

Public Document Pack



To: Councillor Boulton, Convener; and Councillors Carle, Grant, Lawrence, Cameron, Copland, Townson, Donnelly and Yuill.

Town House,
ABERDEEN 13 March 2017

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 21 MARCH 2017 at 10.30 am.**

FRASER BELL
CLERK TO THE LICENSING BOARD

B U S I N E S S

- 1 List of Applications (Pages 5 - 8)
 - 1.1 Application for a Provisional Premises Licence- Simply Malts (Pages 9 - 14)
 - 1.2 Application for a Provisional Premises Licence- 21 Union Street, Aberdeen (Pages 15 - 22)
 - 1.3 Application for a Provisional Premises Licence- All Bar One, Unit B, Marischal Square, Aberdeen. (Pages 23 - 30)
 - 1.4 Application for Provisional Premises Licence-Shell Wellington, Wellington Road, Aberdeen (Pages 31 - 36)
 - 1.5 Application for variation of Premises Licence- Babylon, 9 Alford Place, Aberdeen AB10 1YD (Pages 37 - 66)

- 1.6 Application for variation of Premises Licence- Boozy Cow, 67 Langstane Place, Aberdeen, AB10 1DQ (Pages 67 - 68)
- 1.7 Application for variation of Premises Licence- City Bar and Diner, 37 Netherkirkgate, Aberdeen, AB10 1AU (Pages 69 - 70)
- 1.8 Application for variation of Premises Licence- Cults Hotel, 328 North Deeside Road, Cults, Aberdeen, AB15 9SE (Pages 71 - 72)
- 1.9 Application for variation of Premises Licence- Dyce Farm, ABZ Business park, International Avenue, Dyce, Aberdeen AB21 0BH (Pages 73 - 74)
- 1.10 Application for variation of Premises Licence- Foundation, Carnegies Brae, Aberdeen, AB10 1BF (Pages 75 - 76)
- 1.11 Application for variation of Premises Licence-McGinty's Meal and Ale, 504 Union Street, Aberdeen, AB10 1TT (Pages 77 - 98)
- 1.12 Application for variation of Premises Licence - Moonfish Cafe, 9 Correction Wynd, Aberdeen AB10 1HP (Pages 99 - 104)
- 1.13 Application for variation of Premises Licence- Nigg Bay Golf Club, St Fitticks Road, Aberdeen, AB11 3QT (Pages 105 - 106)
- 1.14 Application for variation of Premises Licence - Soul (Ground Floor), Langstane Kirk, 333 Union Street, Aberdeen, AB11 6BS (Pages 107 - 128)
- 1.15 Application for variation of Premises Licence-The Abbott, Provost Watt Drive, Aberdeen, AB12 5BT (Pages 129 - 130)
- 1.16 Application for variation of Premises Licence-The College, Ground and Mezzanine Floor, 9 Alford Place, Aberdeen, AB10 1YD (Pages 131 - 158)
- 1.17 Application for variation of Premises Licence- The Queen Vic, 126 Rosemount Place, Aberdeen, AB25 2YU (Pages 159 - 178)
- 1.18 Application for grant of a Personal Licence- AC3632 (Pages 179 - 180)
- 1.19 Application for grant of a Personal Licence- AC4707 (Pages 181 - 184)
- 1.20 Application for grant of a Personal Licence -AC4729 (Pages 185 - 188)

1.21 Premises Licence Review Proposal- Asda Stores Limited (Pages 189 - 190)

Should you require any further information about this agenda, please contact Karen Gatherum, Email: KGatherum@aberdeencity.gov.uk, Telephone: 01224 522462

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ABERDEEN CITY LICENSING BOARD

Meeting at in

Licensing (Scotland) Act 2005

Provisional(s)				
Premises	Applicant		Date Received	Comments
1	SIMPLY MALTS LTD C/O DEEMOUTH BUSINESS CENTRE SOUTH ESPLANADE EAST ABERDEEN AB11 9PB	SIMPLY MALTS LTD	3 October 2016	
2	21 UNION STREET ABERDEEN AB11 5BU	PARTNERSHIP OF ALI DOGANAY AND YUSUF OZDEMIR C/O MACDONALD LICENSING SOLICITORS 21A RUTLAND SQUARE EDINBURGH EH1 2BB	10 January 2017	
3	ALL BAR ONE RETAIL UNIT B ABERDEEN MARISCHAL SQUARE BROAD STREET ABERDEEN	MITCHELLS & BUTLERS RETAIL LTD C/O HILL BROWN LICENSING LLP RWF HOUSE 5 RENFIELD STREET GLASGOW G2 5EZ	10 January 2017	
4	SHELL WELLINGTON WELLINGTON ROAD ABERDEEN AB12 3JX	SHELL UK OIL PRODUCTS LIMITED C/O LOCKETT & CO LOCKETT HOUSE 13 CHURCH STREET KIDDERMINSTER WORCESTERSHIRE DY10 2AH	19 December 2016	

ABERDEEN CITY LICENSING BOARD

Meeting at in

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
5	BABYLON 9 ALFORD PLACE ABERDEEN AB10 1YD	PB DEVELOPMENT COMPANY LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	27 January 2017	
	BOOZY COW 67 LANGSTANE PLACE ABERDEEN AB11 6EN	THE SPERATUS GROUP LIMITED C/O BURNES PAULL LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	1 December 2016	
7	CITY BAR & DINER 37 NETHERKIRKGATE ABERDEEN AB10 1AU	DRUMROSSIE PROPERTIES LIMITED C/O BURNES PAULL LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	2 December 2016	
8	CULTS HOTEL 328 NORTH DEESIDE ROAD CULTS ABERDEEN AB15 9SE	CULTS HOTEL LIMITED C/O STRONACHS SOLICITORS 34 ALBYN PLACE ABERDEEN AB10 1YL	19 January 2017	

ABERDEEN CITY LICENSING BOARD

Meeting at in

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
9	DYCE FARM ABZ BUSINESS PARK INTERNATIONAL AVENUE DYCE ABERDEEN AB21 0BH	GREENE KING BREWING & RETAILING LIMITED C/O JOHN GAUNT & PARTNERS OMEGA COURT 372-374 CEMETERY ROAD SHEFFIELD S11 8FT	19 December 2016	
10	FOUNDATION CARNEGIES BRAE ABERDEEN AB10 1BF	ERIC MCMILLAN	1 December 2016	
11	MCGINTY'S MEAL AND ALE 504 UNION STREET ABERDEEN AB10 1TT	MCGINTY'S (ABERDEEN) LIMITED C/O RAEBURN CHRISTIE CLARK & WALLACE SOLICITORS 12-16 ALBYN PLACE ABERDEEN AB10 1PS	27 January 2017	
12	MOONFISH CAFE 9 CORRECTION WYND ABERDEEN AB10 1HP	FISHMOON LIMITED C/O JANET HOOD TRAINING & CONSULTING LTD KIRKTON OF BALFOUR EDZELL BRECHIN ANGUS DD9 7XU	31 January 2017	

ABERDEEN CITY LICENSING BOARD

Meeting at in

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
13	NIGG BAY GOLF CLUB ST FITTICKS ROAD ABERDEEN AB11 3QT	NIGG BAY GOLF CLUB	26 January 2017	
14	SOUL (GROUND FLOOR) LANGSTANE KIRK 333 UNION STREET ABERDEEN AB11 6BS	PB DEVELOPMENT COMPANY LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	27 January 2017	
15	THE ABBOTT PROVOST WATT DRIVE ABERDEEN AB12 5BT	TRUST INNS LIMITED C/O MACDONALD LICENSING SOLICITORS 21A RUTLAND SQUARE EDINBURGH EH1 2BB	17 January 2017	
16	THE COLLEGE GROUND AND MEZZANINE FLOOR 9 ALFORD PLACE ABERDEEN AB10 1YD	PB DEVELOPMENT COMPANY LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	27 January 2017	
17	THE QUEEN VIC 126 ROSEMOUNT PLACE ABERDEEN AB25 2YU	PB DEVELOPMENT COMPANY LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	27 January 2017	

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE
PREMISES: SIMPLY MALTS, C/O DEEMOUTH BUSINESS CENTRE,
SOUTH ESPLANADE EAST, ABERDEEN

DESCRIPTION

- Store room within secured patrolled business centre– distribution point (no retail sales)
- Internet and telephone sales only

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian

LICENSING POLICY STATEMENT

Paragraph 6.5 – Conditions Attaching to Licences

The Board has devised a number of local conditions which may be attached to premises licences.

1. The following condition will be attached to all off-consumption premises licences unless there is cause shown why this should not be the case:

CCTV

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current technical requirements of the Police Service of Scotland as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. (all off-sales are however exempt from 4.2 relating to lip sync capability at entrance and exit doors)

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16 February 2017

Your Ref:

Our Ref: 192265

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PROVISIONAL PREMISES LICENCE
SIMPLY MALTS LTD
C/O DEEMOUTH BUSINESS CENTRE, SOUTH ESPLANADE EAST,
ABERDEEN, AB11 9PB
SIMPLY MALTS LTD, 2 ABBOTSHALL DRIVE, ABERDEEN, AB15 9JD**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

The applicant has indicated that they intend operating as an internet business and will be using an external organisation for delivery of any alcohol related sales. As such, the applicant cannot confirm if the person delivering the alcohol has undergone any training regarding any of the provisions of the Licensing (Scotland) Act 2005. The applicant has indicated that the website from which the alcohol is to be purchased is currently under construction.

This representation is submitted for your attention in considering this application.

Yours faithfully

Philip Gormley QPM

Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

Date 1st March 2017
Enquiries to 01224 557047
Our Ref 20171022
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Provisional Premises Licence
Simply Malts Ltd, c/o Deemouth Business Centre, South Esplanade East, Aberdeen,
AB11 9PB**

I refer to the above application and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005; I make the following representation under the licensing objectives:

**Protecting and improving public health
Protecting children from harm**

Simply Malts is a store room within a secured, patrolled business centre where alcohol will be stored as part of an internet delivery business.

Although this is not a new concept and we are aware of a range of companies who accept orders and deliver in a similar manner, this appears to be a new concept for Aberdeen and poses a number of questions.

1. I am particularly interested in the controls in place to restrict inappropriate deliveries of alcohol as I assume a national courier will be engaged to deliver parcels.
2. In Scotland we have robust practice in relation to Challenge 25. What controls will be in place around this. – will this be implemented in other areas?
3. If successful this licence will be granted in Aberdeen. The Aberdeen City Licensing Board will have no means to monitor deliveries out with its licensing area. Where will complaints regarding any inappropriate deliveries be made, how will this be investigated and how will this process be conveyed to the public?

In terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this representation to the application requesting that the Licensing Board seek assurance from the applicant on the above three points in order that it may be satisfied that granting the license would not be inconsistent with the licensing objectives of Protecting Children from Harm and Protecting and improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

Heather Wilson
Health Improvement Officer (Alcohol & Drugs)

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: APPLICATION FOR A PROVISIONAL PREMISES LICENCE

PREMISES: 21 UNION STRET, ABERDEEN

DESCRIPTION

- On consumption hours – Monday to Sunday 11:00hrs to 00:00hrs.
- Off consumption hours- Monday to Sunday 10:00hrs to 22:00hrs
- Including Restaurant facilities, receptions, club or other meetings, recorded music, live performances and outdoor drinking facilities, takeaways, deliveries and outside catering

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- LSO Memo

LICENSING POLICY STATEMENT

6 CONDITIONS ATTACHING TO LICENCES

6.5 The Board has devised a number of local conditions which may be attached to premises licences.

Drugs Policy

It is a condition that the licence holder has in place and enforces the drugs policy formulated by Police and attached hereto and displays a notice to the effect that such a drugs policy is in operation at the premises.

19 OUTSIDE SEATING AREAS

19.2 The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence. Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

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28 February 2017

Your Ref:

Our Ref: 208803

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PROVISIONAL PREMISES LICENCE
21 UNION STREET, ABERDEEN, AB11 5BU
APPLICANT: THE PARTNERSHIP OF ALI DOGANAY AND YUSUF OZDEMIR**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

The premises has recently opened and appears to operate as a café with a light meal offering.

The applicant seeks outdoor drinking as it is intended to provide such a facility in front of the premises on Union Street and at the side of the premises, on Shiprow, as indicated on the layout plan which accompanies the application.

The operating plan also indicates that the activity of 'live performances' is to take place during and outwith core hours.

The premises was visited by an Officer from the divisional licensing team and Mr Doganay indicated that he was considering hosting occasional dance (salsa) classes within the premises.

It is also intended that the premises will provide a delivery service and will be using an external organisation for delivery of any alcohol related sales. It is not

known at this stage which company will carry this out and therefore the applicant has not been able to be satisfied that the contracted delivery company will deploy staff which have received basic licensing training, particularly with regard to 'Challenge 25'.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation and request that the operating plan that accompanies the application, in its current form, is modified to reflect the following points:

At Question 5(c), in relation to 'Live Performances', the operating plan shows this as being permitted during and outwith core hours. The applicant has indicated that this would be to facilitate occasional dance classes within the premises; however the operating plan does not include 'dance facilities'. It is perhaps a matter for the Board to have a view on whether dance classes are permitted within the current terms of the operating plan.

At Question 5(d) in relation to 'Outdoor Drinking' the operating plan and layout plan that accompanies the application indicate that the proposed area on Union Street, Aberdeen is approximately four metres in length and one and half metres wide, on an area of pavement that forms part of a pedestrian controlled set of traffic lights. The pavement itself is a main thoroughfare and experiences heavy pedestrian footfall; therefore I am of the opinion that by occupying almost half of the width of the pavement it presents a risk for pedestrians, during busy times, who may attempt to navigate the reduced pavement by stepping onto the carriageway.

The proposed seating area on Shiprow, Aberdeen is formed by two separate parts due to the presence of two telephone kiosks. The first part, nearest to the entrance to the premises, is visible from within the premises due to a glass window, and shows the presence of a small area that is approximately one and half metres wide and two metres in length. The second area, situated beyond the telephone boxes, should accommodate three tables and is approximately one and a half metres wide and over five metres in length. This second area is not visible from the premises. I am of the view that staff within the premises may not be able to properly supervise much of the area to the side of the premises (i.e. on Shiprow). Therefore, in the interests of securing public safety, I recommend that the area on Union Street, in terms of its occupancy on the pavement, either be reduced in width or removed from the layout plan and the area on Shiprow which cannot be seen from the premises, be removed from the operating plan and layout plan submitted. If the Board are minded to grant this part of the application, I recommend that the external areas which are marked on the layout plan have barriers or other physical structures in place to demark it as same and are subject to a terminal hour of 2100 hours each day.

In relation to the delivery service of alcohol, I am of the view that the operating plan should be modified to indicate that alcohol will only be sold as part of a delivery service when ordered in conjunction with food.

At Question 6(b) in relation to the terms in which Children and Young Persons are permitted, the applicant has indicated in the operating plan that "Children will

require to be accompanied by an adult". It is requested that the operating plan in its current form be modified to state that "Children will require to be accompanied by an adult aged eighteen years or over. Young Persons are permitted unaccompanied access until 2200 hours, thereafter must be accompanied by an adult aged eighteen years or over. Children and Young Persons will only be permitted on the premises after 2000 either when all parties, with the exception of an infant, are consuming a meal or attending a private function".

At Question 6(d) in relation to the times in which Children and Young Persons are permitted the applicant has stated that "Children will be required to vacate the premises by 2200 hours unless attending a private pre-booked function, in which case they will be entitled to remain until the end of the function. No restriction on Young Persons". I recommended that the operating plan in its current form be modified to add to that statement that "After 2200 hours, Young Persons will be accompanied by a person aged 18 or over".

This representation is submitted for your attention when considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

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MEMO

Protective Services
Housing and Environment
3rd Floor, Marischal College



ABERDEEN
CITY COUNCIL

To	Team Leader, Legal and Democratic Services		
From	Diane Sande, Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk		Date 1 March 2017
Tel.	Ext. 2541		Our Ref. DBS/PAC
Fax.	01224 523887		Your Ref.

Licensing (Scotland) Act 2005
Application for Premises Licence
Address: 21 Union Street, Aberdeen, AB11 5BU
Applicant: Partnership of Ali Doganay and Yusuf Ozdemir

I refer to the above and I would like to make the following representation.

Regarding access terms for children and young persons, to be consistent with the Licensing Board's policy and in connection with other similar premises within the area, I would recommend that young persons require to be accompanied by an adult after 22.00.

Regarding the external areas – following a recent visit to the premises, I cannot support the grant of external areas for the following reasons:-

- 1) The proposed seating area at the front of the premises, (Union Street) - the pavement area is congested, with individuals frequently waiting at the pedestrian crossing. In my view this may cause potential obstruction which maybe inconsistent with the licensing objective Securing public safety.
- 2) The proposed seating areas at the side of the premises, (Shiprow) - currently include two telephone boxes. In my view present potential monitoring issues from within the premises, even if the telephone boxes are removed, as this area is not visible from inside the premises.

If the Board grant the external areas, I would recommend that there is a delineation of the area, a terminal hour of 22.00 is implemented, cut coverage of the Shiprow area and also that there will be no live entertainment or recorded music played within the external area.

Regarding the proposed internal live entertainment, if granted, I would recommend that this is restricted to acoustic entertainment as described by the applicant during my visit to the premises.


Diane Sande
Licensing Standards Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION PROVISIONAL PREMISES LICENCE
PREMISES: ALL BAR ONE, UNIT B, MARISCHAL SQUARE, ABERDEEN

DESCRIPTION

- Licensed Premises seeking on sales from 10:00 to 00:00 Monday to Thursday and Sunday, and 10:00 to 01:00 Friday and Saturday
- Off sales from 10:00 to 22:00 Monday-Sunday
- Restaurant facilities, receptions, bar meals, club/group meetings, live performances, recorded music, televised sport, outdoor drinking facilities;
- Children accompanied by adult at all times and young persons are to be accompanied by an adult after 21:00

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- LSO Memo

LICENSING POLICY STATEMENT

6 CONDITIONS ATTACHING TO LICENCES

6.5 The Board has devised a number of local conditions which may be attached to premises licences.

Drugs Policy

It is a condition that the licence holder has in place and enforces the drugs policy formulated by Police and attached hereto and displays a notice to the effect that such a drugs policy is in operation at the premises.

19 OUTSIDE SEATING AREAS

19.2 The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence. Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

28.1 The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families. In determining any such application the risk of harm to children will be paramount.

28.2 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time as recognising that parents and other adults accompanying children also have responsibilities.

28.4 The following examples of control measures are given to assist applicants.

- effective and responsible premises management
- adoption of best practice guidance
- imitations on the hours when children may be present, in all or parts of the premises
- imitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder
- appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a responsible person / adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function

28 February 2017

Your Ref:

Our Ref: 209175

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PROVISIONAL PREMISES LICENCE
ALL BAR ONE, UNIT B, MARISCHAL SQUARE, BROAD STREET,
ABERDEEN, AB10 1AJ
APPLICANT: MITCHELLS & BUTLERS RETAIL LIMITED, 27 FLEET STREET,
BIRMINGHAM, B3 1JP**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I wish to make the following representation in relation to the application.

The premises are currently under construction and this particular brand does not have any other, similar premises currently operating in Aberdeen. The applicant does however operate 'All Bar One' premises in Glasgow and Edinburgh. Police Scotland understands these existing premises operate as premises with both dining and bar facilities. Furthermore, it is understood that these premises are, particularly during early evening and weekends, enjoyed by customers seeking a 'bar' ambiance. It is therefore my view that the other 'All Bar One' premises in Scotland appear not to operate principally as a restaurant. I also understand that these premises do not have children on the premises after 2000 hours.

The operating plan which accompanies the application requests core 'on sale hours' of 1000 to 0000 on Sunday to Thursday inclusive and 1000 to 0100 on Friday and Saturday.

This exceeds the maximum guideline of 14 hours continuous trading in any 24 hours period, as contained at 20.6 of the Aberdeen City Licensing Board Statement of Licensing Policy 2013 - 2016.

At question 4 of the Operating Plan, the applicant has indicated that the premises intends to operate additional hours in conformity with Board's policy of festive and other extensions. If the 'on sales' hours requested were granted, then in accordance with 20.6 of the aforementioned policy, the applicant premises would not be entitled to enjoy the general directions in terms of Section 67 of the Act which is currently eight general extensions per annum.

The Operating Plan indicates that the premises will offer restaurant and bar meal facilities and a number of other activities, including recorded music and live performance.

At Question 6 of the Operating Plan, which relates to access by Children and Young Persons, the applicant has indicated, at 6(b), which relates to the terms, that children and young persons will be allowed access to the premises for the purpose of consuming food, a soft drink or attending a function and that children are required to be accompanied by an adult at all times. Young persons require to be accompanied by an adult after 9pm. At Question 6(d), which relates to the times during which children and young persons will be permitted entry, the applicant has indicated that children and young persons will be allowed entry to the premises at all times.

Contact was made with applicant's agent with regard to the intended use of the applicant premises and the applicant's agent indicated that there will be 260 covers within the premises and 46 outside and that the 'live performance' element would be occasional and limited.

Police Scotland has a concern that, based on the perceived operating model of the similar premises in other parts of Scotland, that the premises may be attractive to patrons who wish to use it for 'wet sales' whether that is seated or vertical drinking, particularly during the mid to later part of the evening.

It is my understanding that when granting Children and Young Persons' access to licensed premises beyond 2200 hours, the Licensing Board has only done so when satisfied that the premises involved are operating almost wholly as a restaurant, and in which, if there is a bar, it is small in relation to size of the premises and used only by customers who are awaiting a table within the premises.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, the Chief Constable is of the opinion that the operating plan that accompanied the application, in its current form, should be modified to reflect the following points:

1. In relation to Question 5, which relates to outdoor drinking, the external area which is marked on the layout plan has barriers or other physical structure in place to demark it as same and is subject to a terminal hour of 2200 hours each day;
2. In relation to Question 6(b) relating to the terms in which children and young persons are permitted access, it is requested that this is amended to state: "Children and Young Persons are allowed access to the premises for the purposes of consuming food and or attending a pre-booked function. Children will be required to be accompanied by an adult aged 18 or over. Young Persons require to be accompanied by an adult over the age of eighteen after 2000 hours. Children and Young Persons will not be permitted to remain at the bar or any area adjacent to the bar, seated or non-seated, following the purchase of food or refreshments";
3. In relation to Question 6(d) relating to the times during which children and young persons are permitted access, it is recommended that the Board seeks to satisfy itself that the premises are to operate in such a manner that the principal attraction and facility offered is dining, otherwise, I recommend that children are permitted in the premises until 2000 hours and young persons until 2200 hours.

The applicant's agent has indicated that the applicant has accepted point 1 above.

This representation is submitted for your attention when considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

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MEMO

Protective Services
Housing and Environment
3rd Floor, Marischal College



ABERDEEN
CITY COUNCIL

To	Team Leader, Legal and Democratic Services		
From	Diane Sande, Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk		Date 1 March 2017
Tel.	Ext. 2541	Our Ref.	DBS/PAX
Fax.	01224 523887	Your Ref.	

Licensing (Scotland) Act 2005

Application for Provisional Premises Licence

Address: All Bar One, Unit B, Marischal Square, Broad Street, Aberdeen, AB10 1AJ

Applicant: Mitchells & Butlers Retail Limited

I refer to the above and I would like to make the following representation.

Regarding access terms for children and young persons, to be consistent with the Licensing Board's policy and in light of the nature of this premises ie Restaurant/Bar - I would recommend that children and young persons are not permitted access for the purposes of being supplied with a soft drink only.

This would also ensure consistency with other similar premises within the area. I have no comment re children being accompanied at all times and young persons being accompanied after 8pm..

Regarding the external area, I have no objection but if granted I would recommend that a terminal hour of 10pm is implemented and also that there will be no live entertainment or recorded music played within the external area.

Diane Sande
Licensing Standards Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE

PREMISES: SHELL WELLINGTON, WELLINGTON ROAD, ABERDEEN

DESCRIPTION

- A Convenience Store located on petrol forecourt. The convenience store has been designed to serve those locally and from further afield.
- Off sale hours Monday to Sunday 10:00hrs to 22:00hrs

OBJECTIONS/REPRESENTATIONS

- NHS Grampian

LICENSING POLICY STATEMENT

Paragraph 6.5 – Conditions Attaching to Licences

The Board has devised a number of local conditions which may be attached to premises licences.

1. The following condition will be attached to all off-consumption premises licences unless there is cause shown why this should not be the case:

CCTV

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current technical requirements of the Police Service of Scotland as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. (all off-sales are however exempt from 4.2 relating to lip sync capability at entrance and exit doors)

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Date 1st March 2017
Enquiries to 01224 557047
Our Ref 20171007
Email: grampian.healthprotection@nhs.net

Ms Arlene Dunbar
Acting Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
Shell Wellington, Wellington Road, Aberdeen, AB12 3JX**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following objection under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to add an off sale facility to the general convenience store element of the Shell Wellington Petrol Filling Station. The off-sales capacity display area will be 4m².

This objection will focus on the following points:

1. Availability of alcohol
2. Scottish Health Observatory Data
3. Appendix 2 – major disease and injury categories causally linked to alcohol

There is a strong relationship between the availability of alcohol leading to over consumption resulting in health harm. The World Health Organisation has reported on major disease and injury categories causally impacted by alcohol consumption. These are presented in appendix 2. The World Cancer Report cites alcohol as a considerable contributor in preventable illness and disease¹.

¹ <http://www.iarc.fr/en/publications/books/wcr/wcr-order.php>

1. Availability of alcohol.

Licensing laws in Scotland prohibit the sale of alcohol from garage forecourts, but with a significant exemption, namely if it can be demonstrated that the local community is (or likely to become) reliant on the premises as a principal source of either fuel or groceries. This is intended to avoid unfairly disadvantaging local residents who would otherwise have to travel longer distances to purchase their goods. This petrol filling station is positioned on a major city access road, alongside an industrial estate, in an area with an abundance of hotel, office and warehouse accommodation. Housing is close by but access would involve crossing this extremely busy road. I am sure these premises will receive a great deal of “passing trade” but I would question whether we have persons resident in this locality who are utterly reliant on these premises.

Alcohol can be purchased from stores operating on Wellington Road, (Tesco & Lidl) or from the Sainsbury store in the Charleston area of Cove. I appreciate that these stores are a good walking distance from this petrol station. However, I am not aware of any persons in the locality who would consider themselves materially disadvantaged or inconvenienced if alcohol was not available from the petrol station. The petrol station has been in place for some considerable time without a licence to sell alcohol.

Passing trade purchases could impact on the health of the citizens of Aberdeen and the surrounding area. The Health Board views on any increase in availability of alcohol are well known to the Licensing Board and can be found in the Statement of Licensing Policy, paragraph 27.4

*“The Health Board states that increased access and availability to alcohol through **increased numbers of premises** and /or opening hours or decreased pricing is linked to increased consumption, which in turn potentially leads to increased harm. The Board acknowledges this statement and recognises that the Health Board is in the best position to advise on the detrimental effects of alcohol on health.*

2. Scottish Public Health Observatory Data

The Scottish Public Health Observatory (ScotPHO) Health & Wellbeing Profiles for Aberdeen City² identify Alcohol related hospital stays as being “statistically significantly worse” than the National average.

Aberdeen City has one of the highest wholly-attributable alcohol-related admission rates in Scotland. In 2012/13, over 2,000 patients experienced nearly 3,000 hospital admissions with a wholly attributable alcohol-related condition (some were admitted more than once). The vast majority (88%) were unscheduled. When an estimate of partially-attributable alcohol-related admissions is taken into account, the total number of alcohol-related admissions in Grampian rises to around 7,000 per year.

NHS Grampian are of the opinion that any action to limit the availability of alcohol will impact positively on the health and wellbeing of the Aberdeen City population.

¹ <https://scotpho.nhs.uk/scotpho/homeAction.do>

The licensing act does not give clear direction in the area of petrol stations and it is perhaps unfair for Licensing Boards to make decisions on these types of applications without clear guidance from the Scottish Government. However, NHS Grampian is of the view that the granting of a license for this petrol station will only contribute to health harm for the local population.

For these reasons, and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian objects to the application as the granting of it would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drugs)

Box 3. Major disease and injury categories causally impacted by alcohol consumption.
 (Excerpt from “World Health Organisation - Global status report on alcohol and health 2014”)³

Green: Overall beneficial effects from low-risk patterns of drinking, while heavy drinking is detrimental

Red: 100% alcohol- attributable

Neuropsychiatric conditions: **alcohol use disorders** (AUDs see Box 4) are the most important neuropsychiatric conditions caused by alcohol consumption. Epilepsy is another disease causally impacted by alcohol, over and above withdrawal-induced seizures (Samokhvalov et al., 2010b). Alcohol consumption is associated with many other neuropsychiatric conditions, such as depression or anxiety disorders (Kessler, 2004; Boden and Fergusson, 2011) but the complexity of the pathways of these associations currently prevents their inclusion in the estimates of alcohol-attributable disease burden (Rehm et al., 2010a).

Gastrointestinal diseases: liver cirrhosis (Rehm et al., 2010b) and pancreatitis (both acute and chronic; Irving et al., 2009) are causally related to alcohol consumption. Higher levels of alcohol consumption create an exponential increase in risk. The impact of alcohol is so important that for both disease categories there are subcategories which are labelled as “alcoholic” or “alcohol-induced” in the ICD.

Cancers: alcohol consumption has been identified as carcinogenic for the following cancer categories (International Agency for Research on Cancer, 2012) cancer of the mouth, nasopharynx, other pharynx and oropharynx, laryngeal cancer, oesophageal cancer, colon and rectum cancer, liver cancer and female breast cancer. In addition, alcohol consumption is likely to cause pancreatic cancer. The higher the consumption, the greater the risk for these cancers, with consumption as low as one drink per day causing significantly increased risk for some cancers, such as female breast cancer (Seitz et al., Rehm & Shield, 2013; Nelson et al., 2013).

Intentional injuries: alcohol consumption, especially heavy drinking, has been causally linked to suicide and violence (Cherpitel, 2013; Macdonald et al., 2013).

Unintentional injuries: almost all categories of unintentional injuries are impacted by alcohol consumption. The effect is strongly linked to the alcohol concentration in the blood and the resulting effects on psychomotor abilities. Higher levels of alcohol consumption create an exponential increase in risk (Taylor et al., 2010).

Cardiovascular diseases (CVD): the relationship between alcohol consumption and cardiovascular diseases is complex. The beneficial cardioprotective effect of relatively low levels of drinking for **ischaemic heart disease and ischaemic stroke** disappears with heavy drinking occasions. Moreover, alcohol consumption has detrimental effects on hypertension, atrial fibrillation and haemorrhagic stroke, regardless of the drinking pattern (Roerecke & Rehm, 2012).

Fetal alcohol syndrome (FAS) and preterm birth complications: alcohol consumption by an expectant mother may cause these conditions that are detrimental to the health of a newborn infant (Foltran et al., 2011).

Diabetes mellitus: a dual relationship exists, whereby a low risk pattern of drinking may be beneficial while heavy drinking is detrimental (Baliunas et al., 2009).

Infectious diseases: harmful use of alcohol weakens the immune system thus enabling development of pneumonia and tuberculosis. This effect is markedly more pronounced when associated with heavy drinking and there may be a threshold effect, meaning that disease symptoms manifest mainly if a person drinks above a certain level of heavy drinking (Lonnroth et al., 2008).

³ http://apps.who.int/iris/bitstream/10665/112736/1/9789240692763_eng.pdf?ua=1

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: BABYLON, 9 ALFORD PLACE, ABERDEEN

DESCRIPTION

To vary operating hours for on consumption to 14:00hrs – 04:00hrs on Friday and Saturday.

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian
- EHO Memo
- Objection from member of public

LICENSING POLICY STATEMENT

HOURS OF TRADING – GENERAL & EXTENDED

General

20.1 The Board expects that all applicants for licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Applicants should not overestimate their trading hours just in case they may be required, as this may precipitate a review of the licence. Should licence holders wish to reduce their operating hours this can be done by way a minor variation which can be granted using delegated powers.

20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.

20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours. The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond

01:00 hours will have to show that they have taken account of all the factors at 20.10.

20.4- 20.7 N/A

20.8 Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays .The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and /or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music. The Board are entitled to distinguish between premises of different descriptions offering different facilities or activities. e.g. Section 27(9) of the 2005 Act allows the Board to impose conditions in relation to the sale of alcohol on a premises to which a licence relates or any other activity carried on in such premises. In light of the evidence before the Board on the levels of alcohol consumption in the city and the levels of alcohol related crime the Board wish to promote in terms of the objectives the types of premises which can operate where the service and sale of alcohol is not the primary objective thus contributing to the positive night time economy in the City but not adding to the health or crime related harms associated with are premises which focus wholly or mainly on alcohol consumption.

20.9 Applicants will be expected to give due consideration to the impact their patrons may have after leaving their premises, taking into account the likely exits of patrons from the nearby licensed establishments

The following issues should be considered **in relation to the promotion of the licensing objectives:**

- the effect of the grant of a licence before 10:00 hours or after 01:00 hours
- the proposed hours when any music, including incidental music and karaoke, will be played
- the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
- whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night
- the capacity of the premises
- the type of use, recognising that premises which sell alcohol, play music, provide late night refreshment or takeaway food, are more likely to be associated with for example crime and disorder and public nuisance than premises where the consumption of alcohol is not the main activity.
- the hours at which noise may occur and the disturbance of nearby residents'

rest, relaxation and sleep.

20.10 The Board believes that there may be merit in promoting the licensing objectives whereby applicants give consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, thereby creating a calmer ambience, patrons leaving the premises may be inclined to behave less boisterously after they have left the premises. In addition patrons may be inclined to leave the premises in small groups on a gradual basis rather than all at once.

20.11 Restricted licensing hours may be appropriate in cases where licensed premises are situated in the vicinity of residential property, or have external areas, or where business hours in the vicinity are likely to lead to undue pressure on public transport, public nuisance, disorder or anti-social behaviour. The Board may impose different restrictions on hours for different premises and for different days of the week in order to promote the licensing objectives. Where applicants intend to apply for any core on sale hours outwith those detailed in paragraph 20.3 above, they will be expected to show how any such activity to be carried out on the premises is consistent with the licensing objectives.

20.12 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder caused or exacerbated by customers departing from the premises or the rise of alcohol related crime or disorder in the vicinity of the premises.

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28 February 2017

Your Ref:

Our Ref: 208921

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
BABYLON, 9 ALFORD PLACE, ABERDEEN, AB10 1YD**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of amending the terminal hour 'on sales' hour on the trading days of Friday and Saturday from 0300 to 0400 hours.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(a) of the same Act, I make the following objection and recommend that the variation should be refused on the grounds that it would be inconsistent with the Preventing Crime and Disorder and the Preventing Public Nuisance licensing objectives.

In support of this position, I provide the following information and enclose an Anti-Social Behaviour Report prepared by the Aberdeen Community Safety Partnership, to be considered in conjunction with the information contained herein.

The premises currently operates core "on-sales" of 1400 to 0200 hours Sunday to Thursday inclusive and 1400 until 0300 hours on Friday and Saturday.

The Statement of Licensing Policy states, at point 20.3, "The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays". At point 20.4, the policy continues, stating, "The Board further considers that it would be extremely difficult for any applicant to justify the sale of alcohol prior to 10:00 hours and after 03:00 hours

unless there are exceptional circumstances... The Board considers therefore that there should be a presumption against the supply of alcohol and the granting therefore of any extended hours after 0300".

The application form submitted by the applicant details no rationale for the proposed variation to trading hours, and provides no 'exceptional circumstances' in relation to the application.

Currently within Aberdeen city centre, late opening premises, including the applicant premises, close at 0300 hours on Friday and Saturday, except when a general extension of one hour is granted by the Board by virtue of Section 67 of the Licensing (Scotland) Act 2005, or an extended hours application to cater for a special occasion or an event of local or national significance is applied for and granted.

A number of food outlets continue to offer food until 0400 hours under the terms of the Civic Government (Scotland) Act 1982. This allows for patrons to egress licensed premises, purchase food should they desire, and make their way out of the city centre using late-night buses, taxis or on foot.

If granted, given that the applicant premises has a capacity of 359 this could conceivably result in a large number of patrons seeking the facilities of food outlets and transport after 0400 hours on Saturday and Sunday mornings.

The Weekend Partnership is a multi-agency group attended by organisations such as Police Scotland, Aberdeen Community Safety Partnership, Aberdeen City Alcohol & Drugs Partnership, the Scottish Ambulance Service, Scottish Fire & Rescue Service, Unight, Aberdeen Inspired and representatives from bus companies, the taxi trade, the security industry, student associations and the universities. Voluntary bodies such as Street Pastors and Alcohol & Drugs Action also contribute to, and attend, this group.

The purpose of the group is to co-ordinate services to promote a safe and enjoyable environment for the night time economy and to reduce and prevent criminality as well as the fear of crime and anti-social behaviour.

Crucial to the success of this partnership approach is the placing of the wide variety of services, both public and private sector and volunteer groups, in key locations, at key times. The established 'end time' of licensed premises and late hours catering premises allows all organisations involved to deploy resources appropriately and effectively.

Police Scotland regularly deploys in excess of 30 additional officers on Friday and Saturday nights to police Aberdeen city centre and the wider night time economy. Any change to the operating hours for the applicant premises, or any similar premises, to beyond this time, would impact upon the deployment of Police resources which will, in turn, have financial implications.

Were the Board to grant this application, it would set a precedent and is likely to result in other, similar premises seeking similar variations to their own trading

hours. Should other licensed premises follow suit, and are similarly granted a core terminal hour of 0400 hours, the established 'end time' to the night-time economy will be materially altered and will place an extended and increased demand on the public and voluntary sector services as mentioned above.

The Aberdeen Community Safety Partnership is responsible for co-ordinating a joint agency response to the nationally mandated Single Outcome Agreement and leads on the 'Safer and Stronger' theme within that agreement. The partnership functions are co-ordinated using information and analysis to identify and efficiently tackle priority issues concerning Public Place Violence, Anti-Social Behaviour, Violence against Women, Road Safety and Home & Fire Safety in order to ensure Aberdeen retains its position as one of the safest cities in the country.

Enclosed with this letter is an Anti-Social Behaviour Report prepared by an analyst within the Community Safety Partnership. The data contained within clearly demonstrates that the longer and later licensed premises operate, the higher the incidence of crime and disorder. Most notable is the high incidence of serious assaults which occur not just within licensed premises, but in public spaces during the first hour after the later opening licensed premises have closed.

The key contributory factor in almost every recorded crime of violence during the weekend night time economy hours is the consumption of alcohol, which, in relation to the offences that have occurred within the city centre, will have been consumed, by those involved, on licensed premises.

In April 2013, the Scottish Community Safety Network published a report, in conjunction with several supporting documents, entitled 'Measuring Preventative Spend - A Cost Toolkit for Community Safety'. Although dated April 2013, the Community Safety Partnership considers this document to still be accurate and relevant. On that date, the estimated average cost of a minor assault was £6,700 and £24,719 for a serious assault.

I recommend that the grant of the variation of the licence be refused in terms of Section 23(5)(c) of the Licensing Act (Scotland) Act 2005 as, if granted, for the reasons stated above, it will be inconsistent with the licensing objectives of Preventing Crime and Disorder and Preventing Public Nuisance.

This objection is submitted for your attention in considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

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Anti-Social Behaviour Report Aberdeen City Centre February 2017



RESTRICTED

The contents of this report are

Restricted

and are passed to

**Sergeant Gill Flett
North East Division
Police Scotland**

for the purposes of informing representations made to
Aberdeen City Licensing Board.

This information should not be
copied, circulated or passed to any other individual
without the permission of Police Scotland.

RESTRICTED

**You have a responsibility to ensure that the principles of the Data Protection Act (1998)
are adhered to in terms of disclosing information from this report.**

Introduction

This report will detail Police Scotland data pertaining to Aberdeen City Centre between 1st April 2013 and 31st January 2017. Information is focussed on instances of Anti-Social Behaviour and Crimes of Violence.

Data will be provided displaying the proportion of offending that occurred in the City Centre area during overnight periods between 2200 hours and 0559 hours on a Friday/Saturday and the same time period on a Saturday/Sunday, compared to the City Centre area in the remaining hours of the week and also the rest of Aberdeen City as a whole.

Methodology

Data has been obtained from the following source:

- **Crimefile** - Police Scotland Crime Recording System

Limitations

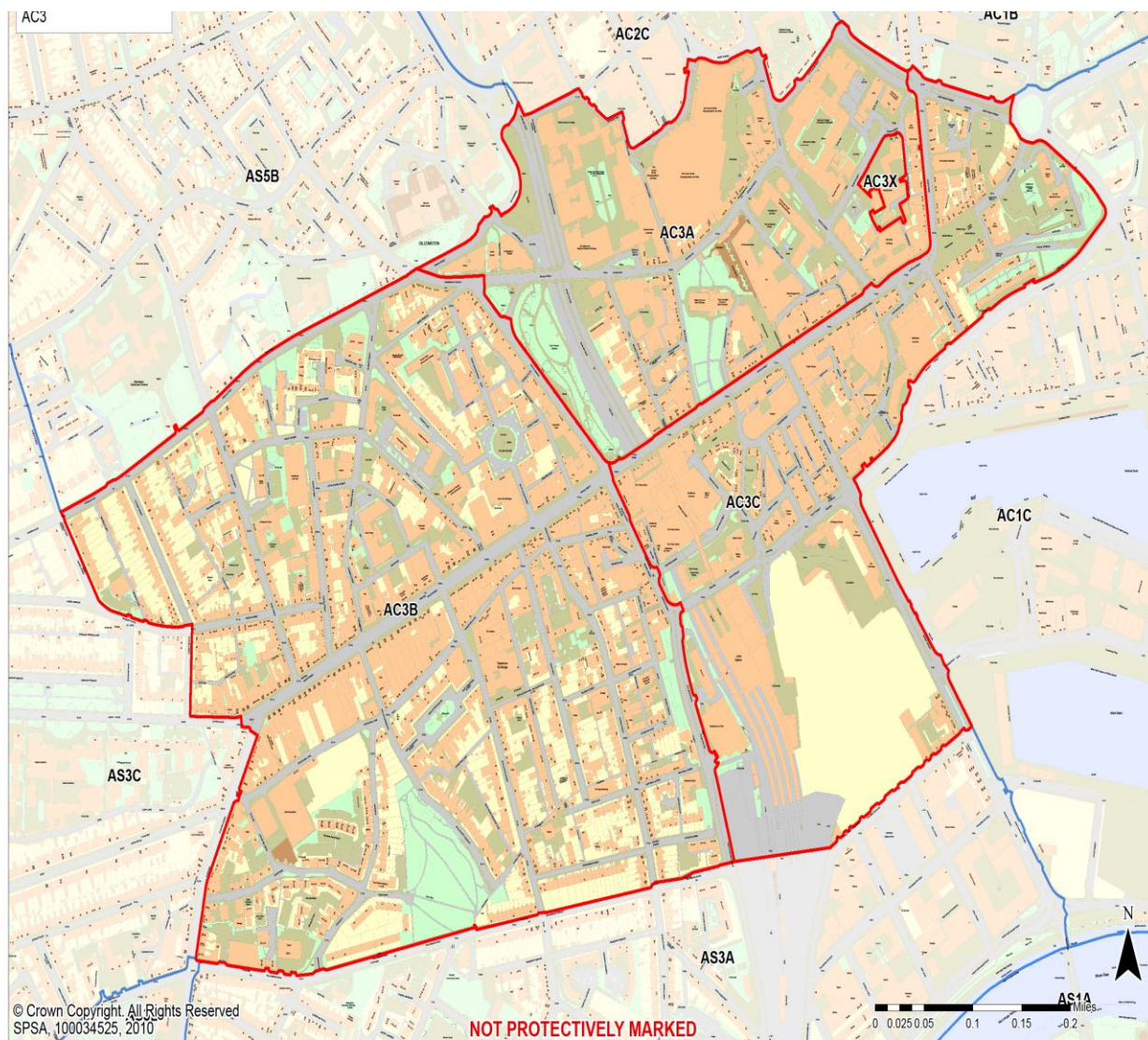
The offence data contained within this document details only those that have concerned within the City Centre area of Aberdeen as identified in the map below in the AC3A, AC3B and AC3C shaded areas and excluding the AC3X area.

These three areas correspond with Police neighbourhoods of the City Centre Community Policing team and bear close resemblance to the City Centre area as defined in the Aberdeen City Licensing Board Statement of Licensing Policy 2013-2016.

For the purposes of this report, Weekend Night Time Economy hours are between 2200 and 0559 hours on a Friday/Saturday and Saturday/Sunday. This totals 16 hours, which equates at less than one tenth of a 168 hour week.

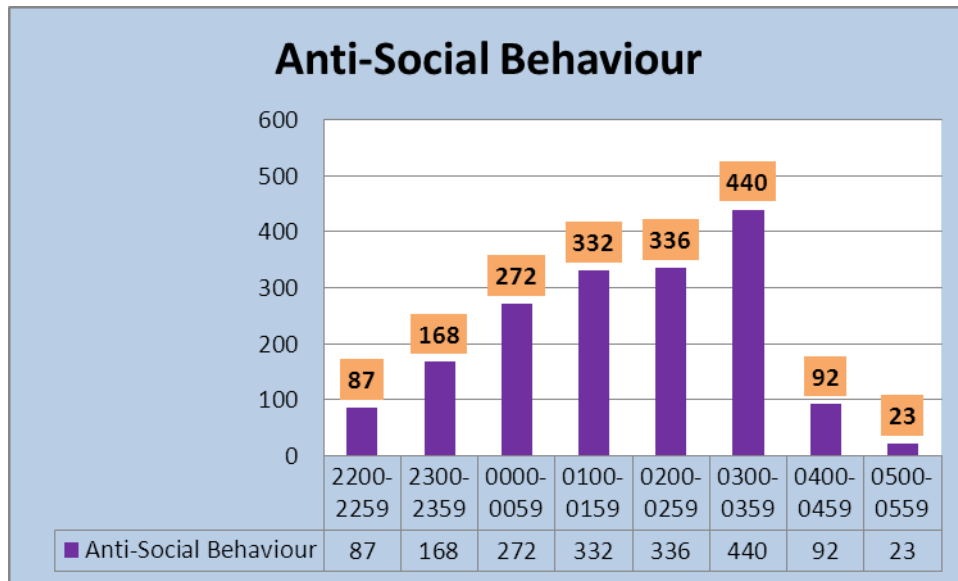
Anti-Social Behaviour (ASB) is a combination of Breach of the Peace and Threatening or Abusive Behaviour offences.

City Centre Area



Anti-Social Behaviour

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



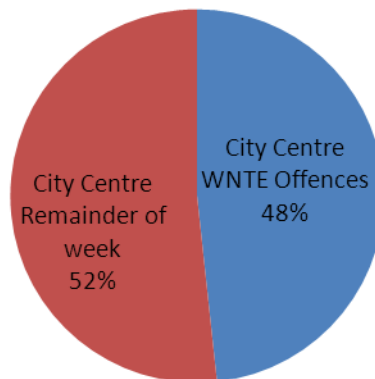
Anti-Social Behaviour	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	2.4	4.6	7.5	9.2	9.3	12.1	2.5	0.6
AA Weekly % (2 hour total)	0.8	1.6	2.5	3.1	3.1	4.1	0.9	0.2

- The chart shows offences steadily but sharply increasing from 2200 hours onward, plateauing between 0100 and 0259 hours prior to a sharp increase until 0400 hours where it falls to the level experienced up to 2300 hours.
- The disproportionate level of City Centre Anti-Social offending is demonstrated most clearly in the hours between 0100 and 0359 hours when each hourly period is at least double the total of the hourly period between 2300 and 2359 hours.
- The comparable total offences between 0100 and 0159 hours and in the following hour each represent at least 9.2% of the entire week's City Centre Anti-Social Behaviour (ASB). As mentioned above, the 16 hours of the Weekend Night Time Economy represent 9.5% of a week this share of ASB is almost absorbed in these consecutive hourly periods alone.
- The hour between 0300 and 0359 hours is where ASB reaches its saturation point with 440 offences, 12.1% of the City Centre's total. This equates at just less than one in eight ASB offences having occurred between 0300 and 0359 hours on a Saturday or Sunday morning.
- Isolating the 0100-0359 hours period in the City Centre, its share of ASB across the whole of Aberdeen City equates at 10% during these six hours alone, highlighting the disproportionate scale of ASB during Weekend Night Time Economy hours.

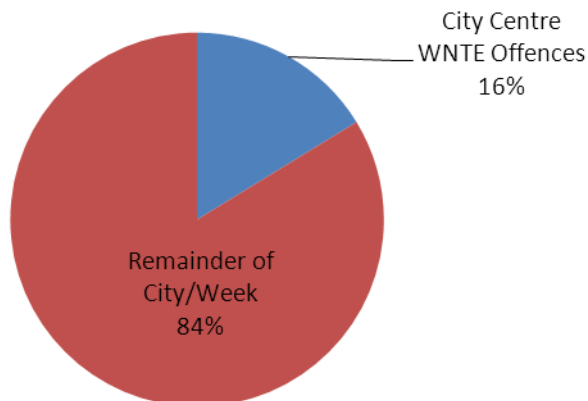
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The charts below display the share of ASB offending in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.

Anti-Social Behaviour (City Centre)



Anti-Social Behaviour (All Aberdeen)



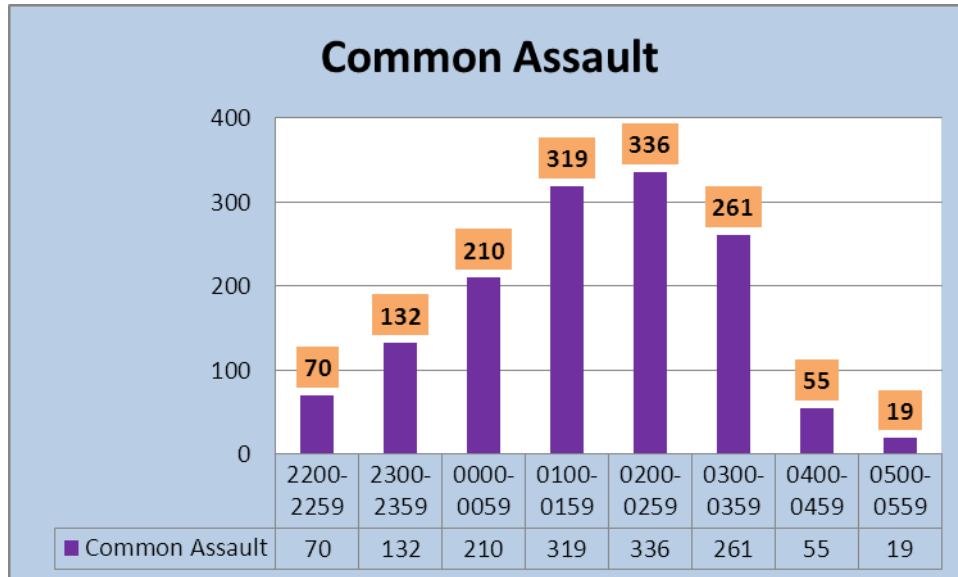
- Almost half (48%) of ASB offences in the City Centre occurred during Weekend Night Time Economy hours, which are less than a tenth of the week.
- 16% of all Aberdeen's ASB offences are concentrated within the City Centre during the sixteen hours specified.
- ASB offending in the City Centre during Weekend Night Time Economy hours is approximately five times higher than if it were proportionate across the week as a whole.
- This imbalance builds throughout the overnight period and is most unequal between 0300 and 0359 hours.

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You have a responsibility to ensure that the principles of the Data Protection Act (1998) are adhered to in terms of disclosing information from this report.

Common Assault

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



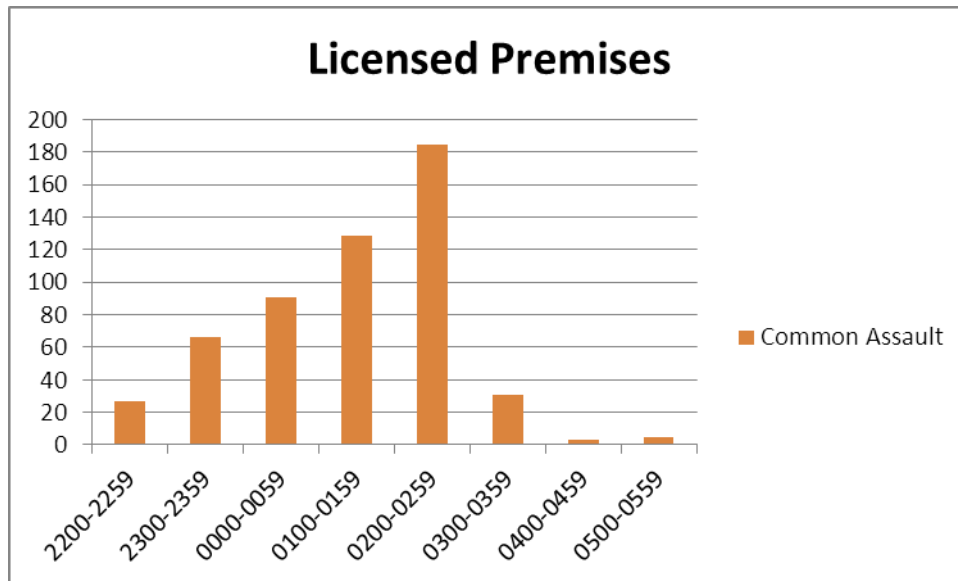
Common Assault	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	2.2	4.2	6.7	10.1	10.7	8.3	1.7	0.6
AA Weekly % (2 hour total)	0.6	1.2	1.8	2.8	3.0	2.3	0.5	0.2

- The chart shows an increase of Common Assault throughout the overnight period with a peak between 0200 and 0259 hours. The 336 offences recorded at that time equals 11% of Common Assaults in the City Centre in 1.2% of the time.
- In the period between midnight and 0359 hours, there were an average 281 Common Assaults. According to Scottish Government figures, the estimated unit cost of a Common Assault is £6,700.¹ Were trading hours to be extended, and if the average number of Common Assaults from preceding hours followed similarly, the result would be an additional 73 Common Assaults per year. This would incur a potential increase in estimated financial costs of £489,100 per annum.
- Over one third (35.8%) of all City Centre Common Assaults occurred between midnight and 0359 hours on Saturday and Sunday mornings. One tenth (9.9%) of Common Assaults across Aberdeen took place in the City Centre during these eight hours, underscoring the scale of Common Assaults within the City Centre during Weekend Night Time Economy hours.

¹ Economic and Social Cost of Crime (PowerPoint presentation), Available at: <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/scotstatcrime/invite/Session1> Accessed 30th September 2016

Licensed Premises

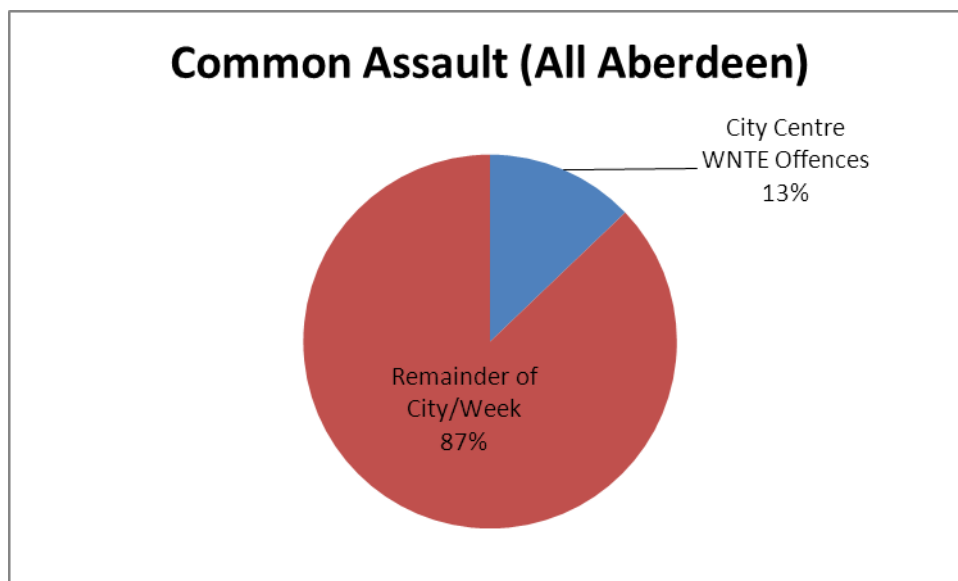
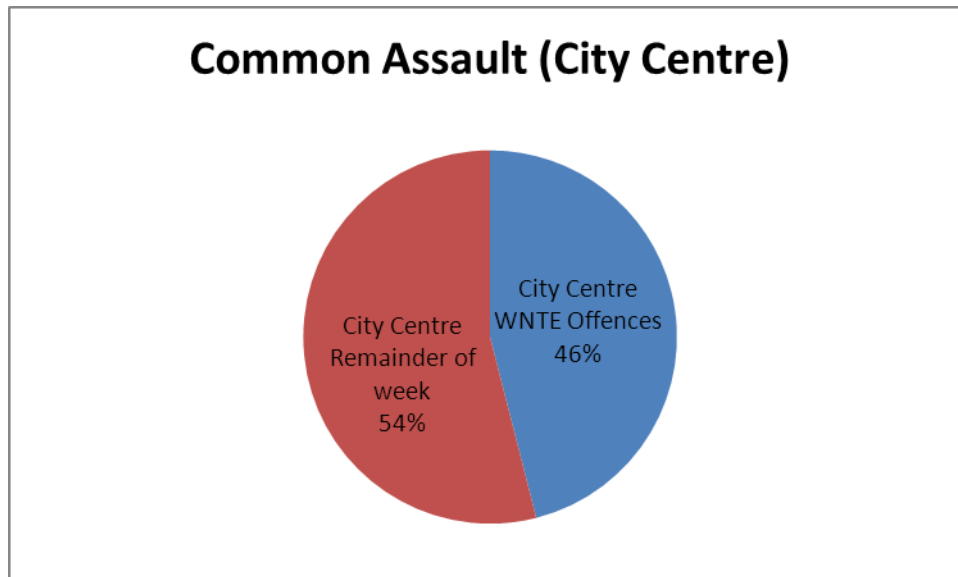
The chart below shows the number of Common Assaults in the City Centre recorded as having occurred on licensed premises. It clearly displays rising hourly totals in the overnight period up until the terminal hour.



- Just over one in three (27 of 70) Common Assaults occurred in Licensed Premises between 2200 and 2359 hours.
- Half of all Common Assaults (66 of 132) in the hour up to midnight occurred on Licensed Premises.
- In the two hours after midnight, approximately two fifths of Common Assaults in each respective hour window occurred on Licensed Premises.
- Between 0200 and 0259 hours, 185 of 336 Common Assaults (55%) occurred on Licensed Premises.

RESTRICTED

The charts below display the share of Common Assault offences in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.



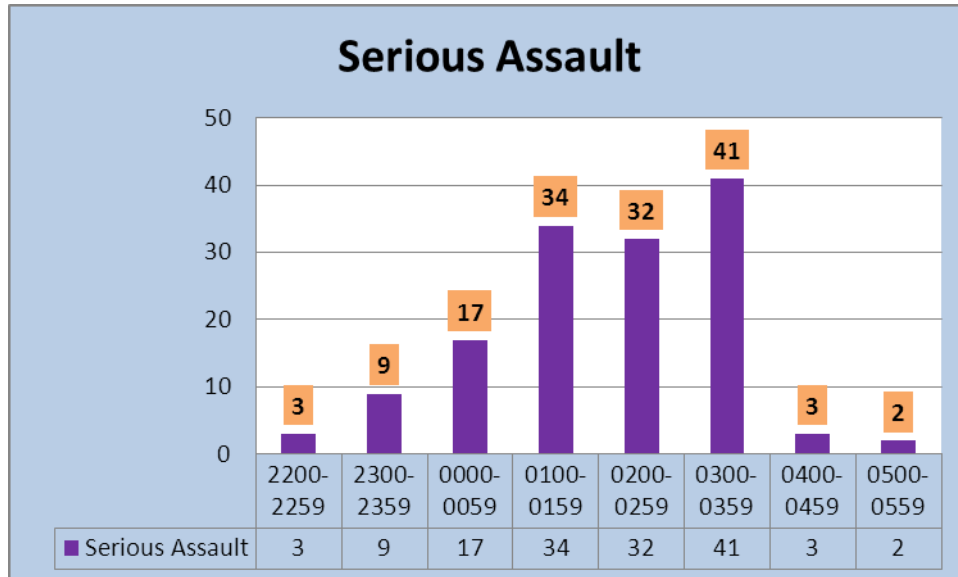
- Just under half (46%) of Common Assaults within the City Centre occurred during Weekend Night Time Economy hours with, as mentioned earlier, a significant concentration during 0000-0359 hours on Saturday and Sunday mornings.
- Over one in eight (13%) of Common Assaults anywhere in Aberdeen since 1st April 2013 took place within the City Centre and during the Weekend Night Time Economy hours specified.

RESTRICTED

You have a responsibility to ensure that the principles of the Data Protection Act (1998) are adhered to in terms of disclosing information from this report.

Serious Assault

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



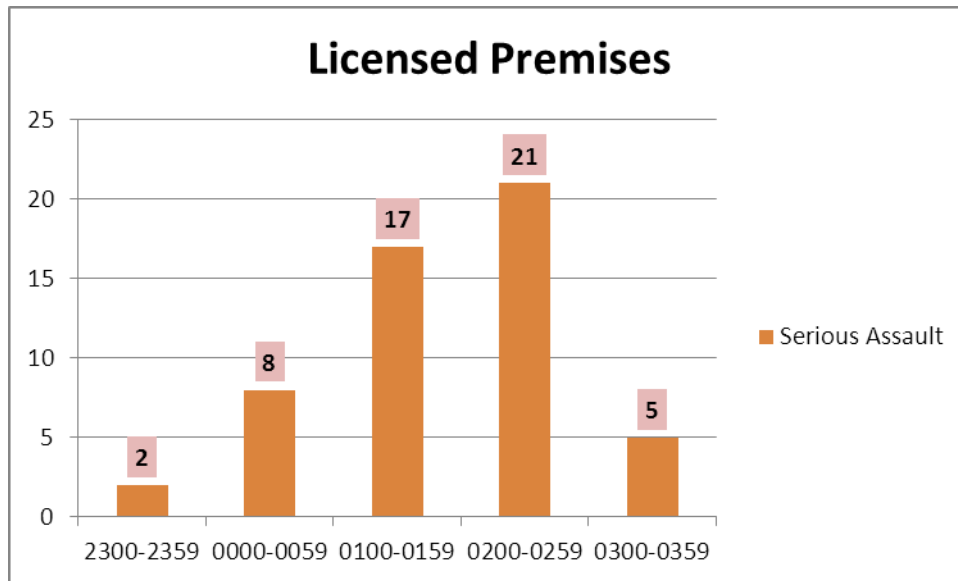
Serious Assault	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	1.3	3.9	7.4	14.8	14.0	17.9	1.3	0.9
AA Weekly % (2 hour total)	0.5	1.4	2.7	5.4	5.1	6.5	0.5	0.3

- Having risen steadily throughout the overnight period, Serious Assaults peak in the hour between 0300 and 0359 hours when 41 occurred. The totals in the two preceding hour windows are, or are almost, double the 17 recorded in the hour immediately after midnight. This evinces the link between prolonged drinking hours and greater propensity to violence.
- One in five Serious Assaults anywhere in Aberdeen during 1st April 2013 to 31st January 2017 took place between 0000 and 0359 hours on Saturday and Sunday within the City Centre.
- Extrapolating the calculation above concerning Common Assaults to Serious Assaults yields an average of 31 Serious Assaults per hour on average between midnight and 0359 hours in the City Centre during the 46 months analysed. A Serious Assault has a unit cost of £24,719². Extending licensing hours by one hour would at a conservative estimate, given the discrepancy between the hour after midnight and the hour after 0300 hours, likely result in an additional eight Serious Assaults annually in the City Centre, with £197,752 costs incurred for these extra offences alone.

² Ibid

Licensed Premises

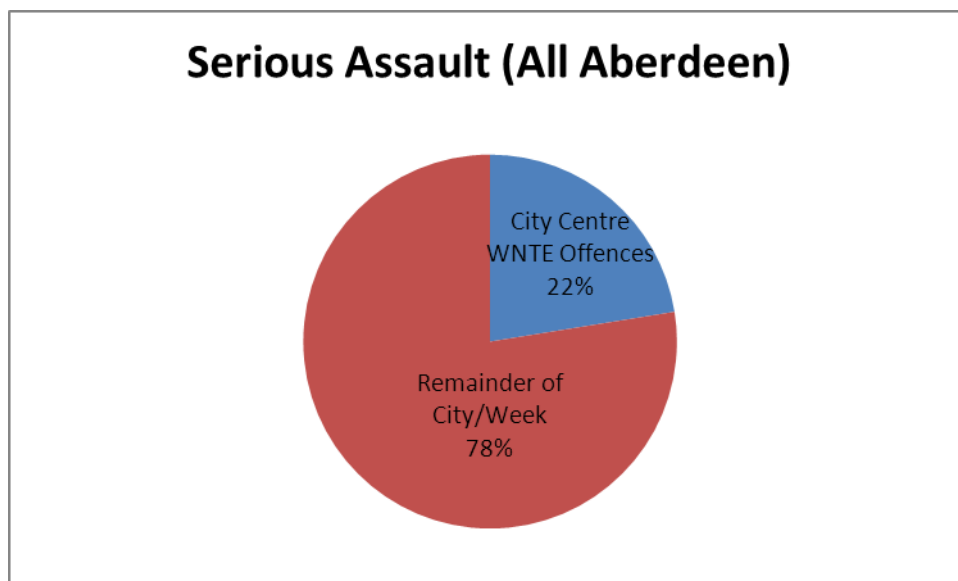
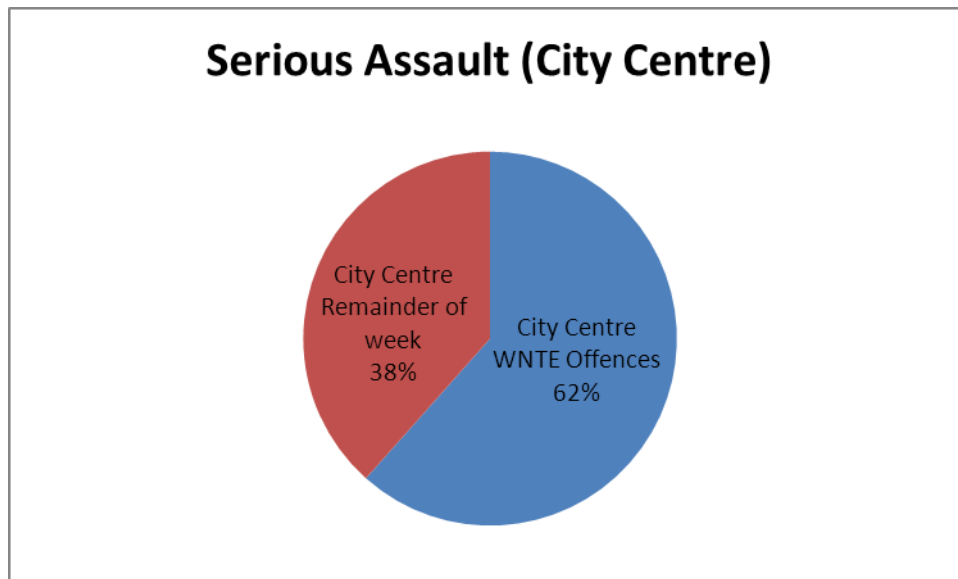
The chart below shows the number of Serious Assaults in the City Centre recorded as having occurred on licensed premises. It clearly displays rising hourly totals in the overnight period up until the terminal hour. There were no Serious Assaults recorded in Weekend Night Time Economy Hours prior to 2300 hours or after 0400 hours.



- Two of nine Serious Assaults in the hour after 11pm occurred on Licensed Premises.
- Eight of 17 Serious Assaults in the following hour occurred on Licensed Premises.
- Exactly half (17 of 34) Serious Assaults between 0100 and 0159 hours occurred on Licensed Premises.
- Almost two thirds of Serious Assaults (21 of 32) between 0200 and 0259 hours were recorded on Licenses Premises.
- Just fewer than one in eight Serious Assaults between 0300 and 0359 hours were recorded on Licensed Premises.

RESTRICTED

The charts below display the share of Serious Assault offences in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.



- Over three in five of all Serious Assaults in the City Centre occurred during Weekend Night Time Economy hours.
- Over one in five Serious Assaults anywhere in Aberdeen and at any time took place within the City Centre during Weekend Night Time Economy hours. As the charts and table on the previous page show, the greatest concentration of these offences is in the hour after the existing terminal hour of 0300 hours.

*Prepared by
Community Safety Analyst
Aberdeen City Council
Completed: 27th February 2017*

RESTRICTED

You have a responsibility to ensure that the principles of the Data Protection Act (1998) are adhered to in terms of disclosing information from this report.

Date 28th February 2017
Enquiries to 01224 557047
Our Ref 2017012
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Acting Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
Babylon, 9 Alford Place, Aberdeen, AB10 1YD**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following objection under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to extend the terminal hour of the premises to 04:00 on Friday/Saturday and Saturday/Sunday.

The Aberdeen City Licensing Board Statement of Licensing Policy 2013 – 2016, paragraph 20.4 states that:

*“The board further considers that it would be extremely difficult for any applicant to justify the sale of alcohol prior to 10:00 hours and after 03:00 hours unless there are exceptional circumstances. The Board considers there is sufficient evidence from the Health Board and Police Scotland to suggest that such extensions of hours for the sale of alcohol could have detrimental effects on both the health of the City’s population and levels of criminal and violent offending, **particularly in the City Centre.**The board considers therefore that there should be a presumption against the supply of alcohol and the granting therefore of any extended hours after 03:00 and before 1000.”*

The premises operate as a nightclub with no activities detailed with regard to restaurant facilities or bar meals. I can see no evidence of exceptional circumstances stated in the paperwork that would indicate this should be considered as a special case.

Following detailed consideration of evidence from the Health Board and Police, the board accepted that **extensions** of hours for the sale of alcohol could have detrimental effects to health. Granting this extension will set a negative precedent for Aberdeen city that will impact on its citizens, visitors and the range of services all aiming to support those enjoying the night time economy.

Impact on support services

The proposed extension to the terminal hour means that patrons would be leaving the premises during a period that support services have started to stand down. Street Pastors, Police Scotland, the Scottish Ambulance Service, Taxi Marshalls etc, all contribute to the safety of those enjoying the late night economy. We believe that the actions of these agencies reduce the number of people who are admitted to hospital having experienced harm as a result of alcohol. This health harm may be due to the acute effects of alcohol intoxication on the individual or injury sustained as a result of an encounter with someone else who was under the influence of alcohol. In granting the extension to the terminal hour, we feel that patrons will be exposed to an additional health risk that could be avoided.

I am aware that similar extensions have been granted in other areas of Scotland but would point out that anecdotal reports of the effect of these measures in other areas cannot be generalised to the night time economy in Aberdeen city centre. The only way to avoid misrepresenting the effect of extended opening hours is to consider available evidence systematically and transparently.

A systematic review into the effect of extending opening hours on alcohol consumption and alcohol related harms was conducted by Hahn et al. Extending opening for a period of 2 or more hours is associated with increased levels of alcohol harm. There was insufficient evidence to determine whether extending sales by 1 hour increased alcohol consumption and associated harms. The finding of insufficient evidence is not equivalent to a finding of no harmful effect. The small number of studies that did consider shorter extensions to opening times included evidence from Scotland. Harmful effects were demonstrated although there was variation in terms of who was affected, how they were affected and the extent to which they were affected¹.

¹ Hahn, Robert A., et al. "Effectiveness of policies restricting hours of alcohol sales in preventing excessive alcohol consumption and related harms." *American journal of preventive medicine* 39.6 (2010): 590-604.

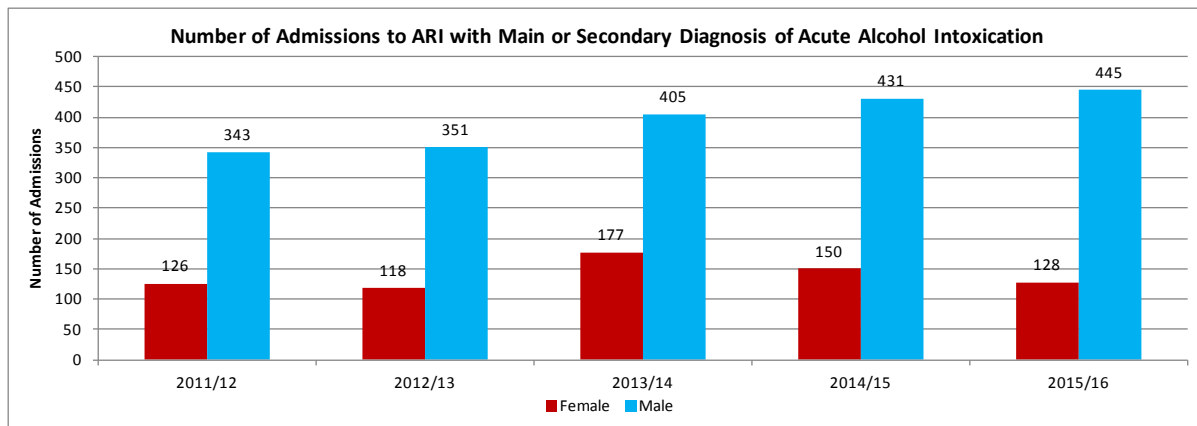
A systematic review to consider the impact of opening times on violent crime was completed by Fitterer et al. They identified that modest policy changes including a 1 hour change to opening times can have a significant impact on instances of violent crime². There was no evidence to suggest that people spaced their drinks out, consuming less and so were less likely to be harmed.

Admissions to Aberdeen Royal Infirmary with acute alcohol intoxication

Presentations to the emergency departments at Aberdeen Royal Infirmary increase significantly on Friday and Saturday evenings. Not all patients suffering ill health as a result of alcohol will be intoxicated. Not all patients who present to the emergency department will be admitted to hospital.

Since 2011/12 the number of men admitted to Aberdeen Royal Infirmary as a result of being acutely intoxicated with alcohol has increased year on year and in 2015/16 was 30% higher than 2011/12.

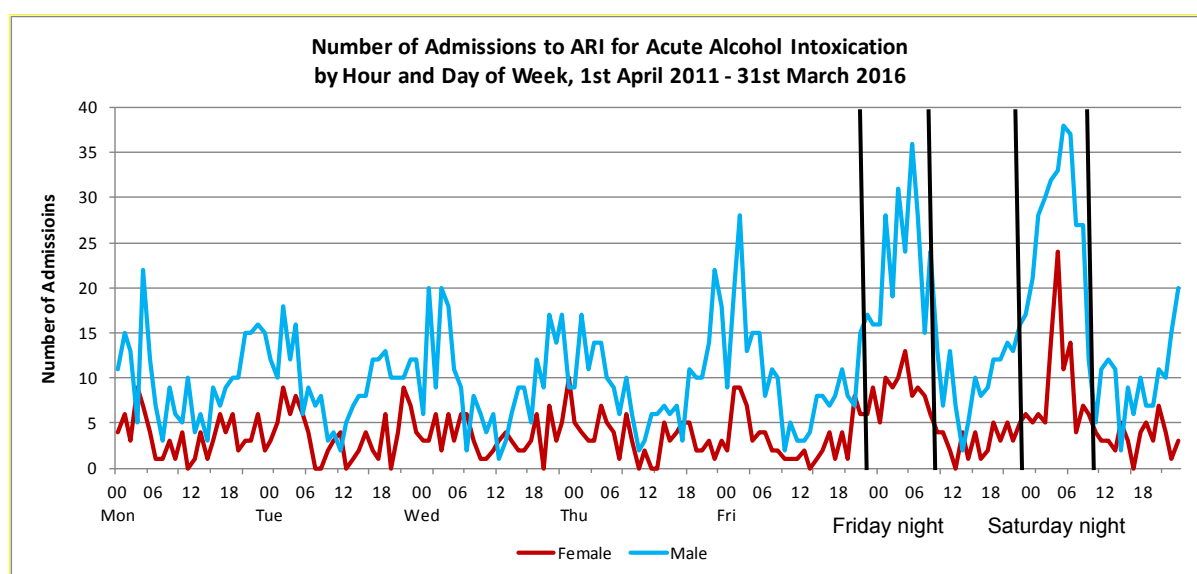
Graph 1: Number of admissions to ARI by year



The average age of a man admitted to the ARI with acute alcohol intoxication was 48. The year on year increase is most evident in those over 35 years of age.

² Fitterer, Jessica L., Trisalyn A. Nelson, and Timothy Stockwell. "A review of existing studies reporting the negative effects of alcohol access and positive effects of alcohol control policies on interpersonal violence." *Frontiers in public health* 3 (2015).

Graph 2: Number of admissions to ARI by hour and day of week



A small proportion of the people who present acutely intoxicated to the emergency department have to be admitted for ongoing care. The above data is taken from the electronic patient record which tracks patient admissions through the hospital. It shows a step change in admission activity after 10 pm on a Friday and Saturday night. It clearly shows that this peak of activity continues well past 3 am until around 7am. We do not believe that an extension to the terminal hour would result in a reduction to admissions. In the event that individuals admitted due to alcohol intoxication are more staggered, we would anticipate the activity shown above to extend to 8 or 9 am. In most wards this would place an additional burden at a time that nursing shifts change over and food and medication are given to patients and is not consistent with the objective of protecting and improving health.

Consumption of alcohol at home

Monitoring and Evaluating Scotland's Alcohol Strategy³ (MESAS) described a fall in the number of on-trade premises in England, Wales and Scotland since 2005. It identified a change in consumer preference from on-sales to off-sales. In 2015, 72% of all alcohol bought in Scotland was bought from an off-sales premises.

At a Scottish Alcohol Research Network (SARN) event on the 27th of September 2016, the Student Presidents for Education and Welfare and Sport and Physical Activity spoke about their work to reduce harmful alcohol consumption amongst students at Robert Gordon University. They described the lead up to a night out on the town and the important role that off-sales purchase and pre-loading of alcohol at home played before people had gone to the pub or club.

³ <http://www.healthscotland.com/scotlands-health/evaluation/planning/MESAS/Publications.aspx>

Pre-loading of alcohol is certainly not a phenomenon that is unique or isolated to the student population. Evidence from MESAS indicates that this behaviour is widespread and routine. Arguably a regulated on-trade premises such as a night club is a safer environment to drink than home, however we do not feel that the proposal to extend the opening hours until 04:00 reverses the trend in pre-loading. It provides no incentive to leave home for an organised venue earlier. The overall effect is to increase the availability of alcohol to consumers on a night out.

The UK Chief Medical Officer addressed the health risks of single occasion drinking episodes in the Low Risk Drinking Guidelines⁴, published in August 2016. A section of the guidance relates directly to “single occasion drinking episodes” and recommends:

- **Limiting the total amount of alcohol drunk on any single occasion**
- Drinking more slowly
- **Drinking with food**, and
- Alternating with water.

A person is advised to drink a maximum 14 units a week spread over three or four days. The guidance is clear that regularly exceeding this increases the risk of a range of health problems (including cancers of the mouth, throat and breast). This increases incrementally in tandem with the amount of alcohol consumed on a regular basis. I see no evidence from the operating plan submitted that people would be supported to drink in a manner that is low risk.

I would request that the application for an extension to the terminal hour of this premises is not granted and that the terminal hours of 03:00 hours as stated in the Statement of Licensing Policy is adhered to.

I would also strongly oppose any trial operational period because the full range of harmful effects of increased consumption as a result of extending the terminal hour will not be seen in the short term, taking months or years to manifest.

For these reasons, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian objects to the application as the granting of it would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drug

⁴ <https://www.gov.uk/government/publications/alcohol-consumption-advice-on-low-risk-drinking>

MEMO

Environmental Health and Trading Standards

Communities, Housing and Infrastructure

Business Hub 15 ,3rd Floor South ,Marischal College



ABERDEEN
CITY COUNCIL

To	Litigation & Licensing , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College		
From	Barbara Armstrong-Hill		
Email	bahill@aberdeencity.gov.uk		Date 22/02/17
Tel.	01224 522064		Our Ref.
Fax.			Your Ref.

Licensing (Scotland) Act 2005

Application for Variation of Premises License – Babylon, 9 Alford Place Aberdeen AB10 1YB

Dear Sir/Madam,

The above variation application has been assessed by this Service. The assessment focussed on the extension of the terminal hour from 03:00 hours to 04:00 hours on Friday and Saturday nights and the potential for impact on neighbouring residences.

It is naturally desirable to avoid a situation that would result in this Service serving formal notices to abate activities that have caused statutory nuisance. I am of the opinion that application of suitable music noise control measures can protect the amenity of local residences and reduce the possibility of disturbance and statutory noise nuisance. Additionally, there are no current unresolved music noise disturbance complaints associated with the premises.

Having carefully considered the matter I am not objecting to this application. There is however an expectation that Management at the premises would establish and apply suitable and robust noise control measures for all reasonably foreseeable noise sources associated with the business. This is considered necessary to protect the amenity of local residences and reduce the risk of noise disturbance constituting a statutory nuisance. These noise sources may include for example; music noise breakout from the premises.

I would therefore recommend that these noise control measures are formalised in writing to demonstrate and convey to staff for training purposes, the specific detail of the required noise controls.

I trust this information is of use. If you have any queries, please contact me on the number above.

Kind regards

Barbara Armstrong-Hill
Senior Authorised Officer

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Licensing

From: [REDACTED]
Sent: 27 February 2017 19:43
To: Licensing
Subject: Objection to Babylon's application to extend opening hours

Good morning

I would like to object to the application lodged to vary the premises licence for Babylon nightclub, Alford Place, Aberdeen.

The application is to extend the opening hours on Friday and Saturday until 4am and I object for the following reasons:

- I live directly opposite the nightclub at [REDACTED] My flat is directly level with the nightclub and I am severely affected by the noise levels over the weekend when the club is open until 3am. My standard of living would be further affected if this were to stay open for another hour.
- The music is very loud every weekend and I have done everything I can in the past to speak to the manager of the premises with very little effect. Diane Sande and I met with the manager in 2015/16 and he was advised to take further measures to mitigate the noise – sound reducing curtains, closing the doors and asking the bouncers to move people on. Unfortunately, the venue has taken no steps to resolve the problem and have shown a complete disregard towards my worries and concerns; leading to countless sleepless nights. I have no confidence that the premises would put in place any other measures to reduce the noise as they have shown in the past that they have not. Instead, they have chosen to ignore all my concerns and failed to put into place simple measures to assist.
- In addition to the noise of the nightclub, there is a great deal of noise from those attending the club. I appreciate living in a city centre flat, street noise is inevitable, however, bouncers do not move people on from outside the club following closure. People hang about outside calling taxis and screaming and shouting, sometimes until 5am. This would only get worse if the club opened for longer.

I have done everything I can in the past to discuss concerns with the management of this establishment but am not confident that they will do anything to deal with my concerns. My standard of living in the flat is already affected by the noise with the club open until 3am; I have no doubt it will be severely effected should it open until 4am. I would ask you to consider the impact that this nightclub already has on nearby residents and the inevitable disturbance that it would cause if it were to be allowed to vary the licence.

Best wishes

[REDACTED]

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: BOOZY COW, 67 LANGSTANE PLACE, ABERDEEN

DESCRIPTION

- To vary the Door Supervisors condition to read: “ it is a condition of that the licence holder will ensure that from 23:00hrs onwards on Thursday to Saturday only they shall employ or use suitably licensed door supervisors at or near the entrance to, or within the premises, to maintain order and/or security and prevent patrons breaching the licensing objectives”
- To amend Question 5 of the Operating Plan for restaurant facilities to yes for all the columns

OBJECTIONS/REPRESENTATIONS

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LICENSING POLICY STATEMENT

Door Supervisors

It is a condition that the licence holder will ensure that from 23:00 onwards they shall employ or use suitably licensed door supervisors at or near the entrance to, or within the premises, to maintain order and/or security and prevent patrons breaching the licensing objectives

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: CITY BAR AND DINER, 37 NETHERKIRKGATE, ABERDEEN

DESCRIPTION

To vary the operating Plan at Question 5;

- 5(a) to remove conference facilities and the wording “The meetings/conference room is available for hire from the same times”.
- 5(d) to remove outdoor drinking.
- 5(f) to add “The premises provide a take away service for hot drinks, refreshments (non-alcoholic) and food”
- To amend the Children and young person access to read “subject to 6(b) and (c) above, children and young persons will be allowed entry to the premises at all times when the premises are open to the public.”
- Amend the capacity to 81(agreed)
- Remove first and second floors from the licensed area.

OBJECTIONS/REPRESENTATIONS

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LICENSING POLICY STATEMENT

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: THE CULTS HOTEL, 328 NORTH DEESIDE ROAD, CULTS, ABERDEEN

DESCRIPTION

To vary the operating Plan;

- To include outdoor drinking within core hours
- Increase conservatory for dining area
- Increase size of outdoor first floor terrace
- Increase of capacity

OBJECTIONS/REPRESENTATIONS

--

LICENSING POLICY STATEMENT

19 OUTSIDE SEATING AREAS

19.2 The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence. Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE
PREMISES: DYCE FARM, ABZ BUSINESS PARK, INTERNATIONAL DRIVE,
ABERDEEN

DESCRIPTION

- Following the reduction of the play area and removal of fixed seating, the capacity increased by 13

OBJECTIONS/REPRESENTATIONS

LICENSING POLICY STATEMENT

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: FOUNDATION, CARNEGIES BRAE, ABERDEEN

DESCRIPTION

- To change the premises name to Unit 51
- To change the postal address to Unit 51, Carnegies Brae, Aberdeen AB10 1BF
- To amend the on consumption hours to 13:00hrs to 02:00hrs Monday – Thursday and Sunday and from 13:00hrs to 03:00hrs Friday and Saturday.

OBJECTIONS/REPRESENTATIONS

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LICENSING POLICY STATEMENT

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE
PREMISES: MCGINTY'S MEAL AND ALE, 504 UNION STREET, ABERDEEN

DESCRIPTION

- Amend on sale hours on Friday and Saturday from 12:00hrs to 02:00hrs.
- Amendment to the commencement of off sale hours on Friday and Saturday from 11:00hrs to 12:00hrs.
- Addition of live performances and dance facilities during core hours.
- Amendment of Question 5(g) of the operating plan to reflect the later terminal hour of 02:00hrs

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian
- EHO Memo

LICENSING POLICY STATEMENT

HOURS OF TRADING – GENERAL & EXTENDED General

20.1 The Board expects that all applicants for licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Applicants should not overestimate their trading hours just in case they may be required, as this may precipitate a review of the licence. Should licence holders wish to reduce their operating hours this can be done by way a minor variation which can be granted using delegated powers.

20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.

20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours. The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for

private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

20.4- 20.7 N/A

20.8 Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays .The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and /or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music. The Board are entitled to distinguish between premises of different descriptions offering different facilities or activities. e.g. Section 27(9) of the 2005 Act allows the Board to impose conditions in relation to the sale of alcohol on a premises to which a licence relates or any other activity carried on in such premises. In light of the evidence before the Board on the levels of alcohol consumption in the city and the levels of alcohol related crime the Board wish to promote in terms of the objectives the types of premises which can operate where the service and sale of alcohol is not the primary objective thus contributing to the positive night time economy in the City but not adding to the health or crime related harms associated with are premises which focus wholly or mainly on alcohol consumption.

20.9 Applicants will be expected to give due consideration to the impact their patrons may have after leaving their premises, taking into account the likely exits of patrons from the nearby licensed establishments

The following issues should be considered **in relation to the promotion of the licensing objectives:**

- the effect of the grant of a licence before 10:00 hours or after 01:00 hours
- the proposed hours when any music, including incidental music and karaoke, will be played
- the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
 - whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night
- the capacity of the premises
- the type of use, recognising that premises which sell alcohol, play music, provide late night refreshment or takeaway food, are more likely to be

associated with for example crime and disorder and public nuisance than premises where the consumption of alcohol is not the main activity.

- the hours at which noise may occur and the disturbance of nearby residents' rest, relaxation and sleep.

20.10 The Board believes that there may be merit in promoting the licensing objectives whereby applicants give consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, thereby creating a calmer ambience, patrons leaving the premises may be inclined to behave less boisterously after they have left the premises. In addition patrons may be inclined to leave the premises in small groups on a gradual basis rather than all at once.

20.11 Restricted licensing hours may be appropriate in cases where licensed premises are situated in the vicinity of residential property, or have external areas, or where business hours in the vicinity are likely to lead to undue pressure on public transport, public nuisance, disorder or anti-social behaviour. The Board may impose different restrictions on hours for different premises and for different days of the week in order to promote the licensing objectives. Where applicants intend to apply for any core on sale hours outwith those detailed in paragraph 20.3 above, they will be expected to show how any such activity to be carried out on the premises is consistent with the licensing objectives.

20.12 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder caused or exacerbated by customers departing from the premises or the rise of alcohol related crime or disorder in the vicinity of the premises.

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28 February 2017

Your Ref:

Our Ref: 208872

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
MCGINTYS MEAL AND ALE, 504 UNION STREET, ABERDEEN, AB10 1TT

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the following, namely;

1. Amendment of the 'on sale' core hours on Friday and Saturday from 1100 to 0100 hours to 1200 - 0200 hours;
2. Amendment of the commencement of 'off sales' core hours on Friday and Saturday from 1100 hours to 1200 hours;
3. The addition of live performances and dance facilities, during core hours;
4. Reduction in 'on sales' capacity from 422 to 400;
5. Addition of an area designated as a dance floor;
6. Removal of a 'display' area;
7. Removal of one of two sets of stairs leading to a raised level.

In relation to points 2, 4, 6 and 7 I have no adverse comment to make.

In relation to points 3 and 5, I have no objection in principal to the inclusion of live performances and dance facilities; however, in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation.

An officer from the Divisional Licensing Unit has visited the premises. In respect of the dance floor, the layout plan indicates that the identified dance floor extends

the full width of the floor space. It is apparent that the dance floor is not specific facility but will exist by virtue of tables being moved to create a space or area. Patrons who wish to access the toilet facilities and who are on the other side of the dance area to the toilets will have to traverse the dance area to reach the toilets. As such, it is my view that the area currently demarked on the layout plan as a dance floor is questionable and it is a matter therefore for the Board as to whether, by virtue of removing furniture, this part of the premises is considered a dance floor area/facility as, if that is the case, then almost every 'on sales' licensed premises could create 'dance floor area/facilities' merely by removing furnishings and I suggest that this is not in keeping with the spirit in which such a facility was intended to be so described.

In relation to the inclusion of 'live performances', I have no objection in principal to same. An officer from the Divisional Licensing Unit contacted one of the Directors of the company which holds the premises licence who advised that the seeking of the addition of this activity is to facilitate live music on an occasional basis, such as once or twice a month, to enhance customers' enjoyment.

In relation to point 1, but with relevance to points 3 and 5, in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I wish to object to this element of the variation.

The core 'on sales' hours enjoyed by the premises are consistent with the those enjoyed by premises offering 'not significant entertainment, as defined as defined in the Board's Statement of Licensing Policy 2013 -2016, at Appendix 4.

The applicant is seeking an extension to the core 'on sales' hours within the range available to premises offering 'significant entertainment; as defined at Appendix 4 of said Policy. It is therefore anticipated that the applicant will seek to demonstrate that by the addition of the live performances and the dance floor, that the premises will offer 'significant entertainment' that will thus entitle them to a later terminal hour.

Appendix 4, in relation to 'significant entertainment' states that the entertainment should be the principal attraction for patrons attending premises, with alcohol consumption ancillary to such entertainment.

It is my view that the premises are not offering 'significant entertainment' that would justify an increase in the terminal hour requested. If, however, the Board do not agree with this position, I am of the view that the later terminal hour should not be granted, as if granted, it would be inconsistent with the licensing objectives of preventing crime and disorder and preventing public nuisance, for the following reasons:

Alcohol fuelled violence and disorder continues to be a problem in Aberdeen city centre, particularly in the late evening and the early hours.

Enclosed with this letter is an Anti-Social Behaviour Report prepared by an analyst within the Community Safety Partnership, which focusses on crimes of disorder and violence. The data contained within clearly demonstrates that the

longer and later licensed premises operate, the higher the incidence of crimes of violence and disorder. Most notable is the high incidence of serious assaults which occur not just within licensed premises, but in public spaces during the first hour after the later opening licensed premises have closed.

The key contributory factor in almost every recorded crime of violence during the weekend night time economy hours is the consumption of alcohol, which, in relation to the offences that have occurred within the city centre, will have been consumed, by those involved, on licensed premises.

In April 2013, the Scottish Community Safety Network published a report, in conjunction with several supporting documents, entitled 'Measuring Preventative Spend - A Cost Toolkit for Community Safety'. Although dated April 2013, the Community Safety Partnership considers this document to still be accurate and relevant. On that date, the estimated average cost of a minor assault was £6,700 and £24,719 for a serious assault.

If, however, having taken all matters raised herein into account, the Board are minded to grant the later terminal hour, in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I make representation that this element of the variation is granted subject to a condition that the premises can only enjoy the later terminal hour when there is a pre-booked live band/ performance at the premises which will be performing for some portion of the additional hour.

This letter is submitted for your attention when considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

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Anti-Social Behaviour Report Aberdeen City Centre February 2017



RESTRICTED

The contents of this report are

Restricted

and are passed to

**Sergeant Gill Flett
North East Division
Police Scotland**

for the purposes of informing representations made to
Aberdeen City Licensing Board.

This information should not be
copied, circulated or passed to any other individual
without the permission of Police Scotland.

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are adhered to in terms of disclosing information from this report.**

Introduction

This report will detail Police Scotland data pertaining to Aberdeen City Centre between 1st April 2013 and 31st January 2017. Information is focussed on instances of Anti-Social Behaviour and Crimes of Violence.

Data will be provided displaying the proportion of offending that occurred in the City Centre area during overnight periods between 2200 hours and 0559 hours on a Friday/Saturday and the same time period on a Saturday/Sunday, compared to the City Centre area in the remaining hours of the week and also the rest of Aberdeen City as a whole.

Methodology

Data has been obtained from the following source:

- **Crimefile** - Police Scotland Crime Recording System

Limitations

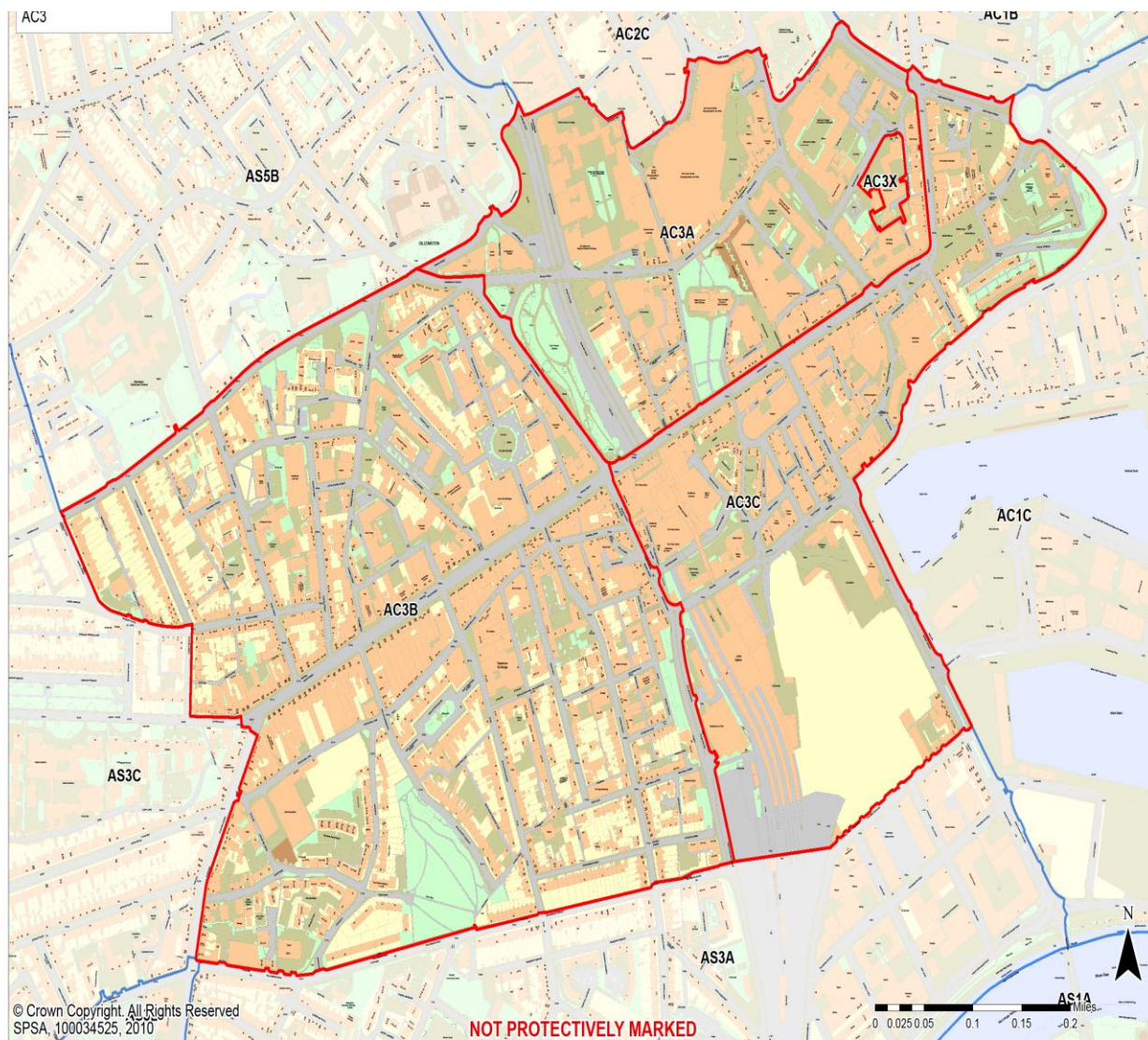
The offence data contained within this document details only those that have concerned within the City Centre area of Aberdeen as identified in the map below in the AC3A, AC3B and AC3C shaded areas and excluding the AC3X area.

These three areas correspond with Police neighbourhoods of the City Centre Community Policing team and bear close resemblance to the City Centre area as defined in the Aberdeen City Licensing Board Statement of Licensing Policy 2013-2016.

For the purposes of this report, Weekend Night Time Economy hours are between 2200 and 0559 hours on a Friday/Saturday and Saturday/Sunday. This totals 16 hours, which equates at less than one tenth of a 168 hour week.

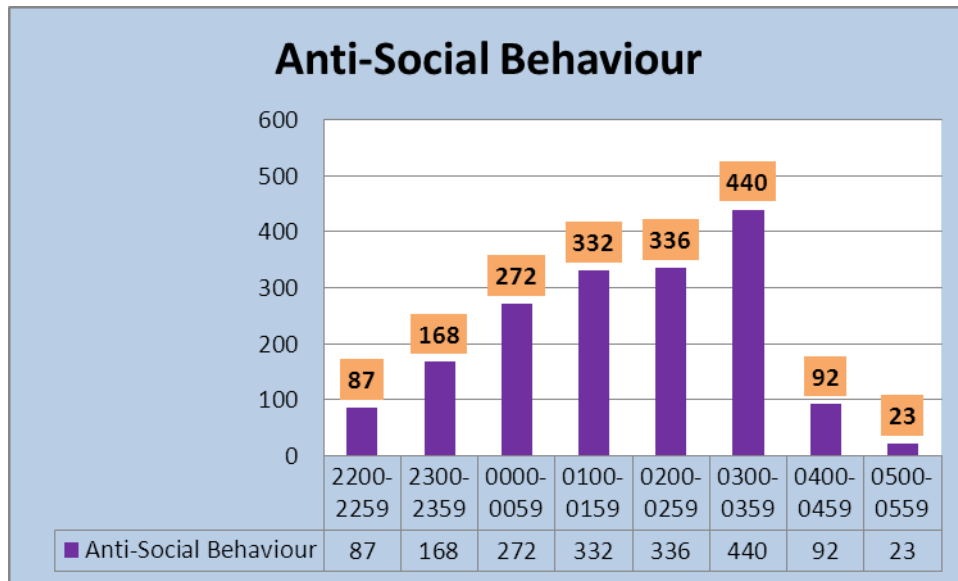
Anti-Social Behaviour (ASB) is a combination of Breach of the Peace and Threatening or Abusive Behaviour offences.

City Centre Area



Anti-Social Behaviour

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



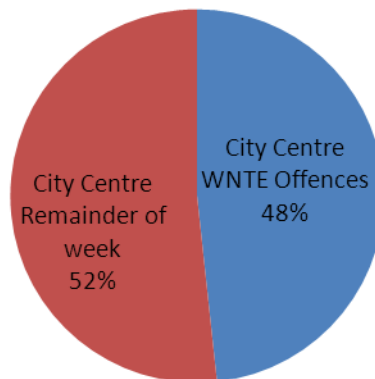
Anti-Social Behaviour	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	2.4	4.6	7.5	9.2	9.3	12.1	2.5	0.6
AA Weekly % (2 hour total)	0.8	1.6	2.5	3.1	3.1	4.1	0.9	0.2

- The chart shows offences steadily but sharply increasing from 2200 hours onward, plateauing between 0100 and 0259 hours prior to a sharp increase until 0400 hours where it falls to the level experienced up to 2300 hours.
- The disproportionate level of City Centre Anti-Social offending is demonstrated most clearly in the hours between 0100 and 0359 hours when each hourly period is at least double the total of the hourly period between 2300 and 2359 hours.
- The comparable total offences between 0100 and 0159 hours and in the following hour each represent at least 9.2% of the entire week's City Centre Anti-Social Behaviour (ASB). As mentioned above, the 16 hours of the Weekend Night Time Economy represent 9.5% of a week this share of ASB is almost absorbed in these consecutive hourly periods alone.
- The hour between 0300 and 0359 hours is where ASB reaches its saturation point with 440 offences, 12.1% of the City Centre's total. This equates at just less than one in eight ASB offences having occurred between 0300 and 0359 hours on a Saturday or Sunday morning.
- Isolating the 0100-0359 hours period in the City Centre, its share of ASB across the whole of Aberdeen City equates at 10% during these six hours alone, highlighting the disproportionate scale of ASB during Weekend Night Time Economy hours.

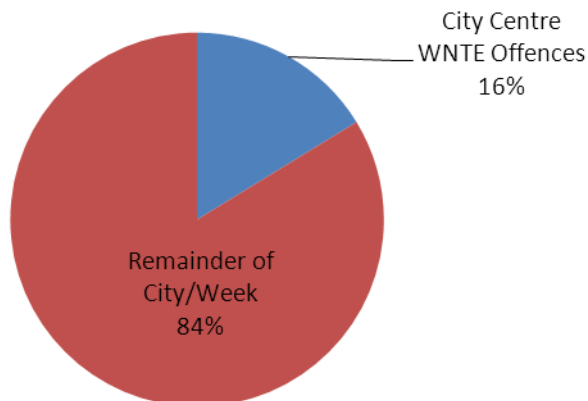
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The charts below display the share of ASB offending in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.

Anti-Social Behaviour (City Centre)



Anti-Social Behaviour (All Aberdeen)



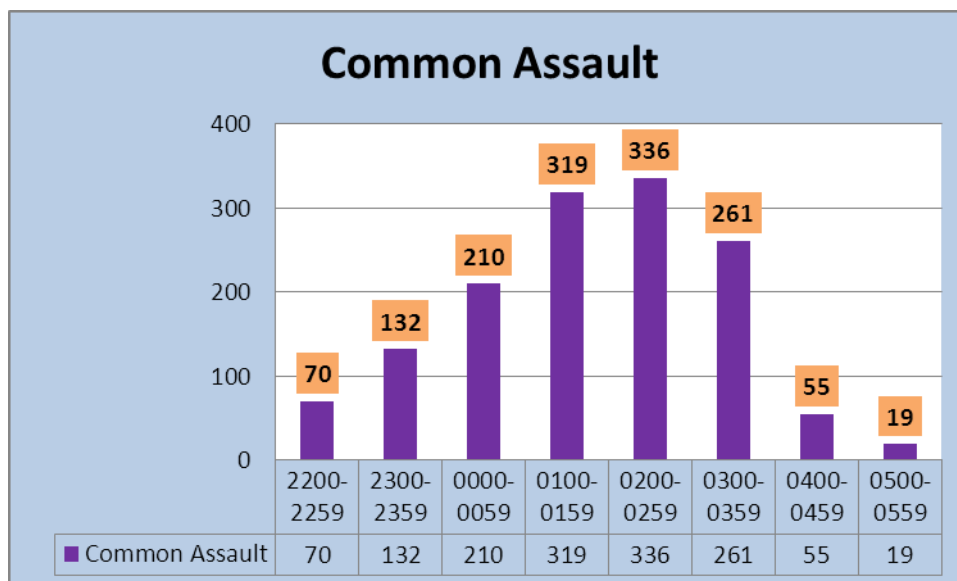
- Almost half (48%) of ASB offences in the City Centre occurred during Weekend Night Time Economy hours, which are less than a tenth of the week.
- 16% of all Aberdeen's ASB offences are concentrated within the City Centre during the sixteen hours specified.
- ASB offending in the City Centre during Weekend Night Time Economy hours is approximately five times higher than if it were proportionate across the week as a whole.
- This imbalance builds throughout the overnight period and is most unequal between 0300 and 0359 hours.

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Common Assault

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



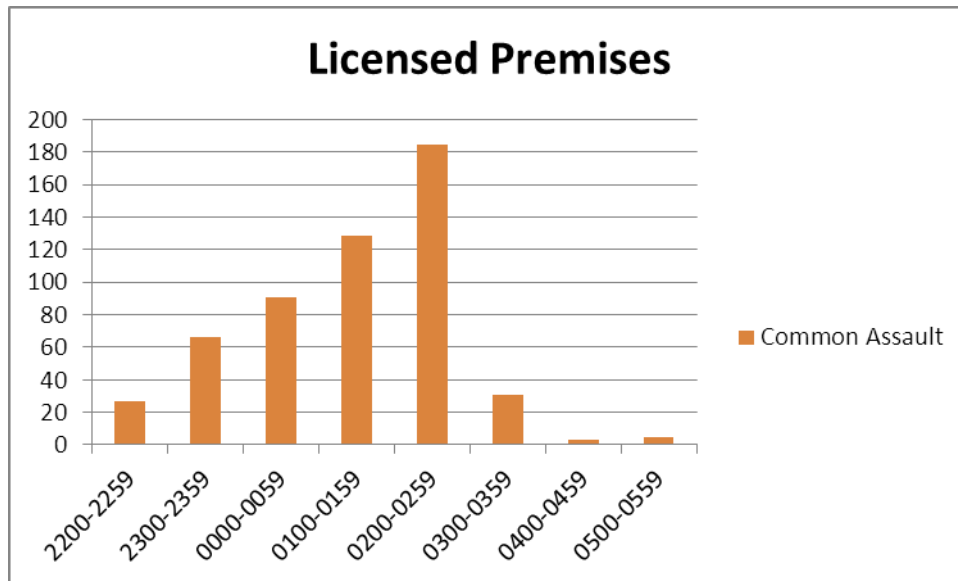
Common Assault	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	2.2	4.2	6.7	10.1	10.7	8.3	1.7	0.6
AA Weekly % (2 hour total)	0.6	1.2	1.8	2.8	3.0	2.3	0.5	0.2

- The chart shows an increase of Common Assault throughout the overnight period with a peak between 0200 and 0259 hours. The 336 offences recorded at that time equals 11% of Common Assaults in the City Centre in 1.2% of the time.
- In the period between midnight and 0359 hours, there were an average 281 Common Assaults. According to Scottish Government figures, the estimated unit cost of a Common Assault is £6,700.¹ Were trading hours to be extended, and if the average number of Common Assaults from preceding hours followed similarly, the result would be an additional 73 Common Assaults per year. This would incur a potential increase in estimated financial costs of £489,100 per annum.
- Over one third (35.8%) of all City Centre Common Assaults occurred between midnight and 0359 hours on Saturday and Sunday mornings. One tenth (9.9%) of Common Assaults across Aberdeen took place in the City Centre during these eight hours, underscoring the scale of Common Assaults within the City Centre during Weekend Night Time Economy hours.

¹ Economic and Social Cost of Crime (PowerPoint presentation), Available at: <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/scotstatcrime/invite/Session1> Accessed 30th September 2016

Licensed Premises

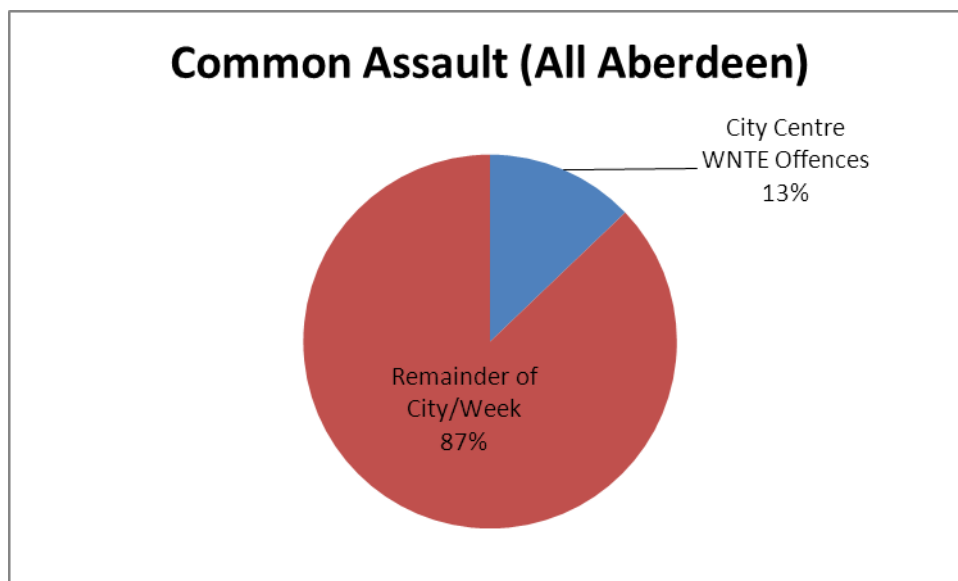
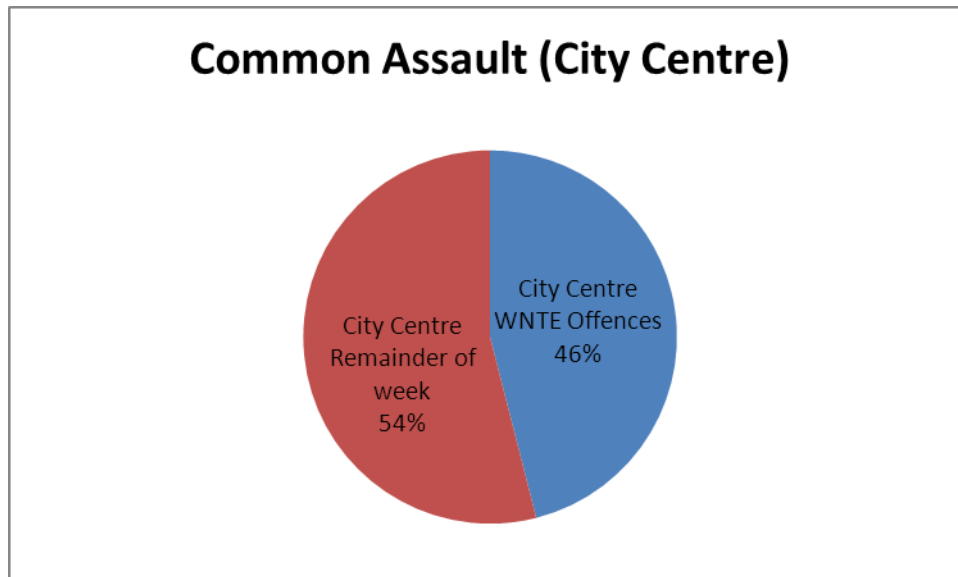
The chart below shows the number of Common Assaults in the City Centre recorded as having occurred on licensed premises. It clearly displays rising hourly totals in the overnight period up until the terminal hour.



- Just over one in three (27 of 70) Common Assaults occurred in Licensed Premises between 2200 and 2359 hours.
- Half of all Common Assaults (66 of 132) in the hour up to midnight occurred on Licensed Premises.
- In the two hours after midnight, approximately two fifths of Common Assaults in each respective hour window occurred on Licensed Premises.
- Between 0200 and 0259 hours, 185 of 336 Common Assaults (55%) occurred on Licensed Premises.

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The charts below display the share of Common Assault offences in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.



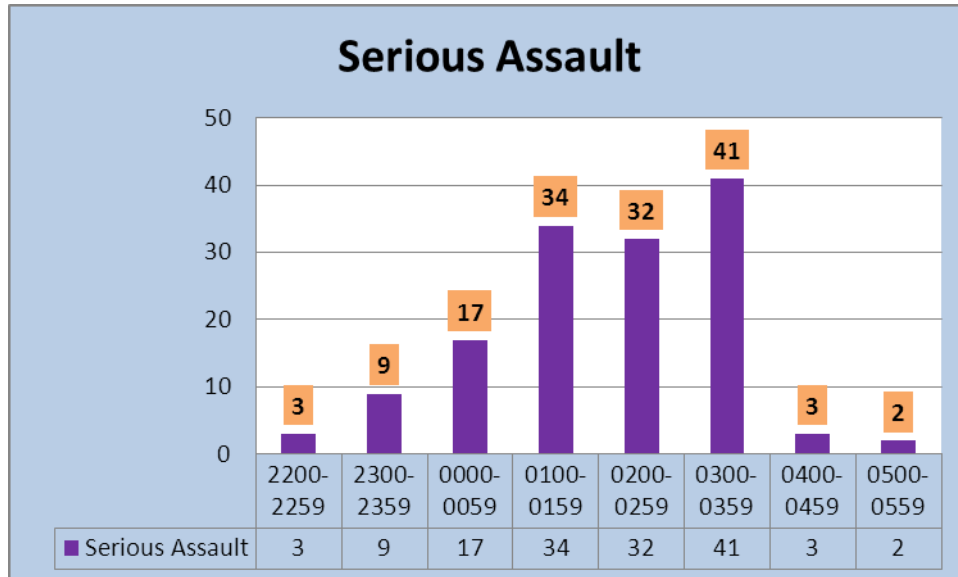
- Just under half (46%) of Common Assaults within the City Centre occurred during Weekend Night Time Economy hours with, as mentioned earlier, a significant concentration during 0000-0359 hours on Saturday and Sunday mornings.
- Over one in eight (13%) of Common Assaults anywhere in Aberdeen since 1st April 2013 took place within the City Centre and during the Weekend Night Time Economy hours specified.

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Serious Assault

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



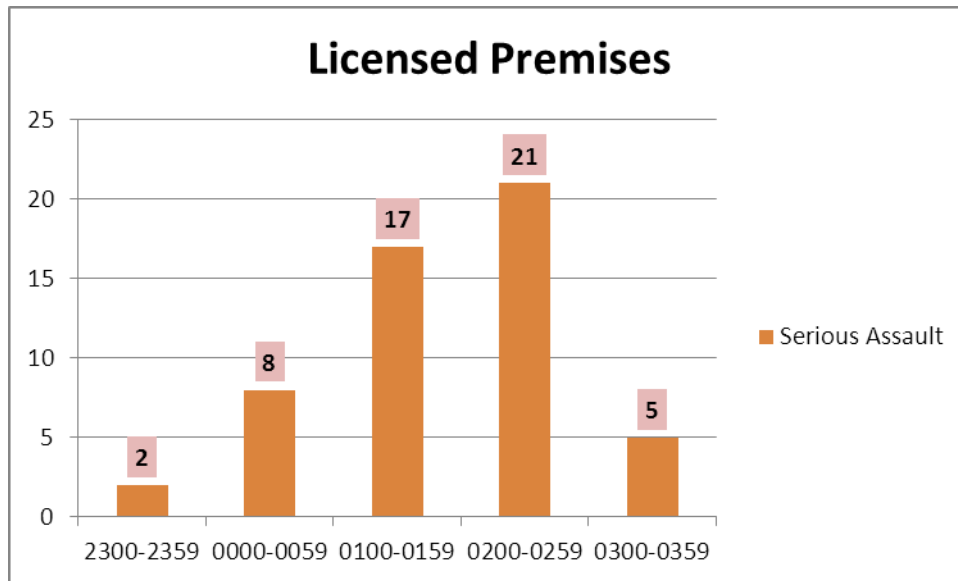
Serious Assault	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	1.3	3.9	7.4	14.8	14.0	17.9	1.3	0.9
AA Weekly % (2 hour total)	0.5	1.4	2.7	5.4	5.1	6.5	0.5	0.3

- Having risen steadily throughout the overnight period, Serious Assaults peak in the hour between 0300 and 0359 hours when 41 occurred. The totals in the two preceding hour windows are, or are almost, double the 17 recorded in the hour immediately after midnight. This evinces the link between prolonged drinking hours and greater propensity to violence.
- One in five Serious Assaults anywhere in Aberdeen during 1st April 2013 to 31st January 2017 took place between 0000 and 0359 hours on Saturday and Sunday within the City Centre.
- Extrapolating the calculation above concerning Common Assaults to Serious Assaults yields an average of 31 Serious Assaults per hour on average between midnight and 0359 hours in the City Centre during the 46 months analysed. A Serious Assault has a unit cost of £24,719². Extending licensing hours by one hour would at a conservative estimate, given the discrepancy between the hour after midnight and the hour after 0300 hours, likely result in an additional eight Serious Assaults annually in the City Centre, with £197,752 costs incurred for these extra offences alone.

² Ibid

Licensed Premises

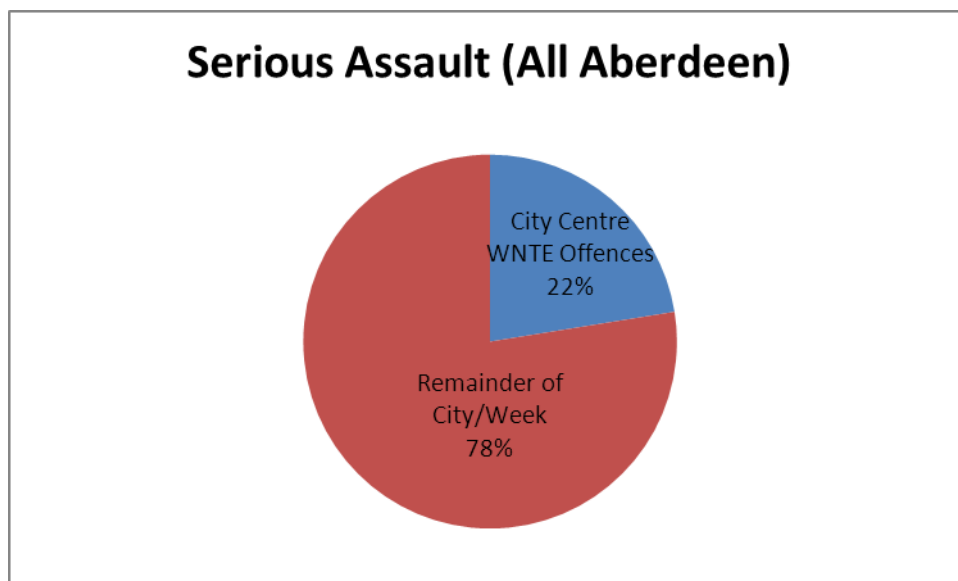
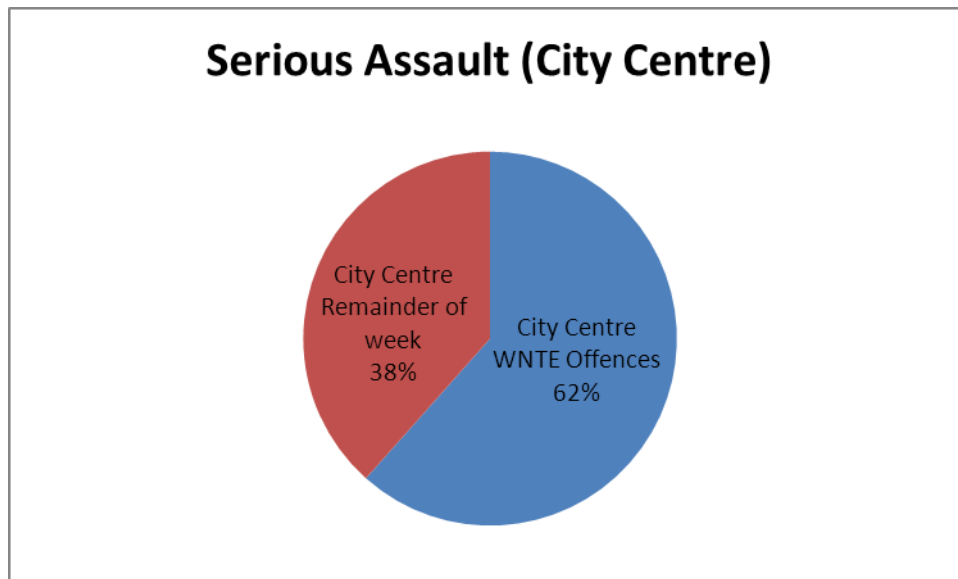
The chart below shows the number of Serious Assaults in the City Centre recorded as having occurred on licensed premises. It clearly displays rising hourly totals in the overnight period up until the terminal hour. There were no Serious Assaults recorded in Weekend Night Time Economy Hours prior to 2300 hours or after 0400 hours.



- Two of nine Serious Assaults in the hour after 11pm occurred on Licensed Premises.
- Eight of 17 Serious Assaults in the following hour occurred on Licensed Premises.
- Exactly half (17 of 34) Serious Assaults between 0100 and 0159 hours occurred on Licensed Premises.
- Almost two thirds of Serious Assaults (21 of 32) between 0200 and 0259 hours were recorded on Licenses Premises.
- Just fewer than one in eight Serious Assaults between 0300 and 0359 hours were recorded on Licensed Premises.

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The charts below display the share of Serious Assault offences in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.



- Over three in five of all Serious Assaults in the City Centre occurred during Weekend Night Time Economy hours.
- Over one in five Serious Assaults anywhere in Aberdeen and at any time took place within the City Centre during Weekend Night Time Economy hours. As the charts and table on the previous page show, the greatest concentration of these offences is in the hour after the existing terminal hour of 0300 hours.

*Prepared by
Community Safety Analyst
Aberdeen City Council
Completed: 27th February 2017*

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You have a responsibility to ensure that the principles of the Data Protection Act (1998) are adhered to in terms of disclosing information from this report.

Date 28th February 2017
Enquiries to 01224 557047
Our Ref 2017008
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Acting Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
McGinty's Meat and Ale, 504 Union Street, Aberdeen, AB10 1TT**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following representation under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to:

- Amend the on sale hours on Fridays and Saturdays from 11:00 - 01:00 to 12:00 noon - 02:00
- Amend the commencement of off sales core hours on Fridays and Saturdays from 11:00 to 12:00
- Add live performances, and dance facilities during core hours.
- Reduce on sales capacity from 422 to 400

The Aberdeen City Licensing Board Statement of Licensing Policy, 2013-2016 states at Section 20.7, paragraph 4:

“Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted later hours..” “The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and/or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal

reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.”

I am not aware that this application has identified sufficient activity that would indicate “significant entertainment”. In order to address the significant entertainment issue I would suggest that the following conditions are considered for this application:

1. That the dance floor is cleared of tables and chairs and is available for use from 21:00
2. That the significant entertainment must consist of live performances or at least a live DJ

The Licensing Board may also wish to give consideration to further conditions regarding Door Supervisors or Radiolink as I am not aware of the conditions that may already apply to the premises.

I would request that the application for an extension to the terminal hour of these premises is only granted if the Licensing Board has satisfied themselves that significant entertainment is being provided.

In terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this representation to the application requesting that the Licensing Board consider the points raised above to ensure consistency with the licensing objective of Protecting and improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drug

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE
PREMISES: MOONFISH CAFÉ, 9 CORRECTION WYND, ABERDEEN

DESCRIPTION

- Amend operating plan to include Receptions/club meetings, live performances and dance.
- Amend wording in children and young persons' access to allow entry to end of function or to end of core hours

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- LSO Memo

LICENSING POLICY STATEMENT

LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

28.1 The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families. In determining any such application the risk of harm to children will be paramount.

28.2 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time as recognising that parents and other adults accompanying children also have responsibilities.

28.4 The following examples of control measures are given to assist applicants.

- effective and responsible premises management
- adoption of best practice guidance
- imitations on the hours when children may be present, in all or parts of the premises
- imitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder
- appropriate training and supervision of those employed to secure protection of children from harm.

- Imposition of reasons for children to be present and/ or accompanied by a responsible person / adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function

17 February 2017

Your Ref:

Our Ref: 208965

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
MOONFISH RESTAURANT, 9 CORRECTION WYND, ABERDEEN, AB10 1HP
FISHMOON LIMITED, 9 CORRECTION WYND, ABERDEEN, AB10 1HP

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of several amendments to the operating plan to include the following activities, all within core licensed hours:

Receptions;
Club meetings;
Live performances;
Dance facilities;

There is also a requested change to the terms under which children and young persons are allowed entry: to permit accompanied children and young persons unrestricted access to all public areas to the end of core hours or function.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation application and accompanying operating plan, in its current form, be amended and be modified to reflect the following:

At question 6(b), children and young persons will be allowed access after 2000 hours until the end of core hours or function, when accompanied by a person

aged 18 years or older and all parties, with the exception of infants, are partaking of meal, or attending a function, at the discretion of management.
This representation is submitted for your attention in considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468.

MEMO

Protective Services
Housing and Environment
3rd Floor, Marischal College



ABERDEEN
CITY COUNCIL

To	Team Leader, Legal and Democratic Services		
From	Diane Sande, Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	1 March 2017
Tel.	Ext. 2541	Our Ref.	DBS/PAC
Fax.	01224 523887	Your Ref.	

Licensing (Scotland) Act 2005
Application for Variation of Premises Licence
Address: Moonfish Cafe, 9 Correction Wynd, Aberdeen, AB10 1HP
Applicant: Fishmoon Limited

I refer to the above and I would like to make the following representation.

The application submitted is for a variation of premises licence to vary the operating plan in order include Receptions/Club Meetings, Live Performances, Dance (ad hoc receptions etc.. only no dedicated dance floor) and amend the children and young persons access terms.

I have no comment regarding the additional activities. However, with regard to the access terms for children and young persons, in addition to access to attend a function to the end of the function or core hours, I would recommend that the following wording is included – "for the purpose of consuming a meal". This will ensure that children and young persons access the restaurant, accompanied by an adult either for the purposes of consuming a meal within core hours or until the end of the function.


Diane Sande
Licensing Standards Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: NIGG BAY GOLF CLUB, ST FITTICKS ROAD, ABERDEEN

DESCRIPTION

To vary operating hours for on consumption to 10:00hrs – 00:00hrs on Monday and Thursday

OBJECTIONS/REPRESENTATIONS

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LICENSING POLICY STATEMENT

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: SOUL, GROUND FLOOR, ABERDEEN

DESCRIPTION

To vary operating hours for on consumption to 11:00hrs – 01:00hrs on Monday to Thursday and Sunday and 11:00hrs- 02:00hrs on Friday and Saturday.

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian

LICENSING POLICY STATEMENT

HOURS OF TRADING – GENERAL & EXTENDED

General

20.1 The Board expects that all applicants for licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Applicants should not overestimate their trading hours just in case they may be required, as this may precipitate a review of the licence. Should licence holders wish to reduce their operating hours this can be done by way a minor variation which can be granted using delegated powers.

20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.

20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours. The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

20.4- 20.7 N/A

20.8 Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays .The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and /or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music. The Board are entitled to distinguish between premises of different descriptions offering different facilities or activities. e.g. Section 27(9) of the 2005 Act allows the Board to impose conditions in relation to the sale of alcohol on a premises to which a licence relates or any other activity carried on in such premises. In light of the evidence before the Board on the levels of alcohol consumption in the city and the levels of alcohol related crime the Board wish to promote in terms of the objectives the types of premises which can operate where the service and sale of alcohol is not the primary objective thus contributing to the positive night time economy in the City but not adding to the health or crime related harms associated with are premises which focus wholly or mainly on alcohol consumption.

20.9 Applicants will be expected to give due consideration to the impact their patrons may have after leaving their premises, taking into account the likely exits of patrons from the nearby licensed establishments

The following issues should be considered **in relation to the promotion of the licensing objectives:**

- the effect of the grant of a licence before 10:00 hours or after 01:00 hours
- the proposed hours when any music, including incidental music and karaoke, will be played
- the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
- whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night
- the capacity of the premises
- the type of use, recognising that premises which sell alcohol, play music, provide late night refreshment or takeaway food, are more likely to be associated with for example crime and disorder and public nuisance than premises where the consumption of alcohol is not the main activity.
- the hours at which noise may occur and the disturbance of nearby residents' rest, relaxation and sleep.

20.10 The Board believes that there may be merit in promoting the licensing objectives whereby applicants give consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, thereby creating a calmer ambience, patrons leaving the premises may be inclined to behave less boisterously after they have left the premises. In addition patrons may be inclined to leave the premises in small groups on a gradual basis rather than all at once.

20.11 Restricted licensing hours may be appropriate in cases where licensed premises are situated in the vicinity of residential property, or have external areas, or where business hours in the vicinity are likely to lead to undue pressure on public transport, public nuisance, disorder or anti-social behaviour. The Board may impose different restrictions on hours for different premises and for different days of the week in order to promote the licensing objectives. Where applicants intend to apply for any core on sale hours outwith those detailed in paragraph 20.3 above, they will be expected to show how any such activity to be carried out on the premises is consistent with the licensing objectives.

20.12 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder caused or exacerbated by customers departing from the premises or the rise of alcohol related crime or disorder in the vicinity of the premises.

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28 February 2017

Your Ref:

Our Ref:

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
SOUL BAR, 333 UNION STREET, ABERDEEN, AB11 6BS**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of amending the core on sales hours from 1100 to 0000 hours on Monday to Thursday; 1100 to 0100 hours on Friday and Saturday and 1230 to 0000 hours on Sunday to 1100 to 0100 hours Sunday to Thursday and 1100 to 0200 hours on Friday and Saturday.

In terms of Section 29(5) of the Act this request can be considered a variation.

If granted, the terminal hour for the premises on a Friday and Saturday would be outwith the guidelines contained within the Licensing Board's Statement of Licensing Policy 2013 - 2016 for premises offering 'not significant entertainment' and would result in the premises trading for a continuous period of 15 hours. The operating plan in its current form also indicates that that the premises seek to enjoy the additional hours of trading granted by virtue of the general direction under Section 67 of the Act, however, if granted, these premises, in accordance with 20.6 of the Board's policy, would no longer be so entitled.

In respect of the operating plan which accompanies the application, insufficient detail has been appended to Question 5(g) to establish whether the premises, should the variation be granted, will fall within the description of premises contained at Section 3 of The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007, to which mandatory conditions must be attached.

In terms of Section 22(1)(a) of the same Act, and in support of the Preventing Crime and Disorder and Preventing Public Nuisance licensing objectives, I make the following objection to the application.

Alcohol fuelled violence and disorder continues to be a problem in Aberdeen city centre, particularly in the late evening and the early hours.

Enclosed with this letter is an Anti-Social Behaviour Report prepared by an analyst within the Community Safety Partnership, which focusses on crimes of disorder and violence. The data contained within clearly demonstrates that the longer and later licensed premises operate, the higher the incidence of crimes of violence and disorder. Most notable is the high incidence of serious assaults which occur not just within licensed premises, but in public spaces during the first hour after the later opening licensed premises have closed.

The key contributory factor in almost every recorded crime of violence during the weekend night time economy hours is the consumption of alcohol, which, in relation to the offences that have occurred within the city centre, will have been consumed, by those involved, on licensed premises.

In April 2013, the Scottish Community Safety Network published a report, in conjunction with several supporting documents, entitled 'Measuring Preventative Spend - A Cost Toolkit for Community Safety'. Although dated April 2013, the Community Safety Partnership considers this document to still be accurate and relevant. On that date, the estimated average cost of a minor assault was £6,700 and £24,719 for a serious assault.

In terms of Section 22(1)(a) of the same Act, and in support of the Preventing Crime and Disorder and Preventing Public Nuisance licensing objectives, for the reasons provided, I object to the grant of the variation.

In the event the applicant premises are not considered premises to which the aforementioned mandatory conditions must be attached and in the event the Licensing Board is minded to grant the later terminal hour, in terms of Section 22(1)(b)(ii) and (iii) of the same Act and in support of the Preventing Crime and Disorder licensing objective, I recommend that the variation be granted subject to the conditions specified at 6.5 of Aberdeen City Licensing Board's Statement of Licensing Policy 2013 - 2016, specifically in respect of CCTV (in addition to the Door Supervisors and Radio Link conditions currently in place).

This letter is submitted for your attention when considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

Anti-Social Behaviour Report Aberdeen City Centre February 2017



RESTRICTED

The contents of this report are

Restricted

and are passed to

**Sergeant Gill Flett
North East Division
Police Scotland**

for the purposes of informing representations made to
Aberdeen City Licensing Board.

This information should not be
copied, circulated or passed to any other individual
without the permission of Police Scotland.

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Introduction

This report will detail Police Scotland data pertaining to Aberdeen City Centre between 1st April 2013 and 31st January 2017. Information is focussed on instances of Anti-Social Behaviour and Crimes of Violence.

Data will be provided displaying the proportion of offending that occurred in the City Centre area during overnight periods between 2200 hours and 0559 hours on a Friday/Saturday and the same time period on a Saturday/Sunday, compared to the City Centre area in the remaining hours of the week and also the rest of Aberdeen City as a whole.

Methodology

Data has been obtained from the following source:

- **Crimefile** - Police Scotland Crime Recording System

Limitations

The offence data contained within this document details only those that have concerned within the City Centre area of Aberdeen as identified in the map below in the AC3A, AC3B and AC3C shaded areas and excluding the AC3X area.

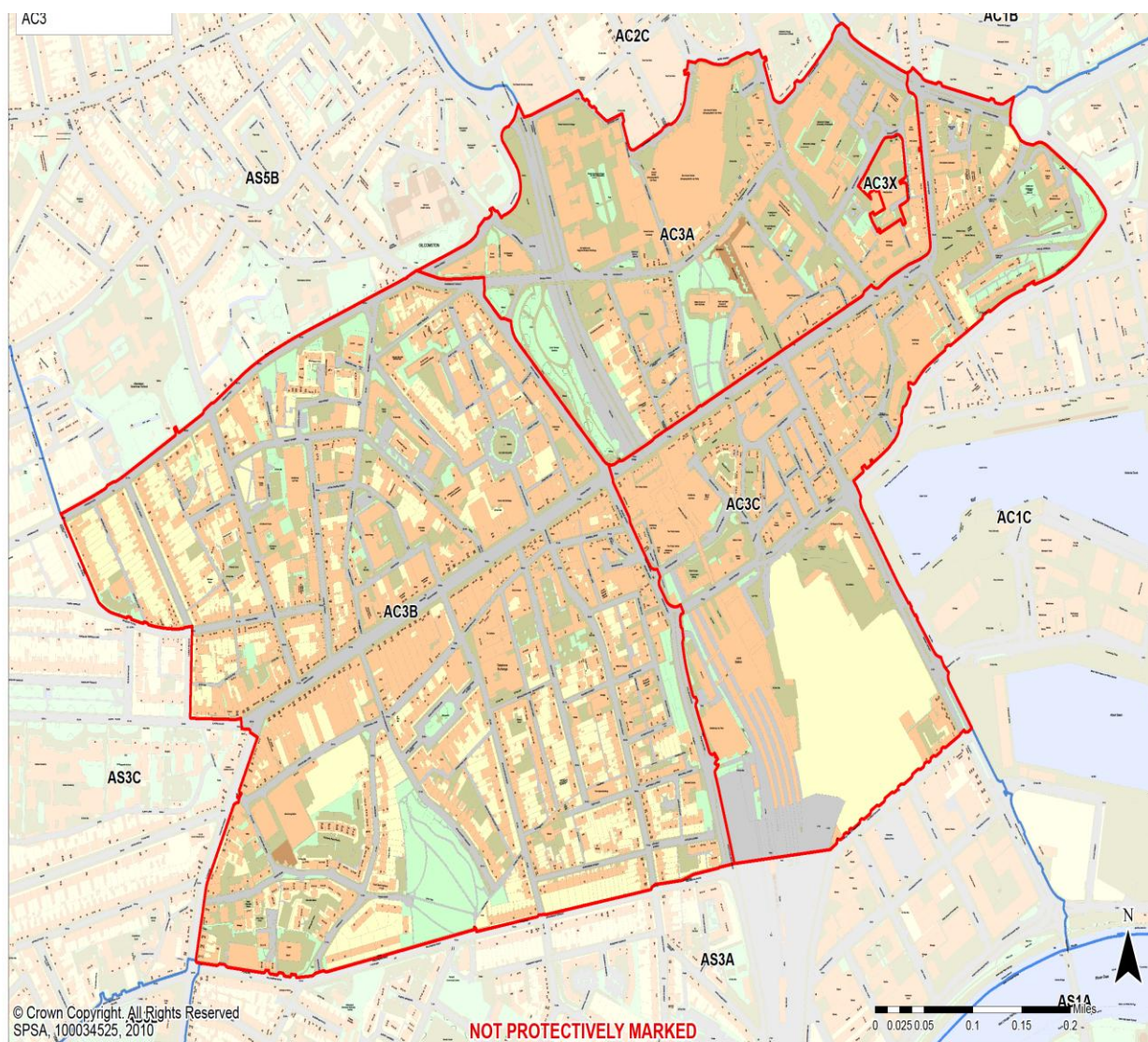
These three areas correspond with Police neighbourhoods of the City Centre Community Policing team and bear close resemblance to the City Centre area as defined in the Aberdeen City Licensing Board Statement of Licensing Policy 2013-2016.

For the purposes of this report, Weekend Night Time Economy hours are between 2200 and 0559 hours on a Friday/Saturday and Saturday/Sunday. This totals 16 hours, which equates at less than one tenth of a 168 hour week.

Anti-Social Behaviour (ASB) is a combination of Breach of the Peace and Threatening or Abusive Behaviour offences.

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City Centre Area

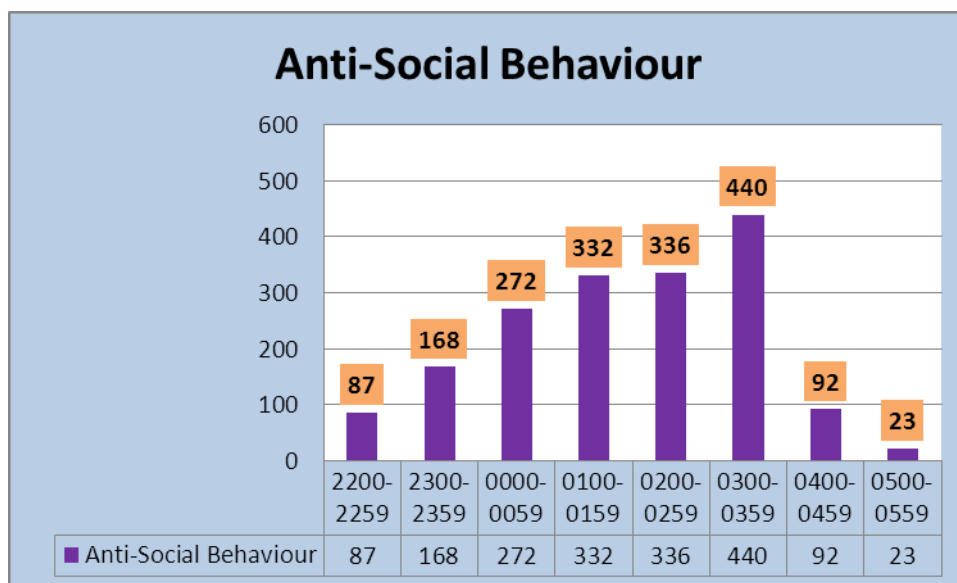


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Anti-Social Behaviour

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



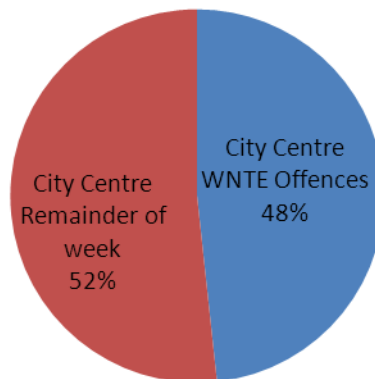
Anti-Social Behaviour	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	2.4	4.6	7.5	9.2	9.3	12.1	2.5	0.6
AA Weekly % (2 hour total)	0.8	1.6	2.5	3.1	3.1	4.1	0.9	0.2

- The chart shows offences steadily but sharply increasing from 2200 hours onward, plateauing between 0100 and 0259 hours prior to a sharp increase until 0400 hours where it falls to the level experienced up to 2300 hours.
- The disproportionate level of City Centre Anti-Social offending is demonstrated most clearly in the hours between 0100 and 0359 hours when each hourly period is at least double the total of the hourly period between 2300 and 2359 hours.
- The comparable total offences between 0100 and 0159 hours and in the following hour each represent at least 9.2% of the entire week's City Centre Anti-Social Behaviour (ASB). As mentioned above, the 16 hours of the Weekend Night Time Economy represent 9.5% of a week this share of ASB is almost absorbed in these consecutive hourly periods alone.
- The hour between 0300 and 0359 hours is where ASB reaches its saturation point with 440 offences, 12.1% of the City Centre's total. This equates at just less than one in eight ASB offences having occurred between 0300 and 0359 hours on a Saturday or Sunday morning.
- Isolating the 0100-0359 hours period in the City Centre, its share of ASB across the whole of Aberdeen City equates at 10% during these six hours alone, highlighting the disproportionate scale of ASB during Weekend Night Time Economy hours.

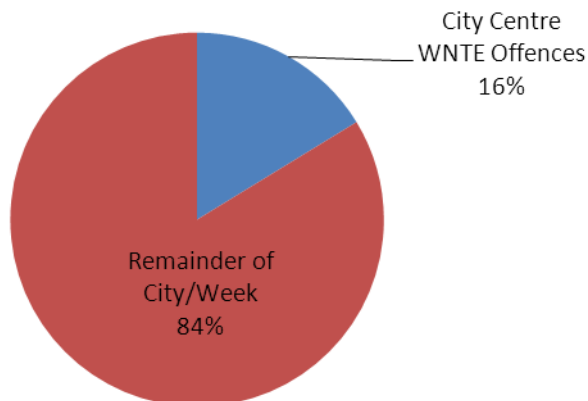
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The charts below display the share of ASB offending in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.

Anti-Social Behaviour (City Centre)



Anti-Social Behaviour (All Aberdeen)



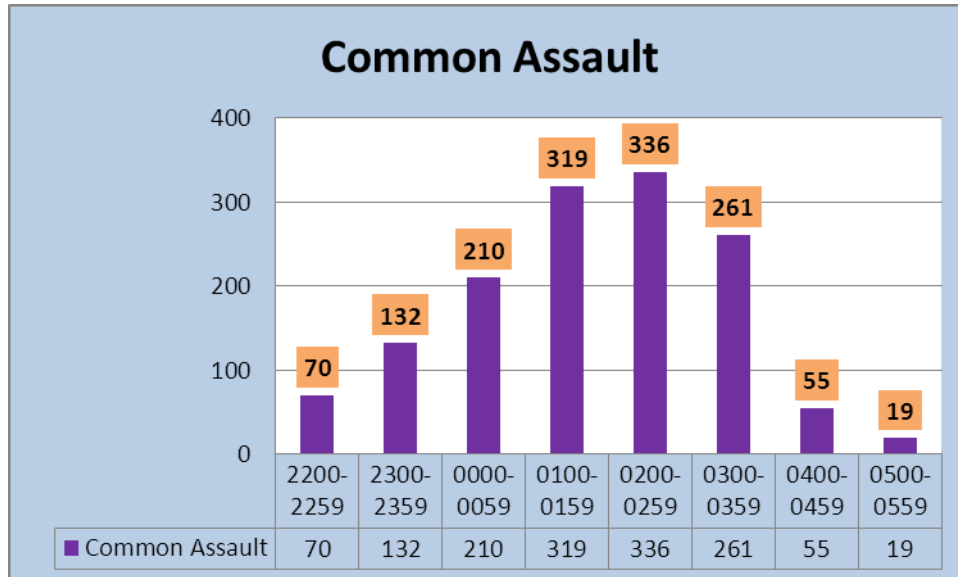
- Almost half (48%) of ASB offences in the City Centre occurred during Weekend Night Time Economy hours, which are less than a tenth of the week.
- 16% of all Aberdeen's ASB offences are concentrated within the City Centre during the sixteen hours specified.
- ASB offending in the City Centre during Weekend Night Time Economy hours is approximately five times higher than if it were proportionate across the week as a whole.
- This imbalance builds throughout the overnight period and is most unequal between 0300 and 0359 hours.

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Common Assault

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



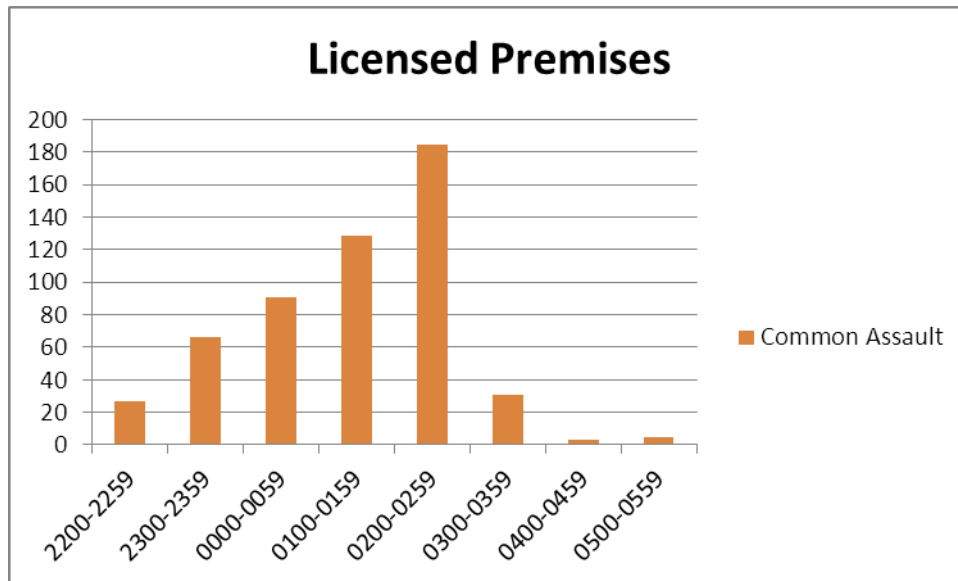
Common Assault	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	2.2	4.2	6.7	10.1	10.7	8.3	1.7	0.6
AA Weekly % (2 hour total)	0.6	1.2	1.8	2.8	3.0	2.3	0.5	0.2

- The chart shows an increase of Common Assault throughout the overnight period with a peak between 0200 and 0259 hours. The 336 offences recorded at that time equals 11% of Common Assaults in the City Centre in 1.2% of the time.
- In the period between midnight and 0359 hours, there were an average 281 Common Assaults. According to Scottish Government figures, the estimated unit cost of a Common Assault is £6,700.¹ Were trading hours to be extended, and if the average number of Common Assaults from preceding hours followed similarly, the result would be an additional 73 Common Assaults per year. This would incur a potential increase in estimated financial costs of £489,100 per annum.
- Over one third (35.8%) of all City Centre Common Assaults occurred between midnight and 0359 hours on Saturday and Sunday mornings. One tenth (9.9%) of Common Assaults across Aberdeen took place in the City Centre during these eight hours, underscoring the scale of Common Assaults within the City Centre during Weekend Night Time Economy hours.

¹ Economic and Social Cost of Crime (PowerPoint presentation), Available at: <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/scotstatcrime/invite/Session1> Accessed 30th September 2016

Licensed Premises

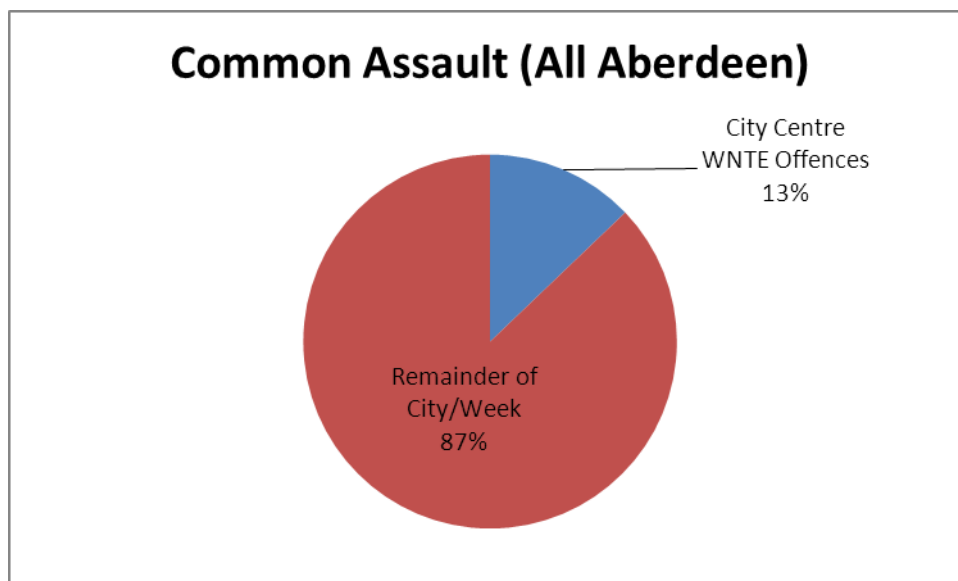
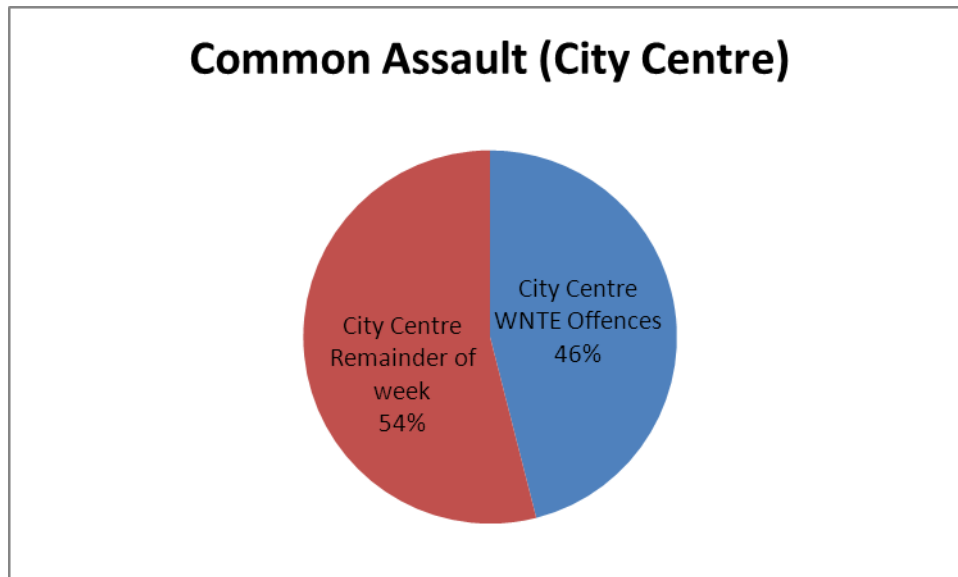
The chart below shows the number of Common Assaults in the City Centre recorded as having occurred on licensed premises. It clearly displays rising hourly totals in the overnight period up until the terminal hour.



- Just over one in three (27 of 70) Common Assaults occurred in Licensed Premises between 2200 and 2359 hours.
- Half of all Common Assaults (66 of 132) in the hour up to midnight occurred on Licensed Premises.
- In the two hours after midnight, approximately two fifths of Common Assaults in each respective hour window occurred on Licensed Premises.
- Between 0200 and 0259 hours, 185 of 336 Common Assaults (55%) occurred on Licensed Premises.

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The charts below display the share of Common Assault offences in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.



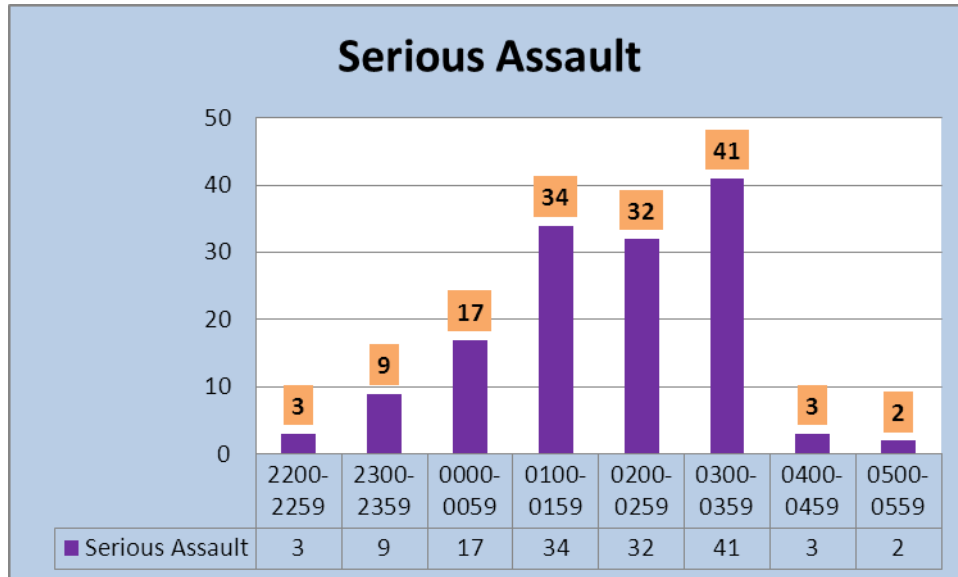
- Just under half (46%) of Common Assaults within the City Centre occurred during Weekend Night Time Economy hours with, as mentioned earlier, a significant concentration during 0000-0359 hours on Saturday and Sunday mornings.
- Over one in eight (13%) of Common Assaults anywhere in Aberdeen since 1st April 2013 took place within the City Centre and during the Weekend Night Time Economy hours specified.

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Serious Assault

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



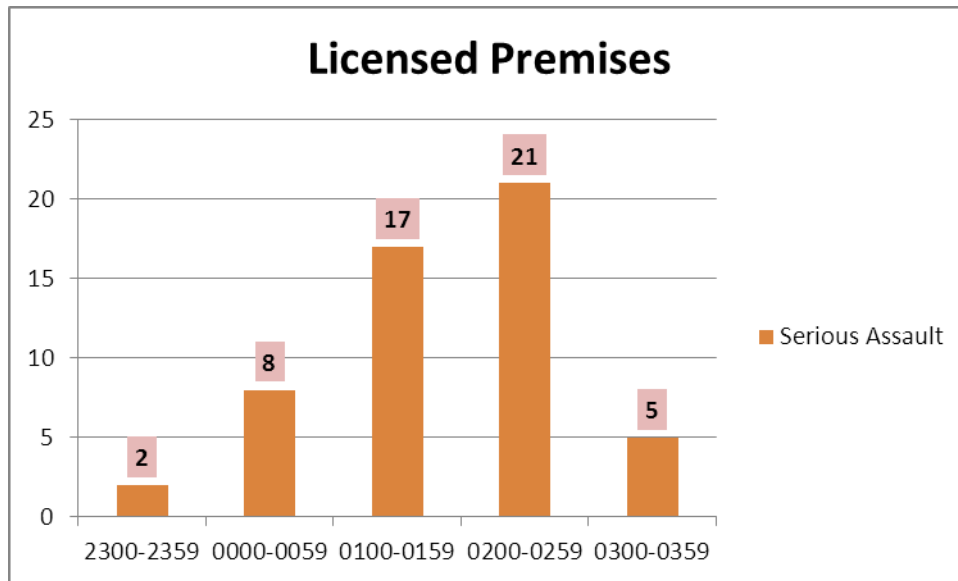
Serious Assault	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	1.3	3.9	7.4	14.8	14.0	17.9	1.3	0.9
AA Weekly % (2 hour total)	0.5	1.4	2.7	5.4	5.1	6.5	0.5	0.3

- Having risen steadily throughout the overnight period, Serious Assaults peak in the hour between 0300 and 0359 hours when 41 occurred. The totals in the two preceding hour windows are, or are almost, double the 17 recorded in the hour immediately after midnight. This evinces the link between prolonged drinking hours and greater propensity to violence.
- One in five Serious Assaults anywhere in Aberdeen during 1st April 2013 to 31st January 2017 took place between 0000 and 0359 hours on Saturday and Sunday within the City Centre.
- Extrapolating the calculation above concerning Common Assaults to Serious Assaults yields an average of 31 Serious Assaults per hour on average between midnight and 0359 hours in the City Centre during the 46 months analysed. A Serious Assault has a unit cost of £24,719². Extending licensing hours by one hour would at a conservative estimate, given the discrepancy between the hour after midnight and the hour after 0300 hours, likely result in an additional eight Serious Assaults annually in the City Centre, with £197,752 costs incurred for these extra offences alone.

² Ibid

Licensed Premises

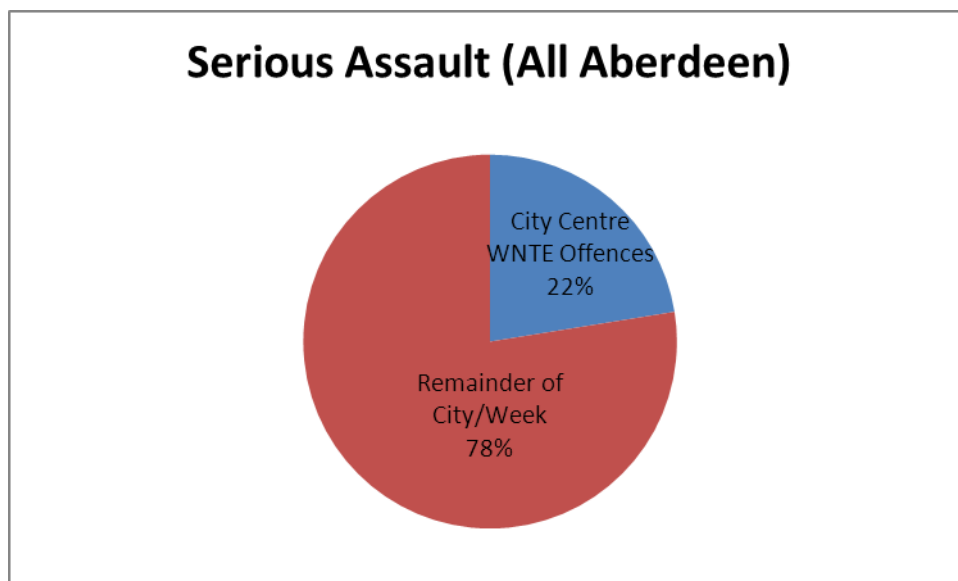
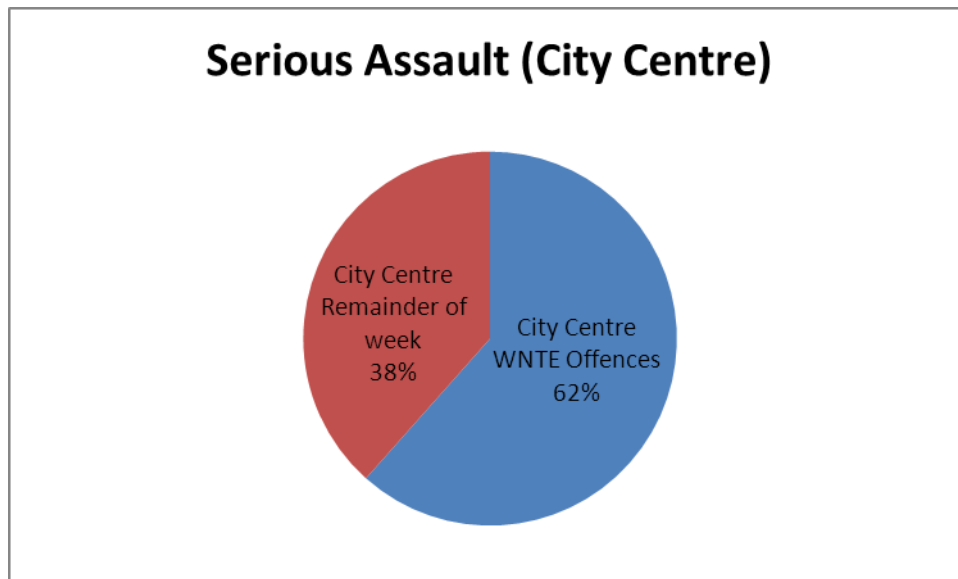
The chart below shows the number of Serious Assaults in the City Centre recorded as having occurred on licensed premises. It clearly displays rising hourly totals in the overnight period up until the terminal hour. There were no Serious Assaults recorded in Weekend Night Time Economy Hours prior to 2300 hours or after 0400 hours.



- Two of nine Serious Assaults in the hour after 11pm occurred on Licensed Premises.
- Eight of 17 Serious Assaults in the following hour occurred on Licensed Premises.
- Exactly half (17 of 34) Serious Assaults between 0100 and 0159 hours occurred on Licensed Premises.
- Almost two thirds of Serious Assaults (21 of 32) between 0200 and 0259 hours were recorded on Licenses Premises.
- Just fewer than one in eight Serious Assaults between 0300 and 0359 hours were recorded on Licensed Premises.

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The charts below display the share of Serious Assault offences in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.



- Over three in five of all Serious Assaults in the City Centre occurred during Weekend Night Time Economy hours.
- Over one in five Serious Assaults anywhere in Aberdeen and at any time took place within the City Centre during Weekend Night Time Economy hours. As the charts and table on the previous page show, the greatest concentration of these offences is in the hour after the existing terminal hour of 0300 hours.

***Prepared by
Community Safety Analyst
Aberdeen City Council
Completed: 27th February 2017***

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You have a responsibility to ensure that the principles of the Data Protection Act (1998) are adhered to in terms of disclosing information from this report.

Date 28th February 2017
Enquiries to 01224 557047
Our Ref 2017018
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Acting Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
Soul (Ground Floor), Langstane Kirk, 333 Union Street, Aberdeen, AB11 6BS**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following objection under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to:

- Amend the on sales terminal hour on Sundays - Thursday to 01:00
- Amend the on sales terminal hour on Fridays and Saturdays to 02:00
- Amend opening time on Sundays to 11:00

The Aberdeen City Licensing Board Statement of Licensing Policy, 2013-2016 states at Section 20.7, paragraph 4:

“Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted later hours..” “The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and/or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.”

The Aberdeen City Licensing Board Statement of Licensing policy, 2013 – 2016 states at Section 20.3, paragraph 1:

“The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours.”

By varying trading times on a Friday and Saturday evening until 02:00 Soul will be trading for 15 hours on each of these days. The Board has already stated that the “14 hour maximum trading period is not exceeded in order to help reduce alcohol related crime and health harms.”

Since 1997, a five fold increase in the rates of hospital stays as a result of the harmful use of alcohol has been recorded for Aberdeen City Council residents. This category includes conditions such as alcohol induced irritation of the stomach, chronic disease of the heart muscle due to alcohol, mental and behavioural disorder that occur as a result of alcohol (such as depression, anxiety etc). Over this time period, there has been a steady increase in the number of admissions due to alcoholic liver disease.

The Scottish Public Health Observatory (ScotPHO) Health & Wellbeing Profiles for Aberdeen City identify Alcohol related hospital stays as being “statistically significantly “worse” than the National average¹.

I am not aware that this application has identified sufficient activity that would indicate “significant entertainment” and does not comply with the maximum continuous trading of 14 hours. When consideration is also given to the harmful use of alcohol for Aberdeen City Council residents I would therefore request that this application is not granted.

For these reasons, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this letter of objection as the granting of the application would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drug

¹ <https://scotpho.nhs.uk/scotpho/homeAction.do>

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: THE ABBOTT, PROVOST WATT DRIVE, ABERDEEN

DESCRIPTION

- To add restaurant facilities as an activity
- To add seasonal variations
- To amend the rules on children and young person access so that they are entitled to stay until 22:00hrs in the restaurant, if partaking in a meal.

OBJECTIONS/REPRESENTATIONS

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LICENSING POLICY STATEMENT

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: THE COLLEGE, GROUND FLOOR AND MEZZANINE FLOORS, 9
ALFORD PLACE, ABERDEEN

DESCRIPTION

To vary operating hours for on consumption to 12:00hrs to 02:00hrs on Monday to Thursday and Sunday and 13:00hrs – 03:00hrs on Friday and Saturday.

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian
- EHO Memo
- Objection from member of the public

LICENSING POLICY STATEMENT

HOURS OF TRADING – GENERAL & EXTENDED

General

20.1 The Board expects that all applicants for licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Applicants should not overestimate their trading hours just in case they may be required, as this may precipitate a review of the licence. Should licence holders wish to reduce their operating hours this can be done by way a minor variation which can be granted using delegated powers.

20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.

20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours. The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00

hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

20.4- 20.7 N/A

20.8 Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays .The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and /or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music. The Board are entitled to distinguish between premises of different descriptions offering different facilities or activities. e.g. Section 27(9) of the 2005 Act allows the Board to impose conditions in relation to the sale of alcohol on a premises to which a licence relates or any other activity carried on in such premises. In light of the evidence before the Board on the levels of alcohol consumption in the city and the levels of alcohol related crime the Board wish to promote in terms of the objectives the types of premises which can operate where the service and sale of alcohol is not the primary objective thus contributing to the positive night time economy in the City but not adding to the health or crime related harms associated with are premises which focus wholly or mainly on alcohol consumption.

20.9 Applicants will be expected to give due consideration to the impact their patrons may have after leaving their premises, taking into account the likely exits of patrons from the nearby licensed establishments

The following issues should be considered in relation to the promotion of the licensing objectives:

- the effect of the grant of a licence before 10:00 hours or after 01:00 hours
- the proposed hours when any music, including incidental music and karaoke, will be played
- the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
- whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night
- the capacity of the premises
- the type of use, recognising that premises which sell alcohol, play music, provide late night refreshment or takeaway food, are more likely to be associated with for example crime and disorder and public nuisance than

premises where the consumption of alcohol is not the main activity.

- the hours at which noise may occur and the disturbance of nearby residents' rest, relaxation and sleep.

20.10 The Board believes that there may be merit in promoting the licensing objectives whereby applicants give consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, thereby creating a calmer ambience, patrons leaving the premises may be inclined to behave less boisterously after they have left the premises. In addition patrons may be inclined to leave the premises in small groups on a gradual basis rather than all at once.

20.11 Restricted licensing hours may be appropriate in cases where licensed premises are situated in the vicinity of residential property, or have external areas, or where business hours in the vicinity are likely to lead to undue pressure on public transport, public nuisance, disorder or anti-social behaviour. The Board may impose different restrictions on hours for different premises and for different days of the week in order to promote the licensing objectives. Where applicants intend to apply for any core on sale hours outwith those detailed in paragraph 20.3 above, they will be expected to show how any such activity to be carried out on the premises is consistent with the licensing objectives.

20.12 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder caused or exacerbated by customers departing from the premises or the rise of alcohol related crime or disorder in the vicinity of the premises.

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1 March 2017

Your Ref:

Our Ref: 208937

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
THE COLLEGE BAR, GROUND AND MEZZANINE FLOOR, 9 ALFORD PLACE,
ABERDEEN, AB10 1YB
PREMISES LICENCE HOLDER - PB DEVELOPMENT COMPANY LTD**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of varying the core 'on sales' hours from 1000 - 0000 hours on Monday to Thursday; 1230 - 0000 on Sunday and 1000 - 0100 on Friday and Saturday to 1200 - 0200 hours Sunday to Thursday inclusive and 1300 - 0300 hours on Friday and Saturday. The application provides no rationale for the proposed variation.

In terms of Section 29(5) of the Act this request can be considered a variation.

In respect of the operating plan which accompanies the application, insufficient detail has been appended to Question 5(g) to establish whether the premises, should the variation be granted, will fall within the description of premises contained at Section 3 of The Licensing Conditions (Late Opening Premises)(Scotland) Regulations 2007, to which mandatory conditions must be attached.

In terms of Section 22(1)(a) of the same Act, and in support of the Preventing Crime and Disorder and Preventing Public Nuisance licensing objectives, I make the following objection in relation to the application.

Alcohol fuelled violence and disorder continues to be a problem in Aberdeen city centre, particularly in the late evening and the early hours.

Enclosed with this letter is an Anti-Social Behaviour Report prepared by an analyst within the Community Safety Partnership, which focusses on crimes of disorder and violence within Aberdeen city centre. The data contained within clearly demonstrates that the longer and later licensed premises operate, the higher the incidence of crimes of violence and disorder. Most notable is the high incidence of serious assaults which occur not just within licensed premises, but in public spaces during the first hour after the later opening licensed premises have closed.

The key contributory factor in almost every recorded crime of violence during the weekend night time economy hours is the consumption of alcohol, which, in relation to the offences that have occurred within the city centre, will have been consumed, by those involved, on licensed premises.

In April 2013, the Scottish Community Safety Network published a report, in conjunction with several supporting documents, entitled 'Measuring Preventative Spend - A Cost Toolkit for Community Safety'. Although dated April 2013, the Community Safety Partnership considers this document to still be accurate and relevant. On that date, the estimated average cost of a minor assault was £6,700 and £24,719 for a serious assault.

The Chief Constable asks that there is recognition that such incidents can, and do, also occur once patrons have dispersed from licensed premises, thus causally linking the commission of alcohol-influenced violence and disorder to the later and longer availability of alcohol. An example of this can be illustrated by the following set of circumstances:

The applicant premises was granted extended hours from 0100 to 0600 hours on Sunday 21 August 2016 for the purpose of televising a mixed martial arts event that took place in Las Vegas. About 0300 hours on 21 August 2016, two male friends, aged 20 and 18 years, were permitted entry to the premises. Shortly after 0500 hours, same day, both left the premises (exact circumstances of them leaving are not clear) however, one of the males realised that he had lost his driving licence and bank card and attempted to re-enter the premises but was refused entry. The males were spoken to by Police Officers at this time. For unknown reasons, the pair remained outside the premises until it had closed.

About 0600 hours, same day, the premises heard a loud noise near the doorway and on looking outside saw one of the males acting in an aggressive manner by shouting at the other male. The aggressor then kicked the door of the premises. The premises manager and another independent witness saw both males wrestling, believed this to be playful and took no further notice of the two males.

As the independent witness walked away, he heard a loud fall, turned back and saw one of the males lying motionless on the ground. This witness contacted the Police. The other male ran from the scene. He was apprehended nearby. The

male admitted he had punched his friend and was subsequently cautioned and charged with Assault.

The injured party sustained a cut to his chin which is likely to result in permanent scarring and as such the crime is recorded as a Serious Assault. The sobriety status of the injured party is recorded as 'had been drinking'. The sobriety status of the assailant is recorded as 'drunk'. When interviewed under caution, the assailant described how he had only consumed two alcoholic drinks within the premises but had been drinking heavily in various other premises. He described himself as drunk and unable to walk properly by the time he entered the premises. The assailant has pled guilty to Assault to Injury and sentenced is deferred until a date in March 2017.

This incident demonstrates how patrons' levels of intoxication can affect their conduct, not just whilst within premises but also for a time period after they have left licensed premises.

In terms of Section 22(1)(a) of the same Act, and in support of the Preventing Crime and Disorder and Preventing Public Nuisance licensing objectives, for the reasons provided, I object to the grant of the variation.

In the event the Licensing Board is minded to grant the later terminal hours as per application, in terms of Section 22(1)(b)(ii) and (iii) of the same Act and in support of the Preventing Crime and Disorder licensing objective, I recommend that the variation be granted subject to the conditions specified at 6.5 of Aberdeen City Licensing Board's Statement of Licensing Policy 2013 - 2016, specifically in respect of CCTV (in addition to the Door Supervisors and Radio Link conditions currently in place) for the trading days of Friday and Saturday.

This letter is submitted for your attention when considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

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Anti-Social Behaviour Report Aberdeen City Centre February 2017



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The contents of this report are

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and are passed to

**Sergeant Gill Flett
North East Division
Police Scotland**

for the purposes of informing representations made to
Aberdeen City Licensing Board.

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copied, circulated or passed to any other individual
without the permission of Police Scotland.

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are adhered to in terms of disclosing information from this report.**

Introduction

This report will detail Police Scotland data pertaining to Aberdeen City Centre between 1st April 2013 and 31st January 2017. Information is focussed on instances of Anti-Social Behaviour and Crimes of Violence.

Data will be provided displaying the proportion of offending that occurred in the City Centre area during overnight periods between 2200 hours and 0559 hours on a Friday/Saturday and the same time period on a Saturday/Sunday, compared to the City Centre area in the remaining hours of the week and also the rest of Aberdeen City as a whole.

Methodology

Data has been obtained from the following source:

- **Crimefile** - Police Scotland Crime Recording System

Limitations

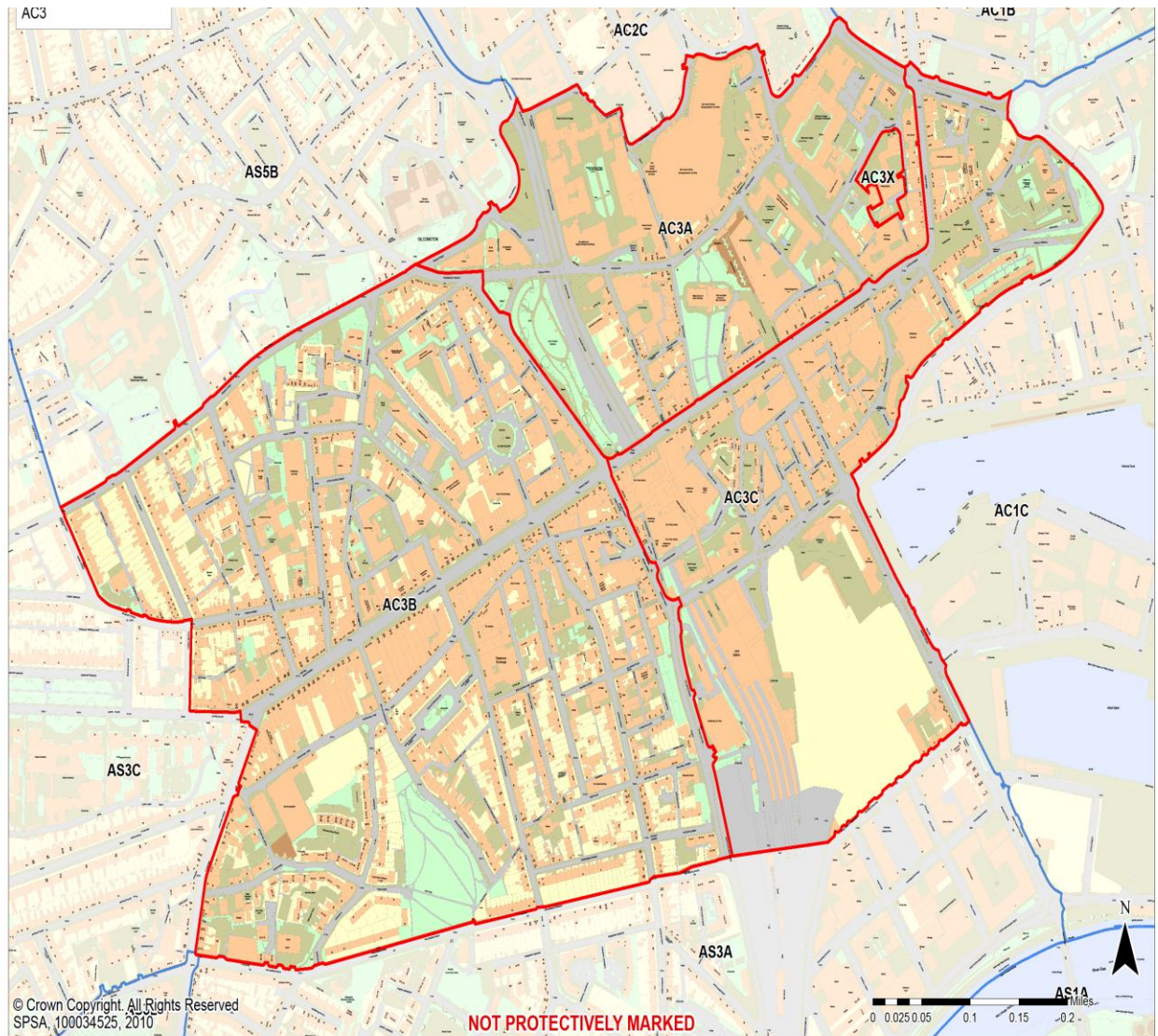
The offence data contained within this document details only those that have concerned within the City Centre area of Aberdeen as identified in the map below in the AC3A, AC3B and AC3C shaded areas and excluding the AC3X area.

These three areas correspond with Police neighbourhoods of the City Centre Community Policing team and bear close resemblance to the City Centre area as defined in the Aberdeen City Licensing Board Statement of Licensing Policy 2013-2016.

For the purposes of this report, Weekend Night Time Economy hours are between 2200 and 0559 hours on a Friday/Saturday and Saturday/Sunday. This totals 16 hours, which equates at less than one tenth of a 168 hour week.

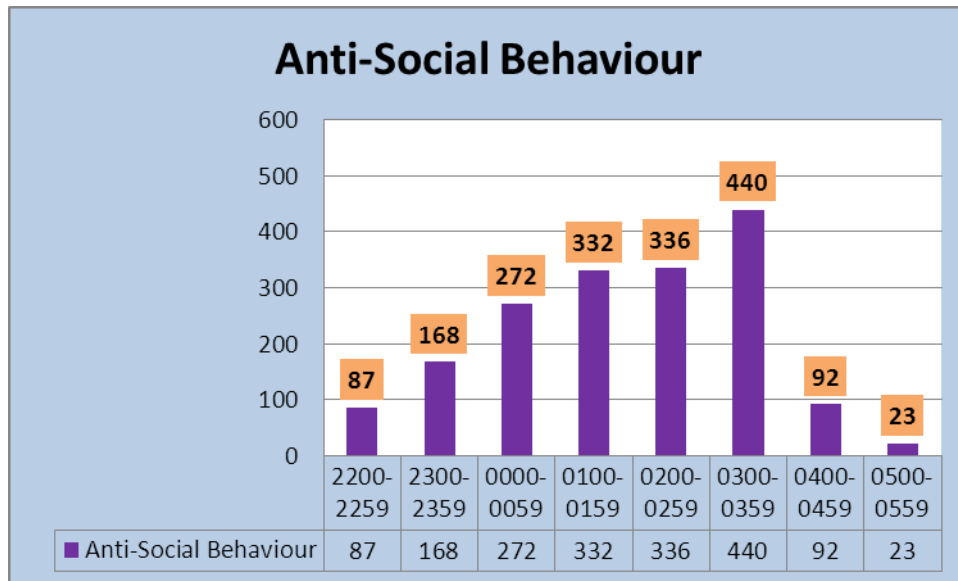
Anti-Social Behaviour (ASB) is a combination of Breach of the Peace and Threatening or Abusive Behaviour offences.

City Centre Area



Anti-Social Behaviour

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



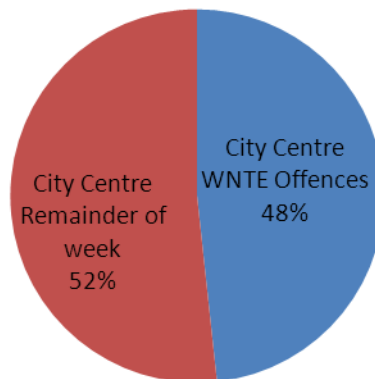
Anti-Social Behaviour	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	2.4	4.6	7.5	9.2	9.3	12.1	2.5	0.6
AA Weekly % (2 hour total)	0.8	1.6	2.5	3.1	3.1	4.1	0.9	0.2

- The chart shows offences steadily but sharply increasing from 2200 hours onward, plateauing between 0100 and 0259 hours prior to a sharp increase until 0400 hours where it falls to the level experienced up to 2300 hours.
- The disproportionate level of City Centre Anti-Social offending is demonstrated most clearly in the hours between 0100 and 0359 hours when each hourly period is at least double the total of the hourly period between 2300 and 2359 hours.
- The comparable total offences between 0100 and 0159 hours and in the following hour each represent at least 9.2% of the entire week's City Centre Anti-Social Behaviour (ASB). As mentioned above, the 16 hours of the Weekend Night Time Economy represent 9.5% of a week this share of ASB is almost absorbed in these consecutive hourly periods alone.
- The hour between 0300 and 0359 hours is where ASB reaches its saturation point with 440 offences, 12.1% of the City Centre's total. This equates at just less than one in eight ASB offences having occurred between 0300 and 0359 hours on a Saturday or Sunday morning.
- Isolating the 0100-0359 hours period in the City Centre, its share of ASB across the whole of Aberdeen City equates at 10% during these six hours alone, highlighting the disproportionate scale of ASB during Weekend Night Time Economy hours.

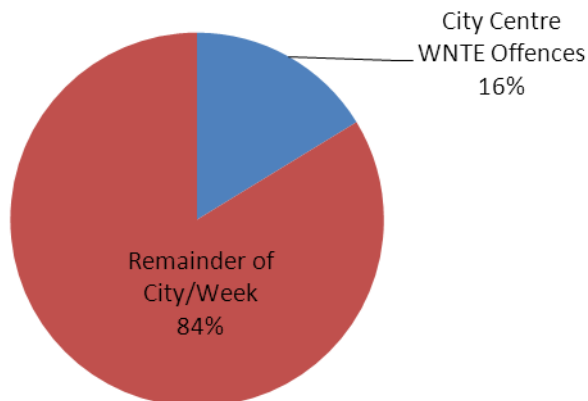
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The charts below display the share of ASB offending in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.

Anti-Social Behaviour (City Centre)



Anti-Social Behaviour (All Aberdeen)



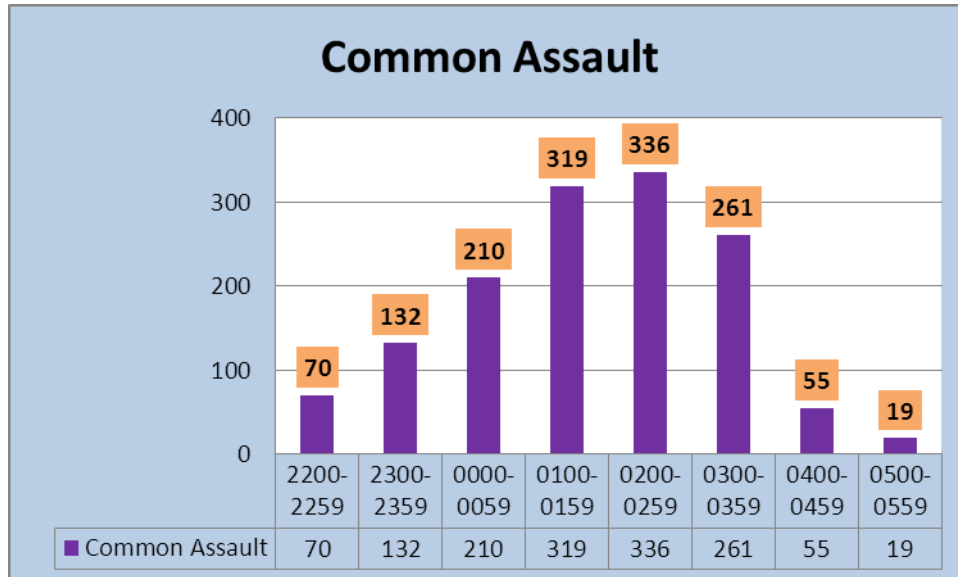
- Almost half (48%) of ASB offences in the City Centre occurred during Weekend Night Time Economy hours, which are less than a tenth of the week.
- 16% of all Aberdeen's ASB offences are concentrated within the City Centre during the sixteen hours specified.
- ASB offending in the City Centre during Weekend Night Time Economy hours is approximately five times higher than if it were proportionate across the week as a whole.
- This imbalance builds throughout the overnight period and is most unequal between 0300 and 0359 hours.

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Common Assault

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



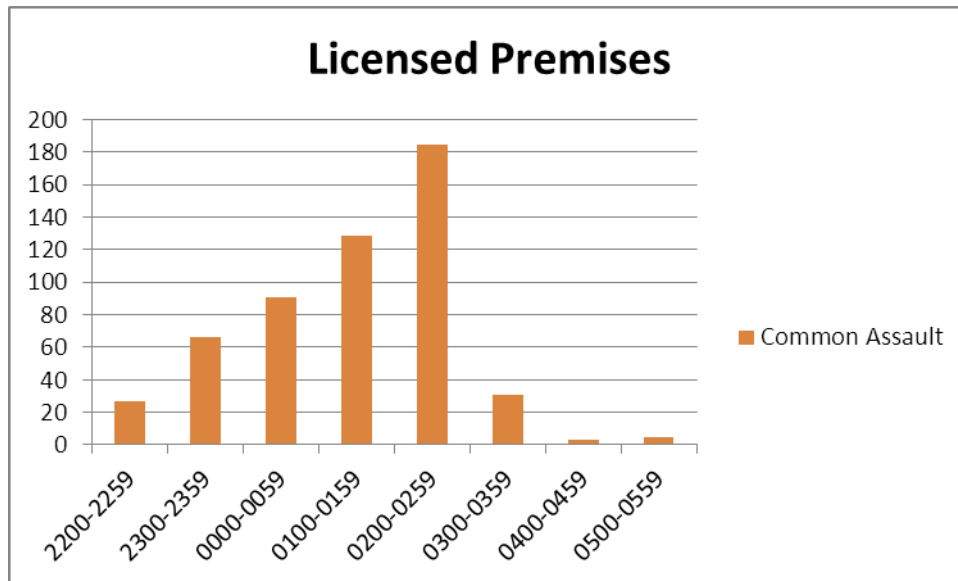
Common Assault	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	2.2	4.2	6.7	10.1	10.7	8.3	1.7	0.6
AA Weekly % (2 hour total)	0.6	1.2	1.8	2.8	3.0	2.3	0.5	0.2

- The chart shows an increase of Common Assault throughout the overnight period with a peak between 0200 and 0259 hours. The 336 offences recorded at that time equals 11% of Common Assaults in the City Centre in 1.2% of the time.
- In the period between midnight and 0359 hours, there were an average 281 Common Assaults. According to Scottish Government figures, the estimated unit cost of a Common Assault is £6,700.¹ Were trading hours to be extended, and if the average number of Common Assaults from preceding hours followed similarly, the result would be an additional 73 Common Assaults per year. This would incur a potential increase in estimated financial costs of £489,100 per annum.
- Over one third (35.8%) of all City Centre Common Assaults occurred between midnight and 0359 hours on Saturday and Sunday mornings. One tenth (9.9%) of Common Assaults across Aberdeen took place in the City Centre during these eight hours, underscoring the scale of Common Assaults within the City Centre during Weekend Night Time Economy hours.

¹ Economic and Social Cost of Crime (PowerPoint presentation), Available at: <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/scotstatcrime/invite/Session1> Accessed 30th September 2016

Licensed Premises

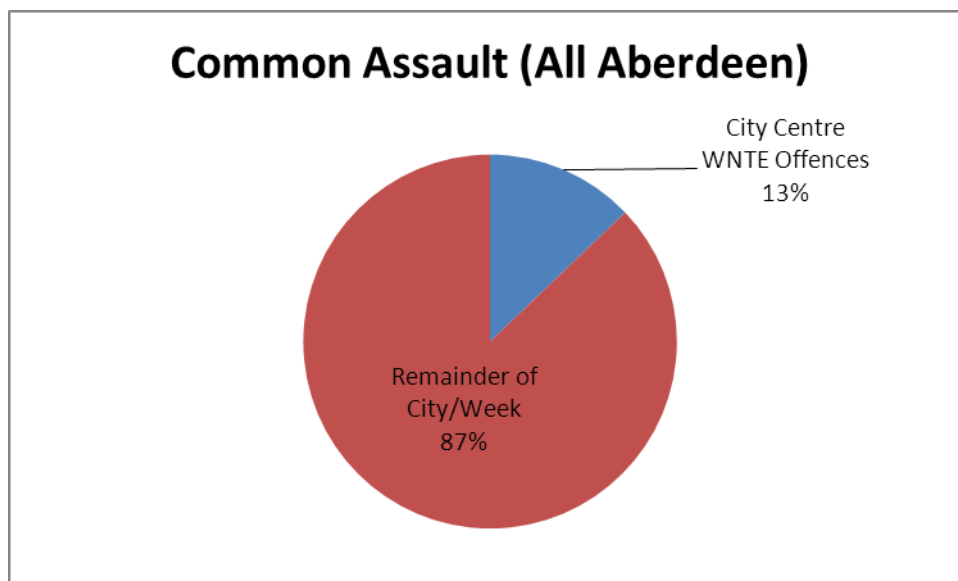
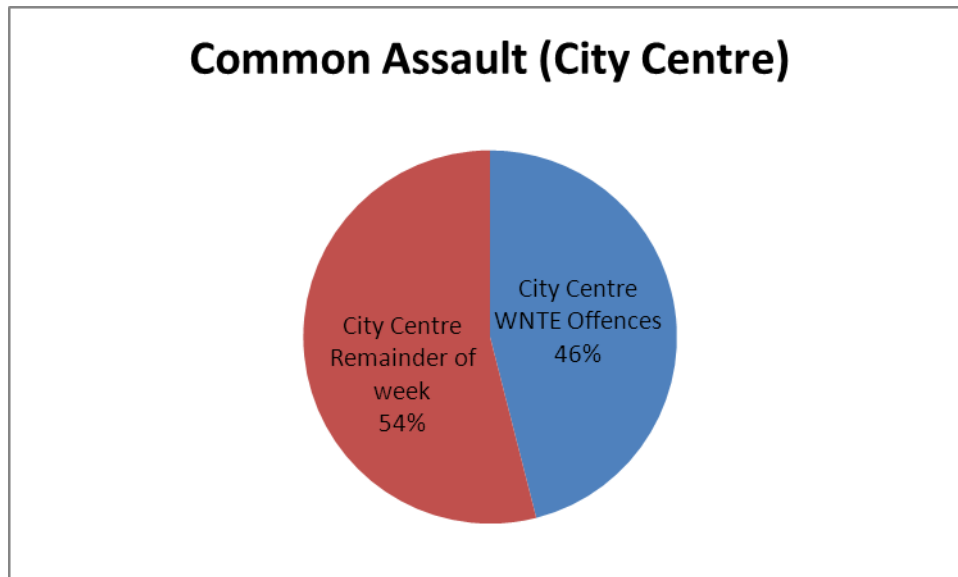
The chart below shows the number of Common Assaults in the City Centre recorded as having occurred on licensed premises. It clearly displays rising hourly totals in the overnight period up until the terminal hour.



- Just over one in three (27 of 70) Common Assaults occurred in Licensed Premises between 2200 and 2359 hours.
- Half of all Common Assaults (66 of 132) in the hour up to midnight occurred on Licensed Premises.
- In the two hours after midnight, approximately two fifths of Common Assaults in each respective hour window occurred on Licensed Premises.
- Between 0200 and 0259 hours, 185 of 336 Common Assaults (55%) occurred on Licensed Premises.

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The charts below display the share of Common Assault offences in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.



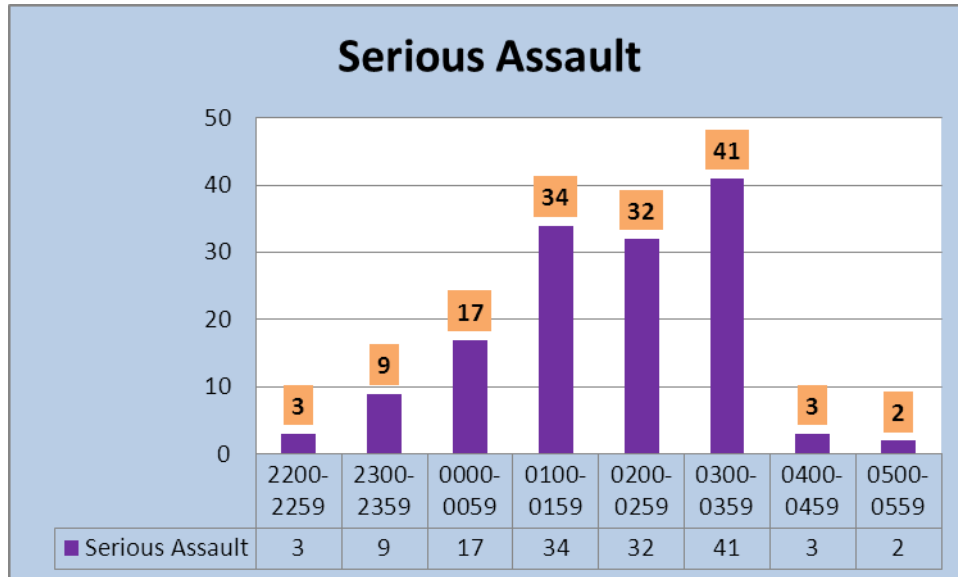
- Just under half (46%) of Common Assaults within the City Centre occurred during Weekend Night Time Economy hours with, as mentioned earlier, a significant concentration during 0000-0359 hours on Saturday and Sunday mornings.
- Over one in eight (13%) of Common Assaults anywhere in Aberdeen since 1st April 2013 took place within the City Centre and during the Weekend Night Time Economy hours specified.

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Serious Assault

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



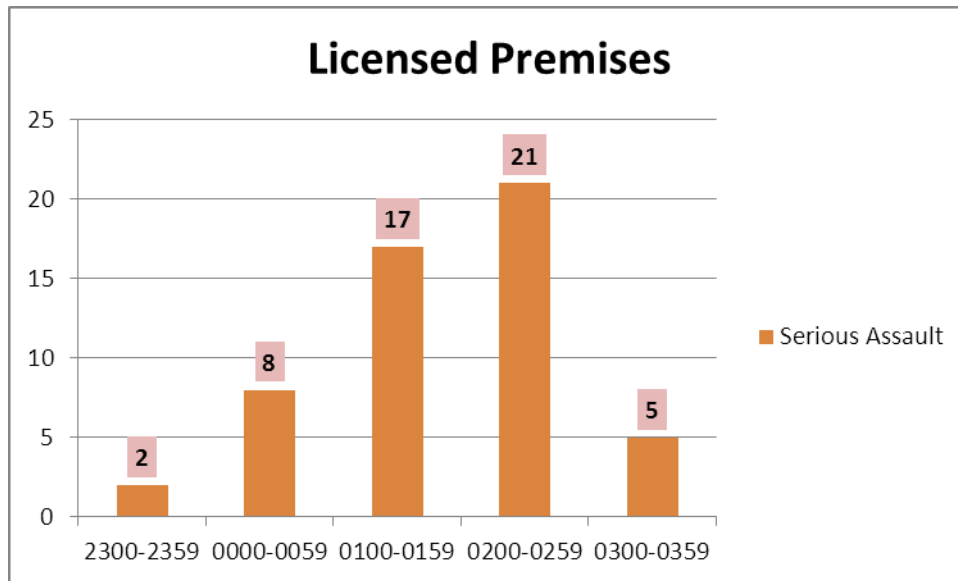
Serious Assault	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	1.3	3.9	7.4	14.8	14.0	17.9	1.3	0.9
AA Weekly % (2 hour total)	0.5	1.4	2.7	5.4	5.1	6.5	0.5	0.3

- Having risen steadily throughout the overnight period, Serious Assaults peak in the hour between 0300 and 0359 hours when 41 occurred. The totals in the two preceding hour windows are, or are almost, double the 17 recorded in the hour immediately after midnight. This evinces the link between prolonged drinking hours and greater propensity to violence.
- One in five Serious Assaults anywhere in Aberdeen during 1st April 2013 to 31st January 2017 took place between 0000 and 0359 hours on Saturday and Sunday within the City Centre.
- Extrapolating the calculation above concerning Common Assaults to Serious Assaults yields an average of 31 Serious Assaults per hour on average between midnight and 0359 hours in the City Centre during the 46 months analysed. A Serious Assault has a unit cost of £24,719². Extending licensing hours by one hour would at a conservative estimate, given the discrepancy between the hour after midnight and the hour after 0300 hours, likely result in an additional eight Serious Assaults annually in the City Centre, with £197,752 costs incurred for these extra offences alone.

² Ibid

Licensed Premises

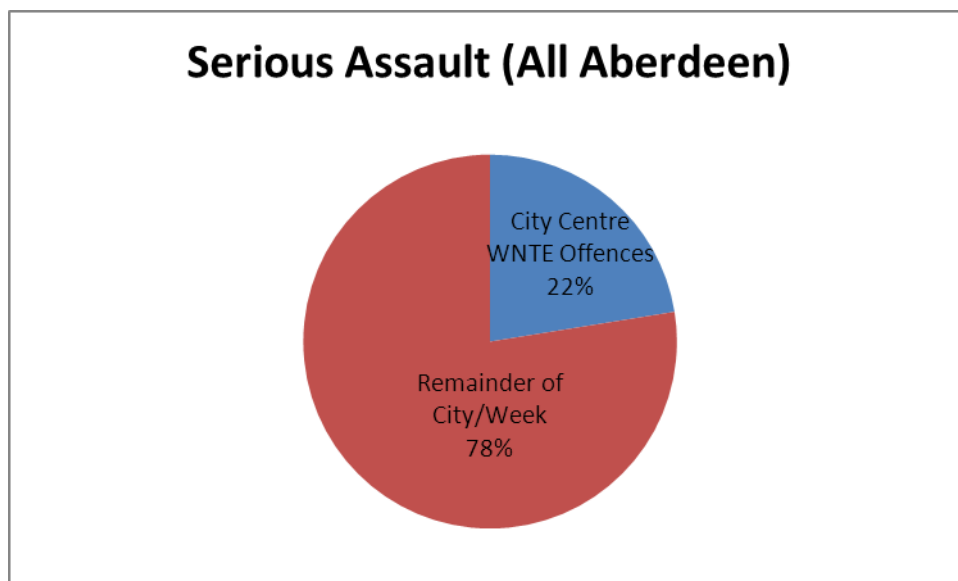
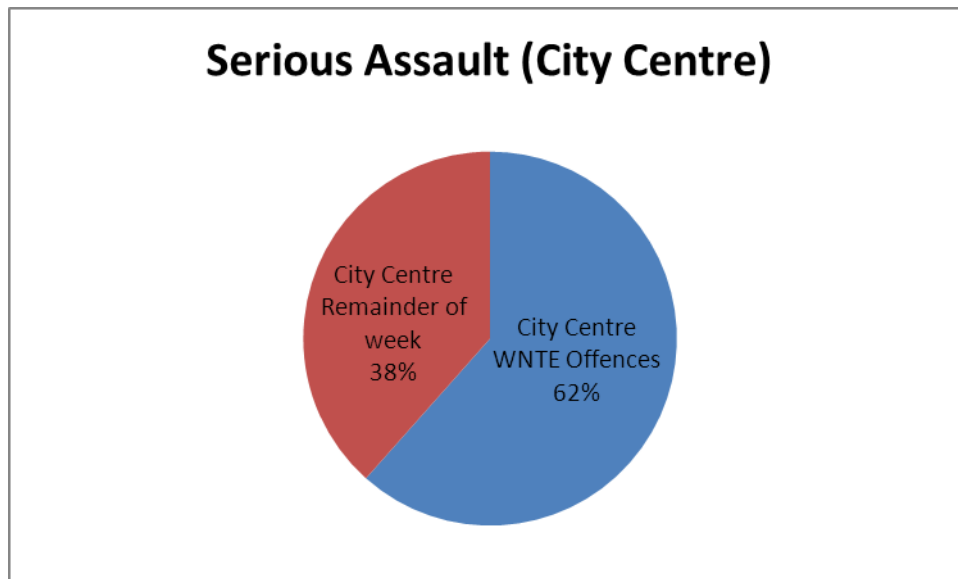
The chart below shows the number of Serious Assaults in the City Centre recorded as having occurred on licensed premises. It clearly displays rising hourly totals in the overnight period up until the terminal hour. There were no Serious Assaults recorded in Weekend Night Time Economy Hours prior to 2300 hours or after 0400 hours.



- Two of nine Serious Assaults in the hour after 11pm occurred on Licensed Premises.
- Eight of 17 Serious Assaults in the following hour occurred on Licensed Premises.
- Exactly half (17 of 34) Serious Assaults between 0100 and 0159 hours occurred on Licensed Premises.
- Almost two thirds of Serious Assaults (21 of 32) between 0200 and 0259 hours were recorded on Licenses Premises.
- Just fewer than one in eight Serious Assaults between 0300 and 0359 hours were recorded on Licensed Premises.

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The charts below display the share of Serious Assault offences in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.



- Over three in five of all Serious Assaults in the City Centre occurred during Weekend Night Time Economy hours.
- Over one in five Serious Assaults anywhere in Aberdeen and at any time took place within the City Centre during Weekend Night Time Economy hours. As the charts and table on the previous page show, the greatest concentration of these offences is in the hour after the existing terminal hour of 0300 hours.

***Prepared by
Community Safety Analyst
Aberdeen City Council
Completed: 27th February 2017***

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You have a responsibility to ensure that the principles of the Data Protection Act (1998) are adhered to in terms of disclosing information from this report.

Date 28th February 2017
Enquiries to 01224 557047
Our Ref 2017010
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Acting Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
The College, Ground & Mezzanine Floor, 9 Alford Place, Aberdeen, AB10 1YB**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following objection under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to:

- Amend the on sales terminal hour on Sundays - Thursday to 02:00
- Amend the on sales terminal hour on Fridays and Saturdays to 03:00

The Aberdeen City Licensing Board Statement of Licensing Policy, 2013-2016 states at Section 20.7, paragraph 4:

“Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted later hours..” “The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and/or participation in the entertainment provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.”

Since 1997, a five fold increase in the rates of hospital stays as a result of the harmful use of alcohol has been recorded for Aberdeen City Council residents. This category includes conditions such as alcohol induced irritation of the stomach, chronic disease of the heart muscle due to alcohol, mental and behavioural disorder that occur as a result of alcohol (such as depression, anxiety etc). Over this time period, there has been a steady increase in the number of admissions due to alcoholic liver disease.

The Scottish Public Health Observatory (ScotPHO) Health & Wellbeing Profiles for Aberdeen City identify Alcohol related hospital stays as being “statistically significantly “worse” than the National average¹.

I am not aware that this application has identified sufficient activity that would indicate “significant entertainment”. The premises does not provide restaurant or bar meals and has no dance facilities. Therefore I assume that the purpose of extending hours is to increase the time people have solely for the consumption of alcohol. Given the trend of preloading before going out, this provides additional time during which people are encouraged to drink more and I feel that this is prejudicial to public health.

When consideration is also given to the harmful use of alcohol for Aberdeen City Council residents I would therefore request that this application is not granted.

For these reasons, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this letter of objection as the granting of the application would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drug

¹ <https://scotpho.nhs.uk/scotpho/homeAction.do>

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MEMO

Environmental Health and Trading Standards

Communities, Housing and Infrastructure

Business Hub 15 ,3rd Floor South ,Marischal College



ABERDEEN
CITY COUNCIL

To	Litigation & Licensing , Legal & Democratic Services , Corporate Governance , Business Hub 6, Level 1 South, Marischal College		
From	Mark Nicholl		
Email	mnicholl@aberdeencity.gov.uk		Date 21/02/17
Tel.	01224 522596		Our Ref.
Fax.			Your Ref.

Licensing (Scotland) Act 2005

Application for Variation of Premises License – College Bar 9 Afford Place Aberdeen AB10 1YB

Dear Sir/Madam,

The above variation application has been assessed by this Service. The assessment focussed on extension of the terminal hour from 01:00 Hours to 03:00 Hours on Friday and Saturday nights and from 00:00 Hours to 02:00 Hours Sunday to Thursday and potential for impact on neighbouring residences.

It is naturally desirable to avoid a situation that would result in this Service serving formal notices to abate activities that have caused statutory nuisance. I am of the opinion that application of suitable music noise control measures can protect the amenity of local residences and reduce the possibility of disturbance and statutory noise nuisance. Additionally, there are no current unresolved music noise disturbance complaints associated with the premises.

Having carefully considered the matter I am not objecting to this application. There is however an expectation that Management at the premises would establish and apply suitable and robust noise control measures for all reasonably foreseeable noise sources associated with the business. This is considered necessary to protect the amenity of local residences and reduce the risk of noise disturbance constituting a statutory nuisance. These noise sources may include for example; music noise breakout from the premises along with patron noise from use of the outside seating area.

I would therefore recommend that these noise control measures are formalised in writing to demonstrate and convey to staff for training purposes, the specific detail of the required noise controls.

I trust this information is of use. If you have any queries, please contact me on the number below.

Kind regards

Mark Nicholl
Environmental Health Officer

Licensing

From: [REDACTED]
Sent: 27 February 2017 19:39
To: Licensing
Subject: Objection to application for extended opening hours of College Bar, Alford Place

Good morning

I would like to object to the application lodged to vary the premises licence for College Bar, Alford Place, Aberdeen.

The application is to extend the opening hours until 2am and I object for the following reasons:

- I live directly opposite the bar at [REDACTED]. I am severely affected by the noise levels during the week when the bar is open until Midnight Monday – Thursday and 1am Friday and Saturday. My standard of living would be further affected if this were to stay open for another hour.
- There is a lot of noise coming from both the music coming from the bar and the patrons. The outside smoking area has no restrictions, meaning that anyone can sit out and drink until closing. This causes a lot of disturbance, especially during the summer months, and will only be made worse if this is extended. There is no "policing" of this outside area nor any recognition that although the area is city centre, there are residential properties nearby.
- The owners of the College also own Babylon and I have had dealing with them in the past with concerns regarding noise disturbance. On discussions around Babylon noise, the establishment made no attempt to mitigate this. I appreciate that this is a separate application however, regard should be had to how the establishment deals with complaints and concerns and whether they will be willing to take measures to prevent disturbance. Experience has shown that this establishment do not take measures and are not concerned with the disturbance it causes.

My standard of living in the flat is already affected by the noise, particularly during weeknights. I have no doubt it will be severely effected should it open until 2am. I would ask you to consider the impact that this bar already has on nearby residents and the inevitable disturbance that it would cause if it were to be allowed to vary the licence.

Kind regards,

[REDACTED]

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: THE QUEEN VIC, 126 ROSEMOUNT PLACE, ABERDEEN

DESCRIPTION

To vary operating hours for on consumption to 10:00hrs – 01:00hrs on Friday and Saturday

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- NHS Grampian

LICENSING POLICY STATEMENT

Paragraph 20 Hours of Trading – General & Extended

20.3

The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

20.10 The Board believes that there may be merit in promoting the licensing objectives whereby applicants give consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, thereby creating a calmer ambience, patrons leaving the premises may be inclined to behave less boisterously after they have left the premises. In addition patrons may be inclined to leave the premises in small groups on a gradual basis rather than all at once.

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28 February 2017

Your Ref:

Our Ref: 208777

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
THE QUEEN VIC, 126-128 ROSEMOUNT PLACE, ROSEMOUNT, ABERDEEN,
AB25 2YU**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of amending the core on sales hours from 1000 to 0000 hours on Monday to Saturday and 1230 to 0000 hours on Sunday to 1000 to 0000 hours Monday to Thursday, 1000 to 0100 hours on Friday and Saturday and 1230 to 0000 hours on Sunday.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(a) of the same Act, I make the following objection in relation to the application.

The premises are situated outwith the city centre area, as defined in Appendix 3(a) of the Aberdeen City Licensing Board Statement of Licensing Policy 2013-2016. The premises are in a mixed retail, business and residential area and immediately adjacent to the premises are residential properties.

Having regard to Appendix 4 of said Policy, it is the view of the Police Service of Scotland that the facility offered by the premises is that of 'not-significant entertainment', and as such, is not entitled to enjoy a terminal hour beyond that contained within said guidelines. Additionally, should the later terminal hour be granted, this would result in the premises trading for a continuous period of 15

hours contrary to the guidelines of a maximum of 14 hours continuous trading in any 24 hours period, as stipulated at 20.3 of the Policy.

If granted, the Chief Constable is of the opinion that this would set a precedent which other licensed premises outwith the 'city centre' area as defined, would be likely to seek to replicate.

Enclosed with this letter is an Anti-Social Behaviour Report prepared by an analyst within the Community Safety Partnership, which focusses on crimes of disorder and violence. Whilst this data relates principally to the 'city centre' area it clearly demonstrates that the longer and later licensed premises operate, the higher the incidence of crimes of violence and disorder.

Any extension to the operating hours for the applicant premises, or any other premises enjoying similar licensed hours, may exacerbate this and could result in an increase in crime and disorder and it is for this reason, in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005 and in support of the Preventing Crime and Disorder and Preventing Public Nuisance licensing objectives, that the Chief Constable objects to the grant of the variation.

This letter is submitted for your attention when considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468

Anti-Social Behaviour Report Aberdeen City Centre February 2017



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The contents of this report are

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and are passed to

**Sergeant Gill Flett
North East Division
Police Scotland**

for the purposes of informing representations made to
Aberdeen City Licensing Board.

This information should not be
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without the permission of Police Scotland.

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are adhered to in terms of disclosing information from this report.**

Introduction

This report will detail Police Scotland data pertaining to Aberdeen City Centre between 1st April 2013 and 31st January 2017. Information is focussed on instances of Anti-Social Behaviour and Crimes of Violence.

Data will be provided displaying the proportion of offending that occurred in the City Centre area during overnight periods between 2200 hours and 0559 hours on a Friday/Saturday and the same time period on a Saturday/Sunday, compared to the City Centre area in the remaining hours of the week and also the rest of Aberdeen City as a whole.

Methodology

Data has been obtained from the following source:

- **Crimefile** - Police Scotland Crime Recording System

Limitations

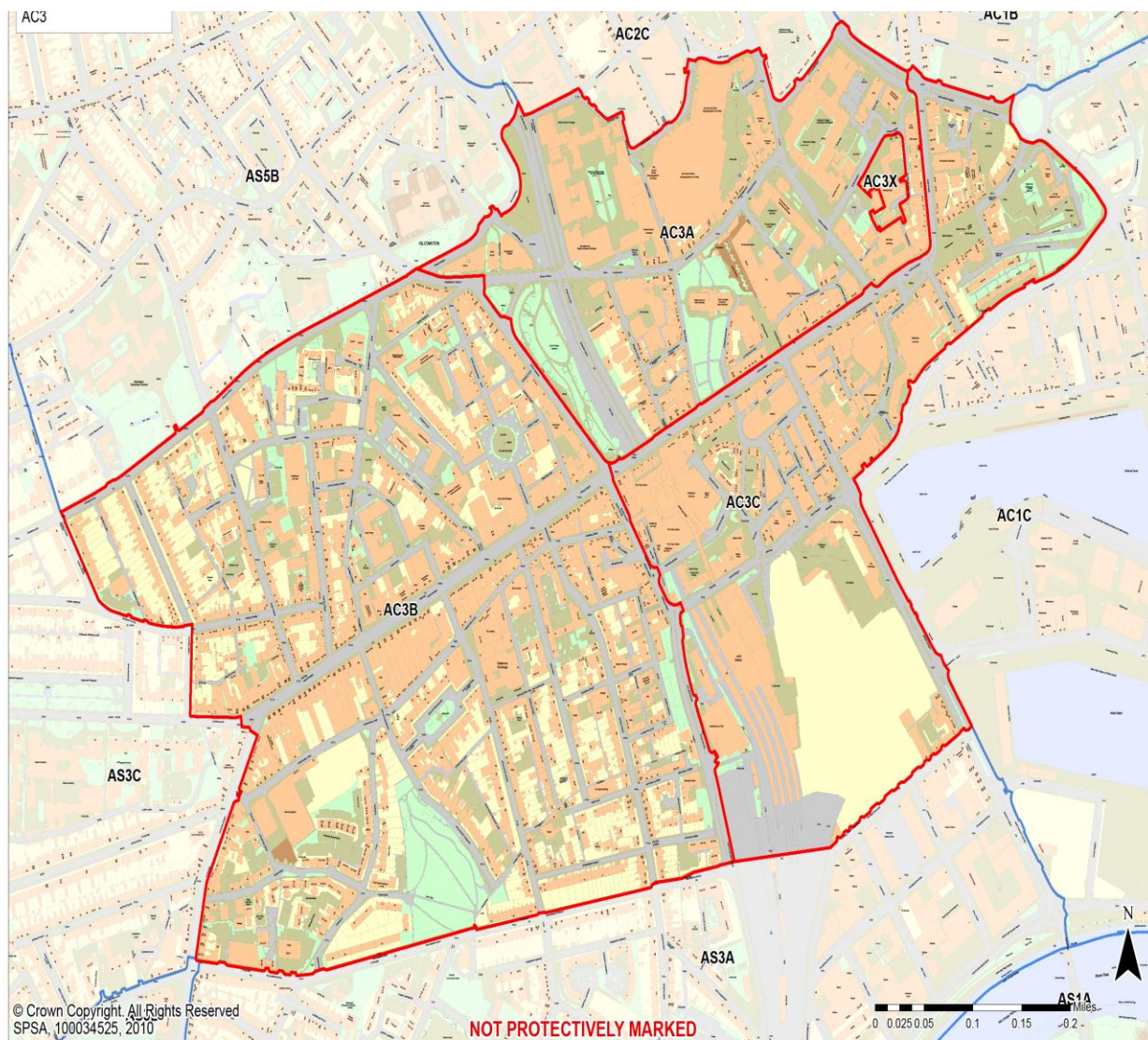
The offence data contained within this document details only those that have concerned within the City Centre area of Aberdeen as identified in the map below in the AC3A, AC3B and AC3C shaded areas and excluding the AC3X area.

These three areas correspond with Police neighbourhoods of the City Centre Community Policing team and bear close resemblance to the City Centre area as defined in the Aberdeen City Licensing Board Statement of Licensing Policy 2013-2016.

For the purposes of this report, Weekend Night Time Economy hours are between 2200 and 0559 hours on a Friday/Saturday and Saturday/Sunday. This totals 16 hours, which equates at less than one tenth of a 168 hour week.

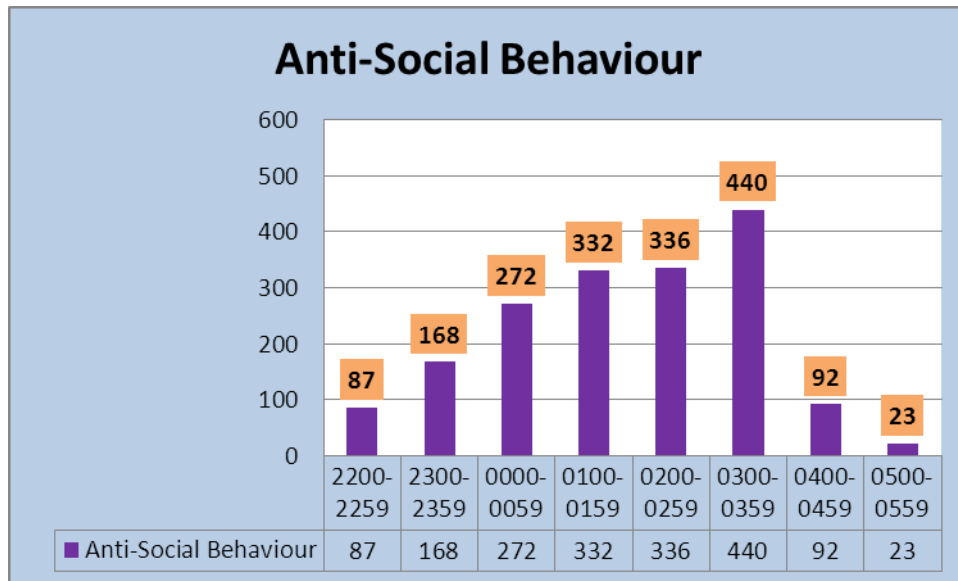
Anti-Social Behaviour (ASB) is a combination of Breach of the Peace and Threatening or Abusive Behaviour offences.

City Centre Area



Anti-Social Behaviour

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



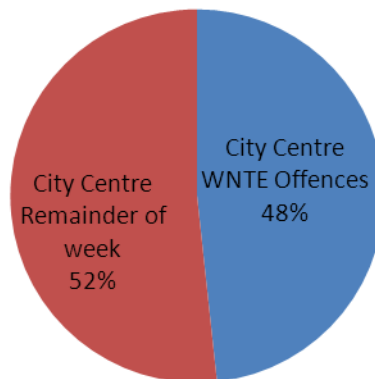
Anti-Social Behaviour	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	2.4	4.6	7.5	9.2	9.3	12.1	2.5	0.6
AA Weekly % (2 hour total)	0.8	1.6	2.5	3.1	3.1	4.1	0.9	0.2

- The chart shows offences steadily but sharply increasing from 2200 hours onward, plateauing between 0100 and 0259 hours prior to a sharp increase until 0400 hours where it falls to the level experienced up to 2300 hours.
- The disproportionate level of City Centre Anti-Social offending is demonstrated most clearly in the hours between 0100 and 0359 hours when each hourly period is at least double the total of the hourly period between 2300 and 2359 hours.
- The comparable total offences between 0100 and 0159 hours and in the following hour each represent at least 9.2% of the entire week's City Centre Anti-Social Behaviour (ASB). As mentioned above, the 16 hours of the Weekend Night Time Economy represent 9.5% of a week this share of ASB is almost absorbed in these consecutive hourly periods alone.
- The hour between 0300 and 0359 hours is where ASB reaches its saturation point with 440 offences, 12.1% of the City Centre's total. This equates at just less than one in eight ASB offences having occurred between 0300 and 0359 hours on a Saturday or Sunday morning.
- Isolating the 0100-0359 hours period in the City Centre, its share of ASB across the whole of Aberdeen City equates at 10% during these six hours alone, highlighting the disproportionate scale of ASB during Weekend Night Time Economy hours.

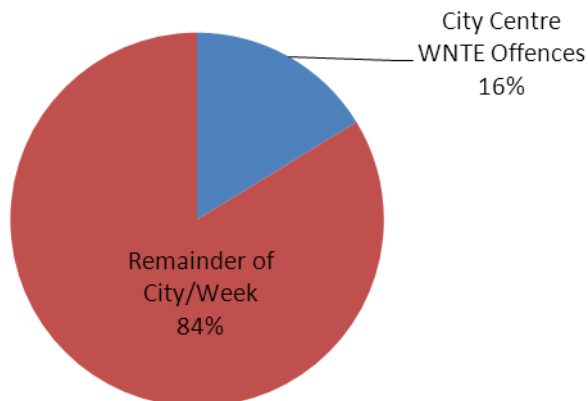
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The charts below display the share of ASB offending in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.

Anti-Social Behaviour (City Centre)



Anti-Social Behaviour (All Aberdeen)



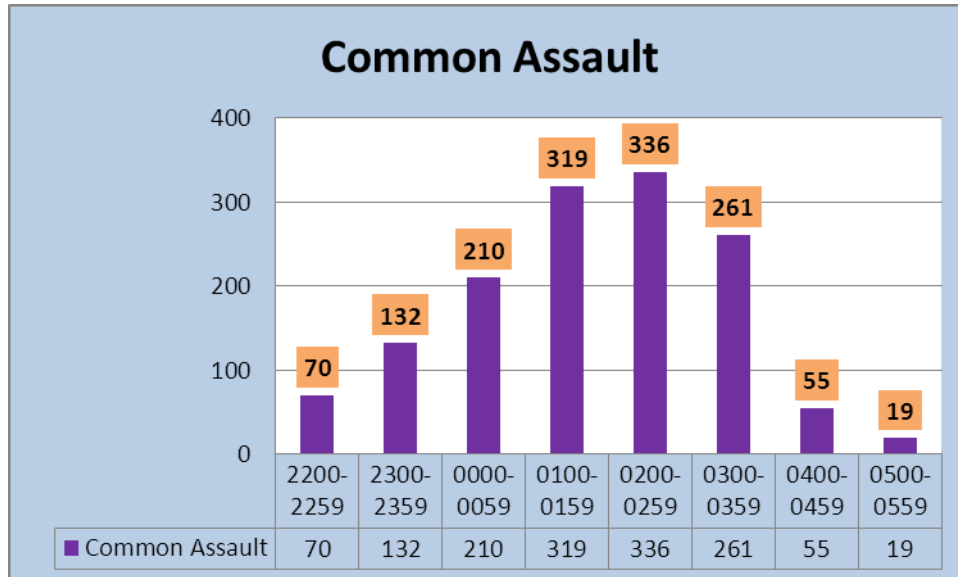
- Almost half (48%) of ASB offences in the City Centre occurred during Weekend Night Time Economy hours, which are less than a tenth of the week.
- 16% of all Aberdeen's ASB offences are concentrated within the City Centre during the sixteen hours specified.
- ASB offending in the City Centre during Weekend Night Time Economy hours is approximately five times higher than if it were proportionate across the week as a whole.
- This imbalance builds throughout the overnight period and is most unequal between 0300 and 0359 hours.

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Common Assault

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



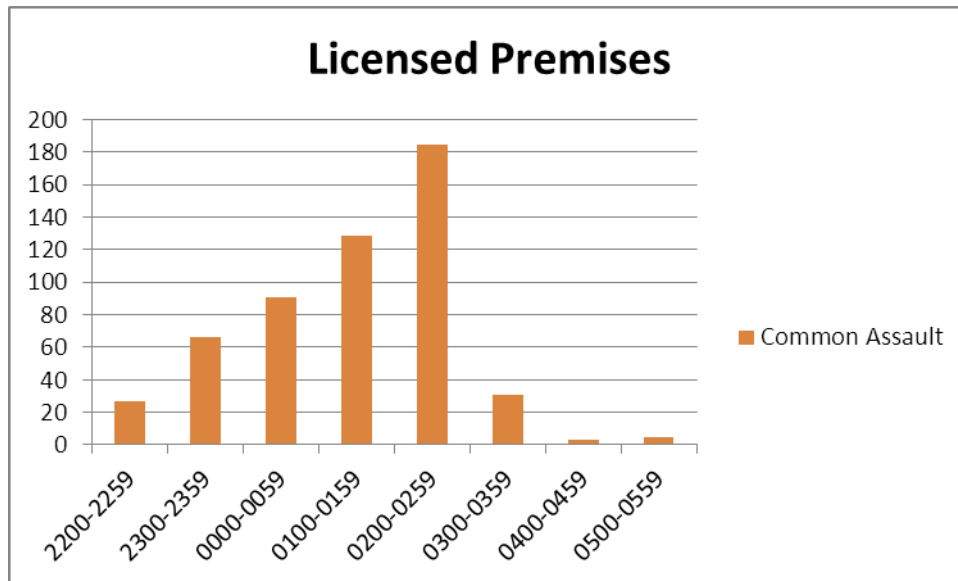
Common Assault	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	2.2	4.2	6.7	10.1	10.7	8.3	1.7	0.6
AA Weekly % (2 hour total)	0.6	1.2	1.8	2.8	3.0	2.3	0.5	0.2

- The chart shows an increase of Common Assault throughout the overnight period with a peak between 0200 and 0259 hours. The 336 offences recorded at that time equals 11% of Common Assaults in the City Centre in 1.2% of the time.
- In the period between midnight and 0359 hours, there were an average 281 Common Assaults. According to Scottish Government figures, the estimated unit cost of a Common Assault is £6,700.¹ Were trading hours to be extended, and if the average number of Common Assaults from preceding hours followed similarly, the result would be an additional 73 Common Assaults per year. This would incur a potential increase in estimated financial costs of £489,100 per annum.
- Over one third (35.8%) of all City Centre Common Assaults occurred between midnight and 0359 hours on Saturday and Sunday mornings. One tenth (9.9%) of Common Assaults across Aberdeen took place in the City Centre during these eight hours, underscoring the scale of Common Assaults within the City Centre during Weekend Night Time Economy hours.

¹ Economic and Social Cost of Crime (PowerPoint presentation), Available at: <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/scotstatcrime/invite/Session1> Accessed 30th September 2016

Licensed Premises

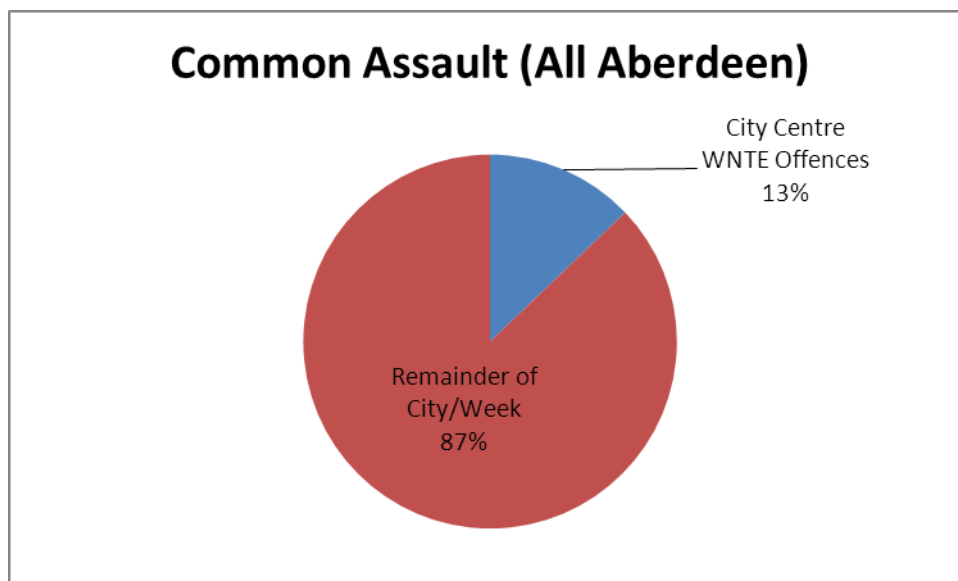
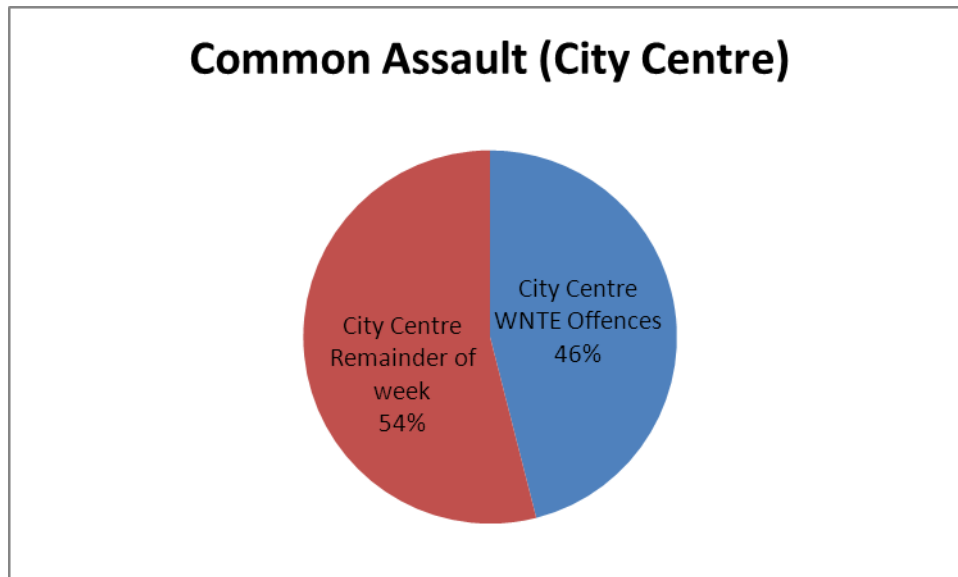
The chart below shows the number of Common Assaults in the City Centre recorded as having occurred on licensed premises. It clearly displays rising hourly totals in the overnight period up until the terminal hour.



- Just over one in three (27 of 70) Common Assaults occurred in Licensed Premises between 2200 and 2359 hours.
- Half of all Common Assaults (66 of 132) in the hour up to midnight occurred on Licensed Premises.
- In the two hours after midnight, approximately two fifths of Common Assaults in each respective hour window occurred on Licensed Premises.
- Between 0200 and 0259 hours, 185 of 336 Common Assaults (55%) occurred on Licensed Premises.

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The charts below display the share of Common Assault offences in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.



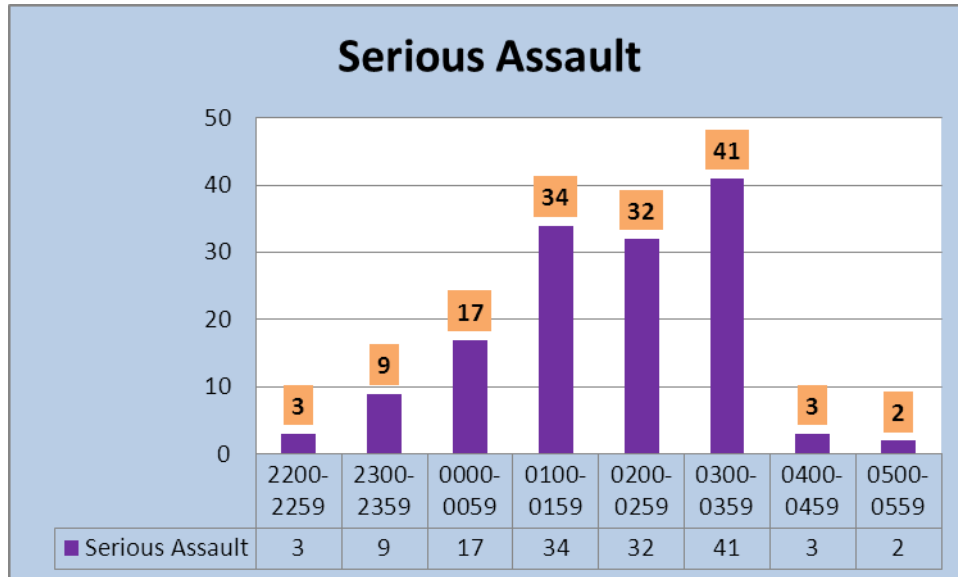
- Just under half (46%) of Common Assaults within the City Centre occurred during Weekend Night Time Economy hours with, as mentioned earlier, a significant concentration during 0000-0359 hours on Saturday and Sunday mornings.
- Over one in eight (13%) of Common Assaults anywhere in Aberdeen since 1st April 2013 took place within the City Centre and during the Weekend Night Time Economy hours specified.

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Serious Assault

The chart below shows a breakdown of offences per hour window on Friday/Saturday and Saturday/Sunday periods within the City Centre area. The table beneath shows a percentage breakdown of the share of City Centre Weekend Night Time Economy offending compared to the City Centre (CC) during all 168 hours of a week and the whole of Aberdeen (AA) during the same time period.



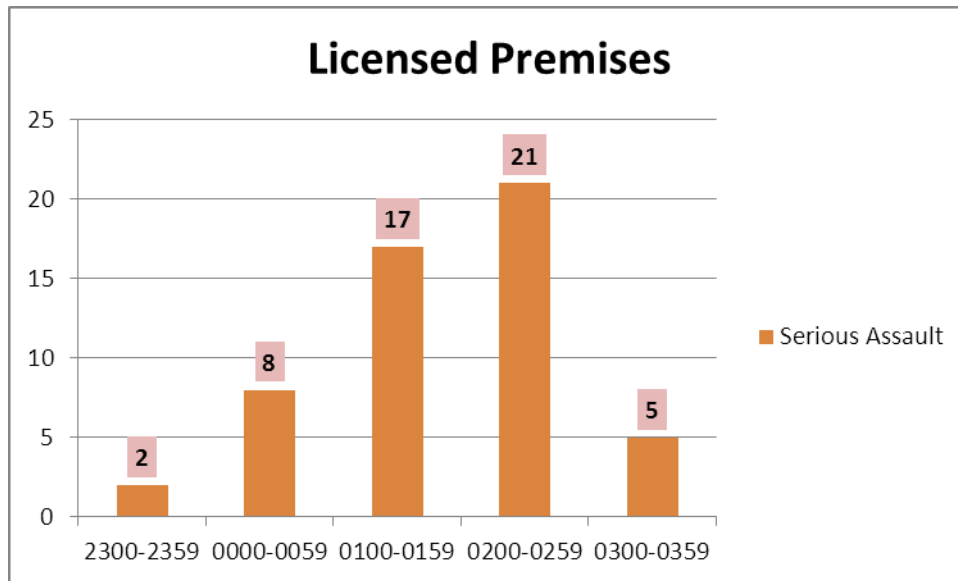
Serious Assault	2200-2259	2300-2359	0000-0059	0100-0159	0200-0259	0300-0359	0400-0459	0500-0559
CC Weekly % (2 hour total)	1.3	3.9	7.4	14.8	14.0	17.9	1.3	0.9
AA Weekly % (2 hour total)	0.5	1.4	2.7	5.4	5.1	6.5	0.5	0.3

- Having risen steadily throughout the overnight period, Serious Assaults peak in the hour between 0300 and 0359 hours when 41 occurred. The totals in the two preceding hour windows are, or are almost, double the 17 recorded in the hour immediately after midnight. This evinces the link between prolonged drinking hours and greater propensity to violence.
- One in five Serious Assaults anywhere in Aberdeen during 1st April 2013 to 31st January 2017 took place between 0000 and 0359 hours on Saturday and Sunday within the City Centre.
- Extrapolating the calculation above concerning Common Assaults to Serious Assaults yields an average of 31 Serious Assaults per hour on average between midnight and 0359 hours in the City Centre during the 46 months analysed. A Serious Assault has a unit cost of £24,719². Extending licensing hours by one hour would at a conservative estimate, given the discrepancy between the hour after midnight and the hour after 0300 hours, likely result in an additional eight Serious Assaults annually in the City Centre, with £197,752 costs incurred for these extra offences alone.

² Ibid

Licensed Premises

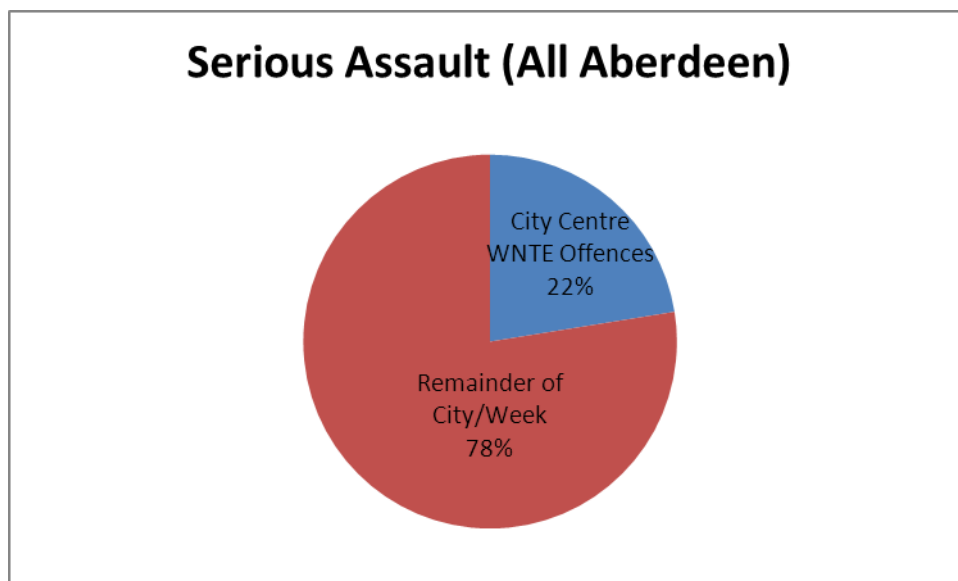
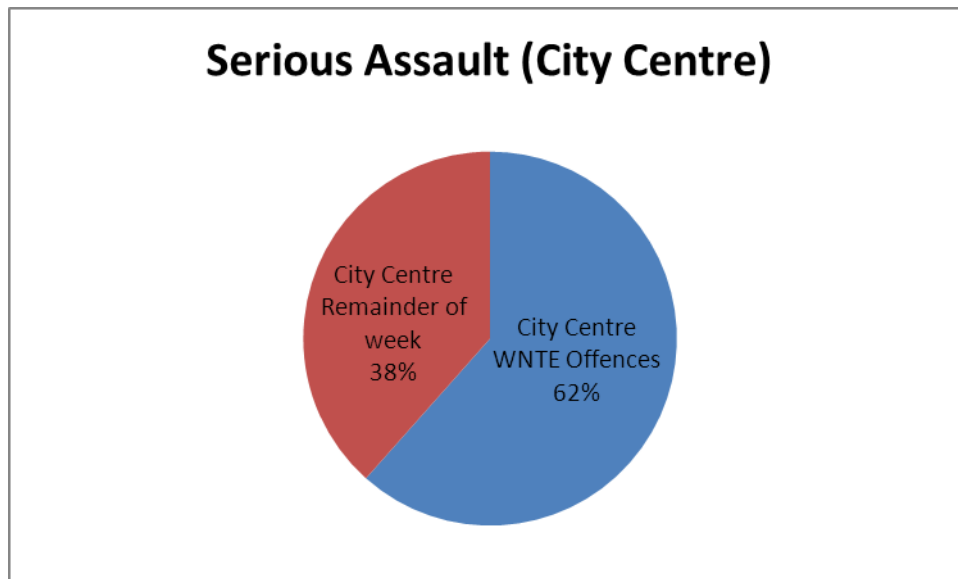
The chart below shows the number of Serious Assaults in the City Centre recorded as having occurred on licensed premises. It clearly displays rising hourly totals in the overnight period up until the terminal hour. There were no Serious Assaults recorded in Weekend Night Time Economy Hours prior to 2300 hours or after 0400 hours.



- Two of nine Serious Assaults in the hour after 11pm occurred on Licensed Premises.
- Eight of 17 Serious Assaults in the following hour occurred on Licensed Premises.
- Exactly half (17 of 34) Serious Assaults between 0100 and 0159 hours occurred on Licensed Premises.
- Almost two thirds of Serious Assaults (21 of 32) between 0200 and 0259 hours were recorded on Licenses Premises.
- Just fewer than one in eight Serious Assaults between 0300 and 0359 hours were recorded on Licensed Premises.

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The charts below display the share of Serious Assault offences in the City Centre during Night Time Economy hours relative to the City Centre and the whole of Aberdeen throughout the week.



- Over three in five of all Serious Assaults in the City Centre occurred during Weekend Night Time Economy hours.
- Over one in five Serious Assaults anywhere in Aberdeen and at any time took place within the City Centre during Weekend Night Time Economy hours. As the charts and table on the previous page show, the greatest concentration of these offences is in the hour after the existing terminal hour of 0300 hours.

***Prepared by
Community Safety Analyst
Aberdeen City Council
Completed: 27th February 2017***

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You have a responsibility to ensure that the principles of the Data Protection Act (1998) are adhered to in terms of disclosing information from this report.

Date 28th February 2017
Enquiries to 01224 557047
Our Ref 201701006
Email: grampian.phalcohollicensing@nhs.net

Ms Arlene Dunbar
Acting Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Dunbar

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
The Queen Vic, 126 Rosemount Place, Aberdeen, AB25 2YU**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following objection under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to:

- Amend the on sales terminal hour on Fridays and Saturdays to 01:00

The NHS Grampian objection will focus on the following areas:

1. Aberdeen City Licensing Board, Statement of Licensing Policy
2. Integrated Alcohol Service Referral Rates for 2015
3. Scottish Health Observatory Data for post code area AB25 2YU
4. Comparison of alcohol related death rates for Aberdeen

1. Aberdeen City Licensing, Board Statement of Licensing Policy

The Aberdeen City Licensing Board Statement of Licensing Policy, 2013-2016 states at Section 20.3, paragraph 2:

“The Board will not normally grant hours beyond 00:00 outwith the city centre.”

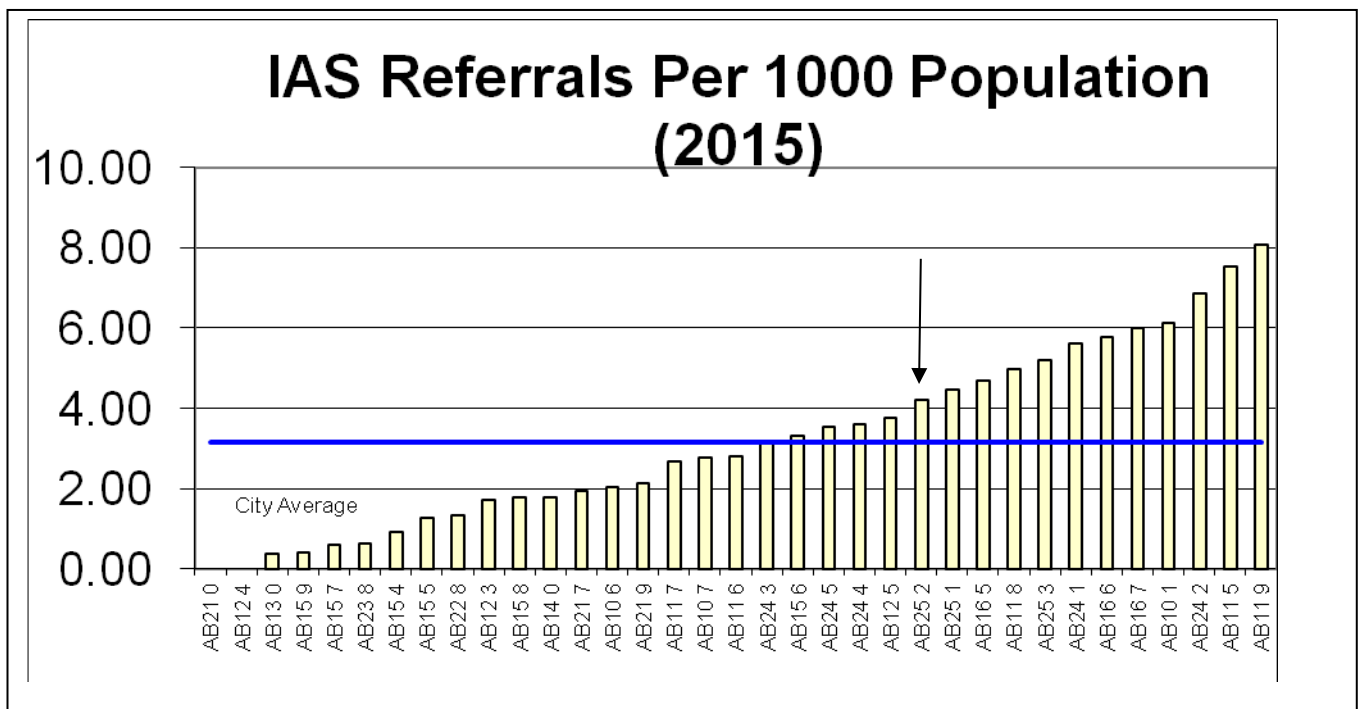
As The Queen Vic is situated outwith the city centre and has no purpose built function suite facility I do not feel it meets the required criteria for a late opening extension.

Also, at Section 20.3 paragraph 1:

“The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable.”

These premises would be trading for a period of 15 hours on Friday and Saturday if this application is granted, which would not comply with the terms of the Statement of Licensing Policy.

2. Integrated Alcohol Service Referral Rates for 2015



Referral rates to the Integrated Alcohol Service for the post code area AB25 2 were higher than the city average during 2014 and 2015. The graph for the 2015 data is shown above.

3. Scottish Health Observatory Data for post code area AB25 2YU

The post code sector of AB25 2YU comprises four areas; West End North (8.9%), Rosemount (64.7%), Midstocket (14.7%) and Ashgrove (11%).

Scottish Health Observatory Data has been used to compile The Health Traffic Lights document for Aberdeen City¹. Data from this document is illustrated below using health indicator areas for this community:

Key	Description
	5% higher than the Scottish average
	Within +/- 5% of the Scottish average
	5% lower than the Scottish average

Area	Alcohol related/attributable hospital patients	Alcohol related deaths	Early deaths from Coronary Heart Disease	Psychiatric Hospital Patients	Deaths from suicide	Early deaths from cancer
Rosemount (64.7%)						
Midstocket (14.7)						
Ashgrove(11%)						
West End North (8.9%)						

With the majority of the community comprising the Rosemount data zone it is clear to see that alcohol related ill health is impacting on these citizens health and wellbeing.

Regularly drinking alcohol raises blood pressure and significantly increases the chance of people developing heart disease in the future².

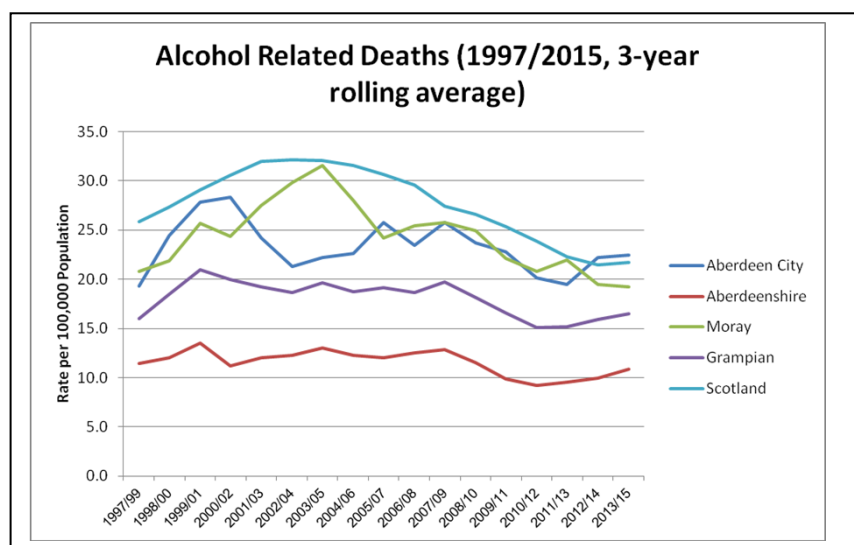
Depression shares a complex, mutually reinforcing relationship with excessive alcohol consumption². Regardless of whether heavy alcohol consumption or mental health issues came first, having one condition increases the chances of developing and likely complexity of the other.

Harmful alcohol consumption is the third most common preventable cause of cancer in the UK².

¹ http://foi.nhsgrampian.org/globalassets/foidocument/dispublicdocuments---all-documents/ABERDEENCITYTraffic_Lights_Pack_2016.pdf

² <https://www.alcoholconcern.org.uk/factsheets>

4. Comparison of alcohol related death rates for Aberdeen city



The chart above illustrates the three year rolling average for alcohol related deaths with the most recent period shown being 2013 - 2015. This shows that after a fall during the early 2000s we have seen an increase in Aberdeen City alcohol related deaths that are now slightly higher than the Scottish figure.

For these reasons, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this letter of objection as the granting of the application would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drug

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9 February 2017

Your Ref:

Our Ref: 5330/5210/17

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam

LICENSING (SCOTLAND) ACT 2005
PREMISES LICENCE HOLDER DUTY TO NOTIFY LICENSING BOARD OF
CONVICTIONS
ASDA STORE LTD, ASDA HOUSE, GREAT WILSON STREET, HOLBECK
LEEDS, LS11 5AD
ASDA STORE, UNIT 1, BEACH BOULEVARD RETAIL PARK, ABERDEEN
ASDA SUPERSTORE, JESMOND DRIVE, BRIDGE OF DON, ABERDEEN
ASDA SUPERSTORE, GARTHDEE ROAD, BRIDGE OF DEE, ABERDEEN
ASDA SUPERSTORE, RIVERVIEW DRIVE, DYCE, ABERDEEN

I refer to the above and your correspondence. In terms of Section 44(4)(b) of the Licensing (Scotland) Act 2005, I have to advise you that the licence holder has been convicted of the following relevant offences.

Date	Court	Crime/Offence	Disposal
04/11/2016	West London Magistrates Court	Contravene/Fail to Comply with EU Provision Concerning Food Safety Hygiene x 4	Fine £664,000, Compensation £500, Victim Surcharge £120
10/11/2016	Nottinghamshire Magistrates Court	Contravene/Fail to Comply with EU Provision Concerning Food Safety and Hygiene	Fine £75,000 and £9,000 Costs

Yours faithfully

Philip Gormley QPM

Chief Constable