

26 July 2017

Your Ref:

Our Ref: 249460

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
MANZIL INDIAN RESTAURANT, 22-24 KING STREET, ABERDEEN, AB24 5AX**

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 requests, namely;

1. Change the Designated Premises Manager;
2. Amend the commencement of on sales core hours on Sunday from 1230 to 1100;
3. Amend Q4 in relation to seasonal variations to permit the premises to operate until 0200 hours on Hogmanay;
4. Amend Q5 to include the provision of Bar Meals, Receptions, Club or Group Meetings, Recorded Music and Live Performances during core hours;
5. Amending Q6 in relation to Children and Young Persons access and the terms under which they are permitted;
6. Changing the layout of the premises to reduce the restaurant area, include a stage area and include a large area of removable seating;
7. Amend the description of the premises from 'Indian Restaurant' to 'Comedy Club'.

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

In respect of points 1, 2, 6 and 7, I have no adverse comment to make.

In respect of the other requests, in terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

The application and accompanying operating plan and layout plan indicates a number of significant changes to how the premises wish to operate. The premises currently operates as an Indian Restaurant and was granted a licence which reflects this environment, particularly in relation to core operating hours and children and young person's access.

I am of the opinion that despite the premises still offering the provision of restaurant facilities, the request essentially seeks to change the nature of the premises from being a restaurant to a hybrid-style premises that offers the provision of live performances and other activities, as listed on the operating plan which accompanies the application. It is unclear whether restaurant facilities would still be offered at the same time as some of the many other activities described.

The premises current operating plan permits them to operate until 0100 hours from Monday to Sunday by virtue of offering restaurant facilities. It is my opinion that the Board should satisfy themselves, as per the aforementioned statement whether the nature of the premises has materially changed and, as such, whether the premises would in fact be entitled to operate until 0100 hours. This will have an impact on whether the Board is minded to grant point 3 above, bearing in mind that in terms of the general direction, the premises would, I believe, be permitted to open until 0200 hours.

In respect of point 4, the applicant has indicated that they wish to include the provision of Bar Meals, Receptions, Club or Group Meetings, Recorded Music and Live Performances during core hours.

The operating plan that accompanies the application states that the premises will primarily operate as a comedy club and will offer other activities such as themed evenings, casino nights, auctions, bingo nights, karaoke nights, race nights, cocktail demonstrations and wine and drinks tastings. It appears that when such activities are to take place, they would be the principal attraction to the premises and therefore not an activity ancillary to a meal. I therefore request that the Board is satisfied that the premises are operating licensed hours consistent with Appendix 4 of the current Policy.

In respect of point 5 relating to Children and Young Persons access, I am of the opinion that given the core function of the premises has materially changed, and as such, in terms of Section 22(1)(b)(ii) and (iii) of the same Act, I recommend that the operating plan in its current form in relation to such terms is modified to reflect the following:

- Young Persons are permitted access until 0100 hours for the purposes of having a meal, or attending an age appropriate function or event, but must be accompanied by an appropriate adult over eighteen years of age after 2200 hours.

- Children and Young persons are not permitted on the premises when the principal activity taking place is an activity such as casino nights, bingo nights, race nights, cocktail demonstrations and wine and drink tastings. .

This representation 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