

2 May 2019

Your Ref:

Our Ref: 411336

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Iain Livingstone 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
NIRVANA, 23 CROWN TERRACE, ABERDEEN, AB11 6HD**

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:

1. Amending the commencement of core hours from 1200 hours on Sunday to Thursday and 1300 hours on Friday and Saturday to 1200 hours, Monday to Saturday and 1000 hours on Sunday;
2. Inclusion of indoor/outdoor sports and televised sport;
3. Amendments to Q6 of the Operating plan to allow Children and Young Persons access until 2100 hours to all public parts of the premises.

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.

In respect of point 1, I note in the paper apart submitted by the applicant's agent, that youth pool training is to be available on Sunday mornings between the hours of 1000 and 1200 with different age groups being trained at different times. If this is the reason for the earlier commencement of core hours on Sunday in particular, given core hours will commence at 1200 on the other six days of the week, then I suggest that the sale of alcohol during the period of time of 1000 - 1200 is not appropriate and inconsistent with the licensing objective of Protecting Children

and Young Persons from Harm. I recommend that unless the Licensing Board are otherwise satisfied that that the earlier commencement on Sundays is appropriate, that this element of this part to the variation be refused. I have no adverse comment to make about the commencement of on sales being amended to 1200 hours on Friday and Saturday.

In respect of point 2, and in support of the Preventing Crime and Disorder and Preventing Public Nuisance licensing objectives, I request a condition be attached that should the premises intend to hold indoor sports and/or show televised sport of any major sporting event, particularly those involving mixed martial arts and boxing, after the terminal hour, that Police Scotland be notified no less than three weeks in advance.

In respect of point 3, the terms under which Children and Young Persons is not defined. In the paper apart it is indicated that children will be present for the playing of pool, watching competitions and to eat. This is not reflected on the Operating Plan. I therefore recommend that the Operating Plan be amended to include same and when children will be supervised or accompanied.

I note the premises have the activity of adult entertainment and I understand from the applicant's agent that his client would be willing to provide an undertaking to not operate the premises utilising adult entertainment.

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

Yours faithfully

Iain Livingstone QPM
Chief Constable

For enquiries please contact the Licensing Department on 01224 306468.