

28 February 2017

Your Ref:

Our Ref: 208872

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
MCGINTYS MEAL AND ALE, 504 UNION STREET, ABERDEEN, AB10 1TT**

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, namely;

1. Amendment of the 'on sale' core hours on Friday and Saturday from 1100 to 0100 hours to 1200 - 0200 hours;
2. Amendment of the commencement of 'off sales' core hours on Friday and Saturday from 1100 hours to 1200 hours;
3. The addition of live performances and dance facilities, during core hours;
4. Reduction in 'on sales' capacity from 422 to 400;
5. Addition of an area designated as a dance floor;
6. Removal of a 'display' area;
7. Removal of one of two sets of stairs leading to a raised level.

In relation to points 2, 4, 6 and 7 I have no adverse comment to make.

In relation to points 3 and 5, I have no objection in principal to the inclusion of live performances and dance facilities; however, in terms of Section 22(1)(b) of the Licensing (Scotland) Act 2005, I make the following representation.

An officer from the Divisional Licensing Unit has visited the premises. In respect of the dance floor, the layout plan indicates that the identified dance floor extends

the full width of the floor space. It is apparent that the dance floor is not specific facility but will exist by virtue of tables being moved to create a space or area. Patrons who wish to access the toilet facilities and who are on the other side of the dance area to the toilets will have to traverse the dance area to reach the toilets. As such, it is my view that the area currently demarked on the layout plan as a dance floor is questionable and it is a matter therefore for the Board as to whether, by virtue of removing furniture, this part of the premises is considered a dance floor area/facility as, if that is the case, then almost every 'on sales' licensed premises could create 'dance floor area/facilities' merely by removing furnishings and I suggest that this is not in keeping with the spirit in which such a facility was intended to be so described.

In relation to the inclusion of 'live performances', I have no objection in principal to same. An officer from the Divisional Licensing Unit contacted one of the Directors of the company which holds the premises licence who advised that the seeking of the addition of this activity is to facilitate live music on an occasional basis, such as once or twice a month, to enhance customers' enjoyment.

In relation to point 1, but with relevance to points 3 and 5, in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I wish to object to this element of the variation.

The core 'on sales' hours enjoyed by the premises are consistent with the those enjoyed by premises offering 'not significant entertainment, as defined as defined in the Board's Statement of Licensing Policy 2013 -2016, at Appendix 4.

The applicant is seeking an extension to the core 'on sales' hours within the range available to premises offering 'significant entertainment; as defined at Appendix 4 of said Policy. It is therefore anticipated that the applicant will seek to demonstrate that by the addition of the live performances and the dance floor, that the premises will offer 'significant entertainment' that will thus entitle them to a later terminal hour.

Appendix 4, in relation to 'significant entertainment' states that the entertainment should be the principal attraction for patrons attending premises, with alcohol consumption ancillary to such entertainment.

It is my view that the premises are not offering 'significant entertainment' that would justify an increase in the terminal hour requested. If, however, the Board do not agree with this position, I am of the view that the later terminal hour should not be granted, as if granted, it would be inconsistent with the licensing objectives of preventing crime and disorder and preventing public nuisance, for the following reasons:

Alcohol fuelled violence and disorder continues to be a problem in Aberdeen city centre, particularly in the late evening and the early hours.

Enclosed with this letter is an Anti-Social Behaviour Report prepared by an analyst within the Community Safety Partnership, which focusses on crimes of disorder and violence. The data contained within clearly demonstrates that the

longer and later licensed premises operate, the higher the incidence of crimes of violence 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.

If, however, having taken all matters raised herein into account, the Board are minded to grant the later terminal hour, in terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I make representation that this element of the variation is granted subject to a condition that the premises can only enjoy the later terminal hour when there is a pre-booked live band/ performance at the premises which will be performing for some portion of the additional hour.

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 306468