

Aberdeen City Council  
Clerk to the Licensing Board  
Business Hub 6 L1S  
Marischal College  
Aberdeen  
AB10 1AB

F.A.O: Jacqui Wallace

Your Ref:

Our Ref: DDC/CB/2001262-24/26617

*Please quote this when replying*

Date: 1 June 2015

Please ask for: David Crank

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Dear Madam,

**Booker Limited, Whitemyers Avenue, Mastrick, Aberdeen, AB16 6YR**

We write further in relation to the application for Booker at their Whitemyers Avenue premises for a Major Variation to extend the display area. We have seen the comments from the Licensing Standards Officer and these have caused us to have further discussion with my client in respect of the suggestion that the increase did not appear as great as was reflected in the application. Further the question from David Kidd, in relation to the calculation, caused a re-examination of the layout plans.

The simpler point to answer in relation to the question raised by David Kidd is that although the dimensions on the layout plan that is displayed shows the rack run as being 2 metres high, the table at the bottom has it marked down as 2.2 metres high and in fact it should be 2.2 metres high and the layout plan has missed the ".2" off. This should assist David to reconcile the figures on the plan with those in the table.

To help we have asked that this be corrected and attach six further copies of the corrected layout plan via hard copy of this letter and a scanned copy with the email copy of this letter.

A greater issue arose from our discussions with the client. This appears to be twofold, first the original calculation was wrong and then there appears to have been a change to the layout, probably made in or about 2010, before either myself or the current Licensing Administrator became involved in the administration of licensing. It appears that a change was made and the area expanded, it also appears to be the case that in earlier calculations, the client's calculations were only based on the rack run and did not include the pallets, something that is corrected now in respect of this application.

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The effect on the calculation of including in the calculation the pallet display in 2009 would have given a display figure of 270.41m<sup>2</sup>, the changes, made in or about 2010, would have increased this to 349.12m<sup>2</sup> and the current application seeks 340.84m<sup>2</sup>.

We would hope the Board would understand that the errors have their basis in mistakes or misunderstandings of the position on or after conversion and not any attempt to mislead or disregard. In recent years there has been greater certainty as to requirements and we seek to explain and correct the earlier errors.

We would ask that this application proceed on the basis that it will regularise the position. As you know our client's business operates on a wholesale basis selling to trade customers, and has the benefit of a Premises Licence to ensure that any of those trade customers that are not solely involved in the alcohol trade do not cause it to breach the strict definition of wholesale in the Act. The display area also doubles as a storage area for the client as in other wholesalers.

It remains the case that in order to make a purchase from Booker one needs to be a member, one needs to have provided details of one's business and to have a trade or business.

We would ask that the up to date plan form the basis of the application, we would ask that this application allow us to correct the position in relation to layout, and to update the changes that have been made to the layout of the distribution element of the premises. We would say that if the applications had been made in the correct order, this would in fact be a minor variation to slightly reduce the area, but accept that it should continue to be dealt with as a major variation to regularise the position.

We would be grateful if you could acknowledge receipt of this correspondence and look forward to hearing from you as to whether the matter could be dealt with on the 23<sup>rd</sup> June 2015. If there are questions please contact the writer David Crank.

We thank you for your continuing help.

Yours faithfully

**David Crank**  
**Associate**  
**for DWF LLP**

Enc.