

10 June 2016

Your Ref:

Our Ref: DCU/6759/16

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



**POLICE
SCOTLAND**

Keeping people safe

Philip Gormley QPM
Chief Constable

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
UNDER DOG (BREWD OG) 5 UNION STREET, ABERDEEN, AB11 5BU**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the following requests, namely

1. Amending Question 1(c) to state "Yes" permitting on and off sales;
2. Amending Question 4 relating to seasonal variations to "Yes";
3. Question 5 to amended to permit conference facilities, theatre and films during and outwith core operating hours;
4. Varying the free text box that follows Question 5 to read "The premises may open before core hours for receptions and group/club meetings for networking events, educational events, school and private functions, DJ events, performances etc. All of the above activities may be available during that time. These may all involve the playing of recorded music and live performances (including comedy)";
5. Question 5(f) relating to any other activities amended to state "Art exhibitions, artistic and educational events, comedy";

6. Question 6(a) amended to state "Yes" permitting children or young persons access;
7. Question 6(b) amended to state "Children and young persons will be permitted access provided they are supervised by an adult. Access will be generally for an artistic/music related purpose i.e. attending an event/play/music or other performance or attending a function/meeting/educational event";
8. Question 6(c) amended to state "All ages";
9. Question 6(d) amended to state "Until 10pm except where they are attending an event/function or appearing in a play/performance where they can remain on the premises until the end of that event/function/play/performance but not after midnight";
10. Question 6(e) amended to state "all parts".

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

In respect of points 2, 3, 4, 5, 6 and 10 I have no adverse comment to make.

In respect of point 1, the operating plan in its current form should be amended to show "on sales" only as per the current operating plan. It has been established that this was applied for in error by the applicant.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, and in support of the Preventing Crime and Disorder and Protecting Children from Harm licensing objectives, the Chief Constable makes representation in respect of points 7, 8 and 9 as follows:

The operating plan, at question 6(b) states, "Children and young persons will be permitted access provided they are supervised by an adult. Access will be generally for an artistic/music related purposes i.e. attending an event/play/music or other performance, participating in an event/play/music or other performance, or attending a function/meeting/educational event".

At question 6(c), which relates to the ages of children to be allowed entry, the operating plan states "0-17" years.

At question 6(d), which relates to the times during which children and young persons will be allowed entry, the operating plan states, "Until 10pm except where they are attending an event/function or appearing in a play/performance where they can remain on the premises until the end of that /function/play/performance but not after midnight".

The Chief Constable has no objection to children and young persons being within the premises prior to the commencement of core licensed hours, which is 1700 hours daily.

The applicant premises are a late opening venue and have, since opening, operated as such, and could be considered as similar to a night club destination.

I am of the view that the activities/events to which it is proposed children and young persons are to be allowed entry is not sufficiently detailed enough to fully comprehend the nature of events which may take place, and thereby make appropriate comment and recommendations.

If children and young persons were to be allowed entry to a child-appropriate performance/play/event, which was to continue into the commencement of core hours, then again, I would have no objection to such, if alcohol was not to be sold during that play/performance/event.

In support the Preventing Children from Harm licensing objective, however, I feel greater detailed is required regarding the exact nature of events to which children and young persons are to be permitted entry, and during which times, whilst alcohol is for sale.

The variation in its current form could potentially allow children, albeit accompanied by an adult, to be within the premises until midnight, during an 'event/function/play/performance'. The term 'event/function/play/performance' is somewhat broad and I would have concerns that it could include performances, and playing of music, at which one would not normally expect children and young persons aged 0 -17 to attend, and if this is indeed the intention, then the Chief Constable, in terms of Section 22(1)(a) of the Act objects to these elements of the variation.

Contact has been made with the applicant's agent seeking further details in respect of these elements of the variation, which in my view is necessary to have a fuller understanding of what is intended to take place within the premises, and thus be able to comment accordingly.

This letter is submitted for your attention when considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306472