

LICENSING BOARD

ABERDEEN, 26 April 2022. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener; and Councillors Cameron, Lesley Dunbar, McLellan, Townson and Sellar.

MINUTES OF MEETING OF 8 FEBRUARY 2022

1. The Board had before it for its consideration the minutes of meeting of 8 February 2022

The Board resolved: -

To approve the minute.

APPLICATION FOR PROVISIONAL PREMISES LICENCE - THE BANK BUILDINGS, VICTORIA STREET, DYCE

2. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board thereafter heard from Janet Hood, Solicitor in support of the application.

The Board resolved: -

to grant the application

APPLICATION FOR PROVISIONAL PREMISES LICENCE- 19-21 BALNAGASK ROAD

3. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board thereafter heard from Janet Hood, Solicitor in support of the application.

The Board resolved: -

to grant the application

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APPLICATION FOR PROVISIONAL PREMISES LICENCE - 17 UNION STREET

4. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board thereafter heard from Janet Hood, Solicitor in support of the application.

The Board resolved: -

to grant the application

APPLICATION FOR PREMISES LICENCE - BABYLON, 9 ALFORD PLACE

5. The Board heard from Sandy, Munro, Depute Clerk to the board, that the application was for a new premises licence for a nightclub premises offering on consumption Sunday to Thursday 12:00 to 02:00 and Friday and Saturday 12:00 to 03:00.

The Board had before them a letter of representation dated 17 February 2022 from Police Scotland and an email of representation dated 03 February 2022 from the LSO.

The Board heard from Sarah Wheeler and Greg Robertson on behalf of the applicant and thereafter from Sergeant Grant and John Philips, LSO in support of their representations.

The Board resolved: -

To grant the licence subject to the conditions recommended by Police Scotland and the LSO.

APPLICATION FOR PREMISES LICENCE - RED ROBIN RECORDS VINYL CAFE, 13 CORRECTION WYND

6. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

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

The Board resolved: -

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to grant the application

APPLICATION FOR PREMISES LICENCE - RESET, ABERDEEN, 12 JOHN STREET

7. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

APPLICATION FOR PREMISES LICENCE - TRAVANCORE RESTAURANT, 11 HOLBURN STREET

8. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board thereafter, heard from Janet Hood, Solicitor in support of the application.

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF PREMISES LICENCE - BANKS O'DEE FOOTBALL CLUB, SPAIN PARK, ABBOTSWELL ROAD

9. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

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APPLICATION FOR VARIATION OF PREMISES LICENCE - BP CULTER FILLING STATION, NORTH DEESIDE ROAD

10. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF PREMISES LICENCE - FILLING STATION, 565 NORTH ANDERSON DRIVE

11. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF PREMISES LICENCE - LEGENDS SPORTS BAR, 23 CROWN TERRACE

12. The Board heard from Sandy Munro, Depute Clerk to the Board that the application sought to amend the commencement of on consumption hours on Fridays and Saturdays from 12:00 to 10:00 and to amend the terminal hour on Fridays and Saturday from 03:00 to 01:00, to include the ground floor of the premises within the licensed area and to add gaming as an activity. Mr Munro advised that there were no representation or objections received in connection with these aspects of the application.

The application also sought to vary the local condition in respect to of Door Supervisors, seeking to remove the requirement for door supervisors on Sundays to Thursdays. Mr Munro advised that this request was contrary to the Board's Policy.

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Thereafter the Board heard from Janet Hood, Solicitor who advised that her client had agreed to amend the terminal hour on Sundays to Thursdays bringing the application into policy.

The Board resolved: -

To grant the application as amended.

**APPLICATION FOR VARIATION OF PREMISES LICENCE -MALMAISON HOTEL,
51 QUEEN'S ROAD**

13. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy. Mr Munro confirmed that the applicant had accept the police recommendations and therefore the representation could be considered withdrawn.

Thereafter the Board heard from Martin Brown, General Manager, Malmaison Aberdeen, in support of the application.

The Board resolved: -

to grant the application

**APPLICATION FOR VARIATION OF PREMISES LICENCE - NO 10 WINE BAR, 10
QUEENS TERRACE**

14. The Board heard from Sandy Munro, Depute Clerk to the Licensing Board that the applicant had requested that the application be deferred.

The Board resolved: -

To defer consideration of the application to a further meeting of the Board.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - PALM COURT HOTEL,
81 SEAFIELD ROAD**

15. The Board heard from Sandy Munro, Depute Clerk to the Board that the application sought to amend the terminal hours for the function suites and bar area to 02:00 on Friday to Sunday and the inclusion of an additional space in the external area.

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Mr Munro advised that the requested hours were outwith the terms of the Board's Policy.

The Board had before them a letter of objection from Braeside and Mannofield Community Council and three letters of objection from members of the public.

Thereafter the Board heard from Archie MacIver, Solicitor on behalf of the application and Mrs Jean Main who spoke in support of her objection.

The Board resolved: -

To depart from its policy and to grant the application on the condition that the bar was only open to 02:00 when a function was taking place.

APPLICATION FOR VARIATION OF PREMISES LICENCE - SPAR STORE, 78 VICTORIA ROAD, TORRY

16. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF PREMISES LICENCE - SPAR, 32 ASHGROVE ROAD

17. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

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APPLICATION FOR VARIATION OF PREMISES LICENCE - SPAR, 270 CLIFTON ROAD

18. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF PREMISES LICENCE - SPAR, 5-11 GREENFERN ROAD, MASTRICK

19. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF PREMISES LICENCE - SPAR, 45 ST MACHAR DRIVE

20. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

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APPLICATION FOR VARIATION OF PREMISES LICENCE - SPAR, 120 ROSEMOUNT VIADUCT, ROSEMOUNT

21. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF PREMISES LICENCE - SPAR, 254 NORTH DEESIDE ROAD, PETERCULTER

22. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF PREMISES LICENCE -TESCO EXPRESS, 35 VICTORIA STREET, DYCE

23. The Board heard from Sandy Munro, Depute Clerk to the Board that there had been no objections or representations received in connection with the application and that all elements of the application were within policy.

The Board resolved: -

to grant the application

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APPLICATION FOR VARIATION OF PREMISES LICENCE - THE BOBBIN, 500 KING STREET

24. The Board heard from Mr Munro, Depute Clerk to the Board that the application sought to add an external area at the rear of the premises and to vary the terminal hour on Fridays and Saturdays to 01:00.

The Board had before them 5 letters of objections from members of the public.

Thereafter the Board heard from Audrey Junner, Solicitor in support of the application. Mrs Junner advised that their client was willing to accept a terminal hour of 21:00 for the external area at the rear. The Board heard from Mr & Mrs Bowie who spoke in support of their objection.

The Board resolved: -

To grant the application in respect of the amendment to the terminal hour only. The Board refused the addition of the external area in support of the licensing objective preventing public nuisance.

APPLICATION FOR AN OCCASIONAL LICENCE - SIBERIA BAR & HOTEL

25. The Board heard from Sandy Munro, Depute Clerk to the Board. The Board had before them an application for an occasional licence for Siberia Bar and Hotel. The application sought to licence a pop-up licensed area for May Day Bank Holiday celebrations on Saturday 30th April and Sunday 1st May.

The Board had before them letters of representation from Police Scotland and the LSO. The recommended conditions contain in the letters had been accepted by the applicant with the exception of the condition in respect of amplified music.

The Board heard from Niall Hassard, Solicitor in support of the application.

The Board resolved: -

To depart from policy and to grant the application without the standard condition in respect of amplified music.

APPLICATION FOR OCCASIONAL LICENCE - THE BIKE YARD

26. The Board had before them an application for an occasional licence for the Bike Yard, Hutcheon Street, Aberdeen, letters for representation from Police Scotland and the LSO and 2 objections from members of the Public.

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Mr Sandy Munro, Depute Clerk to the Board advised that 2 further objections from members of the public had been received out with the statutory timescale for submitting objections.

The Board resolved: -

Not to accept the late objections.

The Board heard from Niall Hassard, Solicitor, Rory Masson and Scott Forrest speak in support of the application and from Gregor McLellan and Caroline Nicoll in support of their objections. The Board also heard from Sergeant Grant and John Philips in respect of their representations.

Mr McLellan advised that he had provided video evidence earlier in the day that he wished to be shown to the Board. Mr Munro advised that due to the late submission of the video, it had not been shared with the applicants or their agent and that the Board should determine whether to allow the video to form part of Mr McLellan submissions.

The Board resolved: -

to allow the video.

The Board resolved: -

to amend the application hours to 12:00 to 22:00 for both the internal area and external area and to add conditions prohibiting music in the external area and permitting low level background music in the internal area.

The Board granted the application as amended.

NOTICE OF CONVICTION

27. The Board had before them a letter of representation from Police Scotland in respect of a Personal Licence Holder.

The Board heard from Sergeant Grant in support of his letter and from the Licence holder.

Thereafter the Board heard from Sandy Munro, Depute Clerk to the Board that the Board could: take no action, endorse the licence, suspend the licence or revoke the licence.

The Board resolved:-

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Having found the licence holder to have acted in a manner inconsistent with the licensing objection of preventing crime and disorder to endorse the licence.

LICENSING BOARD POLICY STATEMENT - FEEDBACK

28. The Board had before it, initial feedback received in connection with the Licensing Policy Statement. The Board heard from Sandy Munro, Depute Clerk to the Board that the feedback was generally positive and would provide a starting point for developing the next Policy.

The Board resolved: -

To note the feedback

GENERAL DIRECTION

29. The Board had before them suggested dates received from the trade that the Board might want to consider for a general direction.

Sandy Munro, Depute Clerk to the Board advised that in recent years the Board had granted a General Direction for the Festive Period only.

The Board resolved: -

To grant a general direction for every Friday and Saturday in December and Christmas Eve, Boxing Day, New Years Eve and New Years Day (where these days don't fall on a Friday or Saturday)

EXTERNAL AREA DISCUSSION

30. Sandy Munro, Depute Clerk to the Board advised that some members of the Board's signing rota had requested that a discussion on external areas and amplified music come to the full Board for discussion. Mr Munro reminded the Board that they had allowed a relaxation of the condition preventing amplified music in external areas during the festive period in 2021.

The Board resolved: -

to allow a relaxation of the condition preventing amplified music in external area The relaxation would apply during the months of June, July and August for premises with external areas within the footprint of their licensed area until 20:00.

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ADDITIONAL BOARD MEETING

31. Sandy Munro, Depute Clerk to the Board advised that due to the Local Council elections there was not another Board meeting scheduled until August. Mr Munro commented that there was a significant gap between April and August and considered that an additional meeting in June would be helpful.

The Board resolved: -

to hold an additional meeting on Tuesday 21 June 2022