

22 November 2017

Your Ref:

Our Ref: 278357



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  
BREWDOG, 5-9 UNION STREET, ABERDEEN, AB11 5BU**

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 seeks to:

1. Add outdoor drinking facilities during and outwith core hours;
2. In relation to the ground floor, include several activities after core hours, such as the provision of food and the showing of televised sporting events and other organised functions and events;
3. In relation to the basement, include several activities before core hours for receptions, group/club meetings, music education, DJ school and private functions;
4. Amend Question 6(d) of the operating plan in relation to the times during which children and young persons are allowed entry to both the ground floor and basement.

In terms of Section 29(5) of the Act this request can be considered a variation. In terms of Section 22(1)(b)(i)(ii) and (iii) of the same Act, I make the following representation.

In respect of point 1, the applications seek to include an external licensed area across the full width of the premises frontage on Union Street. The depth of the proposed area is just under on half of the depth of the pavement.

Following a visit by Police and Licensing Standards Officers to the proposed area, during which time the premises manager was present, it was observed that in respect of the east most end of the proposed area, which is at the corner of Castle Street, the extent of the area could impact negatively on pedestrians using this section of pavement; a junction which experiences heavy pedestrian footfall.

Currently, due to extensive building work at Marischal Square, Aberdeen, there are two large, temporary, metal A-frame road signs placed on that section of pavement and if these applications in their current form are granted, due to the positioning of the signs, the issue highlighted above would be further exacerbated and effectively create too narrow a space to allow unimpeded flow of pedestrians.

In respect of the west most end of the proposed area, it was observed that it is in close proximity to a busy pedestrian crossing.

I recommend that this element be granted in relation to a reduced area, and I would suggest the area immediately in front of the two windows that are east of the main door, extending to, and ceasing just east of the fire exit doors. I further recommend that the external drinking area be bounded by removable barriers or other structure and subject to a terminal hour of 2200 hours daily.

On Friday 10 November 2017, this proposal was discussed with Mr Peter Lawson, the applicant's agent. Mr Lawson indicated that the applicant would most likely have no issue with this proposal however, at the time of submission of this letter no copy of an amended layout plan has been received by Police Scotland.

In respect of point 2, with regard to the showing of televised sport or any function or event that is to take place **after** core licensed hours, I request it be made a condition that the premises management are to advise Police Scotland of such any event no less than 7 days beforehand. In respect of the provision of meals/snacks and takeaway food after core hours, I anticipate this will be within the hours of 2300 and 0500. I understand such an activity will require to be licensed under the Civic Government (Scotland) Act 1982, and such application will be subject to the usual statutory consultation.

In respect of point 4 and the element of which that relates to the basement, I have no adverse comment to make. The element which relates to the ground floor seeks to increase the times during which children and young persons will be present. Currently children and young persons are allowed access under certain terms until 1800 hours. The application seeks to increase this to 2200 hours.

I am aware that there are many licensed premises, or specific areas within licensed premises, within Aberdeen that enjoy such terms, however I am of the view that such premises, or defined part of such premises, operates primarily as a restaurant, and where there is no doubt that the principal activity is the provision of a table meal, with the consumption of alcohol being ancillary to same.

The applicant premises currently environment appears to be more 'wet sales' led, and while I accept that provision of food is offered, it does not appear, currently, to have the characteristics of a restaurant or food led venue. This is particularly

evident during the weekend evenings and I am not of the view that the presence of children and young person until 2200 hours, within such an environment is suitable or appropriate. In support of the Preventing Children and Young Persons from Harm licensing objective, I recommend that the terminal hour for children and young persons remains at 1800 hours daily.

In respect of point 3, I have no adverse comment to make.

This representation 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