

5 November 2015

Your Ref:

Our Ref: AD/DCU/46169/9211/15

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Sir Stephen House QPM  
Chief Constable

Aberdeen City Division  
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FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF OCCASIONAL LICENCES**  
**APPLICANT: JOHN CODONA, C/O LEDINGHAM CHALMERS LLP**  
**PREMISES TO BE LICENSED: STALL TO BE KNOWN AS WALK UP BAR 1, ABERDEEN FESTIVE VILLAGE, UNION TERRACE, ABERDEEN**

I refer to the above applications and in terms of Section 58(1)(b)(ii) of the Licensing (Scotland) Act 2005, make the following representation on behalf of the Chief Constable.

The applications relate to a festive event due to be held between 26 November 2015 and 5 January 2016.

The event, which involves the closure of Union Terrace, Aberdeen will create a 'festive village' within a defined area, and will include stalls selling festive goods, festive food and drinks, family entertainment, funfair rides, a skating rink with viewing marquee and an entertainment marquee where food and drinks can be purchased and consumed.

It is intended that there will be four areas within the footprint of the event site from which alcohol will be sold in accordance with Occasional Licences issued under the Licensing (Scotland) Act 2005.

This letter relates to the applications made in respect of the Walk Up Bar 1 within the event site for the periods 26 November to 8 December 2015, 9 December to 21 December 2015 and 22 December 2015 to 3 January 2016, all dates inclusive.

## **NOT PROTECTIVELY MARKED**

Walk Up Bar 1 is to be situated at the Union Street end of the event site, in the proximity of the market stalls. There is one further, similar structure, referred to as Walk Up Bar 2 which is to be situated at the Rosemount Viaduct end of the event site.

The applications to which this letter refers request 'on sales' of alcohol between 1200 and 2200 on each day applied for, with the exception of 31 December 2015 when the hours requested are 1200 - 0200. The application also requests 'off sales' of alcohol for the hours 1200 - 2200.

The applications forms describe the premises to be licensed as "a bar selling items such as mulled wine, beer, cider and wine."

On the application forms, at the part in which the applicant describes the activities to be carried on in the premises, the applicant has indicated that customers who purchase alcoholic products sold from the bars will be 'entitled to consume the drinks within Union Terrace'.

Telephone contact has been made with the applicant's agent who has advised that he has submitted the applications on the understanding that the purchase of the alcohol and subsequent consumption of same on Union Terrace will be done so in accordance with 'on sales' of alcohol.

I am of the view that if this is the case, the description of the premises to be licensed should have included the actual street, Union Terrace as the area in which alcohol is to be consumed on the premises, and thus Union Terrace becomes the licensed area for the sale of alcohol for consumption on the premises, thus defining a clear licensed area. The absence of a 'licensed area' gives no scope for certain controls and measures under the Licensing (Scotland) Act 2005, particularly if any offences under the Act were committed.

I am aware that there is an intention to relax, or amend, the Aberdeen City Council (Drinking in Public Place) Byelaws 2009, in respect of Union Terrace only, for the dates of the event.

It may be the case that the Licensing Board considers that the sale of alcohol from the walk up bars will be done in accordance with 'off sales'. If this is the case, the licensed area is the physical structure of the bars only, as per the description provided on the application forms and such sales would have to cease at 2200 hours on 31 December 2015.

If it is viewed that sales of alcohol from a walk up bar are made on an 'off sales' basis, the consumption of same on Union Terrace will be permissible if the bye law is indeed relaxed, or amended to permit this activity.

It is my understanding that to date this has not been confirmed, therefore the applications for sale of alcohol on an 'off sales' basis are done on the presumption of the bye law being relaxed for that area. If such a relaxation of the bye law is not completed by the first date these applications relate to (26 November 2015) then I can foresee the only remedy being that the sale of alcohol is done so in accordance with the Occasional Licences for the sale of alcohol on an 'on sales' basis, with Union Terrace being included as the area to be licensed.

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The applicant's agent has indicated that in respect of 'off sales' there is no intention for alcohol to be sold for consumption off the premises in the conventional manner, i.e. bottles of alcohol sold and taken off the premises for consumption elsewhere.

I understand that at similar, larger events in Edinburgh, the sales of alcohol from walk up bars which can then be consumed on the site, are on an 'on sales' basis and the area in which alcohol can be consumed is clearly defined and forms part of the licensed area.

I am of the view that there are issues regarding the precise basis on which alcohol will be sold from Walk Up Bar 1 that the Licensing Board may seek to clarify.

The Police Service of Scotland are supportive of the concept of the event as a whole and are a supportive partner alongside the local authority and local businesses in enhancing the festive experience in the city centre, especially one that firmly focusses on appealing to the whole family by providing a safe, child appropriate environment.

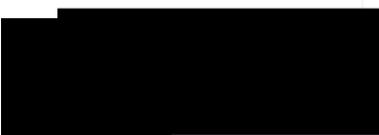
It is my view that such an event could be both appealing and successful without the sale of alcohol being included, or appearing as a major attraction, and I would have welcomed an alcohol free event.

However, on the basis of supporting the concept of the event being a winter market, in which the sale and consumption of alcohol focusses upon seasonal products, on behalf of the Chief Constable, I make the following representation in relation to the applications for Walk Up Bar 1, and recommend they be granted subject to the condition that all sales of alcohol be restricted to mulled alcoholic products, i.e. mulled wine and mulled cider.

I understand that this position will undoubtedly disappoint the applicant however, it is a position I take primarily to support the Protecting and Improving Public Health and Protecting Children from Harm licensing objectives, and ask that you consider 'harm' in its broadest sense, recognising that children learn behaviours from example and exposure; the normalising and acceptance of consumption of alcohol in everyday environments and the wide availability of alcohol at family oriented events being examples of such types of exposure. The imposition of this condition would also support Aberdeen Alcohol and Drug Partnership's strategy of engendering a healthier, safer and more responsible attitude to alcohol.

This letter is submitted for your attention when considering these applications and request it be considered in conjunction with my other letters relating to similar applications made in terms of Section 56 of the Act in relation to this proposed event.

Yours faithfully



Jackie Craig  
T/Chief Inspector

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