

Date 21st June 2018
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Our Ref 20181044
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Ms Jennifer Wilson
Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Wilson

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
VOVEM (Formerly The Filling Station), 254 Union Street, Aberdeen, AB10 1TN**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following representation under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to make a number of variations to the Operating Plan. The variation that is of concern to NHS Grampian is:

- to amend the on sales terminal hour in the basement bar
 - Monday – Wednesday to 01:00;
 - Thursday & Sunday to 02:00 and
 - Friday & Sunday to 03:00.

According to the Statement of Licensing Policy, Appendix 4, this is in keeping with the acceptable hours of trading for premises providing **significant entertainment**.

The Aberdeen City Licensing Board Statement of Licensing Policy, 2013-2016 states at Section 20.7, paragraph 4:

“Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted later hours.” “The Board regards significant entertainment to be entertainment which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and/or participation in the entertainment

provided. The Board considers in these cases that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.”

If entertainment at its lowest level is the action of a premises receiving people and providing drinks (and or food) and an enjoyable atmosphere I would anticipate that significant entertainment, at the top end of the scale would be providing an event, activity or performance specifically designed to entertain people.

I understand from the agent that the basement bar will possibly be themed as a “prohibition”/1920s type premises with jazz, informal and recorded music provided. It is not anticipated that this will be live bands and entertainment may not be available every evening. The entertainment on offer at these premises would appear to be low key.

The Licensing Board will decide whether this application meets their view of significant entertainment.

From a health point of view individuals will make their own judgements as to the risks they are willing to accept from alcohol, how much and how often to drink. We are of the view that in pursuing the public health objective of licensing, premises should take reasonable measures to ensure that people are enabled to drink in a low risk way. The 2016 Chief Medical Officer (CMO) guidance suggests that this can be achieved by limiting the amount of alcohol drunk on a single occasion, drinking with food and spacing out drinks.

I have a concern that these premises will attract customer from surrounding bars at closing time e.g. after 01:00 who wish to extend their drinking time until 03:00. From talking to the agent it is clear that there will be no curfew on admission to the premises. I also understand that there are plans to provide a food offering in the basement bar.

I wish to request that:

- **a condition is added to the license which makes the provision of food (not crisps, nuts or bar snacks) in the basement bar compulsory during late opening periods**
- **that the premises develop and implement a managing intoxication policy and commit to providing a duty of care for vulnerable or intoxicated customers**
- **that the premises develop a policy for admission to the premises (this may overlap with the above)**

Scotland has the highest rates of alcohol related hospital admissions of the four UK home nations. Recently published data on Alcohol Related Deaths for Aberdeen suggest an upward trend in the numbers of people dying as a result of alcohol¹.

Although alcohol related hospital stays appear to be on a decreasing trend there is evidence of an increasing trend in alcoholic liver disease stays. This figure is currently over double the rate recorded in 1997/98².

¹ <https://www.nrscotland.gov.uk/files//statistics/alcohol-related-deaths/2016/alcohol-related-deaths-2016-tab3.pdf>

² <http://www.isdscotland.org/Health-Topics/Drugs-and-Alcohol-Misuse/Publications/2017-11-21/visualisation.asp>

For these reasons, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this letter of representation as the granting of the application would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drug