

21 December 2016

Your Ref:

Our Ref: 192443

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



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
FIVE GUYS ABERDEEN, 7 ST NICHOLAS STREET, ABERDEEN, AB10 1HE**

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 amending Question 5 of the Operating Plan to include the provision of outdoor drinking.

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

In terms of Section 22(1)(a) of the same Act, I wish to make the following objection.

This application relates to an area that is approximately eight metres in length, three metres wide and situated to the left of the main door to the premises, thus occupying a considerable section of the delineated pavement. Although the area is predominantly pedestrianised it is still considered a public road to which certain vehicles are permitted access.

St Nicholas Street, Aberdeen is an area that experiences very heavy pedestrian footfall as it is a main thoroughfare which intersects Union Street and a crossing point between large retail areas.

In the past year, there have been several reported crimes of anti-social behaviour involving youths in St Nicholas Street, Aberdeen. Whilst the number of incidents is not significantly high, Police Scotland is of the view that an outdoor drinking

area is not conducive to an area that experiences such heavy pedestrian footfall and youth disorder and is additionally concerned that should this application be granted, it would set a precedent that other premises in a similarly busy area would seek to replicate.

In terms of section 22(1)(a) of the Licensing (Scotland) Act 2005 the Chief Constable is of the opinion that the variation should be refused on the grounds that it would be inconsistent with the licensing objectives of:

- preventing crime and disorder;
- preventing public nuisance.

If, however, the Board are minded to grant this application, in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I make representation in connection with the foregoing concerns and recommend that the following conditions be imposed:

- the outdoor seating area must be clearly demarked by barriers or other form of physical boundary;
- alcohol is to be decanted into plastic containers or safety glass;
- alcohol is only to be sold for consumption in the outdoor area when in conjunction with food;
- alcohol is not to be consumed within the outdoor seating area after 2100 hours daily.

These matters are submitted for your attention when considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468