

28 February 2017

Your Ref:

Our Ref: 208921

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
BABYLON, 9 ALFORD PLACE, ABERDEEN, AB10 1YD**

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 the terminal hour 'on sales' hour on the trading days of Friday and Saturday from 0300 to 0400 hours.

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 make the following objection and recommend that the variation should be refused on the grounds that it would be inconsistent with the Preventing Crime and Disorder and the Preventing Public Nuisance licensing objectives.

In support of this position, I provide the following information and enclose an Anti-Social Behaviour Report prepared by the Aberdeen Community Safety Partnership, to be considered in conjunction with the information contained herein.

The premises currently operates core "on-sales" of 1400 to 0200 hours Sunday to Thursday inclusive and 1400 until 0300 hours on Friday and Saturday.

The Statement of Licensing Policy states, at point 20.3, "The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays". At point 20.4, the policy continues, stating, "The Board further considers that it would be extremely difficult for any applicant to justify the sale of alcohol prior to 10:00 hours and after 03:00 hours

unless there are exceptional circumstances... The Board considers therefore that there should be a presumption against the supply of alcohol and the granting therefore of any extended hours after 0300".

The application form submitted by the applicant details no rationale for the proposed variation to trading hours, and provides no 'exceptional circumstances' in relation to the application.

Currently within Aberdeen city centre, late opening premises, including the applicant premises, close at 0300 hours on Friday and Saturday, except when a general extension of one hour is granted by the Board by virtue of Section 67 of the Licensing (Scotland) Act 2005, or an extended hours application to cater for a special occasion or an event of local or national significance is applied for and granted.

A number of food outlets continue to offer food until 0400 hours under the terms of the Civic Government (Scotland) Act 1982. This allows for patrons to egress licensed premises, purchase food should they desire, and make their way out of the city centre using late-night buses, taxis or on foot.

If granted, given that the applicant premises has a capacity of 359 this could conceivably result in a large number of patrons seeking the facilities of food outlets and transport after 0400 hours on Saturday and Sunday mornings.

The Weekend Partnership is a multi-agency group attended by organisations such as Police Scotland, Aberdeen Community Safety Partnership, Aberdeen City Alcohol & Drugs Partnership, the Scottish Ambulance Service, Scottish Fire & Rescue Service, Unight, Aberdeen Inspired and representatives from bus companies, the taxi trade, the security industry, student associations and the universities. Voluntary bodies such as Street Pastors and Alcohol & Drugs Action also contribute to, and attend, this group.

The purpose of the group is to co-ordinate services to promote a safe and enjoyable environment for the night time economy and to reduce and prevent criminality as well as the fear of crime and anti-social behaviour.

Crucial to the success of this partnership approach is the placing of the wide variety of services, both public and private sector and volunteer groups, in key locations, at key times. The established 'end time' of licensed premises and late hours catering premises allows all organisations involved to deploy resources appropriately and effectively.

Police Scotland regularly deploys in excess of 30 additional officers on Friday and Saturday nights to police Aberdeen city centre and the wider night time economy. Any change to the operating hours for the applicant premises, or any similar premises, to beyond this time, would impact upon the deployment of Police resources which will, in turn, have financial implications.

Were the Board to grant this application, it would set a precedent and is likely to result in other, similar premises seeking similar variations to their own trading

hours. Should other licensed premises follow suit, and are similarly granted a core terminal hour of 0400 hours, the established 'end time' to the night-time economy will be materially altered and will place an extended and increased demand on the public and voluntary sector services as mentioned above.

The Aberdeen Community Safety Partnership is responsible for co-ordinating a joint agency response to the nationally mandated Single Outcome Agreement and leads on the 'Safer and Stronger' theme within that agreement. The partnership functions are co-ordinated using information and analysis to identify and efficiently tackle priority issues concerning Public Place Violence, Anti-Social Behaviour, Violence against Women, Road Safety and Home & Fire Safety in order to ensure Aberdeen retains its position as one of the safest cities in the country.

Enclosed with this letter is an Anti-Social Behaviour Report prepared by an analyst within the Community Safety Partnership. The data contained within clearly demonstrates that the longer and later licensed premises operate, the higher the incidence of crime and disorder. Most notable is the high incidence of serious assaults which occur not just within licensed premises, but in public spaces during the first hour after the later opening licensed premises have closed.

The key contributory factor in almost every recorded crime of violence during the weekend night time economy hours is the consumption of alcohol, which, in relation to the offences that have occurred within the city centre, will have been consumed, by those involved, on licensed premises.

In April 2013, the Scottish Community Safety Network published a report, in conjunction with several supporting documents, entitled 'Measuring Preventative Spend - A Cost Toolkit for Community Safety'. Although dated April 2013, the Community Safety Partnership considers this document to still be accurate and relevant. On that date, the estimated average cost of a minor assault was £6,700 and £24,719 for a serious assault.

I recommend that the grant of the variation of the licence be refused in terms of Section 23(5)(c) of the Licensing Act (Scotland) Act 2005 as, if granted, for the reasons stated above, it will be inconsistent with the licensing objectives of Preventing Crime and Disorder and Preventing Public Nuisance.

This objection is submitted for your attention in considering this application.

Yours faithfully

Philip Gormley QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468