

LICENSING BOARD

ABERDEEN: Tuesday, 3 May 2011 Minute of Meeting of the LICENSING BOARD. Present:- Councillor Jaffrey, Convener; and Councillors Boulton, Collie, Cormie, Donnelly, Hunter, Penny and Robertson.

1 LIST OF APPLICATIONS: ITEMS 1-30

The Board had before it, for its consideration, the applications listed in Appendix A to this minute.

The Board resolved:-

that all applications be determined on the basis shown in Appendix A.

2 PERSONAL LICENCE REVIEW HEARING: LICENCE NO. AC0988

The Board received an application from the Chief Constable in terms of Section 84(A) of the Licensing (Scotland) Act 2005 for a review of the personal licence reference number AC0988 on the ground that the licence holder had acted in a manner which is inconsistent with the licensing objective of preventing crime and disorder.

The Board were advised that the licence holder had been notified of the date, time and circumstances of the hearing but had failed to attend. The Board decided to hold the hearing in his absence. The Board heard Sergeant Skinner, on behalf of the Chief Constable.

The Board resolved:-

to revoke the licence on the ground that the licence holder had acted in a manner which is inconsistent with the licensing objective preventing crime and disorder.

3 PERSONAL LICENCE REVIEW HEARING: LICENCE NO. AC1900

The Board received an application from the Chief Constable in terms of Section 84(A) of the Licensing (Scotland) Act 2005 for a review of the personal licence reference number AC1900 on the grounds that the licence holder has acted in a manner which is inconsistent with the licensing objectives of (1) preventing crime and disorder; and (2) protecting and improving public health.

The Board were advised that the licence holder had been notified of the date, time and circumstances of the hearing but had failed to attend. The Board decided to hold the

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hearing in her absence. The Board heard Sergeant Skinner, on behalf of the Chief Constable.

Councillor Donnelly moved that the licence be suspended for a period of six months on the grounds that the licence holder had acted in a manner which is inconsistent with the licensing objectives of (1) preventing crime and disorder; and (2) protecting and improving public health.

Councillor Collie moved as an amendment to revoke the licence on the grounds that the licence holder had acted in a manner which is inconsistent with the licensing objectives of (1) preventing crime and disorder; and (2) protecting and improving public health.

On a division, there voted:- for the motion (1) – Councillor Donnelly; for the amendment (6) – the Convener; and Councillors Boulton, Collie, Cormie, Penny and Robertson.

The Board resolved:-
to revoke the licence.

4 PERSONAL LICENCE REVIEW HEARING: LICENCE NO. AC2187

The Board were advised that the licence holder had surrendered his personal licence and that therefore it was no longer necessary to hold a hearing.

5 PERSONAL LICENCE REVIEW HEARING: LICENCE NO. AC1840

The Board had before it a notice from Grampian Police in terms of Section 83(4)(b) of the Licensing (Scotland) Act 2005 confirming that the licence holder had been convicted of certain relevant offences. The Board also had before it a letter from the licence holder advising that he was unable to attend the hearing but providing a note of explanation in respect of the said offences.

The Board decided in the circumstances to hold the hearing in the absence of the licence holder.

Sergeant Skinner addressed the Board on behalf of the Chief Constable.

The Board resolved:-

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to endorse the licence for the purpose of the licensing objective preventing crime and disorder.

6 OFFSHORE EUROPE 2011 - LETTER DATED 08 APRIL 2011 FROM COUNCILLOR DONNELLY

The Board had before them a letter dated 8 April, 2011 from Councillor Donnelly in which he suggested that the Board consider a general extension of operating hours for liquor licensed premises in Aberdeen during the course of the Offshore Europe exhibition which takes place at the Aberdeen Exhibition and Conference Centre in September. Councillor Donnelly spoke in support of his letter.

Councillor Donnelly moved that the Board grant a general extension under Section 67 of the Licensing (Scotland) Act 2005 to allow a maximum of one extra hour after the terminal hour for all on-sale liquor licensed premises throughout the city (except casinos) during the duration of the event.

Councillor Collie moved as an amendment that no action be taken in this matter and therefore the status quo would remain.

Councillor Cormie moved as a further amendment to grant a general extension under Section 67 of the Licensing (Scotland) Act 2005 for one extra hour after the terminal hour in respect of all on-sale liquor licensed premises where the terminal hour is midnight on the relevant days.

Councillor Boulton moved as a further amendment not to grant a general extension but to accept applications for occasional extensions on a case-by-case basis for the purpose of Offshore Europe 2011.

On a division, there voted:- for the second amendment (3) – the Convener; and Councillors Cormie and Penny; for the third amendment (1) – Councillor Boulton; declined to vote (3) – Councillors Collie, Donnelly and Robertson.

The Board resolved:-

to adopt the second amendment.

On a further division, there voted:- for the first amendment (1) – Councillor Collie; for the second amendment (6) – the Convener; and Councillors Boulton, Cormie, Donnelly, Penny and Robertson.

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The Board resolved:-

to adopt the second amendment.

On a further division, there voted:- for the motion (4) – Councillors Collie, Donnelly, Penny and Robertson; for the second amendment (3) – the Convener; and Councillors Boulton and Cormie.

The Board resolved:-

to adopt the motion and grant a general extension under Section 67 of the Licensing (Scotland) Act 2005 to allow one extra hour after the terminal hour for all on-sale liquor licensed premises throughout Aberdeen city with the exception of casinos for the duration of Offshore Europe 2011.

- **MURIEL JAFFREY, Convener.**

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APPENDIX A

1. **APPLICATION FOR NEW PREMISES LICENCE**
Premises – Clifton Convenience Store, 104 Clifton Road, Aberdeen

The Board had before it a letter of objection from Grampian Police. As a preliminary point, Sergeant Skinner, on behalf of the Chief Constable, requested that the application be heard in confidence due to the nature of the information provided in support of the objection. There being no objection from the applicant, the Board agreed to the request and the application was heard in confidence.

The Board then heard Sergeant Skinner, on behalf of the Chief Constable, and thereafter Ms. Bywalec on behalf of the applicant.

Councillor Donnelly moved to grant the application.

Councillor Robertson moved as an amendment to refuse the application on the grounds that the granting of the application would be inconsistent with the licensing objective of preventing crime and disorder.

On a division, there voted:- for the motion (4) – Councillors Collie, Cormie, Donnelly and Penny; for the amendment (3) – the Convener; and Councillors Boulton and Robertson.

The Board resolved:-

to adopt the motion and grant the application.

2. **APPLICATION FOR NEW PREMISES LICENCE**
Premises – Cutters Wharf, 65 Regent Quay, Aberdeen

Mrs. Hood, Solicitor, addressed the Board in support of the application.

The Board resolved:-

to grant the application.

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3. APPLICATION FOR PROVISIONAL PREMISES LICENCE
Premises – 470 Union Street, Aberdeen

The Board had before it a letter of objection. The objector was not personally present. Mr. Cooper, Solicitor, on behalf of the applicant, raised a preliminary point in respect that he considered the letter of objection to be incompetent as the objection was against other premises. Having received legal advice, the Board agreed that the terms of the letter of objection were incompetent and thereafter Mr. Cooper addressed the Board in support of the application.

The Board resolved:-
to grant the application.

4. APPLICATION FOR PROVISIONAL GRANT OF PREMISES LICENCE
Premises – Keystore, 18 Bedford Avenue, Aberdeen

Mr. Watt, Solicitor, addressed the Board in support of the application.

The Board resolved:-
to grant the application.

5. APPLICATION FOR VARIATION
Premises – BrewDog Aberdeen, 17 Gallowgate, Aberdeen

The Board had before it two letters of objection. Neither of the objectors were personally present. It also had before it a letter of representation from Grampian Police. Sergeant Skinner addressed the Board, on behalf of the Chief Constable, in support of the letter of representation. Mr. Atwell, Solicitor, thereafter addressed the Board in support of the application.

The Board resolved:-
to grant the application with the exception of that part which sought to extend the terminal hour from midnight on Thursday to 1.00am on Friday which was refused.

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6. APPLICATION FOR VARIATION**Premises – Cocket Hat, North Anderson Drive, Aberdeen**

The Board were advised that an issue in connection with the layout plan had yet to be resolved.

Mr. Tracey, the premises Manager, who was in attendance on behalf of the applicant was unable to clarify the position at this time.

The Board resolved:-

to continue consideration of the application to its next meeting on 28 June, 2011.

7. APPLICATION FOR VARIATION**Premises – Fountain Bar and Embassy Function Suite, 368 Great Northern Road, Aberdeen**

Mr. Dempster, Aberdeen Excise Licence Holders Association, addressed the Board in support of the application.

The Board resolved:-

to grant the application.

8. APPLICATION FOR VARIATION**Premises – G. Casino, 5 Exchequer Row, Aberdeen**

Sergeant Skinner addressed the Board in support of a letter of representation submitted by Grampian Police. Thereafter Mr. McGowan and Mr. Cotton, Solicitors, addressed the Board in support of the application.

The Board resolved:-

to grant the application.

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9. **APPLICATION FOR VARIATION**
Premises – Grampian Bar, 21 Victoria Road, Aberdeen

Mr. Stevenson addressed the Board in support of the application.

The Board resolved:-
to grant the application.

10. **APPLICATION FOR VARIATION**
Premises – Liddell UK GMBH, 739 King Street, Aberdeen

Mrs. Hood, Solicitor, addressed the Board on behalf of the applicant.

The Board resolved:-
to grant the application.

11. **APPLICATION FOR VARIATION**
Premises – Liddell UK GMBH, Inverurie Road, Bucksburn, Aberdeen

Mrs. Hood, Solicitor, addressed the Board on behalf of the applicant.

The Board thereafter received legal advice that an issue regarding a change to the layout plan required further investigation.

The Board resolved:-

- (i) to grant that part of the application regarding the variation of terminal hour from Mondays to Saturdays from 2000 hours to 2200 hours and on Sunday from 1800 to 2200 hours; and
- (ii) to continue the consideration of the remainder of the application to its meeting to be held on 28 June, 2011.

12. **APPLICATION FOR VARIATION**
Premises – Liddell UK GMBH, Lang Stracht, Aberdeen

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Mrs. Hood, Solicitor, addressed the Board on behalf of the applicant.

The Board resolved:-
to grant the application.

13. **APPLICATION FOR VARIATION**
Premises – Liddell UK GMBH, Wellington Road, Aberdeen

Mrs. Hood, Solicitor, addressed the Board on behalf of the applicant.

The Board resolved:-
to grant the application.

14. **APPLICATION FOR VARIATION**
Premises – McGinty’s Meal and Ale, 504 Union Street, Aberdeen

Mr. Taylor, Solicitor, addressed the Board in support of the applicant.

The Board resolved:-
to grant the application.

15. **APPLICATION FOR VARIATION**
Premises – Mill of Mundurno, Murcar, Bridge of Don, Aberdeen

Mr. Hyldon, Solicitor, on behalf of the applicant, advised the Board of an amendment to the application to withdraw that part of the application regarding children’s access and explained that the status quo would prevail in that regard. It was also explained that the outside drinking area would not form part of the licensed area and that had been indicated on the legend of the layout plan. Mr. Hyldon thereafter addressed the Board in support of the application.

The Board resolved:-
to grant the application.

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16. **APPLICATION FOR VARIATION**
Premises – Pavarotti’s Restaurant, 27-29 Union Terrace, Aberdeen

Mr. McKenzie, Solicitor, addressed the Board in support of the applicant.

The Board resolved:-
to grant the application.

17. **APPLICATION FOR VARIATION**
Premises – Richmond Arms, 327 North Deeside Road, Aberdeen

Sergeant Skinner addressed the Board in support of a letter of representation submitted by Grampian Police. Thereafter, Mr. Wood, Solicitor, addressed the Board in support of the application.

The Board resolved:-
to grant the application.

18. **APPLICATION FOR VARIATION**
Premises – Rustico, 60-66 Union Row, Aberdeen

Ms. Robb addressed the Board in support of the application.

The Board resolved:-
to grant the application.

19. **APPLICATION FOR VARIATION**
Premises – Sand Dollar Cafe, 2 Sea Beach, Aberdeen

The Board were advised that the part of the application relating to the outside area had been withdrawn, thereafter the Board heard Mrs. Hood, Solicitor, in support of the application.

The Board resolved:-

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to grant the application.

20. **APPLICATION FOR VARIATION**
Premises – The Broadsword, 52 Hayton Road, Aberdeen

The Board heard Mr. Dempster, Aberdeen Excise Licence Holders Association, in support of the application.

The Board resolved:-
to grant the application.

21. **APPLICATION FOR VARIATION**
Premises – The Rowan Tree, 654 King Street, Aberdeen

The Board were advised that a letter had just been received from the applicant withdrawing that part of the application relating to the variation of the core hours. The remaining part of the application to appoint a new premises Manager was granted under delegated powers.

22. **APPLICATION FOR TRANSFER**
Premises – Belmont Lounge, 4 Belmont Street, Aberdeen

The Board were advised that this application had been withdrawn.

22a. **APPLICATION FOR A PERSONAL LICENCE**
Application Ref. No. 1/022(a)

The Board were advised that this application had been withdrawn.

23. **APPLICATION FOR VARIATION ON TRANSFER**
Premises – Royal China, 309 North Deeside Road, Peterculter, Aberdeen

The Board were advised that the site notice had not been properly displayed in accordance with the statutory procedures.

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The Board resolved:-

to defer consideration of the application to its next meeting on 28 June, 2011 to allow the site notice to be properly displayed.

24. **APPLICATION FOR PERSONAL LICENCE**
Application Ref. No. 1/024

The Board resolved to defer consideration of the application to its next meeting on 28 June, 2011.

25. **APPLICATION FOR PERSONAL LICENCE**
Application Ref. No. 1/025

The Board having been advised that the applicant was temporarily out of the country, resolved to defer consideration of the application to its next meeting on 28 June, 2011.

26. **APPLICATION FOR PERSONAL LICENCE**
Application Ref. No. 1/026

The Board had before it a notice in terms of Section 73(3)(b) of the Licensing (Scotland) Act 2005 submitted by the Chief Constable, Grampian Police, who recommended for the purposes of the crime prevention objective that the application be refused.

Sergeant Skinner addressed the Board, on behalf of the Chief Constable. The applicant and his father thereafter addressed the Board in support of the application.

Councillor Donnelly moved that the application be granted.

Councillor Boulton moved as an amendment that the application be refused for the purposes of the crime prevention objective.

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On a division, there voted:- for the motion (3) – Councillors Cormie, Donnelly and Penny; for the amendment (3) – the Convener; and Councillors Boulton and Collie.

There being a tied vote, the Convener used her casting vote in favour of the amendment.

The Board resolved:-

to refuse the application for the purposes of the crime prevention objective.

27. **APPLICATION FOR PERSONAL LICENCE**
Application Ref. No. 1/027

The Board was advised that this application had been granted under delegated powers.

28. **APPLICATION FOR PERSONAL LICENCE**
Application Ref. No. 1/028

The Board was advised that this application had been granted under delegated powers.

29. **APPLICATION FOR PERSONAL LICENCE**
Application Ref. No. 1/029

The Board was advised that this application had been granted under delegated powers.

30. **APPLICATION FOR PERSONAL LICENCE**
Application Ref. No. 1/030

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The Board resolved to defer consideration of the application to its next meeting on 28 June, 2011.