

Date 22 December 2014
Enquiries to 01224 557047
Our Ref 20141159
Email: grampian.healthprotection@nhs.net

Eric Anderson
Solicitor
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Mr Anderson

**Licensing (Scotland) Act 2005 – Application for a variation to a Premises Licence
Staging Post, 16 Oldmeldrum Road, Bucksburn, Aberdeen, AB21 9DU**

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 is seeking to:

1. Extend the terminal hour of the premises to 1am on Friday and Saturday

Extending the terminal hour of the premises to 1am on Friday and Saturday contradicts the Aberdeen Licensing Board Statement of Licensing Policy as these premises are outwith the identified city centre area and are not providing “significant entertainment”.

The Aberdeen Licensing Board Statement of Licensing Policy, paragraph 20.3 states:

The Board will not normally grant hours beyond 00.00 outwith the city centre.

The Aberdeen Licensing Board Statement of Licensing Policy, paragraph 20.8 also states:

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...Examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays.

The entertainment listed in the operating plan would not appear to qualify as a “principal attraction” for patrons.

The Aberdeen Licensing Board Statement of Statement of Licensing Policy paragraph 27.4 also states:

*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. Even small reductions in the availability of alcohol can contribute to health gain and reduce violence and harm to the population generally, as well as to the drinker themselves. Alcohol availability is affected by outlet density, outlet distance, **opening hours** and price. 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.*

Within the Operating Plan the following statement has been made

“Alcohol will only be sold to young persons under the very restricted provisions within the Licensing (Scotland) Act 2005”.

I am assuming that this is just an error as our understanding of the current legislation is that an **adult** can purchase beer, wine, cider or perry for consumption by a young person along with a meal, but the young person cannot purchase the alcohol themselves – only an adult can make the purchase. Please see Section 105-01 of the Licensing (Scotland) Act 2005.

It would be good to ensure there was clarity around this area.

There is nothing in the application which demonstrates that this extension to the terminal hour is an exception and fits a local need for increase in opening hours of on sales premises and should be approved.

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

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Christopher Littlejohn
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drugs)