

Public Document Pack



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

Town House,
ABERDEEN 1 February 2022

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in **Council Chamber - Town House** on **TUESDAY, 8 FEBRUARY 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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Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Benedict Kpohraror bkpohraror@aberdeencity.gov.uk 522464

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LICENSING BOARD

ABERDEEN, 30 November 2021. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener; and Councillors Cameron, Lesley Dunbar, Grant, Greig, McLellan, Townson, MacKenzie and Sellar.

MINUTE OF MEETING OF 05 OCTOBER 2021

1. The Board had before them the minutes of the meeting of 05 October 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 - 15

APPLICATION FOR PROVISIONAL PREMISES LICENCE - UNION KIRK, 333 UNION STREET, ABERDEEN

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

The Board resolved: -

to grant the application

APPLICATION FOR PROVISIONAL PREMISES LICENCE - ALDI STORES LIMITED, ALTENS FARMS ROAD, ABERDEEN

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

The Board resolved: -

to grant the application

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APPLICATION FOR PREMISES LICENCE - HOMESENSE, UNION SQUARE SHOPPING PARK, 6/7 EAST TERRACE, ABERDEEN

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

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF A PREMISES LICENCE - AUCHMILL GOLF CLUB, BONNYVIEW ROAD, HEATHERYFOLD, ABERDEEN

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

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF PREMISES LICENCE - BP KING STREET FILLING STATION, 661 KING STREET, ABERDEEN

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

The Board resolved: -

to grant the application

LICENSING BOARD

30 November 2021

APPLICATION FOR VARIATION OF PREMISES LICENCE, FOUNTAIN BAR AND EMBASSY FUNCTION SUITE, 368 GREAT NORTHERN ROAD, ABERDEEN

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

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF PREMISES LICENCE, PIZZA EXPRESS, 402 UNION STREET, ABERDEEN

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

The Board resolved: -

to grant the application

APPLICATION FOR VARIATION OF PREMISES LICENCE - TESCO EXPRESS, 390-406 GREAT NORTHERN ROAD, ABERDEEN

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

The Board resolved: -

to grant the application

LICENSING BOARD

30 November 2021

APPLICATION FOR VARIATION OF PREMISES LICENCE - COCKET HAT, NORTH ANDERSON DRIVE, ABERDEEN

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

The Board resolved: -

to grant the application

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

12. The Board heard from Sandy Munro, Depute Clerk to the Board, that the variation sought to remove the local condition that prohibits amplified music or entertainment to take place in the outdoor area.

The Board had before them a letter of representation dated 5 November 2021 from Police Scotland and an email representation from the LSO.

The Board heard from Jacqui Birell, Paralegal, on behalf of the applicant and thereafter from Sergeant Flett and Diane Sande, LSO in support of their representations.

The Convenor moved to refuse the application.

Councillor McLellan moved as an amendment to grant the application with an amended conditions of low-level background music or televised entertainment only subject to approval from Environmental Health.

On a division there voted: - for the motion (6) the Convenor and Councillors Cameron, Dunbar, Grant, McKenzie and Towson and for the amendment (3) Councillors Greig, McLellan and Sellar.

The Board resolved: -

To adopt the motion

LICENSING BOARD
30 November 2021

APPLICATION FOR VARIATION OF PREMISES LICENCES - SLAINS CASTLE, 14-18 BELMONT STREET, ABERDEEN

13. The Board heard from Sandy Munro, Depute Clerk to the Board that the variation sought to amend the core hours for on-sales. Mr Munro advised that the application had accepted the conditions proposed by Police Scotland but have suggested an amendment to the Door Supervisor condition.

The Board heard from Audrey Junner, that the application proposed that the Door Supervisor Condition be amended to:

It is a condition that the licence holder will ensure that where the premises will be open after 00:00 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.

The Board resolved: -

To grant the application with the amended condition

APPLICATION FOR VARIATION OF PREMISES LICENCE - WILD BOARD, 19 BELMONT STREET, ABERDEEN

14. The Board hear from Sandy Munro, Depute Clerk to the Board, that the variation sought to remove the local condition in respect of Door Supervisors.

The Board had before them a letter of representation dated 2 November 2021 from Police Scotland.

Thereafter the Board heard from Rhys Worthington on behalf of the applicant and from Sergeant Gill Flett in support of the Police representation.

The Board resolved:

To grant the application with an amended door supervisor conditions as follows:

It is a condition that the licence holder will ensure that where the premises will be open after 00:00 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.

LICENSING BOARD

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APPLICATION FOR VARIATION OF PREMISES LICENCE - THE HOWFF (DRAFT PROJECT), 365 UNION STREET, ABERDEEN

15. The Board heard from Sandy Munro, Depute Clerk to the Board that the variation sought to change the name of the Howff Garden to the Draft Project, change the core opening hours on Sundays and to change the description of the premises licence.

The Board had before them representations dated 05 November 2021 from Police Scotland, email representation from the LSO and email dated 16 November 2021 from Environmental Health.

The Board heard from David Scott, Solicitor in support of the application and from Segreant Flett, Diane Sande, LSO and Andrew Gilchrist, Environmental Health in support of their representations.

Mr Gilchrist advised that the Noise Impact Assessment submitted had been reviewed by the service and there were a number of issues in the report that required clarification or amendment.

The Board resolved: -

1. To approve the name change and the variation of Sunday hours
2. To defer consideration of the remainder of the application until such time as the amended Noise Impact Assessment is submitted and reviewed.

PREMISES LICENCE REVIEW - LAS IGUANAS, FIRST FLOOR MALL, UNION SQUARE, GUILD STREET, ABERDEEN

16. The Convenor advised the Board that the Licence had now been surrendered.

ANNUAL FEE PAYMENTS 2021 - LIST OF OUTSTANDING FEES

17. The Convenor thanked Officers for their efforts in recovering the Annual Fees for 2021.

Sandy Munro, Depute Clerk to the Board advised that payments had been received from Neuk, Wild Ginger, Figment and Rohaan Café Bar. He further advised that a transfer application is to be submitted for Prezzo and the fee paid at that time

The Board resolved:

1. To instruct officers to continue seeking the outstanding fees and
2. To bring premises with outstanding payments to the Board on 8th February for review.

LICENSING BOARD
30 November 2021

LICENSING BOARD DATES 2022 - FOR APPROVAL

18. The Board had before them for approval the proposed Licensing Board dates in 2022.

The Board resolved: -

To approve the dates.

GAMBLING POLICY STATEMENT JAN 2022 TO 2025

19. The Board had before them a report regarding the Gambling Policy Statement 2022 – 2025.

The report recommended that the Board agree to the adoption of a revised Statement of Policy which was attached at Appendix 1.

The report recommended that the Board: -

1. Note the contents of the report and
2. Approve the Statement of Policy 2022-2025, as detailed in Appendix 1 of the report, for publication in accordance with the statutory timescales.

The Board resolved: -

To adopt the recommendations

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: APPLICATION FOR PREMISES LICENCE

PREMISES: THE COLLECTIVE, 9 DIAMOND STREET

DESCRIPTION

On Sales consumption. Offering beauty and spa treatments, conference facilities, social functions and recorded music.

OBJECTIONS/REPRESENTATIONS

- None

The applicant has accepted Local Conditions – Duty of Care and Drugs Policy

POLICY

Supplementary Policy – Licensed Hours

Whilst all applications will be dealt with on their own merits the Board considers it necessary for the promotion of the licensing objectives to set parameters with respect to licensed hours. Any application seeking hours outwith those detailed below will be expected to satisfy the Board that there are legitimate grounds for departing from policy and demonstrate that the granting of such hours would not be contrary to the licensing objectives.

On-Sale Premises

The Board considers it appropriate to distinguish hours within the city centre from outlying areas. The city centre area is that shown delineated on the undernoted map.

The hours stated below are the earliest acceptable opening hour and latest acceptable terminal hour, and not the maximum permissible hours. The terminal hours stated below are the latest permissible and will not be appropriate for all premises. It will be the responsibility of the licence holder or applicant to demonstrate that the premises is suitable for the hours sought. Additional conditions will normally be added to all premises seeking licensed hours after 1am including but not limited to CCTV, door stewards and radiolink. A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.

The Board considers 15 hours continuous trading to be reasonable within any 24-hour period and so the opening or terminal hour should be adjusted accordingly to comply with this requirement.

The opening hours for casinos remains in line with the statutory hours in terms of the Gambling Act 2005, namely 1200 – 0600 daily.

<u>Outwith City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0000
Friday & Saturday	1000	0100

<u>City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0200
Friday & Saturday	1000	0300

6 CONDITIONS ATTACHING TO LICENCES

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

premises licences.

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

Drugs Policy - It is a condition that the licence holder has in place and enforces the drugs policy formulated by Police and attached hereto and displays a notice to the effect that such a drugs policy is in operation at the premises.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: APPLICATION FOR PREMISES LICENCE

PREMISES: FAFFLES, 47 NETHERKIRKGATE

DESCRIPTION

On and Off Sales consumption. Offering restaurant facilities, social functions and recorded music.

OBJECTIONS/REPRESENTATIONS

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

POLICY

Supplementary Policy – Licensed Hours

Whilst all applications will be dealt with on their own merits the Board considers it necessary for the promotion of the licensing objectives to set parameters with respect to licensed hours. Any application seeking hours outwith those detailed below will be expected to satisfy the Board that there are legitimate grounds for departing from policy and demonstrate that the granting of such hours would not be contrary to the licensing objectives.

Off-Sale Premises

Maximum trading hours for off-sale premises are set by statute. The Board have no power to grant off-sales hours prior to 1000 or after 2200 hours. It should be noted that these are the maximum permitted hours and the Board may restrict these hours if it can be shown to be necessary for the promotion of the licensing objectives.

<u>Hour</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal</u>
All off-sales premises	1000	2200

On-Sale Premises

The Board considers it appropriate to distinguish hours within the city centre from outlying areas. The city centre area is that shown delineated on the undernoted map.

The hours stated below are the earliest acceptable opening hour and latest acceptable terminal hour, and not the maximum permissible hours. The terminal hours stated below are the latest permissible and will not be appropriate for all premises. It will be the responsibility of the licence holder or applicant to demonstrate that the premises is suitable for the hours sought. Additional conditions will normally be added to all premises seeking licensed hours after 1am including but not limited to CCTV, door stewards and radio link. A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.

The Board considers 15 hours continuous trading to be reasonable within any 24-hour period and so the opening or terminal hour should be adjusted accordingly to comply with this requirement.

The opening hours for casinos remains in line with the statutory hours in terms of the Gambling Act 2005, namely 1200 – 0600 daily.

<u>Outwith City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0000
Friday & Saturday	1000	0100

<u>City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0200
Friday & Saturday	1000	0300

6 CONDITIONS ATTACHING TO LICENCES

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

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

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

Drugs Policy - It is a condition that the licence holder has in place and enforces the drugs policy formulated by Police and attached hereto and displays a notice to the effect that such a drugs policy is in operation at the premises.

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

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: APPLICATION FOR PREMISES LICENCE

PREMISES: 8 GOLDEN SQUARE

DESCRIPTION

On and Off Sales consumption. Offering conference and restaurant facilities, bar meals, social functions, recorded music, live performances and outdoor drinking facilities.

OBJECTIONS/REPRESENTATIONS

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

POLICY

Supplementary Policy – Licensed Hours

Whilst all applications will be dealt with on their own merits the Board considers it necessary for the promotion of the licensing objectives to set parameters with respect to licensed hours. Any application seeking hours outwith those detailed below will be expected to satisfy the Board that there are legitimate grounds for departing from policy and demonstrate that the granting of such hours would not be contrary to the licensing objectives.

Off-Sale Premises

Maximum trading hours for off-sale premises are set by statute. The Board have no power to grant off-sales hours prior to 1000 or after 2200 hours. It should be noted that these are the maximum permitted hours and the Board may restrict these hours if it can be shown to be necessary for the promotion of the licensing objectives.

<u>Hour</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal</u>
All off-sales premises	1000	2200

On-Sale Premises

The Board considers it appropriate to distinguish hours within the city centre from outlying areas. The city centre area is that shown delineated on the undernoted map.

The hours stated below are the earliest acceptable opening hour and latest acceptable terminal hour, and not the maximum permissible hours. The terminal hours stated below are the latest permissible and will not be appropriate for all premises. It will be the responsibility of the licence holder or applicant to demonstrate that the premises is suitable for the hours sought. Additional conditions will normally be added to all premises seeking licensed hours after 1am including but not limited to CCTV, door stewards and radiolink. A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.

The Board considers 15 hours continuous trading to be reasonable within any 24-hour period and so the opening or terminal hour should be adjusted accordingly to comply with this requirement.

The opening hours for casinos remains in line with the statutory hours in terms of the Gambling Act 2005, namely 1200 – 0600 daily.

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

Supplementary Policy – External Drinking Areas

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

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

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

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

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

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

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

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

6 CONDITIONS ATTACHING TO LICENCES

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

premises licences.

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

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

Drugs Policy - It is a condition that the licence holder has in place and enforces the drugs policy formulated by Police and attached hereto and displays a notice to the effect that such a drugs policy is in operation at the premises.

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

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: ALL BAR ONE, RETAIL UNIT B, ABERDEEN MARISCHAL SQUARE

DESCRIPTION

- Variation to include home deliveries and takeaways.
- Increase of the outdoor drinking area.
- Increase of On Sales capacity from 287 to 412.
- Change to Layout Plan.

OBJECTIONS/REPRESENTATIONS

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

POLICY

Supplementary Policy – External Drinking Areas

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

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

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

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

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

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

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

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

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE
PREMISES: CROWN NEWS, 182 CROWN STREET, ABERDEEN

DESCRIPTION

- Variation to include alcohol delivery with groceries.

OBJECTIONS/REPRESENTATIONS

- None
- The applicant has agreed to the imposition of Delivery Driver Conditions

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE
PREMISES: DUTCH MILL HOTEL, 7 QUEENS ROAD, ABERDEEN

DESCRIPTION

- Variation to remove the wording in the local condition relating to outdoor drinking as follows "(c) that no amplified music or entertainment is to take place in the outdoor area".

OBJECTIONS/REPRESENTATIONS

- Police
- LSO
- Environmental Health

POLICY

Preventing Public Nuisance

The Board believes that licensed premises have the potential to have a significant impact on communities. It wishes to maintain and protect the amenity of the surrounding neighbourhoods whilst recognising the valuable cultural and social aspects of such premises.

Whilst licensing powers are not the main statutory mechanism for dealing with public nuisance in general the Board will interpret public nuisance in a wider sense where it relates to the operation of licensed premises, and in particular issues such as noise and litter.

Again, a number of factors should be considered including, but not limited to:

- Location of premises. In particular the proximity to residential or noise sensitive premises such as medical facilities, sheltered housing, schools, places of worship, nurseries and suchlike.
- Hours of operation. Closely related to the location of the premises, the hours of operation should reflect what is appropriate for the surrounding neighbourhood. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Nature of activities. Any activities carried on in the licensed premises should not be detrimental to the ambience of the locality.

- Outdoor areas. The Board will include a Supplementary Policy on this issue, but applicants will require to ensure that the inclusion of an outdoor licensed area in any premises is appropriate and will not contravene the licensing objective of preventing public nuisance.
- Smoking areas. These should be designed to minimise public nuisance and regularly monitored to cut down on noise and litter.
- Noise from patrons entering and exiting the premises.

What the Board Will Do:

- Consider the proximity of proposed licensed premises to noise sensitive premises when considering applications.
- Ensure that licensed hours and activities are appropriate for the type of premises and locality. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Improve communication between the trade, partners and local communities.
- Impose additional licence conditions where appropriate to prevent public nuisance.
- Highlight best practice where available and increase awareness and education on potential areas of risk.

What the Board Will Expect of Licence Holders/Applicants:

- Take a proactive approach to public nuisance with a risk-based approach.
- Be mindful of the location of the premises, hours of operation and activities.
- Comply with all conditions of the premises licence.
- Ensure appropriate control measures are in place and staff training is up to date and relevant.
- Consider public nuisance when establishing the design and layout of the premises.
- Adequate supervision of any outdoor area, smoking area and patrons entering/exiting the premises.
- Sharing of best practice via trade groups.
- Participation in communication to resolve any issues that may arise.

- Co-operation with Police Scotland and Licensing Standards Officers including access to all relevant policies and procedures such as dispersal policies and incident management.

SUPPLEMENTARY POLICY – EXTERNAL DRINKING AREAS

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

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

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

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

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

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

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

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

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE
PREMISES: FERRYHILL STORES, 8 BRUNSWICK PLACE, ABERDEEN

DESCRIPTION

- Variation to include alcohol delivery with groceries.

OBJECTIONS/REPRESENTATIONS

- None
- The applicant has agreed to the imposition of Delivery Driver Conditions

POLICY

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: MALONE'S IRISH SPORTS BAR, 90 SHIPROW, ABERDEEN

DESCRIPTION

- Variation to include off sales consumption from 10:00 to 22:00 on Monday to Sunday.
- To allow seasonal variations.
- To allow bar meals during core licensed hours.
- To amend the wordings at 5(f) to read "The reference to bar meals refers to the provision of externally catered events or requirements which may occur."
- To include outdoor drinking facilities.
- To amend the wordings at 5(f) to read "The premises may hold charity nights, quiz nights, psychic nights, theme nights, games nights and karaoke."
- To increase on sales capacity from 104 to 147.
- Variation to Layout Plan
- To amend the description on the licence to read "The premises comprise a recently refurbished and extended traditional public bar with outdoor dining and drinking facilities, in a city centre location forming the ground floor (with basement cellarage and first floor storage) of a tenement building with three flatted dwelling houses above the public bar. The premises are in the area which predominantly comprises commercial premises but with some flatted dwelling houses. The tenement in which the premises are located is surrounded on three sides by the Aberdeen Douglas Hotel, belonging to the applicant company. The premises are now physically connected to the Aberdeen Douglas Hotel but the linkage is used for staff only and not for that of customers".

OBJECTIONS/REPRESENTATIONS

- None

The applicant has accepted the External Areas Conditions.

POLICY

Supplementary Policy – External Drinking Areas

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

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

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

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

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

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

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

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

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE
PREMISES: TRIPLE KIRKS (UPPER FLOOR) (EXODUS), SCHOOLHILL,
ABERDEEN

DESCRIPTION

- Variation to on consumption opening hour on Sunday to Thursday from 13:00 to 11:00. Friday and Saturday from 13:00 to 12:00.
- To include bar meals during and out with core licensed hours.
- To increase on sales capacity from 237 to 325.

OBJECTIONS/REPRESENTATIONS

- None

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: UNDER THE HAMMER, 11 NORTH SILVER STREET, ABERDEEN

DESCRIPTION

- Variation to on and off sales consumption opening hour on Sunday from 12:30 to 11:00.
- Variation to on sales consumption terminal hour from 01:00 to 02:00 on Friday and Saturday.
- To include Bar Meals during core licensed hours.
- Amend both questions in 5(g) of operating plan to "No".

OBJECTIONS/REPRESENTATIONS

- None

The applicant has accepted the imposition of local Conditions – Door Supervisor and Radio link

POLICY

6 CONDITIONS ATTACHING TO LICENCES

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

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

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

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PREMISES LICENCE REVIEW PROPOSAL 8 FEBRUARY 2022

PREMISES: ENGAGE GAMING, 26 NORTH SILVER STREET, ABERDEEN
LICENCE HOLDER: LICENSED SUPPORT SERVICES LIMITED

GROUND(S) FOR REVIEW

That one or more of the conditions to which the premises licence is subject has been breached.

Condition alleged to have been breached:

10 Payment of annual or recurring fees

- (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under [section 136\(1\)](#).
- (2) The fee must be paid as required by the regulations.

BACKGROUND

Payment of the annual fee for the above premises due on 1 October 2021 has not been made.

ADDITIONAL INFORMATION

LSO Report

BOARD'S POWERS ON REVIEW

- (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.
- (1A) Subsection (1) is subject to subsection (2A).

- (2) Those steps are—
 - (a) to issue a written warning to the licence holder,
 - (b) to make a variation of the licence,
 - (c) to suspend the licence for such period as the Board may determine,
 - (d) to revoke the licence.
- (2A) Where, at a review hearing in relation to any premises licence, the Licensing Board are satisfied that the ground for review specified in [section 36\(3\)\(za\)](#) (that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence) is established, the Board must revoke the licence.
- (2B) Subject to [section 39B](#) (see below), a revocation under subsection (2A) takes effect at the end of the period of 28 days beginning with the day on which the Board makes the decision.
- (3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

39B Recall of revocation of licence under section 39(2A)

- (1) This section applies where a Licensing Board decides to revoke a premises licence under [section 39\(2A\)](#).
- (2) The Board must recall the revocation if—
 - (a) a relevant application is made before the end of the period referred to in [section 39\(2B\)](#) (“the 28 day period”), and
 - (b) the Board grants the application.
- (3) The Board may extend the 28-day period pending determination of a relevant application.
- (4) In this section, “*relevant application*” means—
 - (a) an application under [section 33\(1\)](#) for the transfer of the premises licence, or
 - (b) a premises licence variation application seeking a variation of the licence that the Board considers would remove the ground on which the licence was revoked under [section 39\(2A\)](#).
- (5) This section does not affect the right to appeal against the decision to revoke the licence under [section 39\(2A\)](#).

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PREMISES LICENCE REVIEW PROPOSAL
8 FEBRUARY 2022
PREMISES: PREZZO, UNIT A2, MARISCHAL SQUARE
LICENCE HOLDER: PREZZO LIMITED

GROUND(S) FOR REVIEW

That one or more of the conditions to which the premises licence is subject has been breached.

Condition alleged to have been breached:

10 Payment of annual or recurring fees

- (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under [section 136\(1\)](#).
- (2) The fee must be paid as required by the regulations.

BACKGROUND

Payment of the annual fee for the above premises due on 1 October 2021 has not been made.

ADDITIONAL INFORMATION

LSO Report

The Licensing Team have been advised that the Licence is to be transferred and that the outstanding annual fee will be paid during the transfer process. A letter from the Administrators consenting to the transfer was received on 13/12/2021, to date a transfer application has not been lodged.

BOARD'S POWERS ON REVIEW

- (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.

- (1A) Subsection (1) is subject to subsection (2A).

- (2) Those steps are—
 - (a) to issue a written warning to the licence holder,
 - (b) to make a variation of the licence,
 - (c) to suspend the licence for such period as the Board may determine,
 - (d) to revoke the licence.
- (2A) Where, at a review hearing in relation to any premises licence, the Licensing Board are satisfied that the ground for review specified in [section 36\(3\)\(za\)](#) (that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence) is established, the Board must revoke the licence.
- (2B) Subject to [section 39B](#) (see below), a revocation under subsection (2A) takes effect at the end of the period of 28 days beginning with the day on which the Board makes the decision.
- (3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

39B Recall of revocation of licence under section 39(2A)

- (1) This section applies where a Licensing Board decides to revoke a premises licence under [section 39\(2A\)](#).
- (2) The Board must recall the revocation if—
 - (a) a relevant application is made before the end of the period referred to in [section 39\(2B\)](#) (“the 28 day period”), and
 - (b) the Board grants the application.
- (3) The Board may extend the 28-day period pending determination of a relevant application.
- (4) In this section, “*relevant application*” means—
 - (a) an application under [section 33\(1\)](#) for the transfer of the premises licence, or
 - (b) a premises licence variation application seeking a variation of the licence that the Board considers would remove the ground on which the licence was revoked under [section 39\(2A\)](#).
- (5) This section does not affect the right to appeal against the decision to revoke the licence under [section 39\(2A\)](#).

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PREMISES LICENCE REVIEW PROPOSAL
8 FEBRUARY 2022
PREMISES: YATAI, 53 LANGSTANE PLACE, ABERDEEN
LICENCE HOLDER: BOWDEN DEVELOPMENTS LTD

GROUND(S) FOR REVIEW

That one or more of the conditions to which the premises licence is subject has been breached.

Condition alleged to have been breached:

10 Payment of annual or recurring fees

- (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under [section 136\(1\)](#).
- (2) The fee must be paid as required by the regulations.

BACKGROUND

Payment of the annual fee for the above premises due on 1 October 2021 has not been made.

ADDITIONAL INFORMATION

LSO Report

BOARD'S POWERS ON REVIEW

- (1) At a review hearing in relation to any premises licence, the Licensing Board may, if satisfied that a ground for review is established (whether or not on the basis of any circumstances alleged in the premises licence review proposal or application considered at the hearing) take such of the steps mentioned in subsection (2) as the Board considers necessary or appropriate for the purposes of any of the licensing objectives.
- (1A) Subsection (1) is subject to subsection (2A).
- (2) Those steps are—
 - (a) to issue a written warning to the licence holder,

- (b) to make a variation of the licence,
- (c) to suspend the licence for such period as the Board may determine,
- (d) to revoke the licence.

- (2A) Where, at a review hearing in relation to any premises licence, the Licensing Board are satisfied that the ground for review specified in [section 36\(3\)\(za\)](#) (that, having regard to the licensing objectives, the licence holder is not a fit and proper person to be the holder of a premises licence) is established, the Board must revoke the licence.
- (2B) Subject to [section 39B](#) (see below), a revocation under subsection (2A) takes effect at the end of the period of 28 days beginning with the day on which the Board makes the decision.
- (3) On making a variation under subsection (2)(b), the Board may provide for the variation to apply only for such period as they may determine.

39B Recall of revocation of licence under section 39(2A)

- (1) This section applies where a Licensing Board decides to revoke a premises licence under [section 39\(2A\)](#).
- (2) The Board must recall the revocation if—
 - (a) a relevant application is made before the end of the period referred to in [section 39\(2B\)](#) (“the 28 day period”), and
 - (b) the Board grants the application.
- (3) The Board may extend the 28-day period pending determination of a relevant application.
- (4) In this section, “*relevant application*” means—
 - (a) an application under [section 33\(1\)](#) for the transfer of the premises licence, or
 - (b) a premises licence variation application seeking a variation of the licence that the Board considers would remove the ground on which the licence was revoked under [section 39\(2A\)](#).
- (5) This section does not affect the right to appeal against the decision to revoke the licence under [section 39\(2A\)](#).

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PERSONAL LICENCE APPLICATION

OBJECTIONS/REPRESENTATIONS

- Police Scotland

DETERMINATION

The Board Must:

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

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LICENSING BOARD INFORMATION SHEET

NOTICE OF CONVICTION LICENCE HOLDER

BACKGROUND

- Held licence since 8 September 2017

OBJECTIONS/REPRESENTATIONS

- Police Scotland

DETERMINATION

The Board must:

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

and after giving the licence holder and the chief constable an opportunity to be heard, and if satisfied that is necessary to do so for the purposes of any of the licensing objections make an order.

That order is an order –

- a) Revoking
- b) Suspending for such period, not exceeding 6 months as the Board considers appropriate, or
- c) Endorsing,

The personal licence held by the licence holder concerned.

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