

26 July 2017

Your Ref:

Our Ref: 246814

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
MCNASTY'S, 37 SUMMER STREET, ABERDEEN, AB10 1SB**

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 amendments to the operating plan:

1. On sales licensed hours to be amended to allow a later opening time of 1100 hours and terminal hour of 0200 hours each Friday and Saturday.
2. Off sales licensed hours to be amended to allow sales to commence at 1100 hours each Friday and Saturday.
3. The addition of seasonal variations to allow additional licensed hours in accordance with the Licensing Board's Festive Guidelines.
4. An amendment to hours of entry for young persons, restricting the terminal hour to 2200 hours.

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

In respect of points 2 and 3 above, I have no adverse comment to make.

In respect of point 1 above, in terms of Section 22(1)(a) of the same Act, I make the following objection and recommend that this element of the variation be

refused on the grounds that it would be inconsistent with the licensing objectives of Preventing Crime and Disorder.

Currently, the premises operating hours are consistent with the guideline operating hours for premises offering 'not significant entertainment' as detailed within Appendix 4 of Aberdeen City Licensing Board Statement of Licensing Policy 2013-2016. Meanwhile, the Operating Plan pertaining to the premises has indicated that the activity of 'live performances' which may take place after 2100 hours on Fridays and Saturdays is dedicated to karaoke performances.

Following contact with the applicant's agent, it is understood that the additional hour on Friday and Saturday is sought for the purpose of allowing patrons to enjoy an extra hour of karaoke entertainment.

Appendix 4 of the Aberdeen City Statement of Licensing Policy 2013-2016 indicates what the Board to be 'significant entertainment' and 'not significant entertainment' and the guidelines operating hours for both.

The activity of karaoke is detailed under the activities the Board considers to be 'not significant entertainment', the guideline terminal hour of which is 0000 Sunday to Thursday and 0100 hours on Friday and Saturday.

Since mid- 2016, Aberdeen City Licensing Board has considered several applications made for an increase to the terminal hour of premises that have, for many years, operated 'not significant entertainment' hours.

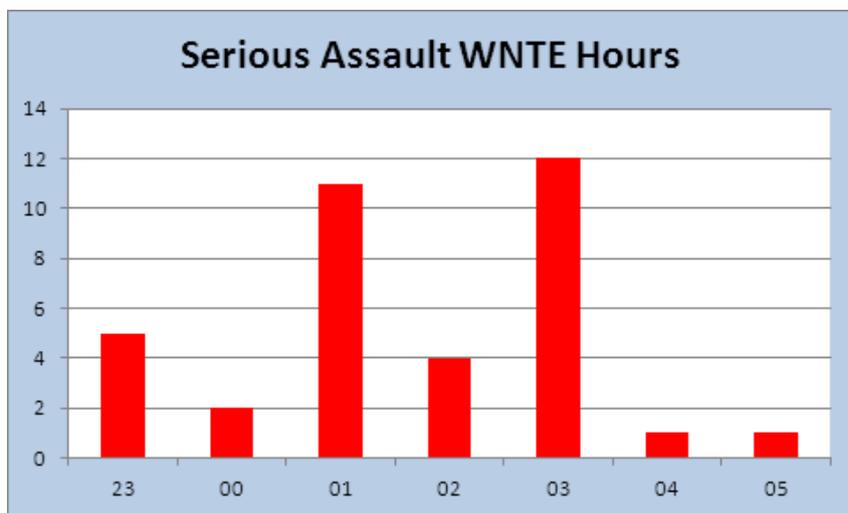
Police Scotland has objected to such applications on the basis that it would, in our view, be inconsistent with the licensing objective of Preventing Crime and Disorder as crime statistics consistently demonstrate that, in terms of the Aberdeen city centre, the longer and later 'on sale' licensed premises are open, the higher the incidence of crime and disorder, particularly crimes of violence and this has been amply evidenced by Anti-Social Behaviour Reports, compiled the Aberdeen Community Safety Partnership, which have formed the basis of the objections to extensions of terminal hours.

I am aware that when considering such applications, the Board has taken into account what it considers constitutes 'significant entertainment' and has applied their policy in terms of operating hours accordingly.

In respect of this application, the activity to take place which appears to form the basis of the later terminal hour sought does not constitute 'significant entertainment' in the Board's current Policy.

Police Scotland maintains the position that longer and later licensed hours leads to an increase in the commission of crime and disorder, particularly crimes of violence and, with regard to Aberdeen city, while the overall figures in terms of crime appear to be decreasing, the figures pertaining to serious assaults are not reducing. To that end, I provide the following relevant data, which is exclusive to Aberdeen city centre during the weekend night time economy hours (i.e. 2200 to 0559 on Friday and Saturday nights).

| Offence/Fiscal Year | 2014/15 | 2015/16 | 2016/17 |
|---------------------|---------|---------|---------|
| ASB | 456 | 409 | 318 |
| Common Assault | 391 | 312 | 275 |
| Serious Assault | 41 | 35 | 41 |



The most recent data capture possible, for the year 1 July 2016 to 30 June 2017, indicates there were 36 serious assaults recorded within Aberdeen city centre during the weekend night time economy hours. All with the exception of one are linked to the consumption of alcohol within the city centre.

Of these 36, eleven were committed on licensed premises and of these eleven; eight were committed within late opening venues (premises open beyond 0100). Of the 25 committed outwith licensed premises, all persons involved had consumed alcohol in the time period prior to the offence.

All offenders (with the exception of one) who were traced at the time of the offence had a recorded sobriety status of 'had been drinking' or 'drunk'.

However, 21 of the 36, just less than two thirds, can be directly linked to persons who had been drinking within late opening venues.

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. The report provides that the estimated average cost of a serious assault was £24,719. These costs significantly impact on the public services involved, not just the police service; the health service and criminal justice system are similarly

affected and it is my view that the 'public purse' continues to be faced with meeting the costs of alcohol fuelled violence.

In respect of point 4, in terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation. I am supportive of this element of the variation sought; however, wish it to be brought to the attention of the Board that the terms under which children and young persons are permitted access to these premises appears somewhat broad and perhaps outdated and inconsistent with the terms enjoyed by similar premises.

Currently, the circumstances in which children and young persons may be on the premises is undefined other than stating that children must be accompanied by an adult. There is no qualifying reason why children would be on the premises, as can be found in the vast majority of like premises; for example, when partaking of food or attending a function. The premises operates principally as a public house style venue and, I understand, offers significant provision of televised sport, particularly football. No restaurant facilities are indicated, however, the operating plan does indicate that bar meals are offered.

I therefore invite the Board to consider seeking the applicant's agreement to amend the terms at 6(b) of the operating plan, to ensure consistency of the Board's policy, with particular regard to 28.4 of said Policy.

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