

## Chester Objection 45 letter

Chester Objection Queens Cross Community Council wish to strongly object to the Chester Application for variation of their Licence to increase the number of people they can serve. Firstly we would ask The Licensing Board to think about what they are being asked to agree to which is to increase the numbers for a part of the Hotel which according to the Hotels own map given to me by Licensing includes a section they do not even have permission to use to serve customers, namely the area above the ballroom. I checked with Planning and the restriction is still in place. This has been a contentious issue since 2014 (See various correspondence 27/28th Oct 2014 regarding Planning Application 140990). We have complained before about the logic of requesting a licence for an area they are not allowed to use especially when the former Licensing Regulation suggested that Planning Permission should be sought before Licensing. However Licensing responded that the rule was not legally binding. Nevertheless I would ask the Board to consider the logic of what they are being asked to do, especially when Building Standards are part of the consideration the Board has to take into account (See minutes and papers to Licensing Board meeting of Tuesday 15th January 2019. Secondly before we consider detailed aspects of this Application (see below) it has to be noted the difficulties that the Community Council for the area have had in getting the FACTS pertinent to the application. We did write to Licensing to get access to the "consultee" reports (eg Police) but were only given the address on ACC website of the previous application by Chester Hotel for a Variation on its Licence but even there the pages are RESTRICTED ie we can't see the information. Hence residents and neighbours do not have access to all the relevant facts relating to this application. Also this was a complicated application with a need to research a number of past records, ask consultees of their views (none replied), consult our own members (difficult under COVID rules) so the Community Council asked for an extension to the cut off date. It was refused. I will follow below the order which was given to Board members in the papers they received at the meeting dated 15th January 2019. Building Standards - as noted above we don't have access to any information Building Standards have input in a consultee report but what we do know is that I have asked Licensing and Building Standards to check that Chester is abiding by their present License in using Marquees at the rear of the hotel to attend to customers after 10pm. To date it is my understanding that no permission was sought to put up the Marquees at the rear of the hotel. Issues relating to "Preventing Public Nuisance" Location of Premises - we believe the Location of the Hotel is at odds with the needs of the local residents because of noise and traffic created. Indeed I wrote to Mr Gow Manager of the Hotel on 14 3 18 after a meeting with him stating that it was a useful meeting and stated then "I think we have a different perspective on the place of a Hotel running functions in a residential area." Hours of Operation - It would appear that the Chester will be operating to the #. \$. %. &. '. (. ). \*. \$. maximum hours permitted to premises outwith the city centre. We think this is excessive for a Hotel in a residential area and suggest the latest time should be limited to 11pm at night for internal areas (10pm for external) so that noise with departing guests is limited to those hours. Detrimental to the ambience of the area - we believe a large hotel with large functions is detrimental to the ambience of the area in what was previously to 2014 much quieter for residents and families. Outdoor areas and

preventing public nuisance - The Police consultee report would have been of value in relation to this but unfortunately we do not have access to that information. I did ask the Police if they could let me know of any incidents of late but they only asked why I wanted the information and since I told them I have heard nothing more. What I do know is that in the past that parties have indulged in Conga dancing in the local lanes. I hope, but can't confirm that the Chester has managed to stop that sort of activity. Noise from patrons entering and exiting the premises. What I do know is that when I ( ) went round past the rear of the Chester Hotel after 10pm on 10th Oct 2020 there were people standing in the back lane at the rear exit of the Chester waiting for a taxi. So when it arrived there was a banging of car doors close to residents property on Harlaw Road. There was no evidence of any organised departure procedures from the Hotel. Licensing Hours to be appropriate - We do not think they are - see my comments in 2.2 above. Improved communication between partners and communities - I attach below an email from Mr Gow the manager of the Chester - note he seems to be referring to a note I DID NOT WRITE. You can decide for yourselves if communications have improved. Highlight best practice - unfortunately this does NOT seem to be being pursued - For example the previous Licensing Procedures suggested best practice was to have the Licensing application FOLLOW the Planning application - this is not being done now. The Chester Hotel appear to have a habit of asking for RETROSPECTIVE Planning Applications to be accepted. This has happened on several important applications eg application to use the balcony area for meals etc (refused) which is still in THIS licensing application. RETROSPECTIVE application for a Pergola use which is close to the back lane and a source of noise. We seemed to have missed that application and so it is unfortunately still in use. I quote from a PREVIOUS Councillor "The Chester have ridden rough shod over the planning process". The Planning Dept itself wrote to the Chester regarding its conduct regarding RETROSPECTIVE application. I was only able to see this letter (redacted) after a FOI to ACC. Adequate supervision of patrons entering/exiting the premises. I personally saw none on the back lane at the rear of the Hotel after 10pm on Saturday 10th Oct. January 2018 Board decision - there were restrictions placed on the Chester regarding Noise - see email sent 24 December 2018. Chester appear to have been allowed to change their application and said they were implementing a noise limiting device. We hope and assume this has been done. It is disappointing the Community Council were \$. not kept informed fo these changes to the application (or I have no record of them apart from what I see NOW in the previous Licensing Board meeting). The above is the objection from Queens Cross Community Council to Chester Hotel Application to Vary a Premises Licence Regards Ken Hutcheon Secretary Queens Cross Community Council EMAIL JUST RECEIVED (10.25 12th Oct 2020) FROM MR GOW MANAGER OF THE CHESTER HE SEEMS TO BE REFERRING TO A PAPER I DID NOT WRITE. Good morning It has come to my attention that there is a document circulating that appears to come from or is being endorsed by Queen's Cross Community Council with regards to The Chester Hotel's application for a variation to our Licence. I am disappointed, although not surprised, that you have not contacted me directly to discuss; had you done this you would have been able to put forward a balance view of our application not the sensationalist one that you have portrayed. Your first statement that this is not Covid related is in fact incorrect. You will note that we are looking to license the two areas to the front of the hotel, these areas have been licensed using a system of Occasional Licences, two weeks at a time during the pandemic. We are seeking

to formalise this Licence arrangement to allow us to continue to operate in the manner we have for the last four months and also to offer a Christmas experience to the people of Aberdeen. The science points to it being safer to use external hospitality, this being confirmed by the First Minister in the new measures introduced last week, however you are actively encouraging objections to people being able to sit outside and enjoy a meal with a glass of wine, we believe this is hugely short sighted. Our “al fresco dining” has been very successful and has allowed us to bring back a large number of our employees from furlough, your objections put these jobs at risk - is this a responsible approach from Queen’s Cross Community Council? You have sensationalised the numbers; as I am sure you are aware there are two sets of numbers-the technical standards which you have quoted and the management restrictions. You have conveniently omitted the management restrictions that we have put in place and that have been supported by the LSO – put this in full - a copy of which I have attached but are: Marquee 1 – 72 seated Marquee 2 – 52 seated High level -76 seated It is completely irresponsible for you to distribute misleading information and indeed not to even have the courtesy to contact me for comment. I have always been open with QXCC and have indeed invited you to hold your meeting here or to view anything that we are doing here at the hotel, a hotel that is locally owned, managed and has tried to adapt in these very difficult times to offer the people of the area quality food and beverage against a hugely difficult background. In short, you have wholly misrepresented the maximum capacity figures in the application. You have ignored the blatantly obvious jobs crisis which all hospitality businesses face currently and stated that this variation is “not related to Covid ” - an unashamed untruth. You confidently state that there is a “future Post Covid” – I would be grateful if you could explain your confidence in this statement. No hospitality business currently faces a future post Covid – we are all learning how to live and operate with Covid. I would also be keen to know how, when we have served over 400 people alfresco most days over this summer without a single complaint, you can assert that there will be a negative impact in terms of ‘generating noise’? Similarly, your evidence that serving over 400 people a day has resulted in anti-social behavior due to alcohol and might do in future is keenly awaited by us. You also seem to have conveniently ignore that the fact that we have a significant amount of parking to the rear of the hotel which was created in 2019. You state – wrongly – that this application suggests plans for major events beyond normal functions such as weddings and parties is wholly inaccurate and designed to inflame local residents. We have no plans for such events – and indeed anyone with a modicum of understanding of the havoc the pandemic has wreaked on events – an impact which will continue for years – would understand this. Your statement that we aim to ‘create a large entertainment centre for thousands’ is a falsehood and I await your formal response on how you intend to rectify this lie to the people you have distributed your letter to. .Regards Stephen Stephen Gow General Manager