

13 August 2019

Your Ref:

Our Ref: 440840

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



North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
NOOSE & MONKEY, 31-36 ROSEMOUNT VIADUCT, ROSEMOUNT,
ABERDEEN, AB25 1NQ**

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 requests, namely:

1. Amending Q5 to include the provision of restaurant facilities, films and outdoor drinking during core hours but no later than 2200;
2. Amend the terms within Q6 to indicate that Children and Young Persons are permitted access for the purposes of a reception or show, in addition to consuming a meal;
3. Amend the times within Q6 to state Young Persons are permitted until 2100 hours, thereafter until 0100 hours for the purposes of having a meal or attending a show.
4. Amend the layout plan and capacity of the premises.

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 same Act, I make the following representation.

In relation to the outdoor drinking aspect of the application and in support of the Preventing Crime and Disorder licensing objective, it is my recommendation that the outdoor area is subject to delineation by way of a physical barrier.

In addition, the wording within the operating plan at Q5 be amended to take into account the intended use of the area prior to core hours.

In relation to Q6 on the operating plan, the premises currently allows access to Children and Young Persons until 2100 hours, for the purposes of consuming a meal and children must be accompanied by an adult.

The application in its current form seeks to amend this to allow Children and Young Persons on the premises for the purposes of 'attending a show or reception' in addition to consuming a meal. Young Persons would also have accompanied access from 2100-0100 hours under the same terms.

A member of North East Division Licensing Team spoke with the Designated Premises Manager regarding the requested changes and it was established that what is meant by 'a show or reception' would include a show or reception held elsewhere, i.e. the theatre. This element should be clarified as I am of the view a show taking place elsewhere would not justify such terms of access.

The premises currently comprises two areas under the same licence. It is our understanding that the upper floor area of the premises will be a food led area until 2100 hours, thereafter this would become a bar type environment, which, if the variation in its current form is granted, would allow access by young persons until 0100 hours.

It is also our understanding that the lower ground floor area is to be used for private functions, meals and other performance-related activities.

Having regard for the Protecting Children and Young Persons from Harm licensing objective and how the premises intends to operate, I recommend that the wording within the existing operating plan remains, however additional wording is added to reflect that young persons will be permitted unaccompanied access within the lower ground floor until 2300 hours, for the purpose of attending or participating in an age appropriate performance or show. If the lower ground floor is being used for a private, pre-booked function, children are permitted access until the terminal hour, when accompanied by a responsible adult aged 18 years or over.

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

Yours faithfully

Campbell Thomson
Chief Superintendent

For enquiries please contact the Licensing Department on 01224 306468