

Dear Benedict

Thank you for your recent emails attaching reports on proposed conditions from the LSO and Police Scotland.

My clients are content to accept all of the conditions with the exception of the undernoted, which we would be asking the Board to grant a dispensation for:-

LSO condition 11, namely, "there shall be no amplified music or noise emitted from the use of microphone speakers or other forms of music entertainment within the outdoor drinking area", and,

Police condition 5, namely. "No amplified music to be played therein."

We are aware of the terms of the Licensing Board Policy which relates to outdoor areas, however we would ask for an exception on the undernoted grounds.

Reasons for dispensation:-

1. The terms of the policy on outdoor areas is principally focussed on permanent external areas and understandably has at its heart a desire to balance the commercial interest of operators with the general amenity for residents. This area is by no means permanent and is an occasional licence for a bona fide event celebrating the May Day Bank Holiday. The occasional licence has a limited duration of two days. It is therefore not directly targeting the Board's policy and is in line with previous exemptions granted by the Board for pop-up events allowing entertainment at outdoor events with music and tvs and/or entertainment inc specific areas during the Christmas/Festive period for a short time.
2. The geography of the client premises and location of the proposed occasional licence external area is very significant in our submission. The occasional licence area is to the rear of the Siberia Bar and Hotel away from Belmont Street. The area is at the equivalent of lower ground level of the Hotel and the Hotel rises four storeys in front of the external area. The hotel itself is a buffer to residents. There are no residential premises either side of the proposed occasional area. The nearest residential premises is our own letting bedrooms. There is significant ambient background noise occasioned by the train track and proximity of the dual-carriageway plus noise will emanate from the busy thoroughfare that is Belmont Street. The nearest residential is across Belmont Street approximately 250 metres from the site as the crow flies but as above this is shielded by the Hotel itself. There will also be ambient background noise from the other bars on Belmont Street.
3. The occasional licence sets a hard close for the use of the area at 10pm for eating and drinking and my clients would be content with a 9.30pm cessation of music to further mitigate any potential disruption.
4. My clients will put in place a noise management plan as follows:-
 - a. The nearest residential (see above) will be letter dropped the week before the event giving details of the event including start time, finish time 10pm, finish time for music 9.30pm and a direct mobile telephone contact for the duty Manager overseeing the event should there be any issues;
 - b. My clients will work with their PA provider to ensure they have the most appropriate directional speakers to mitigate any noise leakage;
 - c. My clients will erect a marquee (open sided to comply with the Police and LSO requests) which will provide attenuation from noise rising;
 - d. My clients will in conjunction with their PA company acquire noise decibel readers and measure the ambient background noise in the area in advance of the event immediately outside the nearest noise sensitive premises. They will agree with their PA company a

level set ie, the appropriate maximum level for the sound. They will fix the levels and note the maximum decibels. My client will thereafter ensure that designated staff using the decibel meters to monitor the sound during the course of the event to ensure that the level sets are not breached.

In light of the mitigations proposed we would ask that the Board considers granting dispensation for this one-off pop-up occasional licence event to allow entertainment.

The event is of significant importance to my client and they wish to be able to offer an experience externally for patrons that is consummate with the experience internally and entertainment in the form of DJ music is a significant part of the offer. My client wishes the entertainment to be a draw as well as the food and beverage. As the Board will no doubt be aware, there is increased reliance on external areas, particularly for larger events as a result of the pandemic with many people still preferring to socialise outside. We would ask the Board to support the applicant in their continued recovery from the financial stresses of the pandemic to allow them to put on a one-off event celebrating a significant marker in the Aberdeen social calendar with suitable and carefully moderated entertainment externally and a noise management plan. We would also ask the Board to consider the very specific geography of the applicant site.

We would be happy to answer any questions the Board may have and would seek the application granted minus the conditions prohibiting entertainment and/or amplified music or vocals. We look forward to receiving a determination as soon as reasonably practicable so that my client can finalise the plans and entertainment schedule for the May Day weekend.

Kind regards
Niall

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