



Aberdeen Division  
Police Headquarters  
Queen Street  
Aberdeen  
AB10 1ZA

Our Ref: AD/GED/ SID9276/9235/11  
Your Ref:

Tel: 01224 306472  
Fax: 01224 306485

ServiceCentre@grampian.pnn.police.uk  
www.grampian.police.uk

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Depute Clerk to the Licensing Board  
Legal and Democratic Services  
Corporate Governance  
Aberdeen City Council  
Ground Floor  
Town House  
Broad Street  
ABERDEEN  
AB10 1AQ

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
LA BAMBA, 23 CROWN TERRACE, ABERDEEN, AB11 6HD**

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:

- An amendment to the terminal hour for on sales on Friday and Saturdays to 0300 hours
- The completion of section 5(g) of the Operation Plan in respect of Late Opening Premises.
- Various alterations to the layout plan

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 on behalf of the Chief Constable.

The applicant currently holds a premises licence allowing the sale of alcohol between 1200 and 0100 hours Mondays to Sundays inclusive. The variation requests an amendment to the terminal hour from 0100 to 0300 hours on Fridays and Saturdays and Sundays.

If the hours applied for were granted this would result in 15 hours of continuous trading on Fridays and Saturdays which is outwith the guidelines of 14 hours as contained within the Aberdeen City Licensing Board Statement of Licensing Policy. The Chief Constable is of the opinion that, if granted, this would set a precedent which other premises, who trade for 14 continuous hours, would be likely to follow.

Grampian Police have carried out a visit to the premises and spoken with Steven Janssen, the Designated Premises Manager, who advised that at present no food is served in the restaurant after 2200 hours. If granted, the extended hours are intended to cater for customers who want to drink alcohol and dance later than 0100 hours, but who do not want to go to other premises in the city centre. Mr Janssen also advised that at present their intention is that only customers already within the premises for the consumption of a meal would be able to take advantage of the longer opening hours and that members of the public who had not dined there would not be admitted solely for the purpose of consuming alcohol.

The amended Operating Plan at 5(g) states that the recorded music on offer will not exceed 85db and that when fully occupied there will not be more customers standing than seated. When asked what the decibel level would be Mr Janssen was unable to answer nor could he advise how the existing decibel level was measured. However, on the basis of the information provided within the amended Operating Plan it appears that if the variation is granted the premises would not be subject to The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007.

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 variation in its current form should be modified so that the total continuous hours of trading on Fridays and Saturdays do not exceed 14 hours.

The Chief Constable has no adverse comment to make regarding the proposed alterations to the layout plan.

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

Yours faithfully

Garry Senff  
Chief Inspector

