

Date 7th June 2016
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Our Ref 20161087
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Ms Ruth O'Hare
Solicitor
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms O'Hare

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
Gaelic Lane Coffee House, 1 – 3 Gaelic Lane, Aberdeen, AB10 1JF**

I refer to the above application and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005; I make the following objection under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks a number of variations to the current operating plan. NHS Grampian has no comment to make on points 1 – 4, or 7 and 8 but is particularly concerned with variation numbers 5 and 6:

5. Core hours for the ground floor to increase till 3.am on Friday/Saturday and Saturday/Sunday only, with food and acoustic entertainment to be on offer till 2.30am .
6. Add external pavement area for outside drinking.

The applicant seeks to change the format of the Coffee House to a Cafe Bar by extending their trading hours and also propose to add the existing external pavement area for outside drinking and eating.

The Aberdeen City Alcohol Licensing Board published their Statement of Licensing Policy in November 2013. Under Section 7 of the Licensing (Scotland) Act 2005, the Licensing Board adopted two localities in the city as having overprovision of on sales liquor licensed premises.

This overprovision assessment of Aberdeen's late night leisure economy was taken after considering detailed evidence from both NHS Grampian and Police Scotland.

The application for the Gaelic Lane Coffee House is within the area defined by the Board as overprovided for in terms of on-sales. Section 9.3 (a) of the Aberdeen Statement of Licensing Policy 2013-2016 states:

*The Belmont Street, locality, which is that area of Belmont Street bordered by Union Street, Back Wynd and Schoolhill. It includes Belmont Street, Union Street (north side), Back Wynd, Little Belmont Street, **Gaelic Lane (both sides)** and the south side of Schoolhill between Belmont Street and Back Wynd.*

Section 9.5 of the Aberdeen Statement of Licensing Policy 2013 – 2016 also states

*The Board, having regard to the **number** and **capacity** of liquor licensed premises in both these localities and, with the supporting evidence provided by consultees, adopted these two localities as having an overprovision of liquor licensed premises for on sales in respect of entertainment, public houses and so called **hybrid premises types**.*

Although this is not an application for new premises, it is an application for a new venture which I feel would clearly not be acceptable under the terms of the current Statement of Licensing Policy. Although we are advised that food will be available until 2.30am I am not aware that entry to these premises will be dependent on the purchase of food. There is the potential for these premises to become purely a drinking establishment or nightclub. This Coffee House has undergone a subtle change by opening late on a Friday night and is now applying to extend the terminal hour to a 3am finish on 2 nights of the week, more in keeping with a nightclub.

I understand that there is no curfew in place for the outside drinking area so patrons could be drinking outside until the proposed termination time of the Cafe Bar which is 0300 and that the increased outside area will provide seating for a further 25 people.

This amendment also equates to continuous trading of 16 hours on both evenings. Section 20.3 of The Aberdeen City Statement of Licensing Policy 2013 - 2016 states that:

"....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 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"

Section 20.7 of The Aberdeen City Statement of Licensing policy 2013 – 2016 states that:

"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 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".

I am not aware that the provision of food and acoustic entertainment will provide the significant entertainment required by the terms of the Statement of Licensing Policy. Although dance facilities have been included on the application for variation of premises license I would like to know how this will be provided when the Cafe Bar will also be providing restaurant facilities and bar meals until 02:30?

NHS Grampian provided evidence detailing alcohol related health harms for people living in Aberdeen which helped the board produce their Statement of Licensing Policy 2013-2016 and the overprovision policy relating to the night time economy. The health situation has not changed significantly since this was produced.

I would suggest that Gaelic Lane Coffee House retain its existing terminal hour for Friday and Saturday evenings. I feel this proposed extension and the provision of the additional external pavement area is not appropriate as it is not in keeping with the terms of the Statement of Licensing Policy and request that approval to increase the terminal hour and add additional external seating is not granted.

For these reasons, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian objects to the application as the granting of it would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

Heather Wilson
Health Improvement Officer (Alcohol & Drugs)