

## ABERDEEN CITY LICENSING BOARD

ABERDEEN, 7 February, 2012. Minute of Meeting of the ABERDEEN CITY LICENSING BOARD. Present:- Councillor Jaffrey, Convener; and Councillors Boulton, Cormie, Donnelly, Hunter, Penny, Robertson and John West.

### LIST OF APPLICATIONS

1. 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.

### PERSONAL LICENCE REVIEW HEARING: PERSONAL LICENCE NO. AC/1441

2. The Board received notice from the Chief Constable in terms of Section 83(4)(b) of the Licensing (Scotland) Act 2005 confirming the licence holder had been convicted of a relevant offence.

Mr Dawson, Solicitor, addressed the Board on behalf of the licence holder.

**The Board resolved**:-

to take no action in the matter.

### LICENSING BOARD MEETING DATES - 2012

3. The Board was advised that its scheduled meeting of 29 May 2012 was to take place very soon after the Local Authority Elections. This would leave little time for the new Board to be elected and its members satisfactorily complete the required statutory training. It was suggested that the scheduled meeting be moved instead to 26 June 2012 and that this would allow the members training to take place on 29 May.

The Board was further advised that the following scheduled meeting would take place on 24 July which was in the middle of the Local Authority vacation and that members may wish to postpone that meeting to a later date.

**The Board resolved**:-

- (i) to postpone its meeting scheduled on 29 May to 26 June 2012;
- (ii) to hold members training on 29 May 2012 subject to the necessary arrangements being made; and
- (iii) to instruct the Depute Clerk to investigate the possibility of postponing the scheduled meeting of 24 July to a later date and to liaise with the Convener to ascertain what that date would be.

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### QUEEN'S DIAMOND JUBILEE

4. The Board had before it (1) letter dated 18 January 2012 from Bellhaven pubs and (2) a letter dated 30 January 2012 on behalf of the Scottish Beer and Pub Association. Both letters sought the Board's view in allowing extended trading hours because of the extra holiday on Tuesday, 5 June 2012 and the further bank holiday taking place on Monday, 4 June in respect of the Queen's Diamond Jubilee.

Councillor John West moved:-

to (1) recognise the Queen's Diamond Jubilee as an event of national significance and (2) make a general direction under Section 67 of the Licensing (Scotland) Act 2005 to extend trading hours by one hour after the terminal hour for all on-sale premises (except casinos) citywide for the evenings of Sunday 3<sup>rd</sup> into Monday 4<sup>th</sup> and Monday 4<sup>th</sup> into Tuesday 5<sup>th</sup> June 2012.

Councillor Boulton moved as an amendment:-

to give a willingness to grant the extra hour as per the terms of the motion but on a case by case basis and not by general direction.

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

### **The Board resolved:-**

to adopt the motion.

### PREMISES LICENCE REVIEW PROPOSALS AND REVIEW HEARINGS IN TERMS OF SECTIONS 37 AND 38 OF THE LICENSING (SCOTLAND) ACT 2005

5. The Board were reminded that premises licence holders are obliged to pay an annual fee on 1 October. Failure to pay the fee was a breach of the mandatory conditions of the licence in terms of Schedule 3, paragraph 10.

The Board was advised that of the 55 fees which remained outstanding when its agenda had been issued, the figure had been since reduced to 7.

5.1 Premises – 1 Albyn Place, Aberdeen

The Board were advised that the fee had now been paid.

5.2 Premises – Aberdeen Trades Union Council Social Club, 13 Adelphi, Aberdeen

The Board were advised that the fee had now been paid.

5.3 Premises – Alberto's 17 Summerhill Road, Aberdeen

The Board were advised that the fee had now been paid.

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- 5.4 Premises – Apache Spur, Unit FS15, Union Square, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.5 Premises – Auriga Restaurant, 7 Summer Street, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.6 Premises – Bhan Thai, 21 Rose Street, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.7 Premises – Blue Moon Restaurant, 11 Holburn Street, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.8 Premises – Broadhill Bar, Golf Road, Aberdeen  
The Board were advised that the annual fee remained outstanding. The licence holder failed to attend. The Board decided to make a premises licence review proposal because the annual fee was still outstanding and then immediately to hold a premises licence review hearing. The Licensing Standards Officer submitted a report for the Board's consideration.

**The Board resolved:-**

to vary the premises licence to the effect that the trading hours were reduced to zero on the understanding that the variation would be effective until payment in full was made.

- 5.9 Premises – Bruce Millers, 363 Union Street, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.10 Premises – China Kingdom Restaurant, 12 Guild Street, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.11 Clifton Convenience Store, 104 Clifton Road, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.12 Cutters Wharf, 65 Regent Quay, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.13 Golden China Takeaway, 9 Elmbank Terrace, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.14 Himalaya Tandoori, 699-701 Great Northern Road, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.15 Inn at the Park Hotel, 3/4 Deemount Terrace, Aberdeen  
The Board were advised that the fee had now been paid.

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5.16 Jasmins, 25 Crown Terrace, Aberdeen

The Board were advised that the annual fee remained outstanding. The licence holder failed to attend. The Board decided to make a premises licence review proposal because the annual fee was still outstanding and then immediately to hold a premises licence review hearing. The Licensing Standards Officer submitted a report for the Board's consideration.

**The Board resolved:-**

to vary the premises licence to the effect that the trading hours were reduced to zero on the understanding that the variation would be effective until payment in full was made.

5.17 Jewel in the Crown, Lower Ground Floor, 145 Crown Street, Aberdeen

The Board were advised that the fee had now been paid.

5.18 Jewel in the Crown, Upper Ground Floor, 145 Crown Street, Aberdeen

The Board were advised that the fee had now been paid.

5.19 Jimmy Chung's Restaurant, Beach Esplanade, Aberdeen

The Board were advised that the fee had now been paid.

5.20 Jurys Doyle Hotel, Union Square, Aberdeen

The Board were advised that the fee had now been paid.

5.21 Keystore, 121-125 Old Croft Place, Aberdeen

The Board were advised that the fee had now been paid.

5.22 Keystore, 259 George Street, Aberdeen

The Board were advised that the fee had now been paid.

5.23 Konnichi Bar, Unit 8, The Academy, Belmont Street, Aberdeen

The Board were advised that the fee had now been paid.

5.24 Little Italy, 79-81 Holburn Street, Aberdeen

The Board were advised that the fee had now been paid.

5.25 Makro, Wellington Road Industrial Estate, Aberdeen

The Board were advised that the fee had now been paid.

5.26 Malmaison Hotel, 51 Queen's Road, Aberdeen

The Board were advised that the fee had now been paid.

5.27 Manzil Indian Restaurant, 22-24 King Street, Aberdeen

The Board were advised that the fee had now been paid.

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- 5.28 MI Bar and Restaurant, 13 Castle Street, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.29 MIM, 13 Crown Street, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.30 Moonfish Cafe, 9 Correction Wynd, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.31 Nawaabs Restaurant, 33 Summer Street, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.32 Oddbins Ltd, Unit 1 The Courtyard, North Deeside Road, Cults, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.33 Pappagallos Restaurant, 242 Holburn Street, Aberdeen  
The Board were advised that the annual fee remained outstanding. The licence holder failed to attend. The Board decided to make a premises licence review proposal because the annual fee was still outstanding and then immediately to hold a premises licence review hearing. The Licensing Standards Officer submitted a report for the Board's consideration.
- The Board resolved:-**  
to vary the premises licence to the effect that the trading hours were reduced to zero on the understanding that the variation would be effective until payment in full was made.
- 5.34 Peckhams, 45 Schoolhill, Aberdeen  
The Board were advised that the licence had been surrendered.
- 5.35 Peckhams, 234 Union Street, Aberdeen  
The Board were advised that the licence had been surrendered.
- 5.36 Pizza Hut, 1/7 Union Bridge, Aberdeen  
The Board were advised that the licence had been surrendered.
- 5.37 Rishi's, 210 George Street, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.38 Roop's Newsagent, 106 Rosemount Viaduct, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.39 Rosco's, 449 Great Northern Road, Aberdeen  
The Board were advised that the fee had now been paid.

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- 5.40 Rosie's Mini Market, Unit 6, Summerhill Court, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.41 Skene House, 66-84 Rosemount Viaduct, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.42 Skene House Holburn, 4 Union Grove, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.43 Skene House Whitehall, 2 Whitehall Place, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.44 Spice Dabba, 15 Belmont Street, Aberdeen  
The Board were advised that the annual fee remained outstanding. The licence holder failed to attend. The Board decided to make a premises licence review proposal because the annual fee was still outstanding and then immediately to hold a premises licence review hearing. The Licensing Standards Officer submitted a report for the Board's consideration.
- The Board resolved:-**  
to vary the premises licence to the effect that the trading hours were reduced to zero on the understanding that the variation would be effective until payment in full was made.
- 5.45 Spice Mill, Crombie Mills, Grandholm, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.46 The Aberdeen Marriott Hotel, Overton Circle, Dyce, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.47 The Courtyard, 1 Alford Lane, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.48 The Kings Bar, 97 King Street, Aberdeen  
The Board were advised that the fee had now been paid.
- 5.49 The Moonlight Bar, 660 King Street, Aberdeen  
The Board were advised that the annual fee remained outstanding. The licence holder failed to attend. The Board decided to make a premises licence review proposal because the annual fee was still outstanding and then immediately to hold a premises licence review hearing. The Licensing Standards Officer submitted a report for the Board's consideration.

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**The Board resolved:-**

to vary the premises licence to the effect that the trading hours were reduced to zero on the understanding that the variation would be effective until payment in full was made.

5.50 The Snuggery, 13 Market Street, Aberdeen

The Board were advised that the fee had now been paid.

5.51 The Thistle Bar, 70 Hutcheon Street, Aberdeen

The Board were advised that the fee had now been paid.

5.52 The Waterwheel Inn, 203 North Deeside Road, Aberdeen

The Board were advised that the annual fee remained outstanding. The licence holder failed to attend. The Board decided to make a premises licence review proposal because the annual fee was still outstanding and then immediately to hold a premises licence review hearing. The Licensing Standards Officer submitted a report for the Board's consideration.

**The Board resolved:-**

to vary the premises licence to the effect that the trading hours were reduced to zero on the understanding that the variation would be effective until payment in full was made.

5.53 Tilted Wig, 55 Castle Street, Aberdeen

The Board were advised that the fee had now been paid.

5.54 Grossik, 530-532 George Street, Aberdeen

The Board were advised that the fee had now been paid.

5.55 Cafe Rouge, 8 Golden Square, Aberdeen

The Board were advised that the fee had now been paid.

**DOOR SUPERVISORS WORKING GROUP**

6. The Board were updated on the progress of the Working Group. The Group were examining the extent of consistency of approach to door supervision particularly in relation to premises within the areas of over-provision in the city. The next meeting of the Group was to take place on 27 February.

- **MURIEL JAFFREY, Convener**.

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**APPENDIX A**

1. **APPLICATION FOR GRANT OF PROVISIONAL PREMISES LICENCE  
Premises – Cosmo, Unit LSU3, Union Square, Guild Street, Aberdeen**

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

**The Board resolved:-**  
to grant the application.

2. **APPLICATION FOR GRANT OF PROVISIONAL PREMISES LICENCE  
Premises – Jamie’s Italian, Ground and First Floor, 38 Union Street,  
Aberdeen**

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

**The Board resolved:-**  
to grant the application.

3. **APPLICATION FOR VARIATION OF PREMISES LICENCE  
Premises – Bielside Inn, 37 North Deeside Road, Bielside, Aberdeen**

As a preliminary point the Board were advised that three letters of objection had been received outwith the statutory time period. Copies of the letters had been provided to the applicant’s agents. Ms Robb, Solicitor, on behalf of the applicant advised the Board that the applicant did not object to the letters being admitted. The Board decided to admit all three letters and copies were provided to the members for their consideration.

The Board also had four letters of objection which were submitted within the statutory timescale. Only one objector was present and the Board heard that objector speak in support of his letter.

The Board thereafter heard Ms Robb speak in support of the application.

**The Board resolved:-**  
To defer consideration of the application until its next meeting which will take place on 3 April, 2012 and in the interim to carry out a site visit of the premises on a date to be agreed by the Convener.



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**4. APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Clifton Convenience Store, 104 Clifton Road, Aberdeen**

Ms Thavam, licence holder, was present.

As a preliminary point the Board was advised that the statutory site notice had not been adequately displayed in the premises and therefore the statutory advertising procedures had consequently not been carried out correctly.

The licence holder agreed that this was the case

Councillor Cormie suggested that the explanatory notes relating to this procedure be checked to see if it was possible to make the instructions clearer for applicants.

**The Board resolved:-**

- (i) to defer consideration of the application to its next meeting on 3 April, 2012 to allow the site notice to be displayed in accordance with the statutory provisions; and
- (ii) to instruct the Depute Clerk to review the explanatory notes for applicants which accompany the site notice to see if they can be made clearer.

**5. APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Newhills Bowling Club, Waterton Road, Bucksburn, Aberdeen**

Ms Bywalec, Solicitor, addressed the Board in support of the application.

**The Board resolved:-**

to grant the application.

**6. APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – Old School House, Little Belmont Street, Aberdeen**

Mr Wood, Solicitor, addressed the Board in support of the application. He advised the Board that the part of the application amending the operating plan to allow a terminal hour of 01:00 Sundays to Thursdays inclusive for the purpose of a private function was withdrawn and now addressed the Board in respect of the remaining parts of the application.

**The Board resolved:-**

to grant the application as amended.

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7. **APPLICATION FOR VARIATION OF PREMISES LICENCE**  
**Premises – The Holburn, 225 Holburn Street, Aberdeen**

The Board had before it a letter of representation from Grampian Police and a letter of objection from a neighbour who was not present. Sergeant Skinner addressed the Board in support of the letter of representation. Mr Wood, Solicitor, thereafter addressed the Board in support of the application.

Councillor Cormie moved:-  
that the application be granted.

Councillor Boulton moved as an amendment:-  
that the application be refused because the granting of the application would (a) be contrary to the Board's policy which would exceed the maximum period of fourteen continuous trading hours which the terms of the policy considered "reasonable"; and (b) that it was inconsistent with the licensing objective protecting and improving public health.

On a division there voted:- for the motion (5) - Councillors Cormie, Donnelly, Hunter, Penny and John West; for the amendment:- (3) - The Convener; and Councillors Boulton and Robertson.

**The Board resolved**:-  
to grant the application.

8. **APPLICATION FOR TRANSFER OF PREMISES LICENCE**  
**Premises – Beluga, 492 Union Street Aberdeen**

Ms Weir, Solicitor, addressed the Board in support of the application.

**The Board resolved**:-  
to grant the application.

9. **APPLICATION FOR VARIATION ON TRANSFER OF PREMISES LICENCE**  
**Premises – Ferryhill Stores, 8 Brunswick Place, Aberdeen**

The Board had before it a letter of objection from a neighbour who was not present.

Ms Mitchell, Solicitor, addressed the Board in support of the application.

**The Board resolved**:-  
to grant the application.

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10. **APPLICATION FOR VARIATION ON TRANSFER OF PREMISES LICENCE**  
**Premises – Wagley’s Bar, 35 Exchange Street, Aberdeen**

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

**The Board resolved:-**  
to grant the application.

11. **APPLICATION FOR PERSONAL LICENCE**  
**Application Ref. No. 1/011**

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

12. **APPLICATION FOR PERSONAL LICENCE**  
**Application Ref. No. 1/012**

The applicant addressed the Board in support of the application.

**The Board resolved:-**  
to grant the application.

13. **APPLICATION FOR PERSONAL LICENCE**  
**Application Ref. No. 1/013**

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

14. **APPLICATION FOR PERSONAL LICENCE**  
**Application Ref. No. 1/014**

The Board was advised that the application had been withdrawn, the applicant having failed to attend the meeting as required.

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15. **APPLICATION FOR VARIATION OF BETTING (OTHER) LICENCE**  
**Premises – Ladbrokes, 178 George Street, Aberdeen**

Mr Dalziel, a representative of the applicant company, addressed the Board in support of the application.

**The Board resolved:-**  
to grant the application.