



SOLICITORS
AND ESTATE AGENTS
incorporating
Kinnear & Falconer and Churchill & Co

DELIVERY
The Clerk
Aberdeen City Council
Legal and Democratic Services
Corporate Governance
Town House
Broad Street
ABERDEEN
AB10 1AQ
Email and delivery

Our Ref: AJD.DM.A12050.1
Your Ref: Jacqui Wallace
Date: 9 September 2011

Dear Sirs

**Metro Lodge Limited t/a Bauhaus Hotel, 56-60 Langstane Place, Aberdeen
Application for Variation of Premises Licence, La Tasca, 367 Union Street,
Aberdeen AB11 6BT**

We act for Metro Lodge Limited who trade as Bauhaus Hotel, 56-60 Langstane Place, Aberdeen who have received details of an application to vary the premises licence at La Tasca, 367 Union Street, Aberdeen AB11 6BT.

In essence, the variation is to change the operating plan (1) to include dance classes, (2) to show televised sport in the bar and (3) to provide wine tastings for diners.

We should explain that our clients' premises are at the rear of the premises occupied by La Tasca in Union Street and in areas overlap them, in particular the back corridor in the hotel where rooms 207/215 are situated directly above the La Tasca premises.

Since La Tasca commenced salsa dancing classes, our clients have on several occasions had to complain to La Tasca management because of noise emanating from their premises later on in the evening. The manager of Bauhaus Hotel, Sylvia Beaton and her two other duty managers, met with very little cooperation from the management of La Tasca when requesting them to turn down or off the music. The La Tasca staff were often rude on the phone and even on occasions told our clients' management that they could not hear what they were saying because of the noise!

Because of that, our clients formally complained to Environmental Health who recommended that they keep a list detailing the occasions when there was a problem

Anthony J Dawson is accredited by The Law Society of Scotland as a specialist in Liquor Licensing Law
Graham A Garden is accredited by The Law Society of Scotland as a Family Law Mediator and is also trained as a Collaborative Family Lawyer

1 East Craibstone Street
Aberdeen AB11 6YQ

Tel: 01224 581581
Fax: 01224 580119

DX AB43 Aberdeen
LP-33 Aberdeen 1

www.jgcollie.co.uk



- Partners**
- Anthony J Dawson
 - Philip G Dawson
 - John W Sinclair
 - Graham A Garden
 - Duncan M Love
 - Forbes F McLennan
 - Gregor F Sim
 - Richard D M Shepherd
 - Innes R Miller
 - Leanne S Gibb
 - Anne-Maryse Churchill
 - Brian Sutton

- Consultants**
- Denis R Daun
 - Liz J W Mackinnon
 - Jack Anderson
 - Rory Craddock
 - Janet Hood

Partnership Accountant
Stuart J T McKay CA

Stonehaven Branch
20 Ann Street
Stonehaven AB39 2EN
Tel: 01569 763555
Fax: 01569 766548
law@kinnearandfalconer.co.uk

Property Shop
220 Union Street
Aberdeen AB10 1TL
Sales
Tel: 01224 572777
property@jgcollie.co.uk
Leasing
Tel: 01224 583338
letting@jgcollie.co.uk

with noise. We enclose a copy of the list which details the worst incidents although there have been other incidences of noise that have not been so disruptive.

The Licensing Board may well recall that because of one incident relating to noise emanating from the top floor conference room, the premises licence for the hotel was granted with a local condition that activities undertaken within the conference room must not include amplified music after 2300 nor DJs at any time.

With regard to this application for variation, our clients, Metro Lodge Limited would wish to make the following objection/representation.

Whilst they have no problem in general with the changes to the operating plan numbers 1, 2 and 3 as above stated, they would wish those activities only to occur if they did not cause any inconvenience or upset to residents of the hotel. There have been several complaints from residents about the noise coming from the salsa dancing classes at La Tasca which has necessitated residents being moved to different rooms. The worst affected rooms, as we stated, are rooms numbered 207-215. Our clients believe that the salsa dance classes started early in 2011 perhaps in January with a series of classes which were then discontinued. Recently, the classes seem to have restarted as the noise complaints have begun to reoccur.

Guests at the hotel tend to retire to bed around 10pm which is normally when the noise complaints to La Tasca commence. Our clients would wish La Tasca to hold the dance classes in such a way to minimise the noise impact on residents of The Bauhaus Hotel, in particular, our clients would consider it appropriate for the Board to impose a local condition on their licence that dance classes should cease at 10pm. They believe that to be a fair compromise.

On a different but associated matter, our clients continue to complain to La Tasca about the state of their refuse bins which are left outside the rear of their premises on Langstane Place next to the hotel. The bins are left outside and not taken in which our clients consider to be in breach of environmental health and perhaps planning and licensing requirements. The bins are filthy and never cleaned. One bin in particular has no lid. Seagulls daily remove rubbish from the bin creating a litter hazard in the area and in particular outside the hotel. Again, our clients have complained to La Tasca management in the past but the nuisance continues. We trust that La Tasca will be prepared to give undertakings to the Board as to resolve this issue as well.

/

We would be grateful if you could acknowledge safe receipt of this letter and that it will be placed before the Licensing Board of 18 October 2011 when the application will be considered.

Yours faithfully

A large black rectangular redaction box covers the signature area. Faint, illegible handwritten marks are visible around the edges of the redaction.

James & George Collie

DIARY OF DISTURBANCE

FLARE REFERENCE NO: 83769
 PAGE NO: Page 1 of 4

DATE OF ISSUE
 ...10/02/2011.
 RETURN DATE
 ...03/03/2011....

SHELTER & ENVIRONMENT
 NEIGHBOURHOOD SERVICES (CENTRAL
 AREA)
 ABERDEEN CITY COUNCIL
 4TH FLOOR, ST NICHOLAS HOUSE
 BROAD STREET, ABERDEEN, AB10 1BX

INVESTIGATING OFFICER
 NAME: [REDACTED]
 TEL: [REDACTED]

PREMISES WHERE NOISE IS
 ORIGINATING
 Lea Tessa Restaurant
 537, Union Street,
 ABERDEEN, AB17 6BT

DATE	START TIME	FINISH TIME	DURATION	ROOM AFFECTED	NATURE OF NOISE	DESCRIBE HOW YOU WERE DISTURBED
?	8-8:30pm	11.00pm	2 1/2 hours	210	hard music	RESIDENT MOVED RESIDENT COULDN'T SLEEP COMPLAINED OF NOISE.
?	8-8:30	11.00pm	2 1/2 hours	403	hard music	RESIDENT COULD NOT SLEEP OR WORK RESIDENT MOVED.
26 Jan	8-8:30	11.00pm	2 1/2 hours	210	hard music	RESIDENT COULD NOT SLEEP OR NOISE RESIDENT MOVED
10 Feb	8:30 - 11:30		3hrs	210	hard music	hard music disturbed guest
9 Feb	9:00 - 11:15		2hrs	209 211 37kg	hard music	complaints of noise moved.

PERSON KEEPING DIARY:
 NAME: [REDACTED]
 SIGNATURE: [REDACTED]
 ADDRESS: [REDACTED]

NEIGHBOURSWITNESSES VERIFYING DISTURBANCE:
 NAME: [REDACTED]
 SIGNATURE: [REDACTED]
 ADDRESS: [REDACTED]

NOTE: Any neighbours / witnesses, if relevant, should sign their initials against the particular disturbances verified.

DIARY OF DISTURBANCE

FLARE REFERENCE NO: ... 83769 ...
 PAGE NO: ... Page 2 of 4 ...

DATE OF ISSUE ... 10/02/2011.		SHELTER & ENVIRONMENT NEIGHBOURHOOD SERVICES (CENTRAL AREA)		INVESTIGATING OFFICER NAME: ... TEL: ...		PREMISES WHERE NOISE IS ORIGINATING LA. TASCIA RESTAURANT 367. LINCOLN STREET, ABERDEEN AR11 6BT	
RETURN DATE ... 03/03/2011 ...		ABERDEEN CITY COUNCIL 4 TH FLOOR, ST NICHOLAS HOUSE BROAD STREET, ABERDEEN, AB10 1BX				DESCRIBE HOW YOU WERE DISTURBED	

DATE	START TIME	FINISH TIME	DURATION	ROOM AFFECTED	NATURE OF NOISE	DESCRIBE HOW YOU WERE DISTURBED
31st Aug	9:00	11	2hrs	209	Music	Thought there was a disco in the hotel, asked to the nearest Brewery

PERSON KEEPING DIARY: NAME: ... SIGNATURE: ... ADDRESS: ...	NEIGHBOURSWITNESSES VERIFYING DISTURBANCE: NAME: ... SIGNATURE: ... ADDRESS: ...
--	---

NOTE: Any neighbours / witnesses, if relevant, should sign their initials against the particular disturbances verified.

DIARY OF DISTURBANCE

FLARE REFERENCE NO: ...83769.....
PAGE NO: **Page 3 of 4.....**

DATE OF ISSUE
 ...10/02/2011.
RETURN DATE
 ...03/03/2011....

**SHELTER & ENVIRONMENT
 NEIGHBOURHOOD SERVICES (CENTRAL
 AREA)
 ABERDEEN CITY COUNCIL
 4TH FLOOR, ST NICHOLAS HOUSE
 BROAD STREET, ABERDEEN, AB10 1BX**

INVESTIGATING OFFICER
NAME: ...
TEL: ...

**PREMISES WHERE NOISE IS
 ORIGINATING**
 LA TASCA RESTAURANT
 367 LINCOLN ST. ABERDEEN
 AB11 6BT

DATE	START TIME	FINISH TIME	DURATION	ROOM AFFECTED	NATURE OF NOISE	DESCRIBE HOW YOU WERE DISTURBED

PERSON KEEPING DIARY:
NAME: ...
SIGNATURE: ...
ADDRESS: ...

NEIGHBOURSWITNESSES VERIFYING DISTURBANCE:
NAME:
SIGNATURE:
ADDRESS:

NOTE: Any neighbours / witnesses, if relevant, should sign their initials against the particular disturbances verified.

DIARY OF DISTURBANCE

FLARE REFERENCE NO: 83769
 PAGE NO: Page 4 of 4

DATE OF ISSUE ...10/02/2011. RETURN DATE ...03/03/2011....	SHELTER & ENVIRONMENT NEIGHBOURHOOD SERVICES (CENTRAL AREA) ABERDEEN CITY COUNCIL 4 TH FLOOR, ST NICHOLAS HOUSE BROAD STREET, ABERDEEN, AB10 1BX	INVESTIGATING OFFICER NAME: [REDACTED] TEL: [REDACTED]	PREMISES WHERE NOISE IS ORIGINATING L.A. TACCA RESTAURANT. 367 LINDO ST, ABERDEEN AB11 6BT.
---	---	--	--

DATE	START TIME	FINISH TIME	DURATION	ROOM AFFECTED	NATURE OF NOISE	DESCRIBE HOW YOU WERE DISTURBED

PERSON KEEPING DIARY:
 NAME: [REDACTED]
 SIGNATURE: [REDACTED]
 ADDRESS: [REDACTED]

NEIGHBOURS/WITNESSES VERIFYING DISTURBANCE:
 NAME:
 SIGNATURE:
 ADDRESS:

NOTE: Any neighbours / witnesses, if relevant, should sign their initials against the particular disturbances verified.