

Salomeh Kheyri Rad

From: Foi Enquiries
Sent: 29 August 2019 11:29
To: [REDACTED]
Subject: EIR-19-1048 - Nox Nightclub
Attachments: V3 - Further Information - Right to Review & Appeal.pdf

Your Ref: [REDACTED] 0028/00001

Dear [REDACTED]

Thank you for your information request of 31 July 2019. Aberdeen City Council (ACC) has completed the necessary search for the information requested. Our response is now detailed below.

Details of the maximum capacity of Nox Nightclub, 2 Justice Mill Lane, Aberdeen, AB11 6EN in terms of their licence and fire regulations.

The technical licensing capacity for the premises is 496.

Please note that the capacity for licensing purposes and capacity for fire regulations can be different figures. ACC do not hold information relating to the maximum capacity for fire regulations. Scottish Fire & Rescue Service act as the enforcing authority in terms of the Fire (Scot) Act 2005. Within the Act, there is a duty for the person responsible for the "relevant premises" to carry out a risk assessment and assess any risks to the safety of persons within the premises. It is reasonable to assume that the safe capacity for fire regulations will form part of that risk assessment. The risk assessment is held by the person responsible for the premises, not Scottish Fire & Rescue Service.

ACC is unable to provide you with information on **details of the maximum capacity of Nox Nightclub, 2 Justice Mill Lane, Aberdeen, AB11 6EN in terms of fire regulations** as it is not held by the Council. In order to comply with its obligations under the terms of Regulation 10(4)(a) - Information Not Held - of the EIRs, ACC hereby gives notice that this information is not held by it. ACC is required by Regulation 10(1)(b) of the EIRs to inform you as to why in all the circumstances of the case, the public interest in maintaining this exception outweighs the public interest in disclosing this information to you. ACC is satisfied that it does not hold this information and considers that, as there is no information held, the public interest lies with the exception.

INFORMATION ABOUT THE HANDLING OF YOUR REQUEST

As the information which you requested is environmental information, as defined under Regulation 2(1) of the Environmental Information (Scotland) Regulations 2004 (the EIRs), ACC considered that it was exempt from release through FOISA, and must therefore give you notice that we are refusing your request under Section 39(2) of FOISA (Freedom of Information (Scotland) Act 2002). However, you have a separate right to access the information which you have requested under Regulation 5 of the EIRs, under which ACC has handled your request. Please refer to the attached PDF for more information about your rights under the EIRs.

We hope this helps with your request.

Yours sincerely,



Access to Information Team

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