

NOT PROTECTIVELY MARKED

7 October 2014

Your Ref:

Our Ref: AD/DASU/SID35161/9898/14

Mr Eric W J Anderson
Team Leader (Team Three)
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6
Level 1 South
Marischal College
Broad Street
ABERDEEN
AB10 1AB



**POLICE
SCOTLAND**

Keeping people safe

Sir Stephen House QPM
Chief Constable

Aberdeen City Division
Queen Street
Aberdeen
AB10 1ZA

01224 306472

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
CAFÉ ANDALUZ, 269-271 UNION STREET, ABERDEEN, AB11 6BR**

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

The variation requested consists of the following amendments to the operating plan at Question 5, namely:

1. Increase 'on sales' hours to 0100 hours each day
2. Add 'off sales'
3. Add seasonal variations
4. Add restaurant facilities
5. Delete Gaming and Indoor/Outdoor sports
6. Permit children and young persons until end of core hours
7. Reduce capacity to 218 persons

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

In respect of points 2, 3, 4, 5, and 7 above I have no adverse comment to make.

In respect to of point 1 above, whilst the Chief Constable makes no objection to the terminal hour of 'on sales' being 0100 hours, it is noted that the commencement of 'on sales' is 1000 hours Monday to Thursday inclusive and 1100 hours Friday to Sunday inclusive. This effectively gives the premises 15

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

hours continuous 'on sales' trading on Monday to Thursday inclusive which exceeds the guidelines of a maximum of 14 hours continuous trading in any 24 hour period, as contained within 20.3 of Aberdeen City Licensing Board's Statement of Licensing Policy 2013 - 2016.

In terms of section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005, the Chief Constable is of the opinion that the variation to the operating plan should be modified so that the trading hours on Monday to Thursday inclusive comply with the guidelines relating to Operating Hours as stated within the Aberdeen City Licensing Board Statement of Licensing Policy and do not exceed 14 hours in total.

In respect of point 6 above, in terms of Section 22(1)(b)(i) and (ii) of the same Act and in support of the Protecting Children from Harm licensing objective, I make the following representation on behalf of the Chief Constable, and request that the variation in its current form be modified and the wording "Children will only be permitted entry whilst accompanied by a person aged 18 years or over who is partaking of a meal" be appended at question 6(b) of the operating plan.

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

Yours faithfully

Murray Main
Chief Inspector

NOT PROTECTIVELY MARKED