

Public Document Pack



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

Town House,
ABERDEEN 31 March 2021

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in **Virtual - Remote Meeting on TUESDAY, 13 APRIL 2021 at 10.30 am.**

JENNI LAWSON
CLERK TO THE BOARD

BUSINESS

- 1 Minutes of Meeting of 2 February 2021 (Pages 3 - 18)
- 2 Licensing Board Equalities Outcomes and Mainstreaming Report (Pages 19 - 34)
- 3 List of Applications
 - 3.1 Application for Premises Licence - The New Albyn, 11 Albyn Place, Aberdeen (Pages 35 - 60)
 - 3.2 Application for Variation of Premises Licence - The Aberdeen Altens Hotel, Southhead Road, Altens, Aberdeen (Pages 61 - 82)
 - 3.3 Application for Variation of Premises Licence - Cafe Harmony, 21 Bon Accord Terrace, Aberdeen (Pages 83 - 100)
 - 3.4 Application for Variation of Premises Licences - Cheers Bar, 2-8 Exchange Street, Aberdeen (Pages 101 - 122)

- 3.5 Application for Variation of Premises Licence - Coopers Bar, 43 John Street, Aberdeen (Pages 123 - 138)
- 3.6 Application for Variation of Premises Licence - Dutch Mill Hotel, 7 Queens Road, Aberdeen (Pages 139 - 158)
- 3.7 Application for Variation of Premises Licence - Peterculter Golf Club, Oldtown, Burnside Road, Peterculter, Aberdeen (Pages 159 - 174)
- 4 Application for Personal Licence - Applicant A (Pages 175 - 180)
- 5 Application for Personal Licence - Applicant B (Pages 181 - 184)
- 6 Report of conduct inconsistent with Licensing Objectives - Personal Licence Holder (Pages 185 - 188)

Should you require any further information about this agenda, please contact
Benedict Kpohrator Bkpohrator@berdeencity.gov.uk

LICENSING BOARD

ABERDEEN, 2 February 2021. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener; and Councillors Cameron, Lesley Dunbar, Grant, Greig, McLellan, Townson and MacKenzie.

MINUTES OF MEETING OF 8 DECEMBER 2020

1.

The Board had before it for its consideration the minutes of the meeting of 8 December 2020,

The Board resolved: -

To approve the minute.

MINUTES OF REVIEW HEARING 07/01/2021

2.

The Board had before it for its consideration the minutes of the meeting of 07 January 2021

The Board resolved: -

To approve the minute.

LIST OF APPLICATIONS

3.

The Board had before it for its consideration the applications as listed in 4-9

APPLICATION FOR PREMISES LICENCE - ALMONDINE, 15 CHAPEL STREET

4.

The Board heard from Alexander Munro, Depute Clerk, to the Board that there had been no objections or representations received in connection with the application. Thereafter the Board heard from Suzanne Horne on behalf of the applicant.

The Board resolved: -

To grant the application subject to the Drugs Policy Condition.

APPLICATION FOR PROVISIONAL PREMISES LICENCE - 21 CROWN TERRACE, ABERDEEN

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5.

The Board heard from Alexander Munro, Depute Clerk, to the Board that there Police Scotland's representation received in connection with the application had been withdrawn.

Thereafter the Board heard from Alistair McDonald on behalf of the applicant in support of the application.

Councillor Cameron noted that the licensed hours on Friday and Saturday were for 16 continuous hours and therefore outwith the Board's Policy. Mr MacDonald on behalf of the applicant agree to move the hours within policy i.e. commencing at 12:00 rather than 11:00.

The Board resolved: -

To grant the application as amended and subject to the following conditions:

1. Door Supervisor
2. Drugs Policy
3. Radio Link
4. Adult Entertainment and in addition to the standard condition; Live Performances and Adult Entertainment will consist of the following, namely Live and Recorded Music, including Live bands and DJs, and Cabaret. Adult Entertainment will require to be as part of a pre-booked event with no Under-18s present. The Adult Entertainment will consist of striptease by male or female performers for private pre-booked Parties. No Pole Dancing or Private Dancing will take place
5. Delivery Driver

**APPLICATION FOR PROVISIONAL PREMISES LICENCE - ALDI,
COUNTESSWELLS ROAD, ABERDEEN****6.**

The Board heard from Alexander Munro, Depute Clerk, to the Board that there had been no objections or representations received in connection with the application.

Thereafter the Board heard from Michael McDougall, Solicitor speak in support of the application.

The Board resolved: -

To grant the application subject to the CCTV and Delivery Driver Condition.

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APPLICATION FOR PROVISIONAL PREMISES LICENCE - 785 GREAT NORTHERN ROAD, ABERDEEN**7.**

The Board heard from Alexander Munro, Depute Clerk, to the Board that there had been no objections or representations received in connection with the application. Mr Munro explain that the premises were excluded premises in terms of Section 123 of the Licensing (Scotland) Act 2005 and that the applicant required to show that persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of—

(a) petrol or derv, or

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

The Board heard from Andrew Hunter, Solicitor, in support of the application.

The Board resolved: -

To grant the application subject to the CCTV condition.

APPLICATION FOR PROVISIONAL PREMISES LICENCE - UNIT 3, 9 BEACH ESPLANADE, ABERDEEN**8.**

The Board heard from Alexander Munro, Depute Clerk, to the Board that there had been no objections or representations received in connection with the application. Mr Munro advised that an amendment had been made to the operating plan after comments were received from the LSO.

Thereafter the Board heard from Tony Dawson, Solicitor in support of the application.

The Board resolved: -

To grant the application as amended subject to the Outdoor drinking conditions and drugs policy.

APPLICATION FOR VARIATION OF PREMISES LICENCE - SANDMAN SIGNATURE HOTEL, ST ANDREW STREET, ABERDEEN**9.**

The Board heard from Alexander Munro, Depute Clerk, to the Board that there had been no objections or representations received in connection with the application. Thereafter the Board heard from Tony Dawson, in support of the application.

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The Board resolved: -

To grant the application.

GAMBLING ACT 2005 - APPLICATION FOR BINGO PREMISES LICENCE, 181A UNION STREET**10.**

The Board heard from Alexander Munro, Depute Clerk, to the Board that the application was for a Bingo Premises Licence under the Gambling Act 2005. He advised that the consultation process was slightly different under the Gambling Act, however, there had been no objections or representations received in connection with the application.

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

The Board resolved: -

To grant the application subject the Mandatory and Default conditions for Bingo premises.

AC0791 - DYCE TANDOORI, 275 STONEYWOOD ROAD, ABERDEEN**11.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £187.00. Mr Munro further advised that the Licensing Team had attempted to make contact on 2 email address and by social media.

The Convener moved: -To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

Councillor McLellan moved as an amendment: - to defer consideration of the review until a further meeting of the Board.

On a division there voted: - for the motion (7) the Convener and Councillors Cameron, Dunbar, Grant, Greig, Mckenzie and Townson. For the amendment (1) Councillor McLellan

The Board resolved: -

To adopt the motion.

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AC0171 - HOWIE'S, 50 CHAPEL STREET, ABERDEEN**12.**

The Board heard from Mr Munro, Depute Clerk to the Board that the fee had now been paid.

AC0186 - EXPRESS BY HOLIDAY INN, CLAYMORE DRIVE, ABERDEEN**13.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £600. Mr Munro further advised that the Licensing Team had received no response to its correspondence.

The Board resolved: -

To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

AC0327 - THE ROWAN TREE, 654 KING STREET, ABERDEEN**14.**

Mr Munro, Depute Clerk to the Board advised that the fee had now been paid.

AC0401 - THE BRENTWOOD HOTEL, 99 CROWN STREET, ABERDEEN**15.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £467. Mr Munro further advised that the Licensing Team had received correspondence asking that the licence be temporarily surrendered. The licence holder was advised that this was not possible and that the licence should either be surrendered, or the fee paid. No further correspondence was received.

The Board resolved: -

To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

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AC0451 - NAWAABS RESTUARANT, 33 SUMMER STREET, ABERDEEN**16.**

Mr Munro, Depute Clerk to the Board advised that the fee had now been paid.

AC0594 - THE HIGHLAND HOTEL, 89 CROWN STREET, ABERDEEN**17.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £467. Mr Munro further advised that the Licensing Team had received correspondence asking that the licence be temporarily surrendered. The licence holder was advised that this was not possible and that the licence should either be surrendered, or the fee paid. No further correspondence was received.

The Board resolved: -

To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

AC0728 - PARK INN BY RADISSON ABERDEEN, 1 JUSTICE MILL LANE, ABERDEEN**18.**

Mr Munro, Depute Clerk to the Board advised that the fee had now been paid.

AC746 - GURKHA CHEF, 5 PALMERSTON ROAD, ABERDEEN**18.1.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £147. Mr Munro further advised that the Licensing Team had received no response to its correspondence.

The Board resolved: -

To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

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AC722 - BELLA ITALIA, UNIT 6, BEACH RETAIL PARK, ABERDEEN

19.

Mr Munro, Depute Clerk to the Board advised that the licence had been surrendered.

AC952 - ROHAAN CAFE BAR, ZARA HOUSE, BURNSIDE DRIVE, DYCE, ABERDEEN

20.

Mr Munro, Depute Clerk to the Board advised that the fee had now been paid.

AC0031 CAMPBELL'S PUBLIC HOUSE, 170 SINCLAIR ROAD

21.

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £170. Mr Munro further advised that the Licensing Team had received no response to its correspondence and that it is believed that the premises is closed.

The Board resolved: -

To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

AC0249 - BALACLAVA BAR, 31 LOCH STREET, ABERDEEN

22.

Mr Munro, Depute Clerk to the Board, advised that a transfer for the premises had now been completed. The agent acting for the transferee had indicated that the payment of the annual fee had been made that morning, however the licensing team had not received confirmation of this. In the circumstances Mr Munro suggested that the review hearing be deferred to the next meeting of the Board.

The Board resolved: -

to defer the hearing to the next meeting of the Board.

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AC0280- FERRYHILL TAVERN AND DEVANHA LOUNGE 124 SOUTH COLLEGE STREET**23.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £187. Mr Munro further advised that the Licensing Team had received no response to its correspondence. Mr Munro further advised that it is believed that the premises are now operating as a Papa John's Pizza Premises.

The Board resolved: -

To revoke the licence.

AC0285 - THE MOUNTHOOLY SPORTS BAR, 70 HUTCHEON STREET, ABERDEEN**24.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £187. Mr Munro further advised that the Licensing Team had received no response to its correspondence.

The Board resolved: -

To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

AC0299 - DOUBLETREE BY HILTON, BEACH BOULEVARD, ABERDEEN**25.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £600. Mr Munro further advised that the Licensing Team had received no response to its correspondence.

The Board resolved: -

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To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

AC0318 - BUDZ BAR, 419 UNION STREET, ABERDEEN**26.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £187. Mr Munro further advised that the Licensing Team had received no response to its correspondence and that the premises had been closed for a considerable time.

The Board resolved: -

To revoke the licence.

AC0490 - ABERDEEN HERO/PUMPKIN, ABERDEEN RAILWAY STATION, ABERDEEN**27.**

Mr Munro, Depute Clerk to the Board advised that the licence had been surrendered.

AC0506, BHAN THAI, 1ST FLOOR , 21 ROSE STREET , ABERDEEN**28.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £187. Mr Munro further advised that the Licensing Team had received no response to its correspondence.

The Board resolved: -

To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

AC0511 - LA BONNE BRASSERIE , 19 CORRECTION WYND, ABERDEEN

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29.

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £187. Mr Munro further advised that the Licensing Team had received no response to its correspondence. It is understood that there has been a change of operation.

The Board resolved: -

To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

AC0571 - HILTON GARDEN INN, ST ANDREW STREET, ABERDEEN**30.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £600. Mr Munro further advised that the Licensing Team had received no response to its correspondence.

The Board resolved: -

To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

AC0584- DOUBLETREE BY HILTON ABERDEEN TREETOPS, 161 SPRINGFIELD ROAD, ABERDEEN**31.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £600. Mr Munro further advised that the Licensing Team had received no response to its correspondence. It was noted that the building had been demolished.

The Board resolved: -

To revoke the licence.

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AC0713 - HANDMADE BURGER COMPANY, UNIT FS16 UNION SQUARE

32.

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £600. Mr Munro further advised that the Licensing Team had received no response to its correspondence.

The Board resolved: -

To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

AC771 - YO! SUSHI, UNIT 2, BON ACCORD CENTRE, ABERDEEN

33.

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £600. Mr Munro advised that premises ceased trading on 14 October 2018. At around the same time, they were handed back to the landlord so none of the Yo! Sushi companies has any interest in the premises and that the premises manager ceased to work at the premises on 14 October 2018.

The Board resolved: -

To revoke the licence.

AC867- B & M STORES, UNIT 5B, KITTY BREWSTER RETAIL PARK.

34.

Mr Munro, Depute Clerk to the Board advised that the fee had now been paid.

AC795 - LAS IGUANAS - UNIT FS1, UNION SQUARE

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35.

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £600. Mr Munro further advised that the Licensing Team had received no response to its correspondence.

The Board resolved: -

To vary the licence and operating plan by amending the operating hours of the premises to zero and to give delegated powers to the Depute Clerk to vary the hours back upon receipt of the payment.

AC918 -5 GREAT WESTERN PLACE, ABERDEEN**36.**

The Board heard from Mr Munro, Depute Clerk to the Board that the premises licence was being reviewed for a breach of Mandatory Condition 10 – failure to pay the annual fee. He advised that the fee was due by the 1 October and the amount outstanding was £220. Mr Munro further advised that the Licensing Team had received correspondence indicating that the licence would be surrendered but this had not been formally done. He added that the premises were now operating as a nail bar.

The Board resolved: -

To revoke the licence.

PREMISES LICENCE REVIEW HEARING, VICTORIA BAR, 1 -5 MENZIES ROAD, ABERDEEN**37.**

The Board had before them an application from Police Scotland seeking a review of the premises licence for the Victoria Bar, 1- 5 Menzies Road.

The Board heard from Mr Munro, Depute Clerk to the Board that, the Licensing Board may, if satisfied that a ground for review is established take any of the following steps if they consider action necessary; to issue a written warning to the licence holder, make a variation of the licence, suspend the licence for such period as the Board may determine or revoke the licence. Mr Munro also advised the Board that in the course of

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the hearing if the Board found that any personal licence holder had acted in a manner inconsistent with the licensing objectives they could hold a personal licence review hearing at a later date.

The Board heard from Sgt Flett, Police Scotland who summarised their application.

Thereafter the Board heard from Mr McGowan, Solicitor on behalf of the Licence holder. He commented that the premises had not come to the adverse attention of the Board previously. Mr McGowan added that it was a single incident and that there was no wider pattern of concern. Mr McGowan stated that neither the premises licence holder nor their tenant was aware of the actions of Ms Allison. He noted that Sgt Flett had confirmed that the tenant was absent on the evening that the incident took place and was in fact out of the country at the time. He further advised that the premises licence holder distanced themselves from the actions of the individuals mentioned in the Police letter. Mr McGowan reminded the Board that they were dealing with a premises licence review and asked the Board to separate the actions of the premises licence holder from those of the individuals involved. He advised the Board that the tenant had terminated the employment of Ms Allison. In terms of a premises licence review Mr McGowan asked the Board to consider the actions of the premise licence holder rather than those of Ms Alison. He stated that the licence holder could not be painted as a disinterested landlord when it came to observing the various Covid rules. Mr McGowan referred to the papers that had been submitted to the Board and stated that these showed that the licence holder had been very supportive of all of the pubs they operated and had been in constant contact with the pubs to ensure that they were aware of and following various rules including a communication advising of the 6pm cut off. He considered that the papers showed that the premises licence holder had been proactive to help and support tenants and these were the actions of a responsible landlord. Out of 110 pubs that the premises licence holder operates the Victoria Bar is the only premises where a breach of the Covid regulations has taken place.

Also, in the papers was a suite of documents which showed interactions specifically with the Victoria Bar and the due diligence and written reports by the Local Area Manager which showed a series of strong and significant communications with the premises. Mr McGowan considered that the premises licence holder nor the tenant could not have foreseen that the incident would occur. He added that if the Board accepted that the premises licence holder could not have foreseen the non-compliance, did they assume compliance with the 6pm rule or were they proactive? Mr McGowan considered that there was proactivity not just in connection with the 6pm rule but in relation to all the various changes related to Covid. The premises licence holder stands behind the tenant and consider that the is a good tenant and they wish to protect his business as well as the licence as an asset. The premises licence holder believes that their tenant was unaware of the incident and that he did not condone it. Mr McGowan gave an undertaking on behalf of the licence holder that every effort would be taken to ensure that such an incident doesn't happen again.

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Mr McGowan then raised the point about whether a breach of covid regulation was in fact a licensing matter. He made the observation that in this case it was not a licensing matter but more of an environmental health and police matter, however he stated that he wish the Board to put more weight on the wider point about the actions of the premises licence holder. Mr McGowan did not consider that the grounds of review had been established and that the Board could simply end the matter. He further considered that if the Board did feel that the grounds had been established that the proportionate response would be to take no action. He reminded the Board that it is open to them to conduct a review of the 3 personal licences of the individuals involved and it seemed to him that would be a more proportionate outcome.

The Board then asked questions of both Mr McGowan and Police Scotland.

The Board unanimously resolved: -

That the grounds for review had been established.

Having found that the grounds for review had been established;

The Board unanimously resolved:

To take no action.

The Board then heard from Mr Munro that the Board should now consider if any of the three named individuals should be subject to a review. Mr Munro advised that Ms Allison did not appear to hold a personal licence with Aberdeen City Licensing Board and stated that she may hold one with another authority. Sgt Flett confirmed that Ms Allison was not a personal licence holder. In the circumstances the Board were asked to consider if the 2 personal licence holders should be subject to a review.

The Board unanimously resolved:

Not to hold a personal licence review hearing.

APPLICATION FOR PERSONAL LICENCE - NP

38.

The Board had before them a letter dated 24 November 2020 from Police Scotland. Thereafter the Board heard from Sgt Flett in support of the letter and from the applicant.

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The Board resolved: -

to grant the application.

Councillor Grant left the meeting at this item.

APPLICATION FOR PERSONAL LICENCE - EK

39.

The Board heard from Mr Munro, Depute Clerk to the Board that the applicant was not present at the meeting.

The Board resolved: -

to defer consideration of the matter to a sub committee of the Board for a personal appearance.

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ABERDEEN CITY COUNCIL

LICENSING BOARD

DATE: 13 April 2021

CLERK TO THE LICENSING BOARD Fraser Bell

TITLE OF REPORT: Licensing Board Equalities Outcomes and Mainstreaming Report

1. PURPOSE OF REPORT

This report provides the Board with an update on progress achieved at the end of the Licensing Boards Equality Outcomes for 2017-2021 and sets out new draft Equality Outcomes for 2021-2025.

2. RECOMMENDATION(S)

That the Board

- (1) approve the Licensing Board's new draft equality outcomes for 2021-2025;
- (2) approves the Report on the Boards Outcomes and Mainstreaming of the Equality Duty (Appendix 1)
- (3) instructs the Clerk to undertake to publish the Boards new equality outcomes for 2021 - 2025; and
- (4) note the progress since publication of the Boards equality outcomes and mainstreaming report of 2017

3. BACKGROUND

- (1) Section 149 of the Equality Act 2010 came into force in April 2011, introducing a new Public Sector Equality Duty that applies to all public authorities, across Scotland, such as Licensing Boards. The 2010 Act brings together the nine protected characteristics into one Act. The Licensing Board therefore have to have due regard to or consciously consider the need to:-
 - Eliminate discrimination, harassment and victimization;
 - Advance equality of opportunity between those who have protected characteristics and those who don't;
 - Foster good relations between those who have protected characteristics and those who don't.
- (2) The purpose of the public sector equality duty is to ensure that public authorities consider how they can positively contribute to a more equal society through advancing equality and good relations in their day-to-day business to:-

- Take effective action on equality
- Make the right decisions, first time around
- Develop better policies and practices, based on evidence
- Be more transparent, accessible and accountable
- Deliver improved outcomes for all

The Public Sector Equality Duty requires equality to be considered in all the functions of public bodies, including decision-making, in the design of internal and external policies and in the delivery of services, and for these issues to be kept under review.

(3) Everyone is protected by the 2010 Act. Every person has one or more of the protected characteristics, so the Act protects everyone against unfair treatment. The protected characteristics are:-

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race (this includes ethnic or national origin, colour and nationality. It also includes Gypsy-Travellers)
- Religion or belief (this includes lack of belief)
- Sex (gender)
- Sexual orientation
- Marriage and Civil Partnership (but only in respect of the duty to consciously consider the need to eliminate discrimination, harassment, victimization and other conduct prohibited by the Act.)

(4) Aberdeen City Licensing Board is a relevant public body under the 2010 Act. Therefore Aberdeen City Licensing Board is required to prepare and monitor the progress towards achieving Equality Outcomes in terms of Regulation 4 of the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012. The Board published their Equality outcomes in April 2013. In April 2015 the Board published a report, in accordance with its legal duties, on the progress towards achieving those outcomes.

In terms of the required reporting cycle the Board requires to publish a further report on its Equality outcomes in 2023.

In terms of the Licensing (Scotland) Act 2005, Section 5, there is to be a Licensing Board for the area of each Council under Section 46(1) of the Local Government (Scotland) 1994. The members of the Licensing Board are to be elected by the relevant Council from among their members. The Licensing Board although comprised of Councillors is a separate legal body from the Council. The Council must, at its first meeting after each ordinary election of the Council, hold an election of members to the Licensing Board for their area.

The Scottish Council Elections were held on 4 May 2017. Therefore, the new Aberdeen City Council elected a new Aberdeen City Licensing Board at the first Council meeting on 16 May 2017.

The Aberdeen City Licensing Board also published their new Statement of Licensing Policy by November 2018 which included a statement as to their duties under the Equality Act 2010 as well as their Equality Outcomes.

(5) Mainstreaming and Equality Policy Progress Report-

The Aberdeen City Licensing Board must report on the progress in making equalities integral to their activities. The Licensing Board does this in conjunction with Aberdeen City Council. The City Council approved their latest Equality Outcomes and Mainstreaming Report in March 2021. It is intended that Aberdeen City Licensing Board will continue to work jointly with Aberdeen City Council in progressing Equalities over the next four years.

(6) Licensing Board Equality Outcomes 2021 – 2025

The Aberdeen City Licensing Board must set new Equality Outcomes for the next four year period. The aim is to build on the work already done by the Board and promote a fairer more inclusive Aberdeen where everyone can feel part of the City and ensure that equalities are always an important consideration in everything the Board do.

The Boards Equality Policy has been updated and new Equality Outcomes are proposed for the next four years (Appendix 1).

(5) Consultation

Once the Aberdeen City Licensing Board approve their Equality Outcomes and Mainstreaming Report they will consult the Local Licensing Forum at their joint meeting on 26 May 2021 and thereafter the policy will require to be published on the City Councils website from 1 September.

4. REPORT AUTHOR DETAILS

Karen Gatherum, Solicitor
Kgatherum@aberdeencity.gov.uk
01224 522462

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Equality Outcomes and Mainstreaming Report 2021-2025

Aberdeen City Licensing Board



Equality Outcomes and Mainstreaming Report 2017-2021

Introduction – The Legal Requirement

Equality outcomes are strategic and are what the Local Authority and Licensing Board, often in partnership, will try to achieve to improve local people's lives. In "Equality Outcomes and the Public Sector Equality Duty: A Guide for Public Authorities in Scotland" 2016, the Equality and Human Rights Commission (EHRC) has provided a guide on preparing and publishing equality outcomes. It states that outcomes should be relevant and realistic.

A key legal requirement under the Equality Act 2010 is for local authorities to publicise and deliver equality outcomes. An equality outcome must further one or more of the aims of the public sector general equality duty:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not;
- Foster good relations between people who share a protected characteristic and those who do not.

The public sector equality duty covers all of the protected characteristics, which are: **Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex, Sexual Orientation.**

The Licensing Board must publish a fresh set of equality outcomes within four years of publishing its previous set. In preparing a set of equality outcomes, the Licensing Board must take reasonable steps to involve people who share a relevant protected characteristic and anyone who appears to the Licensing Board to represent the interests on those people.

The Licensing Board must also consider relevant evidence relating to people who share a relevant protected characteristic. If a Licensing Boards set of outcomes does not further the needs of the general equality duty in relation to every relevant protected characteristic, it must publish the reasons for this.

The Aberdeen City Licensing Board

Aberdeen City Licensing Board is a relevant public body under the 2010 Act. Therefore Aberdeen City Licensing Board is required to prepare and monitor the progress towards achieving Equality Outcomes in terms of Regulation 4 of the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012. The Board published their Equality outcomes in April 2017. In April 2015 the Board published a report, in accordance with its legal duties, on the progress towards achieving those outcomes.

In terms of the required reporting cycle the Board requires to publish a further report on its Equality outcomes in 2021.

In terms of the Licensing (Scotland) Act 2005, Section 5, there is to be a Licensing Board for the area of each Council under Section 46(1) of the Local Government (Scotland) 1994. The members of the Licensing Board are to be elected by the relevant Council from among their members. The Licensing Board although comprised of Councillors is a separate legal body from the Council. The Council must, at its first meeting after each ordinary election of the Council, hold an election of members to the Licensing Board for their area.

The Aberdeen City Licensing Board published their new Statement of Licensing Policy in November 2018 which included a statement as to their duties under the Equality Act 2010 as well as their Equality Outcomes.

Equality Outcomes 2017-2021 Progress Report

Equality Outcome 1. Members of the Licensing Board and the staff of the Licensing Team to improve their understanding and awareness of equality issues in carrying out their statutory roles with Licence holders, trade organisations, partners and the communities of Aberdeen City.

Output	Actions/Activities	Indicators	Sources	Updates	Responsible Officer	Further Comment
Members of the Licensing Board and the staff of the Licensing Team to improve their understanding and awareness of equality issues in carrying out their statutory roles with Licence holders, trade organisations, partners and the communities of Aberdeen City.	To achieve this, Members, LSO's and staff will participate in equality and diversity training.	It was considered that participating in this training will highlight the need for awareness and consideration of needs for protected characteristics	Governance – Legal Services	Most members and staff have now attended training, Virtual training will be delivered to new staff and Board Members.	Jennifer Lawson/Lynn May	This action is ongoing. A training session will be scheduled within the next quarter

Equality Outcome 2. The Licensing Board will seek to promote equal opportunity of access for all to Licensed Premises in the City and promote good practice.

Output	Actions/Activities	Indicators	Sources	Updates	Responsible Officer	Further Comment
The Licensing Board will seek to promote equal opportunity of access for all to Licensed Premises in the City and promote good practice.	To achieve this The Board will raise awareness of disabled access to Licensed premises and other awareness campaigns (e.g. work with Guide Dogs for the Blind, work with Building Standards to ensure and highlight the requirements for Disabled toilet provision in licensed premises, ensure the provision of baby changing facilities in licences premises which are accessible to all genders, Promote other equality campaigns led by the Council to the licensed trade through the Board Meetings, the Local Licensing Forum and	The Board’s licence application forms now include a Disability Facilities Statement which must be completed by the applicant. This has to highlight provisions in place to meet the needs of people with protected characteristics	Governance – Governance (both legal and Committee)	The responsible officers shall ensure that the Corporate Accessible Guidelines and other equalities monitoring processes can be further implemented Officers have discussed the matter with the Licensing Board to increase practical awareness of their equality outcomes and their significance in Board practice From April 2021 Mainstreaming of the Equality Duty is to be placed	Jennifer Lawson/ Lynn May	Action is ongoing, consideration is given to disabled access within all new licensed premises. The Board’s license applications now include a Disability Facilities Statement which must be completed by the applicant. This has to highlight provisions in place to meet the needs of people with protected characteristics

	the Licensing Board pages on the City Council Website.			as an item on the agenda of each Licensing Board meeting.		
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Equality Outcome 3 All applicants and members of the public are able to access the Licensing Boards services easily and confidently and make sure the Board’s information is available to all.

Output	Actions/Activities	Indicators	Sources	Updates	Responsible Officer	Further Comment
All applicants and members of the public are able to access the Licensing Boards services easily and confidently and make sure the Board’s information is available to all.	To achieve this The Board will utilise social media, the press and the Council Website to advertise meetings and consultations. Recording and streaming Licensing Board Meetings on the website for greater access and participation.	The Board’s documentation better adheres to the Corporate Accessible Guidelines The Board’s documentation is all available in an electronic form which allows for magnification	Governance – Legal Services	The responsible officers shall ensure that the all documentation is up to date and easily accessible	Jennifer Wilson/Lynn May	Officers will monitor current practice and seek to improve service accessibility in relation to the Board’s website, documents and correspondence. This action is ongoing.

Equality Outcome 4. Greater participation and involvement of the public and licence holders with protected characteristics in meetings, consultations and other statutory processes of the Board.

Output	Actions/Activities	Indicators	Sources	Updates	Responsible Officer	Further Comment
<p>Greater participation and involvement of the public and licence holders with protected characteristics in meetings, consultations and other statutory processes of the Board.</p>	<p>To achieve this The Board will utilise social media, the press and the Council Website to advertise meetings and consultations.</p> <p>Recording and streaming Licensing Board Meetings on the website for greater access and participation.</p>	<p>The Board’s documentation better adheres to the Corporate Accessible Guidelines.</p> <p>The Board’s documentation is all available in an electronic form which allows for magnification</p>	<p>Governance – Governance</p>	<p>The responsible officers shall ensure that the all documentation is up to date and easily accessible</p> <p>From April 2021 Mainstreaming of the Equality Duty is to be placed as an item on the agenda of each Licensing Board meeting.</p>	<p>Jennifer Wilson/Lynn May</p>	<p>Officers will monitor current practice and seek to improve service accessibility in relation to the Board’s documents, meetings and correspondence. This action is ongoing.</p>

Mainstreaming Equality by Aberdeen City Licensing Board

The Licensing Board has taken steps to ensure the mainstreaming of the general equality duty as an integral part of the exercise of its functions. The Board's statutory Statement of Licensing Policy sets out the policies that assist in the exercise of its functions under the Licensing (Scotland) Act 2005. During the formulation of this document an Equalities and Human Rights Impact Assessment was carried out. The Board considered the EHRIA and the licensing policy document before its introduction in November 2018.

Prior to the Specific Scottish Equalities Duties coming into force the Board made the general equality duty part of its procedures by following best practice to use impact assessments in the exercise of its functions. In a report in June 2011 the Board also emphasised its commitment to ensure it had due regard to the general equality duty during the intervening period between the expiry of the earlier equality (disability, gender, and race) duties and the introduction of the specific duties.

The Board's current Statement of Licensing Policy was published in November 2018 and was considered by the Board with a full Equalities and Human Rights Impact Assessment before implementation. Equality impact assessment has been made integral to the development and consideration of the Board's policies and reports. The practical functions of the Board, for example accessibility of publications and meetings, will be monitored and promoted through actions linked to the equality outcomes.

1. Various actions have been taken to ensure that the Board makes the equality duty integral to the exercise of its functions so as to better perform that duty.

The Licensing Board’s equality outcomes have assisted the Board Members in mainstreaming equality issues. For example, it is noted that the Board’s communication now more fully adheres to (Aberdeen City Council) Corporate Accessible guidelines. This is to assist persons with difficult reading, and those with visual impairment. The Board’s meetings have been moved to rooms which are accessible to wheelchair users and persons with restricted mobility as there is a lift located close to the entrance to the building, which itself has wheelchair accessibility outside. These rooms also have a hearing loop facility for persons with hearing impairment who use hearing aid devices. Hybrid Licensing Board meetings now means that the applicant does not have to physically attend the Board Meeting.

Officers have also agreed to place mainstreaming of the equality duty as an item on the agenda of Licensing Board meetings and have led and facilitated discussion of the Public Sector Equality Duty amongst the Board Members. They have explained its relevance to Licensing Board practice and how it should be made integral to all Licensing Board processes.

Similarly, at team meetings with the relevant officers who dealing with Licensing Board matters mainstreaming of the Public Sector Equality duty has also been explained and discussed, to ensure that all relevant officers are aware of the responsibility and are enacting mainstreaming in practice. Through the introduction of the Equalities and Human Rights Monitoring Questionnaires with all Licensing Board applications, and its availability online, the Board’s officers have started to gather helpful equalities monitoring

information, which assists them to make progress on mainstreaming the duty. They have noted however that the number of forms which have been returned have been limited and do not fully reflect the diversity of applicants to the Licensing Board. Officers will now require to further publicise and encourage the completion of these forms. Officers will then use the information from these forms with the existing data from applications to understand better the profile of licence holders and applicants in relation to the protected characteristics. This should also help provide relevant data that can be used to positively mainstream the duty by making appropriate amendments to Board procedure, and improve accessibility to under-represented groups.

It is the intention to place mainstreaming equality duty agenda items on Licensing Board meetings, Licensing Board officers' team meetings, and on the annual meeting between the Board and the Local Licensing Forum. This is with the aim of maintaining and improving awareness of how to make the Public Sector Equality Duty integral to the Board's practice.

The Licensing Board's officers have all been made aware that if there are persons who cannot access Licensing Board services in the same manner as persons without a protected characteristic then they must seek to adapt practice, and facilitate such access.

The Licensing Board's Statement of Licensing Policy was reviewed and the new version was published on 30 November 2018. which includes a statement as to their duties under the Equality Act 2010 as well as their Equality Outcomes.

As noted above the Board’s statutory Statement of Licensing Policy sets out the policies that assist in the exercise of its functions under the Licensing (Scotland) Act 2005. During the formulation of this document an Equalities and Human Rights Impact Assessment was carried out. The Board considered the EHRIA and the licensing policy document before its introduction in November 2013. Paragraphs 2.4 – 2.6 thereof refer. It was clear from preparation of the new Statement of Licensing Policy that there was greater awareness of mainstreaming of the Public Sector Equality duty in the consciousness of officers dealing with the policy review.

The Licensing Board also maintains good practice by utilising Equality and Human Rights Impact Assessment forms (EHRIA) when considering reports

Proposed New Equality Outcomes 2021-2025

The proposed outcomes for the protected characteristics set out below take account of key issues which are still ongoing and those which have arisen since the last report in 2017.

Outcome 1

Developing the Licensing process to ensure fair access for all, including the development of electronic applications and payments and the implementation of hybrid Licensing Board meetings

- In addition to promote the Councils translation services in terms of our documentation, forms, policy documents and interpretation services for assisting customers with queries and representation at meetings if required.
- This will benefit all Protected Characteristics.
- Public Sector Equality Duty:- Eliminate unlawful discrimination; Advance equality of opportunity; Foster good relations.
- Applicable authority – Aberdeen City Council, Corporate Governance and Aberdeen City Licensing Board

Outcome 2

Licensing Board works in partnership with a range of stakeholders to ensure the most effective decisions are made to meet the aims of the Board and also works with license holders and other Council services to support positive behaviour on and around license premises

- To seek the views of the public and a range of stakeholders all members of the public in the determination of applications and encourage to participation in consultations on policy matters raised by advertising on various platforms. This will enhance the Licensing Board's commitment to equality of persons with protected characteristics and the Public Sector Equality Duty.
- This will benefit all Protected Characteristics.
- Public Sector Equality Duty:- Eliminate unlawful discrimination; Advance equality of opportunity; Foster good relations.
- Applicable authority – Aberdeen City Council, Corporate Governance and Aberdeen City Licensing Board

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: APPLICATION FOR PREMISES LICENCE

PREMISES: THE NEW ALBYN

DESCRIPTION

On sales consumption. Offering restaurant facilities, bar meals, social functions, recorded music, live performances, dance facilities, theatre, televised sports and outdoor drinking facilities.

OBJECTIONS/REPRESENTATIONS

- Police Scotland

The applicant has accepted External Areas Conditions and Local Conditions – Duty of Care, Door Supervisor, Drugs Policy and Radio Link.

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

Supplementary Policy – External Drinking Areas

The Board recognises that the incorporation of outdoor areas within the licensed footprint of premises can enhance the operation of such premises but considers that it also attracts additional responsibilities on the part of the licence holder to uphold the licensing objectives.

Before an application to licence an outdoor area will be considered the area in question must benefit from the necessary planning permission and, if required, a pavement permit from the Roads Department of Aberdeen City Council.

All outdoor areas must be delineated on the layout plan forming part of the premises licence and outdoor drinking should be included as an activity within the body of the licence.

The Board will expect premises who currently utilise unlicensed outdoor areas to incorporate such areas within the premises licence by way of variation.

Applicants and licence holders must demonstrate that the areas will not contravene the licensing objectives, in particular with regard to noise, litter and antisocial behaviour. The areas must be regularly monitored, and glassware removed.

The Board will routinely attach additional conditions where an outdoor area is licensed including but not restricted to:

- Outdoor area to be clearly demarcated onsite.
- Use of the area to cease at 2200 hours.
- No amplified music or entertainment to take place in the outdoor area.

The terminal hour may be further restricted, and drinks may be required to be decanted into alternatives to glassware if appropriate.

6 CONDITIONS ATTACHING TO LICENCES

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

Duty of Care It is a condition that the licence holder must have in place a duty of care policy to ensure a standard approach is taken when any patron appears to be displaying signs of excessive intoxication. The purpose of this policy is to reduce vulnerability through intoxication, however attained. All staff must have training in identifying signs of excessive intoxication and an enhanced awareness of vulnerability through intoxication. This should include use of material such as the 'Who are You' video (whoareyou.nz) or similar. All related training should be recorded and such records available for inspection by Police and Licensing Standards Officers.

Door Supervisors It is a condition that the licence holder will ensure that from 23:00 onwards they shall employ or use suitably licensed door supervisors at or near the entrance to, or within the premises, to maintain order and/or security and prevent patrons breaching the licensing objectives.

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.

Radio Link It is a condition that the licence holder is a member of the local Radiolink Scheme

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: THE ABERDEEN ALTENS HOTEL

DESCRIPTION

- Variation to on consumption terminal hour from 00:00 to 01:00 on Friday to Saturday.
- To allow off consumption from 10:00 to 22:00 on Monday to Sunday.
- To allow Seasonal Variations.
- To include the provision of film and outdoor drinking facilities during and outwith core licensed hours.
- To amend the description of the details in respect of column 4 to reflect "Normal Hotel facilities will operate out with the core licensed hours 24/7 including the provision of accommodation, restaurant and all catering requirements for Hotel residents and private functions."
- Variation to the terms under which children and young persons are allowed entry into the premises.
- Variation to the layout plan - Reconfiguration of ground floor customer area, moving bar and buffet and incorporation of the external areas into licensed areas for on consumption.

OBJECTIONS/REPRESENTATIONS

- Community Council

The applicant has accepted the External Areas Conditions.

POLICY

Supplementary Policy – External Drinking Areas

The Board recognises that the incorporation of outdoor areas within the licensed footprint of premises can enhance the operation of such premises but considers

that it also attracts additional responsibilities on the part of the licence holder to uphold the licensing objectives.

Before an application to licence an outdoor area will be considered the area in question must benefit from the necessary planning permission and, if required, a pavement permit from the Roads Department of Aberdeen City Council.

All outdoor areas must be delineated on the layout plan forming part of the premises licence and outdoor drinking should be included as an activity within the body of the licence.

The Board will expect premises who currently utilise unlicensed outdoor areas to incorporate such areas within the premises licence by way of variation.

Applicants and licence holders must demonstrate that the areas will not contravene the licensing objectives, in particular with regard to noise, litter and antisocial behaviour. The areas must be regularly monitored, and glassware removed.

The Board will routinely attach additional conditions where an outdoor area is licensed including but not restricted to:

- Outdoor area to be clearly demarcated onsite.
- Use of the area to cease at 2200 hours.
- No amplified music or entertainment to take place in the outdoor area.

The terminal hour may be further restricted, and drinks may be required to be decanted into alternatives to glassware if appropriate.

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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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: CAFÉ HARMONY

DESCRIPTION

- Variation to allow off consumption on Monday to Saturday from 11:00 to 22:00.
- On Sunday from 12:00 to 22:00.
- To include alcohol delivery with takeaway food.
- To allow access of children and young persons for the collection of takeaway food orders.
- Change to layout plan.

OBJECTIONS/REPRESENTATIONS

- None – as at 29/03/2021

The applicant has accepted the imposition of the Delivery Driver and CCTV Conditions.

POLICY

6 CONDITIONS ATTACHING TO LICENCES

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

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

CCTV

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current technical requirements of the Police Service of Scotland as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: CHEERS BAR

DESCRIPTION

- Variation to incorporate additional areas to the licensed area and to change premises description.
- Variation to on consumption terminal hour on Friday and Saturday to 03:00.
- To allow seasonal variation.
- To include conference and restaurant facilities, bar meals, reception activities, club or other group meetings, recorded music, live performances, dance facilities, theatre, films, indoor/outdoor sports and televised sports during and outwith core licensed hours.
- To include adult entertainment during core licensed hours.
- To include delivery and takeaway facilities for food, hot and cold beverages and off sale alcohol from 07:00 throughout core licensed hours.
- Variation to the late night opening and local conditions.
- Variation to the layout plan.

OBJECTIONS/REPRESENTATIONS

- None – as at 12/03/2021

The applicant has accepted the imposition the Delivery Driver Conditions.

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: COOPERS BAR

DESCRIPTION

Variation to include Bar Meals during core licensed hours.

OBJECTIONS/REPRESENTATIONS

- None – as at 12/03/2021

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: DUTCHMILL HOTEL

DESCRIPTION

- Variation to remove the wording "There is generous private parking to the front and to the rear of the premises" from the description of the premises.
- Variation to on and off sales consumption opening hours on Sunday from 12:00 to 10:00.
- To incorporate the front and rear outside areas into licensed area.
- Increase on sales capacity.
- Change to layout plan.

OBJECTIONS/REPRESENTATIONS

None - The applicant has accepted the External Areas Conditions.

POLICY

Supplementary Policy – External Drinking Areas

The Board recognises that the incorporation of outdoor areas within the licensed footprint of premises can enhance the operation of such premises but considers that it also attracts additional responsibilities on the part of the licence holder to uphold the licensing objectives.

Before an application to licence an outdoor area will be considered the area in question must benefit from the necessary planning permission and, if required, a pavement permit from the Roads Department of Aberdeen City Council.

All outdoor areas must be delineated on the layout plan forming part of the premises licence and outdoor drinking should be included as an activity within the body of the licence.

The Board will expect premises who currently utilise unlicensed outdoor areas to incorporate such areas within the premises licence by way of variation.

Applicants and licence holders must demonstrate that the areas will not contravene the licensing objectives, in particular with regard to noise, litter and antisocial behaviour. The areas must be regularly monitored, and glassware removed.

The Board will routinely attach additional conditions where an outdoor area is licensed including but not restricted to:

- Outdoor area to be clearly demarcated onsite.
- Use of the area to cease at 2200 hours.
- No amplified music or entertainment to take place in the outdoor area.

The terminal hour may be further restricted, and drinks may be required to be decanted into alternatives to glassware if appropriate.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: APPLICATION FOR PREMISES LICENCE

PREMISES: PETERCULTER GOLF CLUB

DESCRIPTION

- Variation to include outdoor drinking facilities during and outwith core licensed hours.
- Change to layout plan.

OBJECTIONS/REPRESENTATIONS

- None – as at 31/03/2021

The applicant has accepted the External Areas Conditions.

POLICY

Supplementary Policy – External Drinking Areas

The Board recognises that the incorporation of outdoor areas within the licensed footprint of premises can enhance the operation of such premises but considers that it also attracts additional responsibilities on the part of the licence holder to uphold the licensing objectives.

Before an application to licence an outdoor area will be considered the area in question must benefit from the necessary planning permission and, if required, a pavement permit from the Roads Department of Aberdeen City Council.

All outdoor areas must be delineated on the layout plan forming part of the premises licence and outdoor drinking should be included as an activity within the body of the licence.

The Board will expect premises who currently utilise unlicensed outdoor areas to incorporate such areas within the premises licence by way of variation.

Applicants and licence holders must demonstrate that the areas will not contravene the licensing objectives, in particular with regard to noise, litter and

antisocial behaviour. The areas must be regularly monitored, and glassware removed.

The Board will routinely attach additional conditions where an outdoor area is licensed including but not restricted to:

- Outdoor area to be clearly demarcated onsite.
- Use of the area to cease at 2200 hours.
- No amplified music or entertainment to take place in the outdoor area.

The terminal hour may be further restricted, and drinks may be required to be decanted into alternatives to glassware if appropriate.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PERSONAL LICENCE APPLICATION

OBJECTIONS/REPRESENTATIONS

- Police Scotland

DETERMINATION

The Board Must:

- a) The Board if it is satisfied that it is necessary to do so for the purposes of any of the licensing objections refuse the application or
- b) If not so satisfied, grant the application.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PERSONAL LICENCE APPLICATION

OBJECTIONS/REPRESENTATIONS

- Police Scotland

DETERMINATION

The Board Must:

- a) The Board if it is satisfied that it is necessary to do so for the purposes of any of the licensing objections refuse the application or
- b) If not so satisfied, grant the application.

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LICENSING BOARD INFORMATION SHEET

NOTICE OF CONVICTION LICENCE HOLDER

BACKGROUND

- Held licence since 25 February 2016

OBJECTIONS/REPRESENTATIONS

- Police Scotland

DETERMINATION

The Board must:

After having regard to the report and any recommendation contained in the Chief Constable's notice,

and 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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