

LICENSING BOARD

ABERDEEN, 14 May 2019. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener; and Councillors Cameron, Donnelly, Greig, McLellan and Townson.

MINUTE OF MEETING OF 12 MARCH 2019

1. The Board had before it for its consideration the minutes of meeting of 12 March 2019.

The Board resolved:-

To approve the minute.

LIST OF APPLICATIONS

2. The Board had before it, for its consideration, the applications as listed in 3-30.

APPLICATION FOR PROVISIONAL PREMISES LICENCE - HILTON, THE EVENT COMPLEX, ABERDEEN

3. The Board had before them a letter of representation dated 29 April 2019 from Police Scotland, an email of representation dated 29 April 2019 from Environmental Health and a representation dated 3 May 2019 from the LSO.

The Board heard from Niall Hassard, Solicitor, in support of the application who confirmed that the applicant was willing to amend the application so that the hours sought were within the Board's policy guidelines and that the applicant accepted the recommendations for Police Scotland, Environmental Health and the LSO.

Having heard from Mr Hassard, Sergeant Flett, advised that Police Scotland withdrew their representation, as did Andrew Gilchrist, Environmental Health and the LSO.

The Board resolved:

To grant the application subject to the standard local conditions relating to drugs policy, duty of care and external areas.

APPLICATION FOR PROVISIONAL PREMISES LICENCE - SHELL PROPELLER, INVERURIE ROAD, ABERDEEN

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4. The Board heard from Alexander Munro, Depute Clerk to the Board, that there were no representations or objections received in connection with the application. The premises were however, excluded premises as defined in S123 of the Licensing (Scotland) Act and the applicant would require to present evidence to the Board that persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of petrol or derv, or groceries.

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

The Board resolved:

To grant the application subject to standard local condition in respect of CCTV.

APPLICATION FOR PROVISIONAL PREMISES LICENCE, SHELL REDMOSS, WELLINGTON ROAD, ABERDEEN

5. The Board heard from Alexander Munro, Depute Clerk to the Board, that there were no representations or objections received in connection with the application. The premises were however, excluded premises as defined in S123 of the Licensing (Scotland) Act and the applicant would require to present evidence to the Board that persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of petrol or derv, or groceries.

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

The Board resolved:

To grant the application subject to standard local condition in respect of CCTV.

APPLICATION FOR PROVISIONAL PREMISES LICENCE - ALOFT HOTEL, THE EVENT COMPLEX ABERDEEN

6. The Board had before them a letter of representation dated 29 April 2019 from Police Scotland, an email of representation dated 29 April 2019 from Environmental Health and a representation dated 3 May 2019 from the LSO.

The Board heard from Niall Hassard, Solicitor, in support of the application who confirmed that the applicant was willing to amend the application so that the hours sought were within the Board's policy guidelines and that the applicant accepted the recommendations for Police Scotland, Environmental Health and the LSO, however

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requested that the Board considered allowing low level background music in the external area.

Having heard from Mr Hassard, Sergeant Flett, advised that Police Scotland withdrew their representation, as did Andrew Gilchrist, Environmental Health and the LSO.

The Board resolved:

To grant the application subject to the standard local conditions relating to drugs policy, duty of care and to amend the external area condition to allow low level background music.

APPLICATION FOR PREMISES LICENCE - 55A SPRINGHILL ROAD, ABERDEEN

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

The Board resolved: -

To grant the application subject to the Standard local condition in relation to CCTV.

APPLICATION FOR VARIATION OF PREMISES - ABERDEEN HERO/PUMPKIN, ABERDEEN RAILWAY STATION, GUILD STREET, ABERDEEN

8. The Board had before them a letter of representation dated 26 April from Police Scotland and a representation dated 02 May 2019 from the LSO.

Thereafter, the Board heard from Audrey Junner, Solicitor in support of the application. Ms Junner advised that the applicant was willing to amend the Children and Young person's terms of access to address the concerns of Police Scotland and the LSO by removing references to "table meals" and replacing it with "eating"

This amendment was acceptable to both the Police and the LSO and they withdrew their representations.

The Board resolved:

To grant the application as amended.

APPLICATION FOR VARIATION OF PREMISES LICENCE - BREWDOG, 17 GALLOWGATE, ABERDEEN

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9. Councillor McLellan declared an interested in the item, left the meeting and took no part in the determination of the application.

As a preliminary point, The Board were advised that there was a late representation from Environmental Health.

The Board heard from Andrew Gilchrist, Environmental Health, that the representation was late because of operational difficulties.

The Board resolved: -

to accept the representation.

The Board had before them a letter of representation dated 02 April 2019 from Police Scotland, a letter dated 11 April 2019 from NHS Grampian, a letter dated 12 April 2019 from a member of the public and a letter dated 3 May 2019 from Environmental Health.

The member of the public and a representative from NHS Grampian were not present at the meeting.

The Board heard from Ms Junner, Solicitor in support of the application. Ms Junner advised that the applicant accept the police and NHS conditions, however requested that the Board applied an amended door supervisor condition in the following terms:

‘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 from 23:00 onwards’

Ms Junner further advised that the applicant undertook to liaise with Environmental Health on a Noise Management Plan.

Having heard from Ms Junner, Police Scotland and Environmental Health withdrew their representations.

The Board resolved: -

to grant the application subject to the late the Radio link, CCTV, duty of care and Door steward condition as amended.

APPLICATION FOR VARIATION OF PREMISES LICENCE - AMUSEMENT PARK AND CONGO ADVENTURE GOLF AND BAR DINER, QUEENS LINKS, ABERDEEN

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10. As a preliminary point, The Board were advised that there was a late objection received from a Community Council. There was there was no representative from the Community Council present and therefore the Board were unable to establish the reason that the letter was late.

The Board resolved:

not to accept the late objection.

The Board had before them a letter of representation dated 02 May 2019 from Police Scotland, an email of representation dated 03 May 2019 from Environmental Health and a representation dated 03 May 2019 from the LSO.

The Board heard from Niall Hassard, Solicitor, in support of the application who confirmed that the applicant accepted the recommendations for Police Scotland and the LSO.

Having heard from Mr Hassard, Sergeant Flett, advised that Police Scotland withdrew their representation, as did Andrew Gilchrist, Environmental Health and the LSO.

The Board resolved:

To grant the application subject to the conditions as set out in the Police and LSO representations.

APPLICATION FOR VARIATION OF PREMISES LICENCE - REVOLUTION, 25 BELMONT STREET, ABERDEEN

11. The Board had before them letters of representation dated 28 February 2019 from Police Scotland and Environmental Health.

The Board heard from Archie MacIver, Solicitor, in support of the application. Mr MacIver advised that the applicant had provided a copy of the premises' noise management plan to Environmental Health and undertook to liaise with them should anything further be required. He further advised that the conditions as recommended by Police Scotland were accepted however requested that the Board applied an amended door supervisor condition in the following terms:

'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 from 23:00 onwards'

The Board resolved: -

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To grant the application subject to the following conditions Radio Link, CCTV, Duty of Care and an amended door supervisors.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - BUGSY BROWNS, 7 WINDMILL BRAE, ABERDEEN

12. The Board had before it a letter of representation dated 30 April 2019 from NHS Grampian.

The Board heard from Neil Fraser, Solicitor, speak in support of the application. Mr Fraser advised that the application was not in fact seeking a variation to the terminal hours. The application was only in respect of a variation to the commencement to on-consumption hours Monday to Sunday from 19:30 to 13:00 and the addition of some activities. He further advised that the conditions that the NHS had sought to be attached to the licence are in fact already in place.

The Board resolved: -

To grant the application.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - CROFT TAVERN, 5 STOCKETHILL CRESCENT, ABERDEEN

13. The Board heard from Alexander Munro, Depute Clerk to the Board, that the letter of representation dated 29 April 2019 from Police Scotland had been withdrawn as the applicant had amended the application.

The Board Resolved:

To grant the application as amended.

APPLICATION FOR VARIATION OF A PREMISES LICENCE, DYCE FARM, ABZ BUSINESS PARK, INTERNATIONAL AVENUE, DYCE. ABERDEEN

14. The Board had before them a representation dated 29 April 2019 from Environmental Health.

The Board heard from Andrew Hunter, Solicitor, speak in support of the application. Mr Hunter advised the applicant was willing to accept the condition for music in the external area as proposed by Environmental Health.

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The Board resolved: -

To grant the application subject to the local condition relating to external areas.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - HUSH AND HUSH 2,
THE GALLERIA, BON ACCORD STREET, ABERDEEN**

15. The Board heard from Alexander Munro, Depute Clerk to the Board that it was his understanding that all representations received in connection with the application had been withdrawn, however due to the terminal hour of 03:00 as per the Board's policy the applicant would be required to justify the need for those hours.

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

The Board resolved: -

To grant the application.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - ILLICIT STILL,
NETHERKIRKGATE, ABERDEEN**

16. The Board had before them a letter of representation from Police Scotland dated 02 April 2019, a letter of representation from NHS Grampian dated 11 April 2019 and an undated letter of objection from a member of the public.

The Board heard from Archie MacIver, Solicitor, speak in support of the application. Mr MacIver advised that the conditions as set out in the Police letter were accept however requested that the Board applied an amended door supervisor condition in the following terms:

'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 from 23:00 onwards'

The Board resolved: -

To grant the application subject to the following conditions Radio Link, CCTV, Duty of Care and an amended door supervisor.

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

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17. The Board heard from Alexander Munro, Depute Clerk to the Board that the representation submitted by Environmental Health had been withdrawn following confirmation that the applicant accepted a condition that relating to the implementation of a Noise Management plan. The representation dated 25 April 2019 from Police Scotland was also withdrawn as the condition contain therein had also been accepted by the application.

The Board heard from Theresa Hunt, Solicitor, speak in support of the application in respect the variation to the terminal hour. Ms Hunt requested that the Board applied an amended door supervisor condition in the following terms:

'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 from 23:00 onwards'

The Board resolved: -

To grant the application subject to the following conditions Radio Link, CCTV, Duty of Care, an amended door supervisors and a condition in respect of a noise management plan.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - MUSA, 33 EXCHANGE STREET

18. Councillor McLellan declared an interested, left the meeting and took no part in the determination of the application.

The Board had before them letters for representation dated 03 May 2019 from Police Scotland and Environmental Health, 30 April 2019 from NHS Grampian and two public objections dated 24 April 2019.

The Board heard from Audrey Junner, Solicitor, in support of the application. Ms Junner confirm that the applicant had given an undertaken to liaise with Environmental Health on a Noise Management Plan and accepted all the conditions referred to in the Police and NHS letters, however requested that the Board applied an amended door supervisor condition in the following terms:

'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 from 23:00 onwards'

The Board resolved: -

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To grant to application subject conditions in respect of Radiolink, CCTV and Duty of Care and amended door supervision condition.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - UNIT 1, THE ACADEMY, ABERDEEN

19. The Board had before them letters of representation dated 28 February 2019 from Police Scotland and Environmental Health.

The Board heard from Archie MacIver, Solicitor, in support of the application. Mr MacIver advised that the applicant had provided a copy of the premises' noise management plan to Environmental Health and undertook to liaise with them should anything further be required. He further advised that the conditions as recommended by Police Scotland were accepted however requested that the Board applied an amended door supervisor condition in the following terms:

'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 from 23:00 onwards'

Mr MacIver also advised that the applicant had amended the commencement of on-consumption hours on Friday and Saturday to 12 noon to bring the hours within the Board's policy guidelines.

The Board resolved: -

To grant the application as amended and subject to the following conditions Radio Link, CCTV, Duty of Care and an amended door supervisors.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - ICELAND FOODS LTD, 306 HOLBURN STREET, ABERDEEN

20. The Board heard from Alexander Munro, Depute Clerk to the Board, that the letter of representation dated 26 April 2019 from Police Scotland had been withdrawn as the applicant had agreed to a condition in respect of delivery driver training.

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

The Board Resolved:

To grant the application with a condition in respect of delivery driver training.

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APPLICATION FOR VARIATION OF A PREMISES LICENCE - ICELAND FOODS LTD, 461 GREAT NORTHERN ROAD, ABERDEEN

21. The Board heard from Alexander Munro, Depute Clerk to the Board, that the letter of representation dated 30 April 2019 from Police Scotland had been withdrawn as the applicant had agreed to a condition in respect of delivery driver training.

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

The Board Resolved:

To grant the application with a condition in respect of delivery driver training.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - ICELAND FOODS LTD - UNIT 3, BOULEVARD RETAIL PARK, ABERDEEN

22. The Board heard from Alexander Munro, Depute Clerk to the Board, that the letter of representation dated 26 April 2019 from Police Scotland had been withdrawn as the applicant had agreed to a condition in respect of delivery driver training.

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

The Board Resolved:

To grant the application with a condition in respect of delivery driver training.

APPLICATION FOR VARIATION OF A PREMISES LICENCE - MARQUIS DAIRY, 101 MARQUIS ROAD, ABERDEEN

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

The Board Resolved:

To grant the application.

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**APPLICATION FOR VARIATION OF A PREMISES LICENCE - MURDOS,
CAIRNCRY ROAD, ABERDEEN**

24. The Board heard from Mr Alexander Munro, Legal advisor, that there had been no objections or representations received in connections with the application.

The Board Resolved:

To grant the application.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - NIRVANA, 23
CROWN TERRACE, ABERDEEN**

25. The Board heard from Alexander Munro, Depute Clerk that all representations received in connection with the application had been withdrawn as the applicant had amended the application to address the concerns raised in the representations.

The Board Resolved:

To grant the application as amended and with a local condition restricting adult entertainment.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - PITTODRIE
STADIUM FUNCTION SUITES, CORPORATE HOSPITALITY AREAS**

26. The Board heard from Mr Alexander Munro, Legal advisor, that there had been no objections or representations received in connections with the application.

The Board Resolved:

To grant the application.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - RICHMOND ARM,
327 NORTH DEESIDE ROAD**

27. The Board heard from Alexander Munro, Depute Clerk that all representations received in connection with the application had been withdrawn as the applicant had amended the application to address the concerns raised in the representations.

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The Board Resolved:

To grant the application as amended.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - THE PLOUGHMAN,
NORTH DEESIDE ROAD, ABERDEEN**

28. The Board heard from Alexander Munro, Depute Clerk that all representations received in connection with the application had been withdrawn as the applicant had amended the application to address the concerns raised in the representations.

The Board Resolved:

To grant the application as amended.

**APPLICATION FOR VARIATION OF A PREMISES LICENCE - U STORE, 94
VICTORIA ROAD, TORRY, ABERDEEN**

29. The Board heard from Mr Alexander Munro, Legal advisor, that there had been no objections or representations received in connections with the application.

The Board Resolved:

To grant the application.

NOTICE OF CONVICTIONS - PERSONAL LICENCE HOLDER A

30. The Board had before them a letter dated 14 November 2018 from Police Scotland.

The Board resolved: -

To endorse the personal licence as the licence holder had acted in a manner inconsistent with the licensing objective securing public safety.

NOTICE OF CONVICTIONS - PERSONAL LICENCE HOLDER B

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31. The Board had before them a letter dated 21 February 2019 from Police Scotland.

The Board resolved: -

to revoke the licence.

APPLICATION FOR A PERSONAL LICENCE

32. The Board had before them a letter dated 11 March 2019, in the absence of the applicant;

The Board resolved: -

To defer consideration of the application to its next meeting to be held on Wednesday 4 July 2019.

PREMISES LICENCE REVIEW IN TERMS OF SECTION 37 OF LICENSING SCOTLAND ACT 2005

33. The Board heard from Alexander Munro, Depute Clerk to the Board, that the Licence holder had requested that the review hearing be deferred to the next meeting of the Board.

The Board resolved: -

To defer the review hearing to its next meeting to be held on Wednesday 4 July 2019.

LOCAL AREA PROFILE - REPORT

34. The Board had before them a report by the Licensing Team, regarding the Local Area profile under the Gambling Act 2005.

The report recommended that the Board agree to the adoption of the Local Area Profile to complement their Statement of Policy in terms of Section 349(1) of the Gambling Act 2005 ('the Act') and

Recommended that the Board: -

1. noted the contents of the report; and
2. Approved Appendix 1 for publication.

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The Board: -

Approved the recommendations.

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