

## LICENSING BOARD

ABERDEEN, 6 December 2022. Minute of meeting of the LICENSING BOARD.  
Present: Councillor Copland, Convener and Councillors Al-Samarai, Boulton, Hazel Cameron, Crockett, Fairfull, Grant and Greig.

### COUNCILLOR MACKENZIE

1. The Convener and Councillor Boulton paid tribute to Board Member Councillor MacKenzie, who had recently passed away

### MINUTES OF MEETING OF 4 OCTOBER 2022

2. The Board had before it for its consideration the minutes of meeting of 4 October 2022.

**The Board resolved: -**

To approve the minute.

### APPLICATION FOR PREMISES LICENCE - GIDI GRILL, 263 UNION STREET, ABERDEEN

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

**The Board unanimously resolved:**

To grant the application.

### APPLICATION FOR VARIATION OF PREMISES LICENCE - BRIG INN, 9 ELLON ROAD, BRIDGE OF DON, ABERDEEN

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

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

**The Board unanimously resolved:**

To grant the application.

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**APPLICATION FOR VARIATION OF PREMISES LICENCE - DEE SWIMMING CLUB AND HUMANE SOCIETY, 50 GERRARD STREET, ABERDEEN**

5. The Board heard from Alexander Munro, Depute Clerk to the Board that there had been no objections or representations and that the applicant was unable to attend the meeting due to other engagements.

**The Board unanimously resolved:**

To grant the application.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - DRAFT PROJECT, 365 UNION STREET, ABERDEEN**

6. The Board had before them a letter of objection from City Centre Community Council.

The Board heard from Alexander Munro, Depute Clerk to the Board.

The Board thereafter heard from David Scott, Solicitor for the applicant, in support of the application and from Andrew Gilchrist, Principal Environmental Health Officer.

**The Board unanimously resolved:**

To grant the application.

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

7. The Board heard from Alexander Munro, Depute Clerk to the Board that the application was deferred at the Board meeting held on 8 February 2022 until such time as a Noise Impact Assessment was submitted and reviewed by Environmental Health.

The Board had before them the relevant Noise Impact Assessment and an email from Environmental Health confirming that the documentation has been reviewed and was satisfactory.

The Board thereafter heard from Anthony Dawson, Solicitor on behalf of the applicant, Andrew Gilchrist, Principal Environmental Health Officer and Sergeant, Neil Grant, Police Scotland.

**The Board unanimously resolved:**

To grant the application with an amended condition permitting low level background music and televised sports commentary for the external area.

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**APPLICATION FOR VARIATION OF PREMISES LICENCE - IBIS HOTEL, SHIPROW, ABERDEEN**

8. Councillor Grant joined the meeting at this point of the proceedings.

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

The Board thereafter heard from David Hossack, Solicitor on behalf of the applicant, in support of the application

**The Board unanimously resolved:**

To grant the application.

**APPLICATION FOR VARIATION OF PREMISES LICENCE - THE HOLBURN, 225 HOLBURN STREET, ABERDEEN**

9. The Board had before them letters of objections dated 28 September 2022, from two members of the public. The Board heard from Alexander Munro, Depute Clerk to the Board.

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

The Board heard from the two public objectors, Shelagh Addison & Kattina Ramos Fernandes and thereafter heard from the Area Manager for applicant premises, Debbie Watson.

The Convener moved to grant the application.

Councillor Fairfull moved as an amendment; to refuse the application on grounds of preventing public nuisance.

On a division there voted: -

For the motion (2) the Convener and Councillor Crockett

For the amendment (6) Councillors Fairfull, Al-Samarai, Boulton, Cameron, Grant and Greig.

**The Board resolved:**

To adopt the amendment.

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### **APPLICATION FOR VARIATION OF PREMISES LICENCE - UNION KIRK, 333 UNION STREET, ABERDEEN**

10. The Board had before them a letter of objection from City Centre Community Council.

The Board heard from Alexander Munro, Depute Clerk to the Board.

The Board thereafter heard from David Scott, Solicitor on behalf of the applicant and heard from Peri Polly, on behalf of the City Centre Community Council.

#### **The Board unanimously resolved:**

To grant the application.

### **APPLICATION FOR PERSONAL LICENCE**

11. Councillor Crockett left the meeting at this point in the proceedings.

The Board had before them a letter from Police Scotland, dated 2 November 2022 and heard from Sgt Neil Grant, Police Scotland in support of their letter.

Thereafter the Board heard from the applicant.

The Convener moved to refuse the application on grounds of preventing crime and disorder.

Councillor Al-Samarai moved as an amendment to grant the application.

On a division there voted:

For the motion (2) - the Convener and Councillor Greig

For the amendment (5) - Councillors Al-Samarai, Boulton, Cameron, Fairfull and Grant.

#### **The Board resolved:**

To adopt the amendment.

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**REPORT OF CONDUCT INCONSISTENT WITH LICENSING OBJECTIVES - PERSONAL LICENCE HOLDER**

12. The Board had before them a letter from Police Scotland, dated 18 October 2022

The Board heard from Alexander Munro, Depute Clerk to the Board that the personal licence holder was absent despite being sent an invite on 28 October 2022 and a reminder on 22 November 2022 through the post.

The Board agreed to proceed with the consideration of the matter in the absence of the personal licence holder.

The Board thereafter heard from Sergeant Neil Grant.

Cllr Boulton moved that the matter be deferred. Cllr Al-Samarai moved as an amendment that the Board proceed to determine the matter.

On a division there voted:

For the motion (3) - the Convenor, Cllr Boulton and Cllr Grant.

For the amendment (4) - Councillors Al-Samarai, Cameron, Fairfull and Greig

Cllr Al-Samarai then moved that the licence be revoked. Cllr Fairfull moved as an amendment that the licence be suspended.

On a division there voted:

For the motion (3) - Cllrs Al-Samarai, Cameron and Greig

For the amendment (4) - the Convenor, Cllrs Boulton, Fairfull and Grant

Majority of the Board agreed for the personal to be suspended for 6 months with immediate effect.

**The Board resolved:**

To suspend the licence for 6 months with immediate effect.

**LICENSING BOARD DATES 2023 - FOR APPROVAL**

13. The Board had before them a list of proposed dates for the licensing Board meetings for 2023.

The Board unanimously resolved that the proposed dates would require to be reviewed.

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### **OUTSTANDING PREMISES ANNUAL FEES**

**14.** The Board had before them a list of licensed premises that have not paid the annual fees for 1 October 2022. The Board resolved that the LSO should continue to investigate the outstanding premises and that any remaining outstanding by the date of the next Board meeting would be subject to review.

### **LICENSING FORUM UPDATE**

**15.** The Board heard an update from Elaine Mottram, Convenor of the Local Licensing Forum, who discussed the Board's Statement of the Licensing Policy.