

**NOT PROTECTIVELY MARKED**

4 February 2015

Your Ref:

Our Ref: AD/DASU/SID38570/9898/15

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



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  
ONE DIAMOND STREET, ASK ENTERTAINMENT LIMITED, 1-3 DIAMOND  
STREET, ABERDEEN, AB10 1QU**

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

The application consists of a variation to operating plan and layout plan, namely to

1. Amend question 5(a) to 'yes' to allow Restaurant Facilities
2. Amend question 6 to allow children and young persons access until 2200 hours, whilst consuming food and soft drinks and only when accompanied by an adult.

In respect of the new layout plan, the application describes the variation sought as:

- Tables and chairs will be inserted in the premises including the dance area
- A stage will be inserted in front of the tables and chairs
- A dumbwaiter will be put in use and its position is clearly shown on the revised plan
- The kitchen in the adjoining premises at 150 Union Street from which the dumbwaiter is taken is shown on one of the layout plans

**NOT PROTECTIVELY MARKED**

**NOT PROTECTIVELY MARKED**

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

In terms of Section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005, the Chief Constable wishes to make the following representation.

In respect of point 1, it is noted that the premises currently operates as a nightclub, and offers 'significant entertainment' (as defined within Appendix 4 of the Aberdeen City Licensing Board Statement of Licensing Policy 2013 - 2016) in the form of recorded music for dancing and has appropriate dedicated dancefloor facilities. By virtue of this significant entertainment, which is the principal attraction for patrons attending the premises (as stated in 20.8 of the Policy), the premises has late opening hours of 1100 to 0200 hours Monday to Thursday, 1100 to 0300 hours Friday and Saturday and 1230 to 0200 hours on Sunday, in line with the Board's Policy.

Appendix 4 also states that the terminal hour for restaurants is 0100 hours.

The very nature of the variation application is to change the premises from a nightclub, with the removal of the dancefloor, to predominantly a restaurant which therefore means that the **principal** attraction (as stated in 20.8 of the Policy) for patrons attending the premises is the provision of meals, and not any entertainment provided 'significant' or otherwise, therefore disqualifying the premises from being entitled to the late hours it currently enjoys.

In respect of point 2, Police Scotland has spoken with the agent for the applicant who confirmed that the intention is to allow to children and young persons access when accompanied by an adult when both the child or young person and the adult are partaking of a meal.

In terms of Section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005, the Chief Constable is of the opinion that the premises will become predominantly a restaurant operation and that the variation to the operating plan should be modified so that the terminal hour for the new restaurant is varied to 0100 hours seven day per week in line with the Board's Policy.

In addition, the operating plan should be modified at part 6 so that the terms of children and young person's access is amended to state ' children and young persons are allowed access until 2200 hours when accompanied by an adult when both the child or young person and the adult are partaking of a meal.'

Yours faithfully

Murray Main  
Chief Inspector

**NOT PROTECTIVELY MARKED**