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

Town House,
25 November 2020

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in **Microsoft Teams on THURSDAY, 26 NOVEMBER 2020 at 9.00 am.**

JENNI LAWSON
CLERK TO THE BOARD

BUSINESS

- 1 Application for an Occasional Licence - The Spider's Web, 19-21 Station Road, Dyce, Aberdeen (Pages 3 - 20)

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

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: OCCASIONAL LICENCE
PREMISES: SPIDERS WEB, 19-21 STATION ROAD, DYCE

DESCRIPTION

Application for Occasional Licence for 23 November to 06 December 2020

Times for the Sale of alcohol for consumption on the premises: Monday to Saturday 10:00 to 22:00 and Sundays 11:00 to 22:00

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- LSO – Applicant has accepted the proposed conditions

LEGISLATION

3) In any other case, the Board must consider whether any of the grounds for refusal applies and—

(a) if none of them applies, the Board must grant the application, or

(b) if any of them applies, the Board must refuse the application.

(4) The Board may hold a hearing for the purposes of determining any application which is to be determined in accordance with subsection (3).

(5) Where the Board does not hold a hearing for that purpose, the Board must ensure that, before determining the application, the applicant is given an opportunity to comment on any such notice or report as is referred to in subsection (2).

(6) The grounds for refusal are—

(a) that the premises to which the application relates are excluded premises,

(b) that the application must be refused under [\[section 56\(6A\), 64\(2\) or 65\(3\)\]³](#),

(c) that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives,

(d) that, having regard to—

(i) the nature of the activities proposed to be carried on in the premises to which the application relates,

(ii) the location, character and condition of the premises, and

(iii) the persons likely to frequent the premises,

the Board considers that the premises are unsuitable for use for the sale of alcohol.

4) Where a Licensing Board grants an occasional licence, the Board may impose such other conditions (in addition to the mandatory conditions) as they consider necessary or expedient for the purposes of any of the licensing objectives.

(5) A Licensing Board may not impose a condition under subsection (4) which—

- (a) is inconsistent with any mandatory condition
 - (b) would have the effect of making any such condition more onerous or more restrictive, or
 - (c) relates to a matter (such as planning, building control or food hygiene) which is regulated under another enactment.
- include, in particular, conditions of the kind described in subsection (7).
- (7) Those are conditions requiring anything to be done, or prohibiting or restricting the doing of anything, in connection with—
- (a) the sale of alcohol on the premises in respect of which an occasional licence has effect, or
 - (b) any other activity carried on in such premises.

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19 November 2020

Your Ref:

Our Ref: 530799

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



North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
OCCASIONAL LICENCE APPLICATION
THE SPIDERS WEB, 19-21 STATION ROAD, DYCE, ABERDEEN, AB21 7BA**

I refer to the above application for the dates 23 November to 6 December 2020 and in terms of Section 58(1)(b)(ii) of the Licensing (Scotland) Act 2005, I make the following representation in relation to the application and request it be granted subject to the following conditions:

1. Where there is no existing delineation/boundary, the area to be delineated by barrier or similar.
2. Signage to be displayed indicating that alcohol is not to be removed from the licensed area;
3. No amplified music to be played therein (when or if music is permissible again);

Additionally I wish to bring the following to your attention.

During the evening of Thursday 12 November 2020, the Scotland versus Serbia European Championships qualifying football fixture took place and was televised.

Aberdeen City Council's Environment Health Team has advised Police Scotland of video footage allegedly taken within the applicant premises towards the conclusion of the fixture, during which time customers celebrated by shouting, cheering, jumping and hugging, thus disregarding rules in relation to the current Covid regulations.

OFFICIAL

In light of the above information, the Board may wish to consider imposing an additional conditional to the effect that no high profile televised football fixtures will be shown.

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

Yours faithfully

George Macdonald
Chief Superintendent

For enquiries please contact the Licensing Department on 01224 306468

The LSO has the following comment regarding this Occasional licence application. These comments are dependent on Environmental Health confirming agreement of use of the area.

1. **The Health Protection (Coronavirus) (Restrictions and Requirements) (Local Levels) (Scotland) Regulations 2020. Also, the business will ensure that the layout complies with the current regulations on physical distancing. Detailed layout plan required to accompany the Occasional Licence.**
2. Occasional licence to be available for the duration of the event.
3. Section 110 notice to be on displayed for the duration of the Occasional licence event at the point of sale.
4. Under 18 access notice to be displayed at the entrance to the area to advise the customer of the children and young persons terms of access.
5. A notice will be displayed in regards to the 'drinking in public places' Byelaw. This must be displayed where customers can easily view the notice.
6. As the pavement between the bar and the Occasional licence area is a public area which is pedestrianised, table service must be in operation. Customers will not be able to buy alcohol from the bar and take this to their seats in the Occasional licence area.
7. The outdoor area is not to be used prior to 1000 hrs or after 22:30 Hours.
8. A delineation of the licensed area to be in place, the number of seats remain in line with the numbers proposed. Chalk or tape may be used, as long as this is not a permanent mark on any surface. The delineation must be in place for the duration of the Occasional licence.
9. There shall be no music or noise emitted from the use of microphones/speakers or other forms of music entertainment within the outdoor drinking area.
10. The Licensee will have an effective complaints procedure in place for dealing with any noise complaints should they arise.
11. Any outdoor structure, such as a tent or marquee, to be used for the comfort of customers, must be approved by the appropriate Aberdeen City Council Services where necessary.
12. Children and young persons permitted access to consume a meal. Children must be accompanied by a responsible adult aged 18 and over after 1800 hours.

Can these conditions be attached to the Occasional licence.

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**Spiders Web
19-21 Station Road
Dyce
Aberdeen
AB21 7BA**

21/11/20

Application for Occasional Licence

Response to representation made by Police Scotland received by Aberdeen City Licensing Board.

Dear Board Members,

I respectfully ask the Board to approve the application for the occasional licence for the Spiders Web outdoor marquee. I would further ask that it be granted on the same terms as our several prior successful applications, all of which have attracted no adverse comment from the authorities or general public.

Prior to March 2020, the Spiders Web, a family business, traded successfully as a friendly local community public house & restaurant. The Spiders Web has been in existence for more than fifty years, being operated by my family & I for over 30 years of that time. The pub is popular with local residents & commuters and has operated safely throughout this period.

Without doubt the arrival of COVID-19 earlier this year has had a substantial impact on us & the wider hospitality trade. We have worked hard to adapt, not only to keep the business afloat, but to safeguard our 36 employees jobs, all of whom we have retained to date. We are also regarded as an integral part of the community, not only providing a service to the community, but providing one of the few safe spaces for families & friends to meet at present.

Whilst we were on lockdown it became clear that Aberdeen City were keen to encourage businesses to adapt to operate safely within government guidelines.

We sought permission for our marquee, which is on private ground, with the express purpose of being able to offer outdoor social distancing for COVID-19 in order to operate in a safe manner.

We spent the months before reopening in early July researching best practice & both during & after the application process received excellent service, help & advice from Aberdeen City Licensing department, our LSO & Police, which we have followed. The Police advice in particular to “educate & encourage” patrons has become one of our staff mantras.

We have invested heavily, both in the premises, staffing & procedures. We have increased staffing to provide enhanced hygiene procedures. We have a manned reception desk at our entrance where customers have their temperature checked, Track & Trace by using our “QR” Code system or have details taken manually should their mobile not be compatible. This initiative has been positively commented on by Police patrols during their compliance checks throughout the COVID period. All patrons are seated with full table service in operation.

Staff wear face coverings, customers do likewise when moving to use toilet facilities, enter or exit the premises. We have all relevant & clear signage, including signs asking customers to refrain from shouting or singing & advising of the no music & no volume from televisions regulations.

Certainly our additional space has helped us to meet demand safely. It has resulted in food sales increasing with food sales currently exceeding wet sales. Customer feedback has been extremely positive with a common thread of “it’s a lovely setting” & “we feel safe here”. At present, with regulations as they are in relation to social distancing & table layouts, the business would be totally unviable without the additional area which the marquee provides.

We also believe that hospitality does offer a regulated environment in which patrons can enjoy social interaction safely & that offering this service reduces the incidence of unregulated household gatherings, which are claimed to give the virus a greater opportunity to spread.

Police Scotland have brought to the attention of the board that.

“During the evening of Thursday 12th November 2020, the Scotland versus Serbia European Championships qualifying football fixture took place & was televised. Aberdeen City Councils Environmental Health Team has advised Police Scotland of video footage (on Facebook social media) allegedly taken within the applicant premises towards the conclusion of the fixture, during which time customers celebrated by shouting, cheering, jumping & hugging, thus disregarding rules in relation to the current Covid regulations.”

The board will further be aware that on Wednesday 18th November 2020, our premises were served with a notice to remove all Televisions from use for the period of 21 days, both in our marquee (subject of this Occasional Licence Application) & within the public house premises which were closed to the public at the time of the Scotland match.

We have complied with this order, Environmental Health have witnessed compliance & Police Scotland have made spot checks to confirm compliance.

We do not deny that video footage exists, nor that for a brief period at the conclusion of the match customers reacted with a level of excitement which was not anticipated & certainly not witness by myself as a licensee in 30 years.

We regret & apologise that the incident took place and ask that the board take into account the following points.

Thursday the 20th November began as a quite unremarkable day. We were aware the Scotland match was to be televised and planned to show it. There was no suggestion or advice from government or the authorities that the game should not be screened. We have one small 40 inch screen in the marquee, a television that is smaller than those generally in use in the homes of the general public. We have used our televisions without volume & incident since reopening after lockdown. We have shown various sports eg. football, golf & cricket & very often our television shows the news channels.

As would be normal we increased staff numbers & took bookings during the day. Approximately forty fans watched the game which equates to 50% capacity. They arrived, were temperature checked, Tracked & Traced and seated at pre booked tables. My staff & I provided table service. The first half of the game passed without incident. During the second half Scotland who were the underdogs scored to move ahead. There was a brief celebration & the atmosphere calmed. Customers were reminded by staff of the signage in place for COVID-19 advising no shouting or singing. Scotland continued to play well & the atmosphere was happy & enthusiastic until the 89th minute when Serbia equalised. Silence was evident & a muted applause given at the

end of the 90 minute period. The game moved into extra time, as Scotland continued to play well, the atmosphere was hopeful, but calm. As the penalty shootout progressed the atmosphere became tense & as the last penalty was taken fans rose to their feet in passionate celebration, as was the case in households & bars throughout Scotland. The celebrations were brief. The television was immediately switched off on conclusion of the game & the premises cleared of patrons by 10.30pm.

In conclusion we accept that the Board has a representation to consider in relation to our Occasional Licence Application.

The representation pertains to a short & brief moment where passionate individuals celebrated what they considered to be the most important moment in 23 years for Scotland's football team.

Police Scotland have commented that "the board may wish to consider imposing an additional condition to the effect that no high profile televised football fixtures will be shown".

It is unlikely that we will see such a high profile game of football for some time & we have already removed our television from use for 21 days. We believe that such an incident will not happen again.

My staff & I take our responsibilities extremely seriously & have worked tirelessly to maintain & uphold rules & standards. We can assure the Board that we will continue to do so. We have adapted continuously over the past months to update procedures & adhere to advice & legislation as it has changed.

This unusual period of COVID-19 has had a devastating effect not only on our business, but that of the wider hospitality industry & society. We are desperate to survive. To endanger the future of the business & its employees following an isolated incident brought about by a brief outpouring of passion & happiness would appear disproportionate.

We respectfully ask the Board to consider approval of the Occasional Licence Application on the same terms as previous successful applications.

Yours Sincerely,
Mark Milne
The Spiders Web
Dyce
Aberdeen

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