friday and Saturdays and 21:00 Sundays to Thursdays.
- Operating plan is amended to state "Children and young persons will be allowed access to the premises when accompanied by an adult to have a meal or accompanied by an adult who is having a meal until 19:00 on a Friday and Saturday, and until 21:00 Sunday to Thursday.
- Variation to layout plan for to reflect layout alterations.

OBJECTIONS/REPRESENTATIONS

- Police

POLICY

Supplementary Policy – Licensed Hours

Whilst all applications will be dealt with on their own merits the Board considers it necessary for the promotion of the licensing objectives to set parameters with respect to licensed hours. Any application seeking hours outwith those detailed below will be expected to satisfy the Board that there are legitimate grounds for departing from policy and demonstrate that the granting of such hours would not be contrary to the licensing objectives.

Off-Sale Premises

Maximum trading hours for off-sale premises are set by statute. The Board have no power to grant off-sales hours prior to 1000 or after 2200 hours. It should be noted that these are the maximum permitted hours and the Board may restrict these hours if it can be shown to be necessary for the promotion of the licensing objectives.

	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
All off-sales premises	1000	2200

On-Sale Premises

The Board considers it appropriate to distinguish hours within the city centre from outlying areas. The city centre area is that shown delineated on the undernoted map.

The hours stated below are the earliest acceptable opening hour and latest acceptable terminal hour, and not the maximum permissible hours. The terminal hours stated below are the latest permissible and will not be appropriate for all premises. It will be the responsibility of the licence holder or applicant to demonstrate that the premises is suitable for the hours sought. Additional conditions will normally be added to all premises seeking licensed hours after 1am including but not limited to CCTV, door stewards and radiolink. A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.

The Board considers 15 hours continuous trading to be reasonable within any 24-hour period and so the opening or terminal hour should be adjusted accordingly to comply with this requirement.

The opening hours for casinos remains in line with the statutory hours in terms of the Gambling Act 2005, namely 1200 – 0600 daily.

<u>Outwith City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0000
Friday & Saturday	1000	0100
<u>City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0200
Friday & Saturday	1000	0300

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28 February 2019

Your Ref:

Our Ref: 391468

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



Iain Livingstone QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
O'NEILLS (GROUND FLOOR), 9-10 BACK WYND, ABERDEEN, AB10 1JN**

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 modifications to the operating plan:

1. Core licensed hours for on sales to be amended from 1000 - 0000 hours to 1100 - 0200 hours each Sunday to Thursday and from 1100 - 0100 hours to 1200 - 0300 hours each Friday and Saturday;
2. Off sales licensed hours to be amended from 1100 - 2200 hours Sunday to Thursday and 1200 - 2200 hours each Friday And Saturday to 1000 - 2200 each day;
3. Question 6 of the operating plan is also amended to allow entry to children over 5 years of age and young persons, subject to the following terms:

Children and young persons will be allowed access to the premises when accompanied by an adult to have a meal or accompanied by an adult who is having a meal, from the time the premises open until 1900 hours Friday and Saturday and 2100 hours Sunday to Thursday. Children and young persons will be allowed entry to all public parts of the premises except the bar counter.

4. Amendments to the associated layout plan to include:

Fully infill window to left of main entrance door;
Install new raised area to left side of entrance door.

Removal of:

Raised area right side of SCDF;

Two sections of existing fixed seating to both sides of main entrance door;

Fixed poseur tables and drinks shelf to right side of plan in front of windows;

Existing drinks shelf and screen detail in alcove to left side of bar servery;

Section of stud wall in ladies toilet;

Fixed seating to right side of bar servery.

There is a corresponding increase in on sales capacity to 158 persons.

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

In respect of points 2, 3 and 4, I have no adverse comment to make.

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

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 application be granted subject to the conditions specified within the Board's Statement of Licensing Policy in respect Door Stewards, Radiolink, CCTV and Duty of Care being applied. I also request that a condition which states that a person who is the holder of a Personal Licence under the Licensing (Scotland) Act 2005 is on duty for any time the premises operates after 0100 hours, is similarly applied.

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

Yours faithfully

Iain Livingstone QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: O'NEILLS (Upper Floor), 9 BACK WYND

DESCRIPTION

- Variation to layout plan with resulting increase in capacity.

OBJECTIONS/REPRESENTATIONS

- None

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: REVOLUTION, 25 BELMONT STREET

DESCRIPTION

- Variation to the terminal hour to 02:00 on Sunday to Thursday and to 03:00 on Friday and Saturday.

OBJECTIONS/REPRESENTATIONS

- Police
- Environmental Health

POLICY

Supplementary Policy – Licensed Hours

Whilst all applications will be dealt with on their own merits the Board considers it necessary for the promotion of the licensing objectives to set parameters with respect to licensed hours. Any application seeking hours outwith those detailed below will be expected to satisfy the Board that there are legitimate grounds for departing from policy and demonstrate that the granting of such hours would not be contrary to the licensing objectives.

Off-Sale Premises

Maximum trading hours for off-sale premises are set by statute. The Board have no power to grant off-sales hours prior to 1000 or after 2200 hours. It should be noted that these are the maximum permitted hours and the Board may restrict these hours if it can be shown to be necessary for the promotion of the licensing objectives.

	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
All off-sales premises	1000	2200

On-Sale Premises

The Board considers it appropriate to distinguish hours within the city centre from outlying areas. The city centre area is that shown delineated on the undernoted map.

The hours stated below are the earliest acceptable opening hour and latest acceptable terminal hour, and not the maximum permissible hours. The terminal hours stated below are the latest permissible and will not be appropriate for all premises. It will be the responsibility of the licence holder or applicant to demonstrate that the premises is suitable for the hours sought. Additional

conditions will normally be added to all premises seeking licensed hours after 1am including but not limited to CCTV, door stewards and radiolink. A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.

The Board considers 15 hours continuous trading to be reasonable within any 24-hour period and so the opening or terminal hour should be adjusted accordingly to comply with this requirement.

The opening hours for casinos remains in line with the statutory hours in terms of the Gambling Act 2005, namely 1200 – 0600 daily.

<u>Outwith City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0000
Friday & Saturday	1000	0100
<u>City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0200
Friday & Saturday	1000	0300

Preventing Public Nuisance

The Board believes that licensed premises have the potential to have a significant impact on communities. It wishes to maintain and protect the amenity of the surrounding neighbourhoods whilst recognising the valuable cultural and social aspects of such premises.

Whilst licensing powers are not the main statutory mechanism for dealing with public nuisance in general the Board will interpret public nuisance in a wider sense where it relates to the operation of licensed premises, and in particular issues such as noise and litter.

Again, a number of factors should be considered including, but not limited to:

- Location of premises. In particular the proximity to residential or noise sensitive premises such as medical facilities, sheltered housing, schools, places of worship, nurseries and suchlike.
- Hours of operation. Closely related to the location of the premises, the hours of operation should reflect what is appropriate for the surrounding neighbourhood. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Nature of activities. Any activities carried on in the licensed premises should not be detrimental to the ambience of the locality.
- Outdoor areas. The Board will include a Supplementary Policy on this issue, but applicants will require to ensure that the inclusion of an outdoor licensed area in any premises is appropriate and will not contravene the licensing objective of preventing public nuisance.

- Smoking areas. These should be designed to minimise public nuisance and regularly monitored to cut down on noise and litter.
- Noise from patrons entering and exiting the premises.

What the Board Will Do:

- Consider the proximity of proposed licensed premises to noise sensitive premises when considering applications.
- Ensure that licensed hours and activities are appropriate for the type of premises and locality. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Improve communication between the trade, partners and local communities.
- Impose additional licence conditions where appropriate to prevent public nuisance.
- Highlight best practice where available and increase awareness and education on potential areas of risk.

What the Board Will Expect of Licence Holders/Applicants:

- Take a proactive approach to public nuisance with a risk-based approach.
- Be mindful of the location of the premises, hours of operation and activities.
- Comply with all conditions of the premises licence.
- Ensure appropriate control measures are in place and staff training is up to date and relevant.
- Consider public nuisance when establishing the design and layout of the premises.
- Adequate supervision of any outdoor area, smoking area and patrons entering/exiting the premises.
- Sharing of best practice via trade groups.
- Participation in communication to resolve any issues that may arise.
- Co-operation with Police Scotland and Licensing Standards Officers including access to all relevant policies and procedures such as dispersal policies and incident management.

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28 February 2019

Your Ref:

Our Ref: 391765

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



Iain Livingstone QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
REVOLUTION, 25 BELMONT STREET, ABERDEEN, AB10 1JS**

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

The variation requested consists of an amendment to the operating plan to allow an increase to core on sales hours from 1200 - 0000 hours to 1200 - 0200 hours every Sunday to Thursday and from 1200 - 0200 hours to 1200 - 0300 hours every Friday and Saturday.

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

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

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 application be granted subject to the conditions specified within the Board's Statement of Licensing Policy in respect of Door Stewards, Radiolink, CCTV and holder of a Personal Licence under the Licensing (Scotland) Act 2005 being on duty for any time the premises operates after 0100 hours remaining attached, and the condition relating to Duty of Care being applied.

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

Yours faithfully

Iain Livingstone QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

EH comments Revolution

28 February 2019 12:46

Subject	EH comments Revolution
From	Andrew Gilchrist
To	LicensingBoard; Tara-Erin Gilchrist
Sent	28 February 2019 10:23

For the attention of Jennifer Wilson, Team Leader, Legal and Democratic Services, Corporate Governanance, Aberdeen City Council

Licensing Board Meeting 12 March 2019

Variation – Revolution, 25 Belmont St. ,Aberdeen AB10 IJS

The above application has been assessed by this Service in relation to any music noise breakout from amplified / non-amplified music played / performed at the premises. Consideration has been given to the risk of noise impact on local residences at the proposed times listed in the application.

As with any such matter it is naturally desirable to avoid a situation that would result in this Service serving formal notices to abate activities that have caused nuisance.

Having carefully considered the application I am not objecting to this application.

However, there is an expectation that management at the premises would establish and apply suitable and robust noise control measures associated with music noise to protect the amenity of local residents and reduce the risk of adverse noise impact constituting a statutory nuisance.

I would recommend these noise control measures are formalised in writing to demonstrate and convey to staff for training purposes the specific detail of the required noise controls. A copy of these noise control measures should be submitted to this Service for approval.



Andrew Gilchrist | Principal Environmental Health Officer
Aberdeen City Council | Commercial Team | Operations and Protective Services
|Operations| Marischal College|3rd Floor South |Broad Street| Aberdeen | AB10 1AB

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: SANDMAN SIGNATURE HOTEL, ABERDEEN

DESCRIPTION

- Incorporation into the licensed area of the conference/banqueting room on the ground floor with associated bar and toilets.

OBJECTIONS/REPRESENTATIONS

- None

POLICY

- N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: THE FOUNDRY, 43 HOLBURN STREET

DESCRIPTION

- Variation to on consumption hours to Sunday to Thursday 10:00 to 01:00 and Friday and Saturdays to 10:00 to 02:00.
- Variation to off consumption Monday to Sunday 10:00 to 10:00.

OBJECTIONS/REPRESENTATIONS

- NHS
- Environmental Health

POLICY

Supplementary Policy – Licensed Hours

Whilst all applications will be dealt with on their own merits the Board considers it necessary for the promotion of the licensing objectives to set parameters with respect to licensed hours. Any application seeking hours outwith those detailed below will be expected to satisfy the Board that there are legitimate grounds for departing from policy and demonstrate that the granting of such hours would not be contrary to the licensing objectives.

Off-Sale Premises

Maximum trading hours for off-sale premises are set by statute. The Board have no power to grant off-sales hours prior to 1000 or after 2200 hours. It should be noted that these are the maximum permitted hours and the Board may restrict these hours if it can be shown to be necessary for the promotion of the licensing objectives.

	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
All off-sales premises	1000	2200

On-Sale Premises

The Board considers it appropriate to distinguish hours within the city centre from outlying areas. The city centre area is that shown delineated on the undernoted map.

The hours stated below are the earliest acceptable opening hour and latest acceptable terminal hour, and not the maximum permissible hours. The terminal hours stated below are the latest permissible and will not be appropriate for all premises. It will be the responsibility of the licence holder or applicant to

demonstrate that the premises is suitable for the hours sought. Additional conditions will normally be added to all premises seeking licensed hours after 1am including but not limited to CCTV, door stewards and radiolink. A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.

The Board considers 15 hours continuous trading to be reasonable within any 24-hour period and so the opening or terminal hour should be adjusted accordingly to comply with this requirement.

The opening hours for casinos remains in line with the statutory hours in terms of the Gambling Act 2005, namely 1200 – 0600 daily.

<u>Outwith City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0000
Friday & Saturday	1000	0100

<u>City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0200
Friday & Saturday	1000	0300

Preventing Public Nuisance

The Board believes that licensed premises have the potential to have a significant impact on communities. It wishes to maintain and protect the amenity of the surrounding neighbourhoods whilst recognising the valuable cultural and social aspects of such premises.

Whilst licensing powers are not the main statutory mechanism for dealing with public nuisance in general the Board will interpret public nuisance in a wider sense where it relates to the operation of licensed premises, and in particular issues such as noise and litter.

Again, a number of factors should be considered including, but not limited to:

- Location of premises. In particular the proximity to residential or noise sensitive premises such as medical facilities, sheltered housing, schools, places of worship, nurseries and suchlike.
- Hours of operation. Closely related to the location of the premises, the hours of operation should reflect what is appropriate for the surrounding neighbourhood. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Nature of activities. Any activities carried on in the licensed premises should not be detrimental to the ambience of the locality.
- Outdoor areas. The Board will include a Supplementary Policy on this issue, but applicants will require to ensure that the inclusion of an outdoor licensed area in any premises is appropriate and will not contravene the licensing objective of preventing public nuisance.

- Smoking areas. These should be designed to minimise public nuisance and regularly monitored to cut down on noise and litter.
- Noise from patrons entering and exiting the premises.

What the Board Will Do:

- Consider the proximity of proposed licensed premises to noise sensitive premises when considering applications.
- Ensure that licensed hours and activities are appropriate for the type of premises and locality. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Improve communication between the trade, partners and local communities.
- Impose additional licence conditions where appropriate to prevent public nuisance.
- Highlight best practice where available and increase awareness and education on potential areas of risk.

What the Board Will Expect of Licence Holders/Applicants:

- Take a proactive approach to public nuisance with a risk-based approach.
- Be mindful of the location of the premises, hours of operation and activities.
- Comply with all conditions of the premises licence.
- Ensure appropriate control measures are in place and staff training is up to date and relevant.
- Consider public nuisance when establishing the design and layout of the premises.
- Adequate supervision of any outdoor area, smoking area and patrons entering/exiting the premises.
- Sharing of best practice via trade groups.
- Participation in communication to resolve any issues that may arise.
- Co-operation with Police Scotland and Licensing Standards Officers including access to all relevant policies and procedures such as dispersal policies and incident management.

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Date 26th February 2019
Enquiries to 01224 557047
Our Ref 20191017
Email: grampian.phalcohollicensing@nhs.net

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

Dear Ms Wilson

**Licensing (Scotland) Act 2005 – Variation of a Premises License
The Foundry, 43 Holburn Street, Aberdeen**

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

Protecting and Improving Public Health

The applicant seeks to extend the terminal hour of the premises to enable trading on the following times:

- Sunday through to Thursday, 1000 until 0100 = 15 hours continuous trading
- Friday and Saturday, 1000 until 0200 = 16 hours continuous trading

The Licensing Board have already stated on page 12 of the Aberdeen City Statement of Licensing Policy that they consider 15 hours continuous trading to be reasonable within any 24 hour period and that opening or terminal hours should be adjusted accordingly to comply with this requirement.

In creating the new Statement of Licensing Policy, the Licensing Board recognised that excessive consumption of alcohol can cause or exacerbate a number of health problems. They set guidance within the policy to help address these concerns with trading hours being a key component of their strategy to address alcohol related harm within the city.

We see nothing in this application that would justify additional hours trading and suggest that the applicant adjust the licensing hours of the premises on Friday and Saturday to

comply with the Statement of Licensing Policy. The premises could still be open for breakfast, teas, coffees etc but restrict the sale of alcohol until 1100.

For this reason, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this letter of objection as the granting of the application would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drug

EH comments -The Foundry

01 March 2019 15:18

Subject	EH comments -The Foundry
From	Andrew Gilchrist
To	LicensingBoard
Cc	Diane Sande; Tara-Erin Gilchrist
Sent	28 February 2019 15:49

For the attention of Jennifer Wilson, Team Leader, Legal and Democratic Services, Corporate Governanance, Aberdeen City Council

Licensing Board Meeting 12 March 2019

Application for Variation of Licence at The Foundry 48 Holburn St Aberdeen AB10 6BR

In relation to the variation of core hours this Service would accept the proposal, provided there is implementation of an effective formal written Noise Management Plan (NMP), agreed in writing with the Environmental Health Service for all reasonably foreseeable noise sources associated with the business activities to protect amenity of neighbouring residential properties.

-



Andrew Gilchrist | Principal Environmental Health Officer
Aberdeen City Council | Commercial Team | Operations and Protective Services
| Operations | Marischal College | 3rd Floor South | Broad Street | Aberdeen | AB10 1AB

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: THE HAWTHORN BAR AND ADAM LOUNGE

DESCRIPTION

- Variation to terminal hour for on sales hours on Friday and Saturday to 01:00.

OBJECTIONS/REPRESENTATIONS

- Environmental Health
- Member of Public x 1

POLICY

Preventing Public Nuisance

The Board believes that licensed premises have the potential to have a significant impact on communities. It wishes to maintain and protect the amenity of the surrounding neighbourhoods whilst recognising the valuable cultural and social aspects of such premises.

Whilst licensing powers are not the main statutory mechanism for dealing with public nuisance in general the Board will interpret public nuisance in a wider sense where it relates to the operation of licensed premises, and in particular issues such as noise and litter.

Again, a number of factors should be considered including, but not limited to:

- Location of premises. In particular the proximity to residential or noise sensitive premises such as medical facilities, sheltered housing, schools, places of worship, nurseries and suchlike.
- Hours of operation. Closely related to the location of the premises, the hours of operation should reflect what is appropriate for the surrounding neighbourhood. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Nature of activities. Any activities carried on in the licensed premises should not be detrimental to the ambience of the locality.
- Outdoor areas. The Board will include a Supplementary Policy on this issue, but applicants will require to ensure that the inclusion of an outdoor licensed area in any premises is appropriate and will not contravene the licensing objective of preventing public nuisance.
- Smoking areas. These should be designed to minimise public nuisance and regularly monitored to cut down on noise and litter.

- Noise from patrons entering and exiting the premises.

What the Board Will Do:

- Consider the proximity of proposed licensed premises to noise sensitive premises when considering applications.
- Ensure that licensed hours and activities are appropriate for the type of premises and locality. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Improve communication between the trade, partners and local communities.
- Impose additional licence conditions where appropriate to prevent public nuisance.
- Highlight best practice where available and increase awareness and education on potential areas of risk.

What the Board Will Expect of Licence Holders/Applicants:

- Take a proactive approach to public nuisance with a risk-based approach.
- Be mindful of the location of the premises, hours of operation and activities.
- Comply with all conditions of the premises licence.
- Ensure appropriate control measures are in place and staff training is up to date and relevant.
- Consider public nuisance when establishing the design and layout of the premises.
- Adequate supervision of any outdoor area, smoking area and patrons entering/exiting the premises.
- Sharing of best practice via trade groups.
- Participation in communication to resolve any issues that may arise.
- Co-operation with Police Scotland and Licensing Standards Officers including access to all relevant policies and procedures such as dispersal policies and incident management.

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EH comments -Hawthorn Bar

28 February 2019 12:26

Subject	EH comments -Hawthorn Bar
From	Andrew Gilchrist
To	LicensingBoard; Diane Sande; Tara-Erin Gilchrist
Sent	28 February 2019 10:18

For the attention of Jennifer Wilson, Team Leader, Legal and Democratic Services, Corporate Governanance, Aberdeen City Council

Licensing Board Meeting 12 March 2019

Variation – Hawthorn Bar and Adam Lounge, 145 Holburn St.,Aberdeen AB10 6BN

The above application has been assessed by this Service in relation to any music noise breakout from amplified / non-amplified music played / performed at the premises. Consideration has been given to the risk of noise impact on local residences at the proposed times listed in the application.

As with any such matter it is naturally desirable to avoid a situation that would result in this Service serving formal notices to abate activities that have caused nuisance.

Having carefully considered the application I am not objecting to this application.

However, there is an expectation that management at the premises would establish and apply suitable and robust noise control measures associated with music noise to protect the amenity of local residents and reduce the risk of adverse noise impact constituting a statutory nuisance.

I would recommend these noise control measures are formalised in writing to demonstrate and convey to staff for training purposes the specific detail of the required noise controls. A copy of these noise control measures should be submitted to this Service for approval.



Andrew Gilchrist | Principal Environmental Health Officer
Aberdeen City Council | Commercial Team | Operations and Protective Services
|Operations| Marischal College|3rd Floor South |Broad Street| Aberdeen | AB10 1AB

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BY EMAIL AND RECORDED DELIVERY

Dear Madam(s) and Sirs,

I am writing on behalf of myself and my parents (Ian & Christine Lakin, Aberdeen) the owners of flats regarding the major variation(extension) to the terminal hours for alcohol sales on Fridays and Saturdays to 01.00 (your ref AC0412). For the avoidance of any doubt we own the nine 1, 2 and 3 bedroom apartments directly above the Hawthorn Bar and Adam Lounge, 143 Holburn Street, Aberdeen AB10 6BN. Our objective in writing this letter is to hopefully minimise the loss of any residential amenity through effective management to minimise any increase in crime, disorder and public nuisance. We wish to make our objections known in a constructive manor in the hope that there can be a pragmatic outcome to what would be a major change for the local neighbourhood at weekends.

BACKGROUND:

The location of the Adams Lounge and Hawthorn bar is in densely populated residential area with flatted properties located to either side and above the premises. There are currently no provisions for council/police monitored CCTV on Howburn Place and limited coverage on this part of Holburn Street - unlike the city centre (Union Street, Langstane place etc) where there is high visibility policing late at night to act as a deterrent to violent and anti-social behaviour. Permitting even one more hour of drinking time for circa 30% of the year will only make the above more of an issue. Indeed, increasing the terminal hour until 01.00 will clearly not improve the quality of life of residents which is contrary to the statement of the licensing policy. Currently the 12-Midnight closure of the premises appears appropriate for the heavily residential local area as there is nothing else open that late, meaning that after the licenced premises closes there are no other local activities to increase the potential for public nuisance. As per the statement of licencing policy the terminal hours are a maximum and are not suitable for all premises and one can only surmise that this particular case is a prime example of where this guidance should apply. For example, one of the key issues regarding our nine properties (in the same building) are the two entrances into the premises which are also the outside smoking areas used by patrons during opening hours. Under these circumstances it is an unfortunate fact that staying open until 01.00 will increase the likelihood of public nuisance to the persons residing in the properties above and around the premises - especially when the smoking areas are only a matter of a couple of metres from some bedroom windows. Furthermore, the more alcohol patrons consume the louder they become and instead of people having their last cigarette at just after midnight they will be

loitering outside until after 01.00 at two separate entrances, opening and closing the outside doors for the proposed additional hour. Unfortunately, the door to the public bar (on Howburn place) when opening and closing can be heard from inside the bedroom of the property above - even after installing acoustic mats and soundproofing. As there are no other designated smoking areas it is impossible to manage or minimise this public nuisance – other than by controlling the closing time.

SUMMARY:

Preferably we would rather not be in the situation of having to contest the application as the present arrangements for a Midnight closure of the bar and lounge have been accepted by the residents of the area for the past several decades. If on the other hand the board is of the mind that regardless of the above objections that some form of extension should be granted, we would urge the board to consider a compromise such as suggested below:

The terminal hour to be limited to 00.30 for the lounge part of the premises but the public bar (Howburn Place entrance) would close at Midnight. This would permit the lounge part to remain open (although still undesirable for residents) which should at least minimise the impact on the much more residential Howburn Place as the door to the lounge bar (with the entrance on Holburn street) is below the living rooms of the apartments unlike the bedrooms situated in Howburn Place.

Finally, a closing time of 00.30 for the lounge and 00.00 for the bar would also be helpful to mitigate against the potential increase in public nuisance and disorder in such a densely populated residential street such as Howburn place - not forgetting the access to our properties are very close to the bar door (Howburn Place) and can be intimidating for residents returning home late at night.

Please see the attached photographs to support our case:

Photograph 1 – The area demarked by the red pen highlights our ownership interest and why we have reasonable grounds for objecting

Photograph 2 – This photo shows the proximity of the bedroom windows to the Howburn Place bar entrance and smoking area.

Yours Sincerely,

David Lakin





Bedroom Windows

THE HAWTHORN
Floor 0/2



FLATS
ENTRANCE

2

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: UNIT 1, THE ACADEMY, ABERDEEN

DESCRIPTION

- Variation to the terminal hour to 02:00 on Sunday to Thursday and to 03:00 on Friday and Saturday.

OBJECTIONS/REPRESENTATIONS

- Police
- Environmental Health

POLICY

Supplementary Policy – Licensed Hours

Whilst all applications will be dealt with on their own merits the Board considers it necessary for the promotion of the licensing objectives to set parameters with respect to licensed hours. Any application seeking hours outwith those detailed below will be expected to satisfy the Board that there are legitimate grounds for departing from policy and demonstrate that the granting of such hours would not be contrary to the licensing objectives.

Off-Sale Premises

Maximum trading hours for off-sale premises are set by statute. The Board have no power to grant off-sales hours prior to 1000 or after 2200 hours. It should be noted that these are the maximum permitted hours and the Board may restrict these hours if it can be shown to be necessary for the promotion of the licensing objectives.

	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
All off-sales premises	1000	2200

On-Sale Premises

The Board considers it appropriate to distinguish hours within the city centre from outlying areas. The city centre area is that shown delineated on the undernoted map.

The hours stated below are the earliest acceptable opening hour and latest acceptable terminal hour, and not the maximum permissible hours. The terminal hours stated below are the latest permissible and will not be appropriate for all premises. It will be the responsibility of the licence holder or applicant to demonstrate that the premises is suitable for the hours sought. Additional

conditions will normally be added to all premises seeking licensed hours after 1am including but not limited to CCTV, door stewards and radiolink. A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.

The Board considers 15 hours continuous trading to be reasonable within any 24-hour period and so the opening or terminal hour should be adjusted accordingly to comply with this requirement.

The opening hours for casinos remains in line with the statutory hours in terms of the Gambling Act 2005, namely 1200 – 0600 daily.

<u>Outwith City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0000
Friday & Saturday	1000	0100
<u>City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0200
Friday & Saturday	1000	0300

Preventing Public Nuisance

The Board believes that licensed premises have the potential to have a significant impact on communities. It wishes to maintain and protect the amenity of the surrounding neighbourhoods whilst recognising the valuable cultural and social aspects of such premises.

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Again, a number of factors should be considered including, but not limited to:

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What the Board Will Do:

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What the Board Will Expect of Licence Holders/Applicants:

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- Sharing of best practice via trade groups.
- Participation in communication to resolve any issues that may arise.
- Co-operation with Police Scotland and Licensing Standards Officers including access to all relevant policies and procedures such as dispersal policies and incident management.

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28 February 2019

Your Ref:

Our Ref: 391464

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



Iain Livingstone QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
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 from 1100-0000 hours on Sunday to Thursday and 1100-0200 hours on Friday and Saturday to 1100-0200 hours on Sunday to Thursday and 1100-0300 hours on Friday and Saturday.

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.

In relation to the hours requested on the Friday and Saturday, the premises seek to operate for 16 hours continuously. The Board's Statement of Licensing Policy, published in November 2018, states, 'The Board considers 15 hours continuous trading to be reasonable within any 24-hour period'.

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 application be granted subject to the conditions specified within the Board's Statement of Licensing Policy in respect Door Stewards, Radiolink and CCTV remaining attached and Duty of Care being applied. I also request that a condition which states that a person who is the holder of a Personal

Licence under the Licensing (Scotland) Act 2005 is on duty for any time the premises operates after 0100 hours, is similarly applied.

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

Yours faithfully

Iain Livingstone QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468.

FW: EH comments Revolucion de Cuba

28 February 2019 12:29

Subject	FW: EH comments Revolucion de Cuba
From	Andrew Gilchrist
To	LicensingBoard; Tara-Erin Gilchrist
Sent	28 February 2019 10:22

For the attention of Jennifer Wilson, Team Leader, Legal and Democratic Services, Corporate Governanance, Aberdeen City Council

Licensing Board Meeting 12 March 2019

Variation – Revolucion de Cuba, 25 Belmont St. ,Aberdeen AB10 ILB

The above application has been assessed by this Service in relation to any music noise breakout from amplified / non-amplified music played / performed at the premises. Consideration has been given to the risk of noise impact on local residences at the proposed times listed in the application.

As with any such matter it is naturally desirable to avoid a situation that would result in this Service serving formal notices to abate activities that have caused nuisance.

Having carefully considered the application I am not objecting to this application.

However, there is an expectation that management at the premises would establish and apply suitable and robust noise control measures associated with music noise to protect the amenity of local residents and reduce the risk of adverse noise impact constituting a statutory nuisance.

I would recommend these noise control measures are formalised in writing to demonstrate and convey to staff for training purposes the specific detail of the required noise controls. A copy of these noise control measures should be submitted to this Service for approval.



Andrew Gilchrist | Principal Environmental Health Officer
Aberdeen City Council | Commercial Team | Operations and Protective Services
| Operations | Marischal College | 3rd Floor South | Broad Street | Aberdeen | AB10 1AB

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: RENEWAL OF PERSONAL LICENCE APPLICATION

LICENCE HOLDER: AC0893

DESCRIPTION

- Held licence since September 2009
- Completed refresher training in 2014
- Renewal application submitted 25 October 2018

OBJECTIONS/REPRESENTATIONS

- Police Scotland

DETERMINATION

The Board can decide to either:

- Grant or
- refuse the application.

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LICENSING BOARD INFORMATION SHEET

NOTICE OF CONVICTION LICENCE HOLDER: AC4259

DESCRIPTION

- Held licence since 15 October 2015

OBJECTIONS/REPRESENTATIONS

- Police Scotland

DETERMINATION

- Having regard to the conviction and any recommendation contained in the Chief Constable's notice,

After giving the licence holder and the chief constable an opportunity to be heard, and if satisfied that is necessary to do so for the purposes of any of the licensing objections make an order.

That order is an order –

- a) Revoking
- b) Suspending for such period, not exceeding 6 months as the Board considers appropriate, or
- c) Endorsing,

The personal licence held by the licence holder concerned.

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