

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: THE GRANITE CITY, ABERDEEN AIRPORT

DESCRIPTION

- Vary one sale hours from 06:00 -02:00 Monday to Saturday & 11:00 -02:00 on a Sunday to 03:00 – 01:00 Monday to Sunday

OBJECTIONS/REPRESENTATIONS

- Police Scotland

LICENSING POLICY STATEMENT

20 HOURS OF TRADING – GENERAL & EXTENDED

- 20.1 The Board expects that all applicants for licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Applicants should not overestimate their trading hours just in case they may be required, as this may precipitate a review of the licence. Should licence holders wish to reduce their operating hours this can be done by way a minor variation which can be granted using delegated powers.
- 20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.
- 20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours.
- 20.4 The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours

and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

The Board further considers that it would be extremely difficult for any applicant to justify the sale of alcohol prior to 10:00 hours and after 03:00 hours unless there are exceptional circumstances. The Board considers there is sufficient evidence from the Health Board and Police Scotland to suggest that such extensions of hours for the sale of alcohol could have detrimental effects on both the health of the City's population and levels of criminal and violent offending, particularly in the City Centre. Evidence produced by Police Scotland shows in particular significant levels of alcohol related offences such as assault, breach of the peace, vandalism and urinating in public, the hotspots for which are those areas with a high density of licensed premises. Although there is seen to be a reduction in some of these offences others such as night time breach of the peace, serious assaults and urinating in public have in fact increased in the year to 2012/13. The Health Board and Forum propose that when access to alcohol is reduced through restricting and/or granting shorter opening hours people drink less and consequently less harm is derived. The Board considers therefore that there should be a presumption against the supply of alcohol and the granting therefore of any extended hours after 0300 and before 1000. Such a presumption would not apply retrospectively and would not apply to Casinos or premises at Aberdeen International Airport. Such a presumption would promote the licensing objectives in particular those of Protecting and Promoting Public Health and Preventing Crime and Disorder by aiming to reduce associated alcohol related harm.

With reference to 20.3 above, where the Board have stated that a maximum of 14 hours continuous trading in any 24 hour period is reasonable, this requires to be further qualified in respect of this presumption. This is because if premises are granted hours from or before 10.00 they will then be expected to close at 01.00 or earlier. This proviso would ensure that the 14 hour maximum trading period is not exceeded in order to help reduce alcohol related crime and health harm which could be associated with the increased availability from longer trading hours, The Health Board advise that it has been shown in studies that even by reducing closing time by 1-2 hours can lead to reductions in crime and other alcohol related harm. The Health Board also submits that reducing access to alcohol in mornings can also influence reshaping and reforming drinking culture in Scotland. The 14 hour maximum opening period should not result in the terminal hour increasing due to a premises having/seeking a later opening hour. Premises may have different terminal hours for different parts of the premises.

- 20.8 Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays. 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.– The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.in order to be consistent with the licensing objectives. This would apply to premises such

as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music. The Board are entitled to distinguish between premises of different descriptions offering different facilities or activities. e.g. Section 27(9) of the 2005 Act allows the Board to impose conditions in relation to the sale of alcohol on a premises to which a licence relates or any other activity carried on in such premises. In light of the evidence before the Board on the levels of alcohol consumption in the city and the levels of alcohol related crime the Board wish to promote in terms of the objectives the types of premises which can operate where the service and sale of alcohol is not the primary objective thus contributing to the positive night time economy in the City but not adding to the health or crime related harms associated with are premises which focus wholly or mainly on alcohol consumption.

The Board has taken heed of the advice of the Police and the Health Board and no longer considers snooker as an entertainment that warrants a later terminal hour (2am or 3am). This change to the Policy is not to apply retrospectively and will not therefore affect current licensed premises where the principal activity is snooker.

- 20.12 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder caused or exacerbated by customers departing from the premises or the rise of alcohol related crime or disorder in the vicinity of the premises.