

1 March 2017

Your Ref:

Our Ref: 208937

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  
THE COLLEGE BAR, GROUND AND MEZZANINE FLOOR, 9 ALFORD PLACE,  
ABERDEEN, AB10 1YB  
PREMISES LICENCE HOLDER - PB DEVELOPMENT COMPANY LTD**

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 varying the core 'on sales' hours from 1000 - 0000 hours on Monday to Thursday; 1230 - 0000 on Sunday and 1000 - 0100 on Friday and Saturday to 1200 - 0200 hours Sunday to Thursday inclusive and 1300 - 0300 hours on Friday and Saturday. The application provides no rationale for the proposed variation.

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

In respect of the operating plan which accompanies the application, insufficient detail has been appended to Question 5(g) to establish whether the premises, should the variation be granted, will fall within the description of premises contained at Section 3 of The Licensing Conditions (Late Opening Premises)(Scotland) Regulations 2007, to which mandatory conditions must be attached.

In terms of Section 22(1)(a) of the same Act, and in support of the Preventing Crime and Disorder and Preventing Public Nuisance licensing objectives, I make the following objection in relation to the application.

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 within Aberdeen city centre. 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.

The Chief Constable asks that there is recognition that such incidents can, and do, also occur once patrons have dispersed from licensed premises, thus causally linking the commission of alcohol-influenced violence and disorder to the later and longer availability of alcohol. An example of this can be illustrated by the following set of circumstances:

The applicant premises was granted extended hours from 0100 to 0600 hours on Sunday 21 August 2016 for the purpose of televising a mixed martial arts event that took place in Las Vegas. About 0300 hours on 21 August 2016, two male friends, aged 20 and 18 years, were permitted entry to the premises. Shortly after 0500 hours, same day, both left the premises (exact circumstances of them leaving are not clear) however, one of the males realised that he had lost his driving licence and bank card and attempted to re-enter the premises but was refused entry. The males were spoken to by Police Officers at this time. For unknown reasons, the pair remained outside the premises until it had closed.

About 0600 hours, same day, the premises heard a loud noise near the doorway and on looking outside saw one of the males acting in an aggressive manner by shouting at the other male. The aggressor then kicked the door of the premises. The premises manager and another independent witness saw both males wrestling, believed this to be playful and took no further notice of the two males.

As the independent witness walked away, he heard a loud fall, turned back and saw one of the males lying motionless on the ground. This witness contacted the Police. The other male ran from the scene. He was apprehended nearby. The

male admitted he had punched his friend and was subsequently cautioned and charged with Assault.

The injured party sustained a cut to his chin which is likely to result in permanent scarring and as such the crime is recorded as a Serious Assault. The sobriety status of the injured party is recorded as 'had been drinking'. The sobriety status of the assailant is recorded as 'drunk'. When interviewed under caution, the assailant described how he had only consumed two alcoholic drinks within the premises but had been drinking heavily in various other premises. He described himself as drunk and unable to walk properly by the time he entered the premises. The assailant has pled guilty to Assault to Injury and sentenced is deferred until a date in March 2017.

This incident demonstrates how patrons' levels of intoxication can affect their conduct, not just whilst within premises but also for a time period after they have left licensed premises.

In terms of Section 22(1)(a) of the same Act, and in support of the Preventing Crime and Disorder and Preventing Public Nuisance licensing objectives, for the reasons provided, I object to the grant of the variation.

In the event the Licensing Board is minded to grant the later terminal hours as per application, in terms of Section 22(1)(b)(ii) and (iii) of the same Act and in support of the Preventing Crime and Disorder licensing objective, I recommend that the variation be granted subject to the conditions specified at 6.5 of Aberdeen City Licensing Board's Statement of Licensing Policy 2013 - 2016, specifically in respect of CCTV (in addition to the Door Supervisors and Radio Link conditions currently in place) for the trading days of Friday and Saturday.

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