

21December 2016

Your Ref:

Our Ref: 192525

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  
UNDERDOG, 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 seeks to merge the separate premises at 5 and 9 Union Street, Aberdeen and to include a connecting stairway between the ground and basements floors of the 'new' premises. The application indicates that the terms detailed in both premises' current operating plans are to remain unaltered, thus creating what is referred to as a 'hybrid' premises.

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

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation on behalf of the Chief Constable.

The operating plan that accompanies the application specifies the different 'on-sales' commencement and terminal hours that apply to the two parts of what is to become one premises. However, the latest version of the operating plan does not detail the difference between certain activities: for example, it indicates that 'dance facilities' apply to the premises but does not define that the 'dance facilities' relate to the basement part of the premises and not the ground floor, which would be in keeping with the existing activities. This is similarly the case in the section that refers to the times during which children and young persons will be permitted access to the premises. The new operating plan indicates that children will not be permitted access after 2230 hours, however the times currently in place for that

particular element are 2230 hours for the basement, subject to certain terms, and 1800 hours on the ground floor.

The applicant's agent has confirmed that the existing terms in respect of these two matters remains unchanged. I am therefore of the opinion that the operating plan in its current form should be modified to clarify the matters raised herein.

This representation 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 306468