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25 March 2015

Your Ref:

Our Ref: AD/DASU/SID39716/9235/15

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Sir Stephen House QPM
Chief Constable

Aberdeen City Division
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Dear Sir

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
THE GRANITE CITY, ABERDEEN INTERNATIONAL AIRPORT, DYCE,
ABERDEEN, AB21 7DU**

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 the current operating hours of 0600 - 0200 hours Monday to Sunday, to new amended hours of between 0300 to 0200 hours Monday to Sunday.

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

In terms of Section 22(1)(b) in general and 22(1)(b)(iii) specifically, of the Licensing (Scotland) Act 2005, the Chief Constable wishes to make the following representation.

The premises currently operate for 20 continuous hours of trading between 0600 and 0200 hours daily. The Operating Plan contained within the licence states that the capacity of the premises is for 392 persons. The current layout plan does not state what numbers of persons can be seated nor those who can stand.

The Board will be aware of the guidance in their current Statement of Licensing Policy for 2013 - 2016, which, at 20.3, states that trading for a

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continuous period of 14 hours in a 24 hour period is deemed to be reasonable, and in line with Scottish Government guidance.

The Chief Constable is aware that the operating hours currently enjoyed by the premises were acquired by way of 'grandfather rights' during the transition period between the Licensing (Scotland) Acts 1976 and 2005.

The Board's Policy at 20.4 deals states that **'it would be extremely difficult for any applicant to justify the sale of alcohol prior to 1000 hours and after 0300 hours unless there are exceptional circumstances.'** The Policy goes on to state that **'there should be a presumption against the supply of alcohol and the granting therefore of any extended hours after 0300 hours and before 1000 hours. Such a presumption would not apply retrospectively and would not apply to casinos or premises at Aberdeen International Airport.'**

The Chief Constable recognises that licensed premises within Aberdeen International Airport may be viewed differently to premises elsewhere in the city, however the Board are asked to carefully consider whether or not the exception within 20.4 of its Policy was ever intended to allow a premises at the airport to open for 23 continuous hours in a 24 hour period.

Police Scotland have established that of the current scheduled flights, the earliest departure is at 0520 hours, with the latest departure being at 2330 hours. The latest arrival is at 2230 hours.

The Chief Constable also notes that the current and proposed terminal hour of 0200 hours renders the premises as 'late opening' as per 20.5 of the Board's Policy, and this is acknowledged by the applicant in the operating plan accompanying the variation application where question 5(g) has been answered. It is also noted that in answer to the second question in 5(g), that the applicant has indicated that when fully occupied it is unlikely that there will be more persons standing than sitting.

Police Scotland have carried out a site visit and a manual count of the seating found that there is seating for approximately 234 persons, therefore when at capacity, in theory there would be 234 persons sitting and 158 standing. Police Scotland suggest Building Standards officers from Aberdeen City Council may be in a position to report upon the accurate breakdown of those seated and standing by the time this application calls before the Board.

The current version of the premises licence makes no reference to the The Licensing Conditions (Late Opening Premises)(Scotland) Regulations 2007 whatsoever, however this is thought to be an administrative oversight dating back to transition in 2009.

Depending on the result of the Building Standards report, it may follow that The Licensing Conditions (Late Opening Premises)(Scotland) Regulations 2007 must (as directed by part 2) be imposed, and imposed in full (as per part 3(2)(b)), in respect of occasions when the premises may be fully occupied. If seating/standing numbers confirm more seating than standing when at capacity, then the Regulations at part 1 only of the Schedule should be

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applied. Therefore, in terms of section 22(1)(b)(iii) of the 2005 Act, the Chief Constable recommends that the said mandatory conditions, as most appropriate, be imposed.

If the Regulations are applied in full, the Board may also wish to consider the option available to them as contained within the mandatory condition at part 2(b) of the Schedule, and specify another time, other than between 0100 and up to 0500 hours, where the holder of a Personal Licence must be present on the premises.

Yours faithfully

Murray Main
Chief Inspector

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