

23 February 2018

Your Ref:

Our Ref: 298743

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

Iain Livingstone QPM
Deputy Chief Constable Designate

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
HENRY'S BAR CAFÉ, , 4 EXCHEQUER ROW, ABERDEEN, AB11 5BW
APPLICANT: FIERCE BEER LIMITED, 175 GREAT WESTERN ROAD,
ABERDEEN, AB10 6PS**

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 a number of amendments as follows:

1. Amendment of core on and off sales hours to 1100 daily;
2. Confirmation of operation of the Board's seasonal hours;
3. Removal of certain activities including bar meals and dance facilities and the inclusion of activities such as club/group meetings;
4. Amendment to layout plan and increase and increase in 'on' and 'off sales' capacity;
5. Amendment to Children and Young Person's access by simplifying the terms to 'access of Children and Young Persons only when accompanied by a responsible adult (18 years and over) until 2000 hours daily, to all parts of the premises accessible to the public'.

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

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

The Operating Plan which accompanies the application provides no further qualifying detail regarding the terms under which Children and Young Persons will be permitted access. It is noted that bar meals will cease to be offered and that sandwiches, crisps and other cold snacks will instead be available.

Contact has been made with the applicant's agent who has indicated that the premises will primarily offer craft beers, including those brewed by the applicant company. It appears therefore that the principal purpose of premises is the sale and consumption of alcohol, with sandwiches and cold snacks being ancillary to same.

In terms of Section 22(1)(b)(ii) and (iii) of the Licensing (Scotland) Act 2005, I am of the opinion that the variation in its current form should be modified to reflect to following points:

1. The 'terms' as indicated at Question 6(b) to include wording to the effect that Children and Young Persons will only be permitted access when accompanied by a responsible adult (aged 18 years or over) and for the purpose of some, or most, of the party consuming food;
2. The 'parts' as indicated at Question 6(e) to exclude the area marked on the layout plan as 'vertical drinking'.
3. As these premises are not offering what could be considered a meal, and having regard to the principal purpose of the premises, it is requested that an earlier terminal hour for Children and Young Persons be considered by the Board.

At the time of submission of this letter, it was noted that the applicant was not the premises licence holder however, I understand that an application for the transfer of the premises licence is expected prior to this application being heard.

This representation is submitted for your attention when considering this application.

Yours faithfully

Iain Livingstone QPM
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01224 306468