

Public Document Pack



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

Town House,
ABERDEEN 19 April 2022

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in **Council Chamber - Town House on TUESDAY, 26 APRIL 2022 at 10.30 am.**

This is a hybrid meeting and Members may also attend remotely. Members of the press and public are not permitted to enter the Town House at this time. The meeting will be webcast and a live stream can be viewed on the Council's website. <https://aberdeen.public-i.tv/core/portal/home>

JENNI WILSON
CLERK TO THE BOARD

BUSINESS

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 - 2.2 Application for Provisional Premises Licence- 19-21 Balnagask Road (Pages 39 - 56)
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Website Address: www.aberdeencity.gov.uk

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

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LICENSING BOARD

ABERDEEN, 8 February 2022. 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 30 NOVEMBER 2021

1. Minutes:

The Board had before it for its consideration the minutes of meeting of 30 November 2021.

The Board resolved: -

To approve the minute.

LIST OF APPLICATIONS

2. The Board had before it for its consideration the list of applications as listed at 3 - 12

APPLICATION FOR PREMISES LICENCE - THE COLLECTIVE, 9 DIAMOND STREET, ABERDEEN

3. The Board heard from Alexander Munro, Depute Clerk to the Board that there had been no objections or representations received in connections with the application and everything was within policy.

The Board unanimously resolved:

To grant the application.

APPLICATION FOR PREMISES LICENCE - FAFFLES, 47 NETHERKIRKGATE, ABERDEEN

4. The Board heard from Alexander Munro, Depute Clerk to the Board that there had been no objections or representations received in connections with the application and everything was within policy.

The Board unanimously resolved:

To grant the application.

LICENSING BOARD

8 February 2022

APPLICATION FOR PREMISES LICENCE - 8 GOLDEN SQUARE, ABERDEEN

5. The Board heard from Alexander Munro, Depute Clerk to the Board that there had been no objections or representations received in connections with the application and everything was within policy.

The Board unanimously resolved:

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE - ALL BAR ONE, RETAIL UNIT B, ABERDEEN MARISCHAL SQUARE, BROAD STREET, ABERDEEN

6. The Board heard from Alexander Munro, Depute Clerk to the Board that the application is within the licensing policy and that there had been no objections or representations received and everything was within policy.

The Board thereafter heard from Chloe H. Crawford, Trainee Solicitor for the applicant, spoke in support and provided detailed information regarding the application.

The Board unanimously resolved:

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE - CROWN NEWS, 182 CROWN STREET, 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 and everything was within policy.

The Board unanimously resolved:

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE - DUTCH MILL HOTEL, 7 QUEENS ROAD, ABERDEEN

8. The Board heard from Anthony Dawson, Solicitor for the applicant, that arrangements are currently being made for a noise assessment document in support of the application to be submitted to Environmental Health and requested for the application to be deferred.

The Board unanimously resolved:

LICENSING BOARD

8 February 2022

To defer the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE - FERRYHILL STORES, 8 BRUNSWICK PLACE, 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 and everything was within policy.

The Board unanimously resolved: -

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE - MALONE'S IRISH SPORTS BAR, 90 SHIPROW, ABERDEEN

10. 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 and everything was within policy.

The Board thereafter heard from Stephen McGowan, Solicitor for the applicant, spoke in support and provided detailed information regarding the application.

The Board unanimously resolved: -

To grant the application.

APPLICATION FOR VARIATION OF PREMISES LICENCE - TRIPLE KIRKS (UPPER FLOOR) (EXODUS), SCHOOLHILL, ABERDEEN

11. The Board heard from Alexander Munro, Depute Clerk to the Board that the application is within the licensing policy and that there had been no objections or representations received and everything was within policy.

The Board thereafter heard from Chloe H. Crawford, Trainee Solicitor for the applicant, spoke in support and provided detailed information regarding the application.

The Board unanimously resolved:

To grant the application.

LICENSING BOARD

8 February 2022

APPLICATION FOR VARIATION OF PREMISES LICENCE - UNDER THE HAMMER, 11 NORTH SILVER STREET, ABERDEEN

12. The Board heard from Alexander Munro, Depute Clerk to the Board that the application is within the licensing policy and that there had been no objections or representations received.

The Board thereafter heard from Alasdair Sutherland, Solicitor for the applicant, spoke in support and provided detailed information regarding the application. Alasdair Sutherland, Solicitor, further requested that the wordings of the Door Supervisor condition be modified.

The Board unanimously resolved:

To grant the application and for the Door Supervisor condition to be modified to read as follows ; "It is a condition that the licence holder will ensure that where the premises will be open after 01:00 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 from 23:00 onwards."

PREMISES LICENCE REVIEW - ENGAGE GAMING, 26 NORTH SILVER STREET, ABERDEEN

13. The Board heard from the Convener, Councillor Boulton, that the premises licence review hearing had been resolved prior to 8 February 2022 and no longer required to be considered by the Board.

PREMISES LICENCE REVIEW - PREZZO, UNIT A2, MARISCHAL SQUARE, ABERDEEN

14. The Board heard from the Convener, Councillor Boulton, that the premises licence review hearing had been resolved prior to 8 February 2022 and no longer required to be considered by the Board.

PREMISES LICENCE REVIEW - YATAI, 53 LANGSTANE PLACE, ABERDEEN

15. The Board heard from the Convener, Councillor Boulton, that the premises licence review hearing had been resolved prior to 8 February 2022 and no longer required to be considered by the Board.

LICENSING BOARD

8 February 2022

APPLICATION FOR PERSONAL LICENCE

16. The Board had before them a letter from Police Scotland, dated 7 December 2021.

The Board thereafter heard from Sgt Flett, Stephen McGowan, Solicitor for the applicant and the applicant.

The Board unanimously resolved:

To grant the application.

REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES - PERSONAL LICENCE HOLDER

17. The Board had before them a letter of representation from Police Scotland dated 24 December 2021. The Board heard from Sergeant Flett speak in support of the letter.

The Board thereafter heard from personal licence holder.

The Board unanimously resolved:

To endorse licence.

OCCASIONAL LICENCES

18. The Board unanimously resolved that series of occasional licence applications can be accepted where there is evidence that an application for a premises licence or relevant applications for planning & building standards and food hygiene certificates had already been lodged. A series of occasional licence applications will also be accepted for temporary events however these will be considered separately as the Board deemed fit.

POLICY STATEMENT REVIEW

19. The Board unanimously resolved that it would be relevant to consult and obtain feedback from licensing agents prior to reviewing the statement of licensing policy.

GENERAL DIRECTION

20. The Board instructed officers to consult with the trade to gauge interest for suitable dates for a general direction and to report back to the Board in April.

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ABERDEEN CITY LICENSING BOARD

Meeting 26 April 2022 at in Council Chambers, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Provisional(s)

	Premises	Applicant	Date Received	Comments
1	THE BANK BUILDINGS VICTORIA STREET DYCE ABERDEEN AB21 7AX	PREMIER 35 LTD C/O JANET HOOD TRAINING & CONSULTING LTD KIRKTON OF BALFOUR EDZELL BRECHIN ANGUS DD9 7XU	23 February 2022	Convenience Store offering consumption of alcohol off the premises, 10:00 to 22:00 Monday-Sunday
	19-21 BALNAGASK ROAD ABERDEEN AB11 8HU	PREMIER 35 LTD C/O JANET HOOD TRAINING & CONSULTING LTD KIRKTON OF BALFOUR EDZELL BRECHIN ANGUS DD9 7XU	3 March 2022	Convenience Store offering consumption of alcohol off the premises, 10:00 to 22:00 Monday-Sunday
3	17 UNION STREET ABERDEEN AB11 5BU	PREMIER 35 LTD C/O JANET HOOD TRAINING & CONSULTING LTD KIRKTON OF BALFOUR EDZELL BRECHIN ANGUS DD9 7XU	23 February 2022	Convenience Store offering consumption of alcohol off the premises, 10:00 to 22:00 Monday-Sunday

ABERDEEN CITY LICENSING BOARD

Meeting 26 April 2022 at in Council Chambers, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

New Grant(s)

Premises	Applicant	Date Received	Comments
4 BABYLON 9 ALFORD PLACE ABERDEEN AB10 1YD	PB DEVELOPMENT COMPANY LIMITED	11 January 2022	Nightclub offering On Consumption Monday to Sunday 12:00 to 02:00 and Receptions, Club or other group meetings, recorded music, live performances, dance facilities, Televised sport, outdoor drinking
RED ROBIN RECORDS VINYL CAFE 13 CORRECTION WYND ABERDEEN AB10 1HP	NICKI DUTHIE C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	5 January 2022	Record Shop and Café. Consumption of Alcohol on the premises. Monday to Sunday 10:00-00:00, Restaurant Facilities, Club and other meetings, Recorded Music and Live performances

ABERDEEN CITY LICENSING BOARD

Meeting 26 April 2022 at in Council Chambers, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

New Grant(s)

Premises	Applicant	Date Received	Comments
6 RESET ABERDEEN 12 JOHN STREET ABERDEEN AB25 1BT	ENGAGE GAMING (ABERDEEN) LIMITED	18 February 2022	Small gaming venue that serves food and drinks. On Consumption - Monday to Friday 11:00 to 23:00 and Saturdays and Sundays 14:00 to 00:00, Offering restaurant facilities, bar meals, receptions, club meetings. Children access -Children under the age of 15 accompanied by an adult at all times and young persons unaccompanied until 2200 hours.
7 TRAVANCORE RESTAURANT 11 HOLBURN STREET ABERDEEN AB10 6BS	A9 KERALA FOOD LTD C/O JANET HOOD TRAINING & CONSULTING LTD KIRKTON OF BALFOUR EDZELL BRECHIN ANGUS DD9 7XU	19 January 2022	Restaurant- On and Off Consumption. On Consumption Monday to Sunday 11:00 to 01:00 and Off Consumption 11:00 to 22:00 Monday to Sunday Offering Restaurant facilities, bar meals, receptions, club and other meetings, recorded music, live performances, dance facilities, theatre. Children and Young persons access, Children accompanied by an Adult , young persons unaccompanied at all time the premises are open.

ABERDEEN CITY LICENSING BOARD

Meeting 26 April 2022 at in Council Chambers, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
8	BANKS O'DEE FOOTBALL CLUB SPAIN PARK ABBOTSWELL ROAD ABERDEEN AB12 3AB	BANKS O'DEE FOOTBALL CLUB C/O BURNES PAULL LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	11 March 2022	Extension of the licensed area and increase in capacity.
	BP CULTER FILLING STATION NORTH DEESIDE ROAD PETERCULTER ABERDEEN AB14 0QL	BP OIL UK LIMITED C/O HARPER MACLEOD LLP SOLICITORS THE CA'D'ORO 45 GORDON STREET GLASGOW G1 3PE	2 February 2022	Small change to alcohol display areas resulting in small increase in capacity.
10	FILLING STATION 565 NORTH ANDERSON DRIVE ABERDEEN AB16 7GD	MOTOR FUEL LTD C/O HARPER MACLEOD LLP SOLICITORS THE CA'D'ORO 45 GORDON STREET GLASGOW G1 3PE	17 March 2022	Renovation of the retail shop resulting in remerchandising of all products including alcohol displays on shop floor and behind the counter. Variation to capacity.

ABERDEEN CITY LICENSING BOARD

Meeting 26 April 2022 at in Council Chambers, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
11 LEGENDS SPORTS BAR 23 CROWN TERRACE ABERDEEN AB11 6HD	FIONA KATHRYN DANIEL	15 March 2022	Variation to the local conditions in respect of Door Supervisors, seeking to remove the requirement for door supervisors Sundays to Thursdays, amendment to the commencement of on consumption hours on Fridays and Saturdays from 12:00 to 10:00 and amendment to the terminal hour on Fridays and Saturday from 03:00 to 01:00. Variation to include the ground floor of the premisses within the licensed area
12 MALMAISON HOTEL 51 QUEEN'S ROAD ABERDEEN AB15 4YP	MALMAISON TRADING LIMITED C/O WARD HADAWAY SOLICITORS SANDGATE HOUSE 102 QUAYSIDE NEWCASTLE UPON TYNE NE1 3DX	11 March 2022	Installation of an alcohol vending machine in the reception area, available to the public during licensed hours and residents only outside those hours.

ABERDEEN CITY LICENSING BOARD

Meeting 26 April 2022 at in Council Chambers, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
13 NO 10 WINE BAR 10 QUEENS TERRACE ABERDEEN AB10 1XL	GRANITE CITY HOSPITALITY LIMITED C/O BURNES PAULL LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	11 February 2022	Addition of new outdoor drinking area and increase in capacity.
PALM COURT HOTEL 81 SEAFIELD ROAD ABERDEEN AB15 7YU	G1 GROUP PLC C/O BRUNTON MILLER SOLICITORS HERBERT HOUSE 22 HERBERT STREET GLASGOW G20 6NB	18 January 2022	Amendment of the terminal hour for the function suites and bar area to 02:00 Friday to Sunday and Inclusion of additional space in the external area
15 SPAR STORE 78 VICTORIA ROAD TORY ABERDEEN AB11 9DT	C J LANG & SON LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	18 March 2022	Adding gaming as an activity, amendment to the wording at Q5 and Q5(f) of the operating plan; amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.

ABERDEEN CITY LICENSING BOARD

Meeting 26 April 2022 at in Council Chambers, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
16 SPAR 32 ASHGROVE ROAD ABERDEEN AB25 3AD	C J LANG & SON LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	15 March 2022	Adding gaming as an activity, amendment to the wording at Q5 and Q5(f) of the operating plan; amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.
SPAR 270 CLIFTON ROAD ABERDEEN AB24 4HA	C J LANG & SON LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	18 March 2022	Adding gaming as an activity, amendment to the wording at Q5 and Q5(f) of the operating plan; amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.
18 SPAR 5-11 GREENFERN ROAD MASTRICK ABERDEEN AB16 5PY	C J LANG & SON LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	18 March 2022	Adding gaming as an activity, amendment to the wording at Q5 and Q5(f) of the operating plan; amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.

ABERDEEN CITY LICENSING BOARD

Meeting 26 April 2022 at in Council Chambers, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
19	SPAR 45 ST MACHAR DRIVE ABERDEEN AB24 3SE	C J LANG & SON LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	18 March 2022	Adding gaming as an activity, amendment to the wording at Q5 and Q5(f) of the operating plan; amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.
	SPAR 120 ROSEMOUNT VIADUCT ROSEMOUNT ABERDEEN AB25 1NX	C J LANG & SON LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	18 March 2022	Adding gaming as an activity, amendment to the wording at Q5 and Q5(f) of the operating plan; amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.
21	SPAR 254 NORTH DEESIDE ROAD PETERCULTER ABERDEEN AB14 0UQ	C J LANG & SON LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	18 March 2022	Adding gaming as an activity, amendment to the wording at Q5 and Q5(f) of the operating plan; amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.

ABERDEEN CITY LICENSING BOARD

Meeting 26 April 2022 at in Council Chambers, Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
22 TESCO EXPRESS 35 VICTORIA STREET DYCE ABERDEEN AB21 7DX	TESCO STORES LIMITED C/O PINSENT MASONS LLP SOLICITORS 141 BOTHWELL STREET GLASGOW G2 7EQ	7 January 2022	Increase in off-sales area.
23 THE BOBBIN 500 KING STREET ABERDEEN AB24 5ST	STONEGATE PUB COMPANY LIMITED C/O HILL BROWN LICENSING LLP RWF HOUSE 5 RENFIELD STREET GLASGOW G2 5EZ	28 February 2022	Addition of an external drinking area at the rear of the premises. Variation to the terminal hour on Fridays and Saturdays to 01:00, amendment to Children's access to include external areas.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE
PREMISES: FORMER BANK BUILDINGS, VICTORIA STREET, DYCE

DESCRIPTION

- Convenience Store offering alcohol for consumption off the premises

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has accepted the imposition of the following conditions:

- CCTV

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PREMISES LICENCE

PREMISES: 19 –21 BALNAGASK ROAD

DESCRIPTION

- Convenience Store offering consumption off the premises

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

- The applicant has accepted the imposition of the local condition in respect of CCTV.

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE

PREMISES: 17 UNION STREET

DESCRIPTION

- Convenience Store offering alcohol for consumption off the premises

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has accepted the imposition of the local condition in respect of CCTV

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PREMISES LICENCE
PREMISES: BABYLON, 9 ALFORD PLACE, ABERDEEN

DESCRIPTION

Nightclub offering On Consumption Monday to Sunday 12:00 to 02:00 and Receptions, Club or other group meetings, recorded music, live performances, dance facilities, Televised sport, outdoor drinking.

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- LSO

Note: The applicant accepts the recommended conditions from LSO and Police Scotland with the exception of the terminal hour for the external drinking area.

POLICY

9. 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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OFFICIAL: POLICE AND PARTNERS

17 February 2022

Your Ref:

Our Ref: 612757

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Marischal College
Broad Street
Aberdeen



North East Division
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE
BABYLON, 9 ALFORD PLACE, ABERDEEN, AB10 1YD
APPLICANT: PB DEVELOPMENT COMPANY LTD, 52-54 ROSE STREET,
ABERDEEN, AB10 1HA**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I wish to make a representation to the application. The applicant premises appear to fall under the criteria of a late opening premises and as such it is requested that all conditions stated in the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 are applied and additionally, the local conditions in respect of Door Supervisors, Radiolink, Duty of Care and outdoor drinking areas.

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

Yours faithfully

Kate Stephen
Chief Superintendent

For enquiries please contact the Licensing Department on 01224 301085

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Date 03/02/2022

**Licensing (Scotland) Act 2005
Application for Premises Licence
Address: Babylon, 9 Alford Place, Aberdeen AB10 1YD**

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

To be consistent with the current Aberdeen Licensing Board's policy and with regard to consistency with the licensing objective - Prevention of public nuisance, I recommend that the following external area local conditions are attached to the premises licence :

- 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.

Licensing Standards Officer

Diane Sande | Licensing Standards Officer
Aberdeen City Council | Commercial Team | Operations and Protective Services | Operations|
Marischal College | 3rd Floor South | Broad Street | Aberdeen | AB10 1AB

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Date: 23/02/2022

Hi Arlene,

Thank you for sending through Police Scotland's representation regarding Babylon's new Premises Licence.

In response, please note the following:

We are happy to abide by all late night conditions that will be mandatory within the Premises Licence as well as the local conditions of Door Supervisors, Radiolink and Duty of Care.

However, with regard to us ceasing to use the area after the 10pm, as per the layout plans provided with the application, the external area is an integral part of the premises. Namely, it is the entrance and exit to the premises and queueing area to get into the venue rather than the public street. This area is also used as the smoking area for patrons to prevent them from congregating on the public walkway to smoke and vape. The venue uses the front gate entrance into the marked licensed area to ask patrons for ID, Covid passports, tickets whilst also checking for checking levels of intoxication and performing drug and weapon searches prior to joining the queue. Whilst the front door to the building houses the cash desk whereby the venue charges an entry fee. Thus, the very nature of this outside space means that it is supervised thoroughly by both Personal Licence Holders and Door Stewards at all times to assist in the management and control of this space and to support the licensing objectives.

Currently Babylon is trading via Occasional Licence applications whereby this area, which includes bright lighting and full CCTV coverage, is utilised as a 'safe space' for our patrons away from the confines of the nightclub inside. This light, spacious part of the premises allows the staff to provide duty of care support to vulnerable individuals prior to them leaving the premises. This external part of the premises is serviced by staff at all times to ensure all glasses and litter are collected and removed from the area whilst the Door Stewards ensure that patrons leaving the premises do not take drinks out onto the street nor are boisterous upon their dispersal.

Babylon has not received any complaints of breaching the licensing objectives since it's re-opening last year from any within its Alford Place community. The location of the premises is between two office blocks which are not open after 10pm therefore not creating a nuisance to any other premises in its vicinity. The use of the external area is in keeping to other licensed buildings within its locality such as The Chester Hotel, Malmaison and The Albyn. We are aware of our additional responsibilities as not only a licensed premises but also as part of the West End neighbourhood.

Although we appreciate that Ms Stephen's comments are reflective of Aberdeen City Centre's current licensing policy on external drinking areas, the applicant, Greg Robertson and I would welcome the opportunity to show and discuss with Police Scotland the current use of Babylon's outside area and how it is vital to the operation of the premises after 10pm.

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Date 18/02/2022

Hi Arlene,

Thank you for sending through the LSO comments regarding Babylon's new Premises Licence.

In response, please note the following:

We are happy to abide by Ms Sande's comments on a clearly demarcated area and also that no amplified music or entertainment to take place in the outdoor area.

However, with regard to us ceasing to use the area after the 10pm, as per the layout plans provided with the application, the external area is an integral part of the premises. Namely, it is the entrance and exit to the premises and queueing area to get into the venue rather than the public street. This area is also used as the smoking area for patrons to prevent them from congregating on the public walkway to smoke and vape. The venue uses the front gate entrance into the marked licensed area to ask patrons for ID, Covid passports, tickets whilst also checking for checking levels of intoxication and performing drug and weapon searches prior to joining the queue. Whilst the front door to the building houses the cash desk whereby the venue charges an entry fee. Thus, the very nature of this outside space means that it is supervised thoroughly by both Personal Licence Holders and Door Stewards at all times to assist in the management and control of this space and to support the licensing objectives.

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Babylon has not received any complaints of breaching the licensing objectives since it's re-opening last year from any within its Alford Place community. The location of the premises is between two office blocks which are not open after 10pm therefore not creating a nuisance to any other premises in its vicinity. The use of the external area is in keeping to other licensed buildings within its locality such as The Chester Hotel, Malmaison and The Albyn (to be double checked??). We are aware of our additional responsibilities as not only a licensed premises but also as part of the West End neighbourhood.

Although we appreciate that Ms Sande's comments are reflective of Aberdeen City Centre's current licensing policy on external drinking areas, the applicant, Greg Robertson and I would welcome the opportunity to show and discuss with any of the LSO's the current use of Babylon's outside area and it is vital to the operation of the premises after 10pm.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PREMISES LICENCE
PREMISES: RED ROBIN RECORDS VINYL CAFE

DESCRIPTION

- Record Shop and Café. Consumption of Alcohol on the premises.
- Monday to Sunday 10:00-00:00
- Restaurant Facilities
- Club and other meetings
- Recorded Music
- Live performances

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has accepted the imposition of the following conditions:

- Drugs Policy
- Duty of Care

The applicant has also agreed to remove the external drinking area and the layout plan has been amended to reflect this.

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PREMISES LICENCE

PREMISES: RESET, 12 JOHN STREET

DESCRIPTION

- Small gaming venue that serves food and drinks.
- On Consumption – Monday to Friday 11:00 to 23:00 and Saturdays and Sundays 14:00 to 00:00
- Offering restaurant facilities, bar meals, receptions, club meetings.

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has accepted the imposition of the following conditions:

- Drugs Policy
- Duty of Care

The applicant has also agreed to amend the Children's and young person access to Children will be accompanied by an adult at all times and young persons would be allowed access, unaccompanied until 2200 hours.

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PREMISES LICENCE
PREMISES: TRAVANCORE RESTAURANT, 11 HOLBURN STREET

DESCRIPTION

- Restaurant
- On and Off Consumption. On Consumption Monday to Sunday 11:00 to 01:00 and Off Consumption 11:00 to 22:00 Monday to Sunday
- Offering Restaurant facilities, bar meals, receptions, club and other meetings, recorded music, live performances, dance facilities, theatre.
- Children and Young persons access, Children accompanied by an Adult, young persons accompanied by a responsible adult, aged 18 and over, after 22:00

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has accepted the imposition of the following conditions:

- Drugs Policy
- Duty of Care
- Delivery Driver
- that there is a recorded age verification system in place in respect of remote/online sales and that 'Challenge 25' is carried out at any point of collection or delivery of alcohol.

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: BANKS O DEE, ABBOTSWELL ROAD

DESCRIPTION

- Capacity to increase from 60 to 835. Operational capacity figure will increase from 40 to 740.
- Addition of three new layout plans to show areas to be included within the licensed area.

OBJECTIONS/REPRESENTATIONS

- None

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: BP CULTRER FILLING STATION

DESCRIPTION

- Small increase in capacity.

OBJECTIONS/REPRESENTATIONS

- None

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE
PREMISES: FILLING STATION, 565 NORTH ANDERSON DRIVE

DESCRIPTION

- Renovation of the retail shop resulting in remerchandising of all products including alcohol displays on shop floor and behind the counter.
- Variation to capacity.

OBJECTIONS/REPRESENTATIONS

- None

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: LEGENDS SPORTS BAR, 23 CROWN TERRACE

DESCRIPTION

- Variation to the local conditions in respect of Door Supervisors, seeking to remove the requirement for door supervisors Sundays to Thursdays
- amendment to the commencement of on consumption hours on Fridays and Saturdays from 12:00 to 10:00 and amendment to the terminal hour on Fridays and Saturday from 03:00 to 01:00.
- Variation to include the ground floor of the premises within the licensed area
- Addition of Gaming as an activity

OBJECTIONS/REPRESENTATIONS

- None

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: MALMAISON HOTEL, 51 QUEEN'S STREET

DESCRIPTION

- Installation of an alcohol vending machine in the reception area, available to the public during licensed hours and residents only outside those hours.

OBJECTIONS/REPRESENTATIONS

- Police Scotland

CONDITIONS

Police Scotland have recommended the following condition.

That 'Challenge 25' is carried out at the point of sale/collection of all alcoholic products dispensed from the vending machine at all times.

POLICY

N/A

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Malmaison - Vending Machine Tue 22/03/2022 07:23

This response is subject to government guidance or measures in place at the time of the event, in respect of COVID-19.

The application is in support of the sale of alcohol that is to be dispensed from a vending machine located within the reception area of the premises.

In terms of Section 58(1)(b)(ii) of the Licensing (Scotland) Act 2005 I make the following representation and recommend it be granted subject to the following condition:

1. That 'Challenge 25' is carried out at the point of sale/collection of all alcoholic products dispensed from the vending machine at all times.

Ian Duthie
PC A1723

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: NO 10 WINE BAR

DESCRIPTION

- Addition of new outdoor drinking area
- increase in capacity.

OBJECTIONS/REPRESENTATIONS

- Community Council
- Member of the Public

CONDITIONS

The applicant has accepted the imposition of the following conditions:

- External Drinking Conditions
- Children and young persons to be allowed access to the external area as described in the current Premises Licence
- Signage to be displayed indicating that alcohol is not to be removed from the licensed area;
- All refreshments to be decanted into a safety alternative to glass at the point of sale;

POLICY

9. 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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ABERDEEN CITY LICENSING BOARD
Licensing (Scotland) Act 2005, section 22
Notice of Objection or Representation

Please provide your name and postal address

Name	Sandy Stephen (Queens Cross and Harlaw Community Council)
Address	
Tel. No	
E-mail	

Name and address of premises to which the objection or representation refers

No10 Wine Bar
10 Queens Terrace
Aberdeen, AB10 1XL

Please give details of the objection or representation below (please continue on a separate sheet if necessary)

We Queens Cross & Harlaw Community Council OBJECT to the proposed variation to their licence to outdoor drinking area and the increase in capacity. This is part one of their strategy to obtain approval to serve alcohol in a marquee that will be used in a major park along with part 2 of their plan to set up a marquee with bar and adjacent storage metal container including associated outside tables and chairs in a public park. We are also concerned about public safety, public/residence noise. This city centre green space public park is used every day/evening by families with children. We worry about the loss of yet another open green space that belongs to the people of Aberdeen

Signature _____

Date 25-03-2022_____

RETURN TO:

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

or e-mail to licensing@aberdeencity.gov.uk

GUIDANCE NOTE ON MAKING AN OBJECTION OR REPRESENTATION TO A PREMISES LICENCE APPLICATION OR AN APPLICATION TO VARY AN EXISTING PREMISES LICENCE

In terms of the Licensing (Scotland) Act 2005 any person may object or make representation to an application for a premises licence or a variation of an existing premises licence.

Objections must be in writing and must be received by the date specified in the licence advert and on the notice which the applicant is required to display.

If you make an objection or representation you will be invited to attend the meeting of the Licensing Board where the application will be determined and will be given an opportunity to speak to the terms of your objection or representation should you so wish.

Objecting to an application

Where objecting to an application, the objection must be on any grounds relevant to the grounds for refusal.

The grounds for refusal are –

- that the subject premises are excluded premises,
- that the application must be refused under section 25(2), [no repeat application within 1 year of refusal], 64(2), [24 hour trading] or 65(3) [outwith off-sale statutory hours 10.00-22.00]
- that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives, which are
 - (a) preventing crime and disorder
 - (b) securing public safety
 - (c) preventing public nuisance
 - (d) protecting and improving public health
 - (e) protecting children from harm
- that, having regard to—
 - (i) the nature of the activities proposed to be carried on in the subject premises,
 - (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,
- that, having regard to the number and capacity of—
 - (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of that description, in the locality.

When objecting to an application please make clear on which ground(s) you are objecting and provide a clear and concise explanation why.

Making a representation

you may make representations to the Board concerning the application, including, in particular, representations—

- (i) in support of the application,
- (ii) as to modifications which the person considers should be made to the operating plan accompanying the application, or
- (iii) as to conditions which the person considers should be imposed.

If making a representation you should be clear and concise as to the nature of your representation.

ABERDEEN CITY LICENSING BOARD
Licensing (Scotland) Act 2005, section 22
Notice of Objection or Representation

Please provide your name and postal address

Name	Graeme Hetherington
Address	
Tel. No	
E-mail	

Name and address of premises to which the objection or representation refers

No.10, 10 Queens Terrace, ABERDEEN, AB10 1XL and extension to Queens Terrace Gardens
--

Please give details of the objection or representation below (please continue on a separate sheet if necessary)

<p>I would like to object to the application for a Beer garden in Queens Terrace Gardens. No such provision for spaces such as these was made when the Licensing Board policy was last drawn up and open to consultation.</p> <p>The provision of a licensed premises in a park is at odds with Aberdeen City council's policy of no public drinking of alcohol in parks.</p> <p>The provision of beer garden space for 186 customers will result in an increase in noise even if the licensing board ensures that the property is subject to the usual conditions of no live or pre-recorded music/TVs and must close by 22.00.</p> <p>Having drinking in clear sight of children playing in the park will do nothing to protect and improve public health or protect children or vulnerable persons from harm with the increased footfall through the park.</p> <p>The lack of additional toilet facilities will result in increased public nuisance.</p> <p>In addition the loss of a tranquil public space for the enjoyment of the whole community will be to the detriment of the public health of the community with the nearest equivalent park 0.7 miles away.</p> <p>All of the above were in evidence when the premises was granted occasional licences and previously operated from the same site.</p>
--

Signature _____

Date 24/3/22 _____

RETURN TO:

Legal and Democratic Services

or e-mail to licensing@aberdeencity.gov.uk

Corporate Governance

Aberdeen City Council

Business Hub 6 L1S

Marischal College

Broad Street

Aberdeen AB10 1AB

DATA PROTECTION ACT 1988

Any person who submits an objection should be aware that it will be disclosed to the applicant and to any other relevant parties. It will be available to members of the Licensing Board, and will form part of

the agenda pack which is available on the Council's website. To that extent, however, they are redacted, with e-mail addresses, telephone numbers and signatures removed from this correspondence.

GUIDANCE NOTE ON MAKING AN OBJECTION OR REPRESENTATION TO A PREMISES LICENCE APPLICATION OR AN APPLICATION TO VARY AN EXISTING PREMISES LICENCE

In terms of the Licensing (Scotland) Act 2005 any person may object or make representation to an application for a premises licence or a variation of an existing premises licence.

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If you make an objection or representation you will be invited to attend the meeting of the Licensing Board where the application will be determined and will be given an opportunity to speak to the terms of your objection or representation should you so wish.

Objecting to an application

Where objecting to an application, the objection must be on any grounds relevant to the grounds for refusal.

The grounds for refusal are – that the subject premises are excluded premises,

that the application must be refused under section 25(2), [no repeat application within 1 year of refusal], 64(2), [24 hour trading] or 65(3) [outwith off-sale statutory hours 10.00-22.00]

that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives, which are

- (a) preventing crime and disorder
- (b) securing public safety
- (c) preventing public nuisance
- (d) protecting and improving public health
- (e) protecting children from harm

that, having regard to—

- (i) the nature of the activities proposed to be carried on in the subject premises,
 - (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,

that, having regard to the number and capacity of— (i) licensed premises, or

(ii) licensed premises of the same or similar description as the subject premises, in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of that description, in the locality.

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- (i) in support of the application,
- (ii) as to modifications which the person considers should be made to the operating plan accompanying the application, or
- (iii) as to conditions which the person considers should be imposed.

If making a representation you should be clear and concise as to the nature of your representation.

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: PALM COURT HOTEL

DESCRIPTION

- Amendment of the terminal hour for the function suites and bar area to 02:00 Friday to Sunday
- Inclusion of additional space in the external area.

OBJECTIONS/REPRESENTATIONS

- Braeside and Mannofield Community Council
- Member of the Public x 3

CONDITIONS

The applicant has agreed to the imposition of the External Drinking Area Conditions.

POLICY

7. 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

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.

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

9. 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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Braeside and Mannofield Community Council

Email bandmcommcouncil@gmail.com

Legal Services
Council Governance
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AB

Dear Sir/Madam

ABERDEEN CITY LICENSING BOARD LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION (MAJOR) PREMISES – PALM COURT HOTEL, 81 SEAFIELD ROAD,
ABERDEEN, AB15 7YU

I refer to your letter of 8 February 2022 inviting objections or representations regarding the application for extension of terminal hour by the Palm Court Hotel.

This Community Council wish to object to the application for a licence that extends the terminal hour of the Palm Court Hotel function suites and bar area, to 2am on Fridays, Saturdays and Sundays.

Our grounds for objection are as follows:

- The Hotel is in a residential area of the city and there is a serious concern for potential disturbance to those living in the surrounding area by patrons leaving the premises at 2am.
- There already exists the opportunity for the licensee to apply for occasional licence extensions on a need basis rather than being granted an extension to terminal hours on a permanent basis.
- The notice of application gives no indication of the need for such an extension of opening hours and the Community Council are unaware of any supporting arguments.

Should you have any further queries or require further comment please feel free to contact me.

Yours sincerely

Keith Pirie
Secretary to the Braeside and Mannofield Community Council

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26th February 2022

The Clerk to the Licensing Board
Licensing Board Office
Business Hub 6
Level 1 South,
Marischal College
Aberdeen
AB10 1AB

RE: Proposed changes to the current Licence held by the Palm Court Hotel, 81 Seafield Road, Aberdeen

Dear Sir/Madam

We wish to lodge our Objections to the proposed change of licensing hours on a Friday, Saturday & Sunday at the Palm Court Hotel, 81 Seafield Road, Aberdeen.

Objections as follows:-

1. This is a highly populated area, of a mixed age range (although the majority of the nearest residents to the Palm Court Hotel are 60+) with the nearest residential properties separated by a wall from the Hotels small car park and no more than 100ft from the premises itself.
The properties overlooking the Palm Court comprise of Seafield Court which are tenement blocks containing 22 flats in total and a single bungalow, which faces the Palm Court, the rear and back gardens of the properties 61 to 71 Seafield Road with number 71 Seafield Road being separated only by the Car Park wall and the front gardens and properties of 138 to 146 Seafield Road, who face directly on to the entrances to the Hotel. Not to forget the property to the rear of the Hotel, as you enter the cemetery, only separated by the narrowing part of Countesswells Road.
2. The noise levels which this proposed extension will bring especially in the early hours of the morning, from the loud music, as the layout of the area makes a perfect amphitheatre for the sound to reverberate and would be unacceptable to both mental and physical health.
The area in which the small car park is set in front of the Main Entrance and Function Suite Entrance is the only area available to Patrons who wish a breath of fresh air or those who smoke can congregate, thus again alas creating an increased noise level because as the consumption of alcohol increases so sadly does the volume of Patrons voices, especially ladies.
3. This proposal will also increase the volume of traffic in an area which is part of the local bus route and with local shops nearby gets very congested. Continuing this in to the early hours of the morning with the increase in noise of the Patrons leaving and doors closing or those Patrons who prefer to use their own transport to the venue but prefer not to park in the allocated Car Park for one reason or another preferring to leave their transport in the surrounding area for long

periods of time with no regard for the local residents and any inconvenience this may cause.

4. In the years prior to Covid and Lock Downs there were many complaints lodged regarding the Palm Court, especially after the extension was erected. These were regarding loud music with any request to lower the volume after midnight falling on deaf ears also on occasion the music would continue after the allocated Licenced time. Loud voices in the car park or the raised seating area again in to the wee small hours of the morning and no attempt to quieten the Patrons. There have also been a number of fights which have broken out and again the staff at the hotel did not nothing about them. The most serious one erupted out in the Seafield Road and ended up in the driveway of No 71 terrifying the elderly gentleman who was there at the time, resulting in his sons evening being interrupted by travelling across town to come to his fathers' aid. There is also the problem with litter and debris mainly bottles and glasses which can be found on the grass verges, against the walls or left sitting on the dykes after functions. These are generally picked up by a few of the neighbours as no one from the Hotel bothers.
5. I also have a question which I would be grateful of a reply. Why is it that a venue not far from the Palm Court Hotel, whose Function Suite is also used for many private events is restricted to 12.30 licence and everything has to be quiet thereafter with reason being the proximity of the houses nearby, when there is a very large expanse of grass (eg Cricket pitch) and large carpark and the nearest premises is more than 100ft from the Buildings.

We therefore submit the above as objections to the proposed extension of the licence at the weekend for the Palm Court Hotel, Seafield Road, Aberdeen. I would be grateful for an acknowledgement of receipt and reply to my question.

Yours Sincerely

Mr & Mrs M Main

Copies to Councillors John Cooke, Martin Greig, Claire Imrie, Jennifer Stewart and Ian Yuill.

1st March, 2023

Licensing Department,
Aberdeen City Council,
Marischal College,
Broad Street
Aberdeen,
AB10 1AB.

Dear Sir/Madam

Palm Court Hotel,

I understand that the above Hotel has requested an extension of Licensing hours to 2am for all weekends Friday to Sunday.

As the Palm Court is situated in a residential area I am strongly against this request being granted. This could become a most disruptive situation for all surrounding areas because of NOISE, TAXI MOVEMENT AND GENERAL UNACCEPTABLE BEHAVIOUR.

The Hotel already has the option of applying for extended hours for Special Occasions so I do not see the need for granting any permanent extension.

Yours faithfully,

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[REDACTED]
1st March, 2022.

Licensing Department,
Aberdeen City Council,
Marischal College,
Broad Street
Aberdeen,
AB10 1AB.

Dear Sir/Madam

Palm Court Hotel,

I understand that the above Hotel has requested an extension of Licensing hours to 2am for all weekends Friday to Sunday.

As the Palm Court is situated in a residential area I am strongly against this request being granted. This could become a most disruptive situation for all surrounding areas because of NOISE, TAXI MOVEMENT AND GENERAL UNACCEPTABLE BEHAVIOUR.

The Hotel already has the option of applying for extended hours for Special Occasions so I do not see the need for granting any permanent extension.

I should be grateful if you will keep me fully informed in respect of the outcome of this application.

Yours faithfully
[REDACTED]

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: SPAR, 78 VICTORIA ROAD

DESCRIPTION

- Adding gaming as an activity
- Amendment to the wording at Q5 and Q5(f) of the operating plan;
- Amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has agreed to the imposition of the following conditions:

- Delivery Driver Condition
- that a recorded age verification system is in place in respect of any remote/online sale of alcohol.

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: SPAR, 32 ASHGROVE ROAD

DESCRIPTION

- Adding gaming as an activity
- Amendment to the wording at Q5 and Q5(f) of the operating plan;
- Amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has agreed to the imposition of the following conditions:

- Delivery Driver Condition
- that a recorded age verification system is in place in respect of any remote/online sale of alcohol.

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: SPAR, 270 CLIFTON ROAD

DESCRIPTION

- Adding gaming as an activity
- Amendment to the wording at Q5 and Q5(f) of the operating plan;
- Amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has agreed to the imposition of the following conditions:

- Delivery Driver Condition
- that a recorded age verification system is in place in respect of any remote/online sale of alcohol.

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: SPAR, 5-11 GREENFERN ROAD

DESCRIPTION

- Adding gaming as an activity
- Amendment to the wording at Q5 and Q5(f) of the operating plan;
- Amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has agreed to the imposition of the following conditions:

- Delivery Driver Condition
- that a recorded age verification system is in place in respect of any remote/online sale of alcohol.

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: SPAR, 78 VICTORIA ROAD

DESCRIPTION

- Adding gaming as an activity
- Amendment to the wording at Q5 and Q5(f) of the operating plan;
- Amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has agreed to the imposition of the following conditions:

- Delivery Driver Condition
- that a recorded age verification system is in place in respect of any remote/online sale of alcohol.

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: SPAR, 120 ROSEMOUNT VIADUCT

DESCRIPTION

- Adding gaming as an activity
- Amendment to the wording at Q5 and Q5(f) of the operating plan;
- Amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has agreed to the imposition of the following conditions:

- Delivery Driver Condition
- that a recorded age verification system is in place in respect of any remote/online sale of alcohol.

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: SPAR, 254 NORTH DEESIDE ROAD

DESCRIPTION

- Adding gaming as an activity
- Amendment to the wording at Q5 and Q5(f) of the operating plan;
- Amendment to the layout plan following an internal reconfiguration of the premises, resulting in an increase in capacity.

OBJECTIONS/REPRESENTATIONS

- None

CONDITIONS

The applicant has agreed to the imposition of the following conditions:

- Delivery Driver Condition
- that a recorded age verification system is in place in respect of any remote/online sale of alcohol.

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: TESCO, 35 VICTORIA STREET, DYCE

DESCRIPTION

- Increase in off-sale capacity

OBJECTIONS/REPRESENTATIONS

- None

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: THE BOBBIN, 500 KING STREET

DESCRIPTION

- Addition of an external drinking area at the rear of the premises. Variation to the terminal hour on Fridays and Saturdays to 01:00, amendment Addition of an external drinking area at the rear of the premises. Variation to the terminal hour on Fridays and Saturdays to 01:00, amended Children's access to include external areas.

OBJECTIONS/REPRESENTATIONS

- Public x 5

CONDITIONS

The applicant has agreed to the imposition of the External Drinking Area Conditions.

The applicant wishes to have silent TVs in the external drinking area.

POLICY

9. 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

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE PREMISES: THE BOBBIN, 500 KING STREET

Objections

Objection 1

As homeowner and residents of xxxx King Street since 2010, we are submitting this email as a formal objection in writing to this major variation application. We object to the additional external drinking area at the rear of the premises on the grounds of increased noise impact. The rear premises is directly adjacent to our main garden, and only 15 feet away from our downstairs and upstairs windows at the front of our house.

We are extremely concerned that this rear location, extension of operating hours and increased capacity to 612 will have a significant and detrimental impact on our quality of life; specifically in relation to levels of noise impact until 0100 on a Friday and Saturday. We believe this part of the application will promote and increase noise levels and is unreasonable given the close proximity of our property. It is therefore on the grounds of increased noise impact that we submit our objection.

1 Preventing crime and disorder

I believe customers with opportunities for extended hours of drinking at the Bobbin until 0100 hours on a Friday and Saturday presents an increased risk of disorderly behaviour at the premises and the close neighbourhood area

2 Securing public safety and Preventing public nuisance

There have been occasions when intoxicated people have ventured down our lane leaving human contamination. I believe increased opening hours increases the risk of levels of intoxication resulting in a higher risk of anti-social behaviour. We have experienced people accessing our back garden to use as a shortcut coming out of the pub which causes alarm late at night when strangers are close to the bedroom window. There is also a highly regular occurrence of broken glass along the street pavements in this area and this also has higher potential to increase with longer opening hours.

4 Protecting and improving public health

The rear location is directly at the other side of our garden wall and very close to our windows. We are very concerned about not being able to sleep due to the high potential of noise from the rear outside area, which will have a negative impact on our health and well being.

Whilst the incidents described cannot be evidenced as from the Bobbin customers, they are genuine examples of people behaving disorderly due to intoxication. Therefore as residents I wish to minimise risks and have peace of mind of public safety and avoiding deterioration of mental health and anxiety.

I am happy to make representation if required.

Objection 2

I wish to object to the licensing extension of hours of The Bobbin, Aberdeen. The license is 12pm which at the moment the current noise levels can be very high. They're aren't a significant amount of houses in the left hand side of The Bobbin, but there are to the right hand side. Several cottages, and flats within metres away.

This extension means students and adults alike will continue to be served and enjoy alcoholic beverages until 1am in the morning, with little concern for the noise for the neighbours.

I urge you to reject the application.

Objection 3

Please reject licensing for the proposed new license change at The Bobbin, Aberdeen.

1. Too many residents are very nearby to the garden.
2. Crime and disorder would inevitably increase.

Objection 4

I write to you to make representation to the proposal at The Bobbin, Aberdeen. I do not believe it is fair to expect local residents some 4 metres away to have such activity upon them, basically in their back gardens. The time of 1am, is far too late, given how close the residents are to this back garden.

Additionally the disorder that could come from leaving the premises I would have concerns over the highly populated student area and on King St.

Objection 5

Please see below representation for the licensing proposals re the bobbin.

I do not think it is appropriate or ethical to expect the level of influx of people this could attract to an outdoor setting to a neighbourhood full of residents.

1am being the time for customers to leave, adding the minutes customers are legally entitled to after last orders could mean people drinking until around 0120 in the morning; thus affecting residents and neighbours alike when customers leaving drunk.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: OCCASIONAL LICENCE

PREMISES: SIBERIA BAR AND HOTEL

DESCRIPTION

Car park area to be licensed. Adjacent to the parent premises. Siberia Bar and Hotel Area to be used as pop-up licensed area for May Day Bank Holiday celebrations. Tables, chairs and standing areas served from pop up bar . Marquee to provide weather proofing.

Saturday 1 May 11:00 to 22:00 and Sunday 2 May 12:30 to 22:00

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- LSO

CONDITIONS

The applicant has accepted the imposition of all the recommended conditions with the exception of the condition in respect of amplified music.

POLICY

9. 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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This response is subject to government guidance or measures in place at the time of the event, in respect of COVID-19.

In terms of Section 58(1)(b)(ii) of the Licensing (Scotland) Act 2005 I make the following representation.

The area applied for relates to the car park area to the rear of the property. I recommend grant is subject to the following conditions:

1. A terminal hour of 2200 hours on both days requested;
2. Where there is no existing delineation/boundary, the area to be delineated by barrier or similar;
3. At least 50% of any structure erected must remain open at all times;
4. Signage to be displayed indicating that alcohol is not to be removed from the licensed area;
5. No amplified music to be played therein;
6. The licence holder must take reasonable steps to ensure that litter and, where used, glass and bottles removed from outdoor areas on a regular basis;
7. The licence holder should consider the use of safe alternative to glass containers and bottles in the outdoor drinking area.

Ian Duthie
PC A1723

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Good Afternoon:

A series of Occasional Licence Applications - inside and outside(when not a public area) - The LSO would like to highlight that, as per Section 8 of the Aberdeen Licensing Board's policy, a series of Occasional Licence applications for the same premises will not be considered when it may be more appropriate for a Variation of Premises Licence or Premises Licence application to be submitted. This application falls into this category.

If the Board are minded to grant this Occasional Licence the LSO would like to recommend the following conditions:

These comments are dependent on Environmental Health and possibly Street Occupation (Roads) and Planning services confirming agreement of use of the area.

1. The Occasional Licence to be available for the duration of the event.
2. The Licence Holder will ensure compliance with The Health Protection (Coronavirus) (Restrictions and Requirements)(Local Levels) (Scotland) Regulations 2021.
3. The minimum of 2 hours training to be in place for staff who sell alcohol or staff who wait on tables at the event. The exception being where the staff member is a Personal Licence Holder. The staff declarations and other training documents to be kept on site for inspection by the LSO/Police. Training to be delivered by a Personal Licence Holder or an accredited training company. The Personal Licence number to be listed on the staff declaration.
4. The Personal Licence Holder (PLH) to have their Personal Licence at the event (the full document including Annex-a-c). For Occasional Licence events, it is acceptable for the PLH to have a colour copy of the full PLH document at the event. All PLHs operating at the event to have their documentation available also.
5. A Section 110 notice to be on displayed for the duration of the Occasional Licence event at the point of sale.
6. An Under 18 access notice to be displayed at the entrance to the area to advise the customer of the children and young person's terms of access. Children and young persons will not be allowed access.
7. A notice will be displayed regarding the 'drinking in public places' Byelaw. This must be displayed where customers can easily view the notice.
8. The outdoor area is not to be used prior to 11:00 hours or after 22:00 hours.
9. The Premises will use toughened glass or plastic drinking vessels in the external area.
10. A delineation of the licensed area to be in place, the number of seats remain in line with the numbers proposed. The delineation must be in place for the duration of the Occasional Licence.
11. There shall be no amplified music or noise emitted from the use of microphones/speakers or other forms of music entertainment within the outdoor drinking area.
12. The Licence Holder will have an effective complaints procedure in place for dealing with any noise complaints should they arise.
13. 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.

Best Regards
John

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Dear Benedict

Thank you for your recent emails attaching reports on proposed conditions from the LSO and Police Scotland.

My clients are content to accept all of the conditions with the exception of the undernoted, which we would be asking the Board to grant a dispensation for:-

LSO condition 11, namely, "there shall be no amplified music or noise emitted from the use of microphone speakers or other forms of music entertainment within the outdoor drinking area", and,

Police condition 5, namely. "No amplified music to be played therein."

We are aware of the terms of the Licensing Board Policy which relates to outdoor areas, however we would ask for an exception on the undernoted grounds.

Reasons for dispensation:-

1. The terms of the policy on outdoor areas is principally focussed on permanent external areas and understandably has at its heart a desire to balance the commercial interest of operators with the general amenity for residents. This area is by no means permanent and is an occasional licence for a bona fide event celebrating the May Day Bank Holiday. The occasional licence has a limited duration of two days. It is therefore not directly targeting the Board's policy and is in line with previous exemptions granted by the Board for pop-up events allowing entertainment at outdoor events with music and tvs and/or entertainment inc specific areas during the Christmas/Festive period for a short time.
2. The geography of the client premises and location of the proposed occasional licence external area is very significant in our submission. The occasional licence area is to the rear of the Siberia Bar and Hotel away from Belmont Street. The area is at the equivalent of lower ground level of the Hotel and the Hotel rises four storeys in front of the external area. The hotel itself is a buffer to residents. There are no residential premises either side of the proposed occasional area. The nearest residential premises is our own letting bedrooms. There is significant ambient background noise occasioned by the train track and proximity of the dual-carriageway plus noise will emanate from the busy thoroughfare that is Belmont Street. The nearest residential is across Belmont Street approximately 250 metres from the site as the crow flies but as above this is shielded by the Hotel itself. There will also be ambient background noise from the other bars on Belmont Street.
3. The occasional licence sets a hard close for the use of the area at 10pm for eating and drinking and my clients would be content with a 9.30pm cessation of music to further mitigate any potential disruption.
4. My clients will put in place a noise management plan as follows:-
 - a. The nearest residential (see above) will be letter dropped the week before the event giving details of the event including start time, finish time 10pm, finish time for music 9.30pm and a direct mobile telephone contact for the duty Manager overseeing the event should there be any issues;
 - b. My clients will work with their PA provider to ensure they have the most appropriate directional speakers to mitigate any noise leakage;
 - c. My clients will erect a marquee (open sided to comply with the Police and LSO requests) which will provide attenuation from noise rising;
 - d. My clients will in conjunction with their PA company acquire noise decibel readers and measure the ambient background noise in the area in advance of the event immediately outside the nearest noise sensitive premises. They will agree with their PA company a

level set ie, the appropriate maximum level for the sound. They will fix the levels and note the maximum decibels. My client will thereafter ensure that designated staff using the decibel meters to monitor the sound during the course of the event to ensure that the level sets are not breached.

In light of the mitigations proposed we would ask that the Board considers granting dispensation for this one-off pop-up occasional licence event to allow entertainment.

The event is of significant importance to my client and they wish to be able to offer an experience externally for patrons that is consummate with the experience internally and entertainment in the form of DJ music is a significant part of the offer. My client wishes the entertainment to be a draw as well as the food and beverage. As the Board will no doubt be aware, there is increased reliance on external areas, particularly for larger events as a result of the pandemic with many people still preferring to socialise outside. We would ask the Board to support the applicant in their continued recovery from the financial stresses of the pandemic to allow them to put on a one-off event celebrating a significant marker in the Aberdeen social calendar with suitable and carefully moderated entertainment externally and a noise management plan. We would also ask the Board to consider the very specific geography of the applicant site.

We would be happy to answer any questions the Board may have and would seek the application granted minus the conditions prohibiting entertainment and/or amplified music or vocals. We look forward to receiving a determination as soon as reasonably practicable so that my client can finalise the plans and entertainment schedule for the May Day weekend.

Kind regards
Niall

Niall Hassard
Legal Director - Licensing (Scotland)
for TLT LLP
D: +44 (0)333 006 1142
M: +44 (0)7500 120827

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: OCCASIONAL LICENCE

PREMISES: BIKE YARD, HUTCHEON STREET

DESCRIPTION

Former Ecosse Motorcycles yard and showroom. The site is to be used as food and beer garden with background music played around the event space.

29/04/2022 to 12/05/2022

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- LSO
- Public x 2

CONDITIONS

Refer to representations from Police Scotland and LSO

POLICY

9. 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

This response is subject to government guidance or measures in place at the time of the event, in respect of COVID-19.

I also recommend the application be granted subject to the following conditions:

1. All staff employed in the sale or supply of alcohol must have received staff training to the standard provided for in the Licensing (Scotland) Act 2005 Schedule 3 paragraph 6 and evidence of such training must be made available for inspection by Police and Licensing Standards Officers;
2. All refreshments to be decanted into a safety alternative to glass at the point of sale;
3. Where there is no existing delineation/boundary, the area to be delineated by barrier or similar.
4. Signage to be displayed indicating that alcohol is not to be removed from the licensed area;
5. Music to be played in accordance with Licensing Board condition as imposed on Occasional Licence number OC5235;
6. The applicant will operate the premises in the manner detailed in the draft operating plan submitted with the application, in respect of SIA registered stewards and children & young person access.

Thank you.

Sheila Pirie
Licensing Administrator

Police Service of Scotland
North East Division
Marischal College
Broad Street
Aberdeen

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Good Morning:

A series of Occasional Licence Applications - inside and outside(when not a public area) - The LSO would like to highlight that, as per Section 8 of the Aberdeen Licensing Board's policy, a series of Occasional Licence applications for the same premises will not be considered when it may be more appropriate for a Variation of Premises Licence or Premises Licence application to be submitted. This application falls into this category.

If the Board are minded to grant this Occasional Licence the LSO would like to recommend the following conditions

These comments are dependent on Environmental Health and possibly Street Occupation (Roads) and Planning services confirming agreement of use of the area.

1. The Occasional Licence to be available for the duration of the event.
2. The Licence Holder will ensure compliance with The Health Protection (Coronavirus) (Restrictions and Requirements)(Local Levels) (Scotland)) Regulations 2021.
3. The minimum of 2 hours training to be in place for staff who sell alcohol or staff who wait on tables at the event. The exception being where the staff member is a Personal Licence Holder. The staff declarations and other training documents to be kept on site for inspection by the LSO/Police. Training to be delivered by a Personal Licence Holder or an accredited training company. The Personal Licence number to be listed on the staff declaration.
4. The Personal Licence Holder (PLH) to have their Personal Licence at the event (the full document including Annex-a-c). For Occasional Licence events, it is acceptable for the PLH to have a colour copy of the full PLH document at the event. All PLHs operating at the event to have their documentation available also.
5. A Section 110 notice to be on displayed for the duration of the Occasional Licence event at the point of sale.
6. An Under 18 access notice to be displayed at the entrance to the area to advise the customer of the children and young person's terms of access. Children and young persons will not be allowed access.
7. A notice will be displayed regarding the 'drinking in public places' Byelaw. This must be displayed where customers can easily view the notice.
8. The outdoor area is not to be used prior to 12:00 hours or after 22:00 hours.
9. The indoor area will be utilised for sale and consumption of alcohol between 12:00 hours and 00:00 hours only.
10. The Premises will use toughened glass or plastic drinking vessels in the external area.
11. A delineation of the licensed area to be in place, the number of seats remain in line with the numbers proposed. The delineation must be in place for the duration of the Occasional Licence.
12. There shall be no amplified music or noise emitted from the use of microphones/speakers or other forms of music entertainment within the outdoor drinking area.
13. The Licence Holder will have an effective complaints procedure in place for dealing with any noise complaints should they arise.
14. 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.

Best Regards

John

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Hi,

I wish to state my formal objection for the licence applied for by Rory Allan Masson for 72 Hutcheon Street for the Yard and showroom also known as (the bike yard).

It is operating in a residential area and in the past has played very loud music outside until very late in the evening. The outdoor space and indoor space they operate in is approximately 15 metres away from my property which is far too close to be having loud music. They often have DJ sets which cause lots of shouting along with a consistent base with travels very far.

Also, operating the indoor space until 12am in a residential area on weeknights let alone weekends is outrageous as loud drunks shout and scream as they leave the venue.

It is the wrong location for these types of events and the license should not be granted to them.

Many thanks,

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To whom it may concern,

"The Bike Yard" in Aberdeen. The bar opened up last year during the pandemic right next to a residential area and noise pollution from the bar is unbearable. I recently learned from talking to the organisers that the bar intends to reopen for this summer, operating Thursdays to Sundays until 11pm each night. Due to the majority of the bar space being outside and the fact that they have DJs playing at the space, this is not acceptable right next to a residential area. While last year they had the same licence to operate until 11pm they were consistently playing music beyond this. Sometimes even until 2am despite the police being called on them.

Regards

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We have had nothing but support from the community - that being the neighbours and local businesses who we believe we had/have a good relationship with. We take complaints of this nature very seriously, however at the same time we do not quite understand some of the content of them given the precautions we have taken to mitigate such issues. We often see our closest neighbours and are on first name basis with several of them, neither myself or the staff have ever had a negative interaction with anyone about the yard operating where it is so it is hard to reconcile that anecdotal experience with these objections.

We would welcome a visit by the EHO to our site and/or the neighbours residence to verify the complaints and if deemed necessary, work with them to mitigate the issue.

Objection 1 - "It is operating in a residential area and in the past has played very loud music outside until very late in the evening."

Objection 2 - "operating Thursdays to Sundays until 11pm each night"

I believe the basis to both of these objections is that they think that we will be playing music/operating in the yard after 10PM, we have only applied to be able to use the outdoor area for drinking and background music until 10PM which is the same as how we operated for 3 months last summer (June-September) without a single complaint (Noise or otherwise). We have a very robust noise pollution testing system and complaints procedure (See Below), this complaints procedure has never been put into effect due to no close resident ever actually approaching us in person or via online message to address their problem. The only interaction we have had with the neighbours directly next to the yard on Hutcheon Street and the residential flats behind our building on Charles Street is their regular attendance throughout the summer at our bar. On our last weekend of operation last year (17th-19th) of September, we were granted and operated the same licensing hours as we are applying for now (10PM Outside, Midnight Inside) successfully without a single complaint. All three days were very busy which evidences that our noise testing procedures work and the licensing hours we are asking for are not a major concern to our neighbours.

"While last year they had the same licence to operate until 11pm they were consistently playing music beyond this. Sometimes even until 2 am despite the police being called on them"

Objection 2 states that we had a license until 11PM and consistently played music beyond this. This is abjectly false as we had a license until 10PM the entire summer bar the last weekend and all music ceased at 9.55PM. Last orders (outside) were and will be called at 9.30PM to ensure every patron is out by 10PM and we never utilised the 15 minutes 'Drinking Up' time that we are entitled to. The assertion that we would be playing music until 2am, a full 4 hours after our license finished is completely ridiculous as we took our exclusive exception to the usual music condition very seriously.

"lots of shouting along with a consistent base with travels very far."

Objection 1 mentions patrons shouting when entering/exiting the area. This was already addressed when the Butchers Arms objected to our initial license back in June 2021, which I would not be surprised if they are trying to do again. After discussion with the LSO we agreed to print off large posters placing them around the area asking patrons to be quiet when entering and leaving the yard. We also had a member of security or 'check-in' staff permanently based at the entrance to keep patrons quiet and remind them to be respectful to our neighbours. Our clientele last year were a mix between young professionals 21-35 years old and older nearby residents and there was not a single

incident of violence or forced ejection from the site for intoxication. This can be backed up by our security company, Granite Elite.

“The outdoor space and indoor space they operate in is approximately 15 metres away from my property which is far to close to be having loud music.”

Every 30 minutes during service either the licensee or the organiser undertakes a ‘Noise Check’ around the site to ensure the volume does not exceed the tester levels we took prior to opening. Before opening to the public we measured the decibel level at a variety of times inside the bar, in the yard area and also at the closest residences which are in our access lane, we will do this again before reopening this summer. The ambient noise of the traffic on Hutcheon Street exceeds the noise we are generating from people/music. Right in front of the residences is a busy crossroads which maintains a constant 70Db (+/-5) ambience, our readings taken directly in front of our speakers in the yard maintain a 60-70Db (+/2) range which is the same sound levels generated by normal conversation or up to a vacuum cleaner (App.1). Bare this in mind with the fact that the nearest residence is 32m away from the speaker, the sound level will then drop due to attenuation by 24Db meaning the nearest resident would hear the sound at a maximum of 45.92DB or something akin to the sound of light rain. The speakers cannot exceed this level as they are fitted with a limiter.

I can compile a full time stamped list of decibel readings for the entire 3 months we were open last summer if required for evidence.

Final Thoughts:

If either of these residents would like to meet with us before we open and discuss their issues, review our noise control processes and/or allow noise readings to be taken from their residencies we would be more than happy with this.

The Bike Yard has employed 15 bar staff, an event manager and a social media marketing manager already for it's run this summer. We have also helped new eco startup business ‘Two Raccoons Wine LTd’ to grow from a DIY brew in their flat to now a 20000L wine operation which has been awarded multiple funding grants from the Scottish government and Aberdeen council. This eco business would not have been able to get started without us providing their business free accommodation within the garage area at our site. Additionally, a market operators license has been applied for which will allow us to host and promote locally sourced food vendors and crafts people.

We believe that The Bike Yard is an important project for Aberdeen in a time where the city should be pushing entrepreneurship and especially businesses like ours which promote the growth of culture – specifically music and art. It is our hope that we will be allowed to continue with this after such a successful operation last summer during a very hard time to operate a business.



Know Your Noise



180 — Rocket Launch



170

160 — Shotgun blast

150 — Fighter jet launch

140 — Fireworks

PEAK SOUND PRESSURE

140 dB(C) ELV

137 dB(C) Upper EAV

135 dB(C) Lower EAV

130

130 — Live Rock Band

120 — Jack Hammer

130 dB(A) Threshold of pain

120

110 — Riveter



110 — Chain saw

100 — Handheld drill

90 — Sander

90 — Welder

EXPOSURE VALUES

87 dB(A) ELV

85 dB(A) Upper EAV

80 dB(A) Lower EAV

80

80 — Heavy Traffic /

Noisy restaurant

70 — Toilet flushing /

Vacuum cleaner

70

60 — Normal conversation



50

50 — Quiet Office

40

40 — Light rain



30

30 — Whisper

20

20 — Rustling Leaves



10

10 — Rustling Leaves

0

0 — Healthy normal hearing threshold

Decibel levels dB(A)

Key:

EAV = Exposure Action Value

ELV = Exposure Limit Value

dB(A) = 'A' weighted decibels

(to replicate human hearing)

dB(C) = 'C' peak weighted decibels for

peak sound pressure



**DIRECTLY BENEATH RESIDENCES
6PM SATURDAY (10TH)**





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LICENSING BOARD INFORMATION SHEET

NOTICE OF CONVICTION

BACKGROUND

- Held licence since 28 January 2020

OBJECTIONS/REPRESENTATIONS

- Police Scotland

DETERMINATION

If the Licensing Board receive from the chief constable a notice which does not include a recommendation the Licensing Board must—

- (a) hold a hearing, or
- (b) decide to take no further action in relation to the conviction

At a hearing the Board may:

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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LICENSING BOARD INFORMATION SHEET

FEEDBACK ON LICENSING POLICY STATEMENT

I would say that in general I feel that the policy works very well. The simplicity and accessibility of the document itself is very much appreciated. It really does assist us in advising clients to have a such a clear document to refer to.

As to changes, the points I would raise are I expect already well on your radar. They relate mainly to outside areas and the standard conditions dealing with music. There definitely seems to be a demand from clients to have some form of entertainment outside and outside spaces are being more and more important. I am also getting a lot of questions about extending the terminal hours outwith the city centre. We have been advising clients up until now against lodging major variations to extend past policy hours but I am asked almost weekly about whether it is a possibility particularly from premises who are on the 'cusp'.

Obviously, I may come back at a later date once the formal Consultation on the Policy occurs, but my initial thoughts are really that there isn't terribly much to say about the current Policy as it stands. The only point that I would perhaps flag us is that the Board might want to look at the disparity between the hours in the area designated as City Centre when contrasted with the area outwith the City Centre. Whether it's a question of looking at re-drafting the boundaries or whether it's a question of perhaps reducing the difference between the 2 areas I'm not too sure.

I absolutely accept of course that each application is dealt with on its own merits, but as we both have been round the block a few times, I think it's fair to say that where a Board has a Policy it really takes something pretty special to have them deviate from that Policy.

There are certain premises (and I have a particular premises for which we act in mind to be transparent!) where for the type of business they do, it would be of enormous benefit to them, and with really little if any detriment to the locality, if they were granted hours slightly longer than that which the Policy would allow.

Particularly on the rebound from Covid and all the difficulties which that has caused the trade, perhaps a slight "loosening" of the restraint on the trading hours outwith the City Centre might be worth looking at.

That is the only matter which I would raise at the present time. Certainly, I would very much endorse the Board's current approach, whereby, people are only cited to attend Hearings if it is necessary for them to do so. Where there are no Objections and no adverse comments etc. etc., as per the Board's current approach, it makes far more sense to simply have these dealt with in the absence of a Representative or Applicant to avoid the amount of time and money that frankly is wasted in having legal representation having to appear in front of the Board to say little more than "move grant".

These are my initial thoughts and as I say I might come up with something else when the formal Consultation process begins.

I'd like to raise the issue of the outdoor drinking policy. As it stands, it is very inflexible in terms of both the restrictive hours (closure at 10pm) and lack of music.

This is at odds with the small number of venues that have been able to remain open outdoors later, as a result of grandfather rights, as well as with venues that can provide music outdoors under occasional licence, but not under premises licences.

If we want to encourage an outdoor café culture, the Board will need to support venues looking to open outdoor areas, in a commercially viable manner.

Taking the Draft Project as an example – this was a viable (outdoor) business when other venues were unable to open indoors. However as soon as competition reopened, a venue that was unable to play any music, and which required everyone to leave the premises at 10pm, was unable to compete.

This is not just a case of taking away the outdoor tables at 10pm, The whole business had to close, and so customers left. More importantly, they wouldn't come in the first place, knowing they would have to leave at 10pm.

LICENSING BOARD INFORMATION SHEET

GENERAL DIRECTION – SUGGESTED DATES

To the Clerk to the Licensing Board

Dear Sir/Madam,

As this is a special year, and to try and start getting back to a normal life, can you please advise what your Extended hours policy is going to be for the Queen's Platinum Jubilee Weekend? Have you, or are you planning to make a Section 67 general extension of licensed hours for all licensed premises?

You will be aware there is a four day UK bank holiday weekend from Thursday 2nd to Sunday 5th June.

If you are able to let us know what the policy will be by return (or direct me to your decision), or if it is yet to be determined what date you will be making a decision on this?

This would be helpful so we can start our forward planning for the Royal weekend.

Thanks in anticipation!

As previous years I would like to highlight to the Board that most general extensions, particularly the festive dates, impact significantly on Police resources and to take this into consideration when granting same.

There are certain events that we consider unsuitable for a general extension, such as:

- In general, football fixtures categorised as high or increased risk. This is generally Rangers and Celtic home fixtures and some European club fixtures. Although never previously the subject of a S67 general direction, probably due to the lack of fixed dates, we would wish this type of event to be excluded from consideration; I think the exception to this will be the Qatar World Cup in November/December especially if Scotland qualify (lol). There will be fixtures scheduled for 10am kick-off (GMT) although the calendar of matches have yet to be finalised as FIFA are currently in talks with TV companies.
- Risk events particularly involving televised or indeed live boxing and UFC (Ultimate Fighting Championship). This type of event can lead to incidences of violence, which we do not appear to experience with events involving other contact sports (such as wrestling);

- Events specifically for 'Freshers'. This demographic is experiencing the freedom associated with commencing university life and can result in young adults becoming vulnerable through intoxication. To be brief, the current licensed hours are more than sufficient for Freshers events.

Kind regards

Neil

Neil Grant
Sergeant A9888

Licensing Sergeant | Divisional Coordination Unit | Police Service of Scotland



Good morning

Please find attached our suggestions for general extensions.

1. Halloween.

This is the biggest date in the whole trades calendar.

It requires two extensions.

a. Halloween whatever day it falls.

b. The Saturday closest to Halloween, this is our biggest day.

EG: Halloween 2022 falls on a Monday, however, the WHOLE TRADE's biggest night will be Saturday 29th October 2022, thus the extension should be given to maximize sales.

2. St Patricks Day on whatever day it lands.

3. All bank holiday Sundays, national and local.

The most important of all of these Sundays is May Day Sunday.

4. NYE & NYD whatever day it falls.

5. World Cup 2022 the whole tournament should be granted an extension of hours

Following on from the email received today from the LSO, we'd like to advocate for general extensions on the following dates:

1. Hogmanay

2. A designated weekend night in October, that falls closest to Halloween.

3. The Sunday evenings of all local holiday weekends.

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