

**NORTH, CENTRAL AND SOUTH
ABERDEENSHIRE DIVISIONAL LICENSING
BOARDS**

**STATEMENT OF LICENSING
POLICY**

2018 – 2023



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FOREWORD BY THE CONVENORS

FOREWORD

This Licensing Policy Statement sets out the **North**, **Central** and **South** Aberdeenshire Licensing Boards Policies on the sale and supply of alcohol in accordance with the Licensing (Scotland) Act 2005 from November 2018.

After listening to feedback, the 3 Licensing Boards have combined their policies into a single document which highlights local differences where appropriate. We trust that the new approach will make navigation much easier for all users.

The policy has been developed and refined through a collaborative process involving public consultation and discussion with the new Aberdeenshire Licensing Forum as well as directly with the Licensed Trade including Members Clubs, Police Scotland, NHS Grampian, Aberdeenshire Alcohol and Drug Partnership (as well as members of the public) and Community Councils. The Boards are very grateful for the excellent demonstration of partnership working that has culminated in this Policy.

The Licensing Boards aim for a consistent approach across Aberdeenshire whilst maintaining local differences in policy where appropriate given the different geographical and population profiles across the vast area that is Aberdeenshire. Our aim will be to promote the Licensing Objectives as set out in the legislation and all decisions that we make will be based firmly upon reliable evidence and on individual merit.



Brian Topping
Convenor of the
North Divisional
Licensing Board



Fergus Hood
Convenor of the
Central Divisional
Licensing Board



Peter Argyle
Convenor of the
South Divisional
Licensing Board

PART ONE: THE LICENSING OBJECTIVES



LICENSING OBJECTIVES

The 5 core objectives underpinning the Licensing (Scotland) Act 2005 are: -

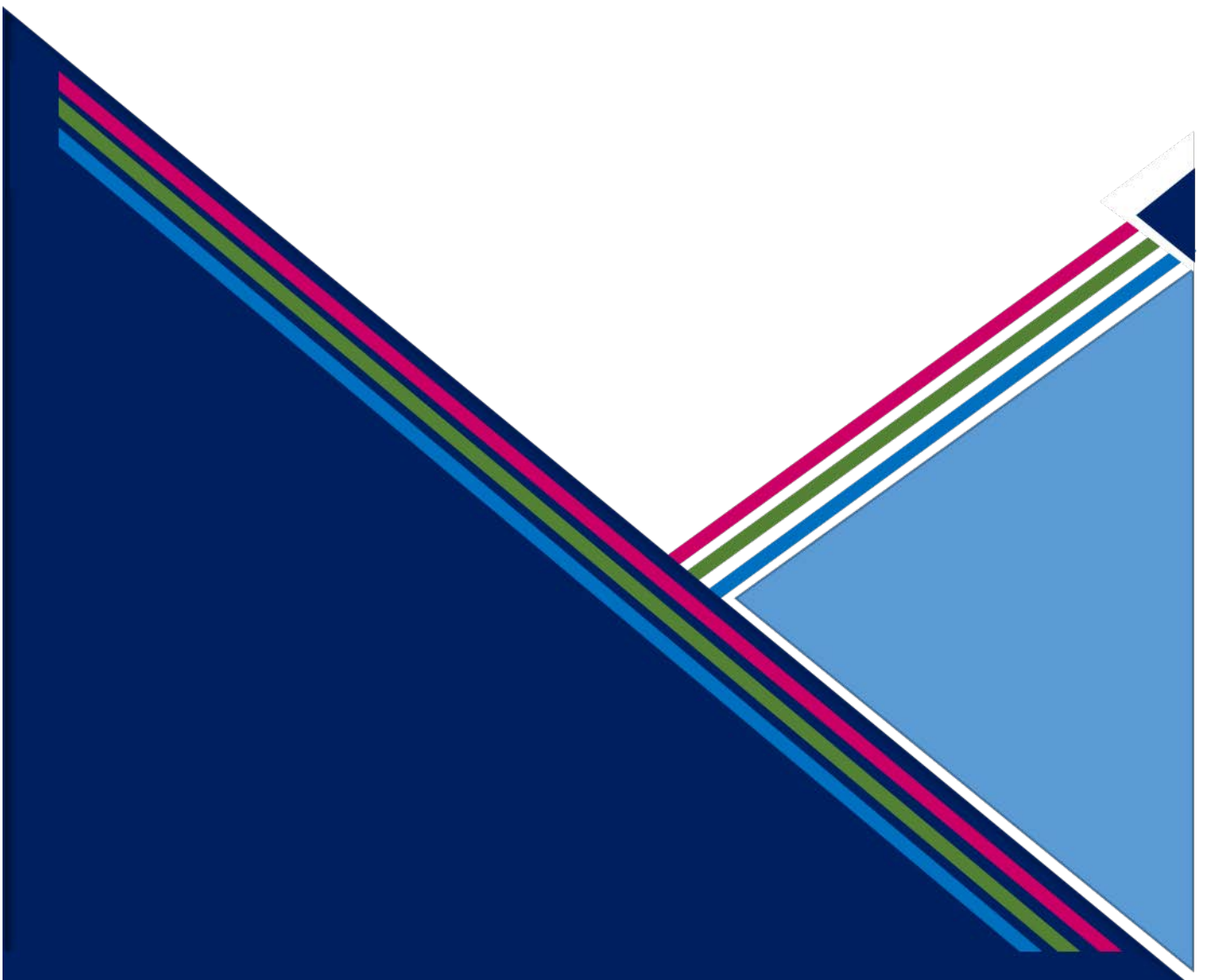
- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children and young persons from harm

“We wish to propose that certain principles should be specifically enshrined in statute as principles which should at all times guide the Licensing Boards and other in the exercise of their functions”

The Nicholson Committee: Review of Liquor Licensing Law in Scotland, Paragraph 2.23



PART TWO: LICENSING POLICY STATEMENT



LICENSING POLICY STATEMENT

1. INTRODUCTION

- 1.1 **Section 6** of the **Licensing (Scotland) Act 2005** (“the Act”) requires every Licensing Board to prepare and publish a statement of their policy to assist in the implementation and administration of the licensing of the sale and supply of alcohol within their area and to outline the way they intend to exercise their functions under the Act.
- 1.2 The primary purpose of the Policy Statement is to ensure that, in exercising their functions, the Boards promote the licensing objectives, as shown on the previous page. Scottish Government Guidance further provides that Policy Statements should provide local communities with a clear indication of the Boards' policy as well as being consistent with the licensing objectives.
- 1.3 To that end, this Policy Statement sets out the **North**, **Central** and **South** Aberdeenshire Divisional Licensing Boards' (“the Boards”) general approach to decision-making under the Act.
- 1.4 Where it is necessary to provide more detailed guidance, Supplementary Policy Statements will be issued.

2. GENERAL PRINCIPLES

- 2.1 In exercising their functions under the Act the Boards are required to have regard to this Policy Statement.
- 2.2 Alcohol is not an ordinary commodity due to its well-recognised hazardous properties. As a result, permission to sell alcohol is not a right but an entitlement awarded where the Boards deem an application not to prejudice the goals of the five licencing objectives either in its own right or as a consequence of cumulative impact across the licensing area in question.
- 2.3 **The Boards will consider all applications on their merits within the context of this Policy Statement. In particular, the Boards will give due consideration to whether or not an application conforms to any requirements set out in this Policy Statement. However, applicants wishing to persuade the Boards to depart from this Policy Statement will need to demonstrate, by means of evidence, good reason for so doing, and in particular, evidence how a departure is not inconsistent with any or all of the five licensing objectives.**
- 2.4 The Boards acknowledge that their licensing powers are not the main statutory mechanism for dealing with anti-social behaviour and nuisance but will work in partnership with organisations that deal with such issues to assist in delivering shared outcomes.
- 2.5 The Boards have adopted a partnership approach to alcohol and alcohol issues within Aberdeenshire in order to work more pro-actively at local level and, to demonstrate on a more practical level how the Boards will adhere to and promote the licensing objectives. In doing this, the Boards have carried out extensive consultation, as outlined in **Supplementary Policy Statement 2**. The Boards have also reviewed the terms of this Policy to set out achievable and measurable outcomes going forward.
- 2.6 The Boards Action Plan can be accessed [here](#)¹.

¹ Link will be added once the Boards' Action Plan has been published online.

3. CONTEXT - NORTH, CENTRAL AND SOUTH ABERDEENSHIRE

- 3.1 A profile of each Divisional Licensing Board Area is contained in **Supplementary Policy Statement 1**.

4. PREPARATION OF POLICY STATEMENT

- 4.1 The Boards have consulted with a wide variety of people and partnership organisations in preparing this Policy Statement. The Boards have also reviewed this Policy Statement having regard to a wide range of documents and evidence.
- 4.2 These are outlined in **Supplementary Policy Statement 2**.

5. THE LICENSING OBJECTIVES

- 5.1. The primary purpose of this Policy Statement is to ensure that the Boards promote the licensing objectives in exercising their functions.
- 5.2. This being of primary importance, the Boards have set out at **Appendix 1**, how they aim to achieve this, what actions will be taken to deliver these aims, what outcomes are expected, how these will be measured, and have set out any **local conditions** required to assist compliance with the licensing objectives in **Appendix 2**.
- 5.3 The Boards have discretion to apply conditions to a premises licence. In doing so, the Boards **must** have regard to how additional conditions relate to the mandatory conditions set out in the Act, Regulations, Orders, and any other Instruments set out in terms of the Act.

NORTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD

The **local conditions** have been reviewed to reflect the licensing objectives that they promote. The North Aberdeenshire Divisional Licensing Board has therefore made reference to the relevant **local conditions** under each licensing objective heading set out in **Appendix 1**.

The **local conditions** can be found in **Appendix 2**

6. OVERPROVISION

- 6.1 The Boards have published **Supplementary Policy Statement 3** setting out the extent to which each Divisional Licensing Board considers there to be overprovision of licensed premises (or licensed premises of a particular description) in any locality within each Board area.

7. OPERATING HOURS

- 7.1 The Boards consider that the operating hours set out in **Supplementary Policy Statement 4** meet the needs of businesses to routinely trade within each Board Area, while, at the same time, not impacting on the needs of the community in such a way that would be detrimental to compliance with the five licensing objectives.

8. RELATIONSHIP WITH OTHER REGIMES AND TRANSPORT, TOURISM, PLANNING AND BUILDING STANDARDS

- 8.1 Statutory Guidance indicates that the Boards should:
- provide clear indications of how the Boards will take into account other matters relating to alcohol;
 - Identify any arrangements between the Licensing Standards Officers and the Police for reporting views/concerns to the local Transport Committee, which in Aberdeenshire is the Infrastructure Services Committee;
 - Identify any arrangements between Visit Scotland and the Boards regarding reports on the needs of the local tourist economy.

Detailed guidance in respect of each of these elements is provided in **Supplementary Policy Statement 5** to this Policy Statement.

9. DUPLICATION

- 9.1 The Boards are committed to avoiding duplication with other regulatory regimes in so far as it is reasonably practicable for them to do so.

10. LICENCE TYPES, PROCEDURES, ENFORCEMENT AND SERIOUS MATTERS

- 10.1 **Supplementary Policy Statement 6** sets out information on licence types, Boards' procedures and decision-making powers, enforcement action, and the matters the Boards consider to be serious in determining applications.
- 10.2 Information relating to the management of licensed premises is set out at **Appendix 1** as management of licensed premises should fundamentally be about promoting the licensing objectives.

11. LICENSING STANDARDS OFFICERS

- 11.1 Licensing Standards Officers ("LSOs") are employed by Aberdeenshire Council and have the functions set out in the Act. Their role is threefold – guidance, mediation and compliance.

12. INFORMATION ON MEMBERS CLUBS

- 12.1 Information relating to Members Clubs is set out in **Supplementary Policy Statement 7**.

13. INFORMATION ON EXCLUDED PREMISES

- 13.1 Information relating to excluded premises is set out in **Supplementary Policy Statement 8**.

14. HOW TO MAKE COMMENT ON THIS DOCUMENT

- 14.1 Consultation on this document took place between the 2nd of July 2018 and the 13th of September 2018. The Policy was published on the 1st of November 2018 and will be applied during the period of the policy i.e. 2018 - 2023 until the 31st October 2023. It will be kept under review and revised, if appropriate, by the issue of Supplementary Policy Statements that will apply to the end of the policy period.
- 14.2. Please see **Supplementary Policy Statement 2** for details on how to make comments.

15. PUBLICATION

- 15.1 Copies of this Policy Statement will be available for public inspection, during normal office hours, free of charge at –
- The Town House, 34 Low Street, Banff, AB45 1AN**
Gordon House, Blackhall Road, Inverurie, AB51 3WA
Viewmount, Arduthie Road, Stonehaven, AB39 2DQ
- 15.2 Copies of this Policy Statement will also be available in .pdf format on Aberdeenshire Council's website.
- 15.3 Any personal information collected will be held and processed in accordance with the requirements of GDPR.

- 15.4 Electronic copies are also available by contacting the Depute Clerk to the Board whose details are given in **Supplementary Policy Statement 2**.
- 15.5 Paper copies will be posted, free of charge, on request as provided for in the [Boards' Publication Schemes](#)².

² <http://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-board-publication-schemes/>

APPENDIX 1 – LICENSING OBJECTIVES

The Boards expect Applicants for Licences and Licence Holders (“Licence Holders”) to demonstrate compliance with the licensing objectives.

The Boards consider that Licence Holders and their staff should operate their business in a manner which is consistent with the five licensing objectives. There are various aspects of running licensed premises which are of particular interest to the Boards.

Licence Holders should consider certain areas of operation in assessing how to comply with the licensing objectives. The Boards wish to offer some guidance to Licence Holders in relation to how to achieve this in practice. This Appendix sets out that guidance, under the heading of each of the five licensing objectives. Licence Holders should note that information listed under one objective may be relevant under other objectives, see the following table for guidance in this regard:

Licensing Objective		Relationship with Other Objectives
A	Preventing Crime and Disorder	B and C
B	Securing Public Safety	A and C
C	Preventing Public Nuisance	A and B
D	Protecting and Improving Public Health	B, C and E
E	Protecting Children and Young Persons from Harm	A, B, C and D

The guidance contained within this Appendix is not exhaustive.

NORTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD
Applicants should refer to Local Conditions 1 – 39

A. PREVENTING CRIME AND DISORDER

General

- A.1 The Boards support a strategy aimed at making Aberdeenshire a safe place to live in and to visit. The Boards are committed to improving the quality of life for the people in the area by ensuring that licensed premises are run in such a way that they do not contribute to crime and disorder. Licence Holders should be able to demonstrate measures within their Licensing Objective Risk Assessment to minimise the impact of:

Underage drinking
Drunkenness on premises
Public drunkenness
Illegal possession and / or use of drugs
Violent behaviour
Anti-social behaviour
Litter

Late night entertainment

- A.2 Nightclubs are an important contributor to the night-time economy and involve a substantial investment in both facilities and entertainment. They tend to be places where patrons arrive from other licensed premises and stay until the terminal hour.
- A.3 Licence Holders must take all reasonable measures to prevent the use of illegal substances or weapons by displaying notices in, and at entrances to, licensed venues which clearly define the policy of the venue and should state that criminal offences will be reported to Police Scotland.

- A.4 To ensure compliance with the five licensing objectives, the Boards may impose conditions on the licence of a premises which is viewed to provide significant entertainment. Significant entertainment will include performance of live music on a regular basis, recorded music actively presented by DJS, cabaret acts and similar activities.
- A.5 Please note that premises Licences Holders are encouraged to read the "[Safer Clubbing Guide](#)"³, as an example of good practice.

Dispersal Policy

- A.6 Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol, particularly at weekends. Licence Holders **shall** ensure that they and their staff have sufficient measures in place to ensure patrons exit, and leave the vicinity of the premises, in good order and as quickly and quietly as possible.

Measures may include:-

Limiting the amount of alcohol sold just before the terminal hour, e.g. only permitting a group to purchase one round, not two;
Making sure all patrons know well in advance the last time for purchasing alcohol is approaching;
Covering bar taps once the terminal hour has passed;
Raising the lighting level and inspecting all parts of the premises for patrons
Linking with local bus and taxi companies to provide safe means of transport home for patrons at the end of the evening;
Having stewards patrol the vicinity of the premises to encourage patrons to disperse

- A.7 Nightclubs **must** have a written dispersal policy to ensure patrons are not put into vulnerable situations after leaving e.g. allowing the phoning of a taxi and waiting in a specific area within the premises. Licence Holders **must** ensure that all staff members understand and implement the policy and that, where appropriate, it is made clear to customers. Dispersal policies **must** be kept available for inspection, be reviewed regularly and there should be detailed records of reviews maintained.
- A.8 All other premises should consider carefully whether a dispersal policy is appropriate to the operation of their premises in complying with this licensing objective. Detailed reasons as to why it should not apply should also be provided if requested by the Boards, Police Scotland or Licensing Standards Officers.

NORTH DIVISIONAL LICENSING BOARD

If such a policy is adopted by the venue it should be agreed with the Board, LSOs and Police Scotland and steps should be taken to ensure that all staff (including door staff) are familiar with the policy. Further, if any such policy is subsequently updated or revised, the revisions **must** be agreed similarly.

Applicants should refer to Local Conditions 12-17

Vulnerability Policy

- A.9 All Licence Holders **must** have in place a vulnerability policy to ensure a standard approach is taken when any patron or potential patron appears to be displaying signs of excessive intoxication. The purpose of this policy is to reduce vulnerability through intoxication, however attained.

³ http://www.csdp.org/research/safer_clubbing_txt.pdf

- A.10 Licence Holders should ensure that all staff are made aware of the issues surrounding vulnerability through intoxication and are able to spot the signs of excessive intoxication. This may be done by providing additional training in this regard using material such as the ['Who are you?' Video \(whoareyou.nz\)](https://www.youtube.com/watch?v=9zr1oxEbdsw)⁴ or similar. It would also be beneficial for any related training in this respect to be recorded.
- A.11 All related training should be recorded and such records available for inspection by Police Scotland and LSOs.
- A.12 Further guidance in this regard is available an example of which is available [here](https://www.bbnscotland.co.uk/media/2319/good-practice-guide-2017.pdf)⁵.

NORTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD
Applicants should refer to Local Condition 19

Door Supervision

- A.13 LSOs are authorised to enforce Security Industry Authority (“SIA”) powers under S.19 (2) of the Private Security Industry Act 2001 in relation to Door Supervisors both at licensed premises and events.
- A.14 The Boards **may** consider door supervision appropriate and as such attach specific conditions in this regard to a premises licence. Licence Holders **must** assess:-

Whether or not door supervisors are required;
When they must be present
The hours they should work; and
Possible specification of particular duties and functions

- A.15 It will be the responsibility of the Licence Holder to ensure that there are sufficient numbers of door supervisors engaged at the premises in all circumstances.
- A.16 In the event that door supervisors are used within premises:

They must be easily identifiable as such to persons present, display the appropriate identification, and should be made aware of their duties, policies and practices, by the premises licence holder.
They must be responsible, capable, aware of their duties and not drink alcohol or be under the influence of any substances for the duration of their active employment.
Applicants should make appropriate arrangements for a daily register and the recording of incidents in an approved incident log.
The daily register and incident log should be open to inspection by authorised officers, being the LSOs and Police Scotland, on request.

- A.17 Door Supervision Duties while on duty at licensed premises or events are:

Supervise entrance doors/access points at all times.
Identify and refuse entry to drunken persons.
Be aware of the fire safety precautions and procedures.
Be made aware of the drug prevention policy.
Ensure that no fire or other exits are blocked.
Be easily identifiable to those present at the event as an SIA registered steward and display the appropriate identification.
Not drink alcohol whilst on duty.
Ensure that no patron removes glasses, or open or closed vessels from the premises when exiting for any reason.

⁴ <https://www.youtube.com/watch?v=9zr1oxEbdsw>

⁵ <https://www.bbnscotland.co.uk/media/2319/good-practice-guide-2017.pdf>

Be responsible, capable and aware of their duties
Remain on the premises until the end of permitted hours and all patrons have vacated the premises

The above list is not exhaustive

- A.18 Licence Holders should take all reasonable steps to prevent the use or supply of illegal drugs, or weapons, such as the searching of customers for offensive weapons or drugs on entering the premises. These searches and, where applicable the seizure of items, **must** be conducted by an SIA licensed door steward.
- A.19 Where such measures are in place Licence Holders will also be expected to make arrangements to record the search of individuals and the seizure of any property which may be required for evidence. Licence Holders will also be expected to provide a suitable receptacle for the safe retention of illegal substances and to inform Police Scotland so that appropriate disposal can be arranged.
- A.20 Licence Holders are reminded that all door supervisors **must** be registered with the Security Industry Authority under the Private Security Act 2001. To employ a door supervisor who is not registered is a criminal offence. Licence Holders involved in manned guarding activities, whether or not door supervisors are used, may also have to be registered.
- A.21 Licence Holders who undertake door supervisor duties may require to obtain a front-line licence themselves. Additionally, where Licence Holders employ door supervisors directly, they may themselves require to obtain a non-front-line licence. Licence Holders should contact the Security Industry Authority (or any relevant successor) for further information. Additional information can be obtained from the [SIA website](#)⁶.

NORTH DIVISIONAL LICENSING BOARD

Applicants should refer to Local Condition 20

CCTV

- A.22 The use of CCTV on premises can be an important measure in complying with the licensing objectives, particularly in:

- **preventing crime and disorder and**
- **preventing public nuisance.**

Digital CCTV systems are readily available which may include both internal and external camera coverage of the premises. The Boards support the use of such systems and encourage Licence Holders to make use of these. Where used, such systems **must** be kept in proper working order at all times, all licence holders and staff **must** be able to operate the system, and images **shall** be kept for at least seven days and made available to Police Scotland on request. CCTV systems not kept in working order may result in a Board calling for a review of the premises licence for the particular premises.

- A.23 Any CCTV system installed in premises providing late night entertainment **must** be installed to the satisfaction of the Chief Constable. Information on the standards of system acceptable can be found on the Boards' website.
- A.24 It should be noted that all CCTV users must register with the Information Commissioners Office ("ICO") and follow the correct guidelines for the use of CCTV,

⁶ <http://www.the-sia.org.uk/>

for example, appropriate signage in place and the maintaining of records, further guidance in this regard is available on the [ICO website](#)⁷.

NORTH DIVISIONAL LICENSING BOARD
Applicants should refer to Local Condition 21

Radiolinks, Pubwatch & Shopwatch

- A.25 Licence Holders should consider whether a means of communication with other premises and the Police is required. This is likely to be particularly relevant in town centres. In those areas where it is available, Radiolink, Pubwatch and Shopwatch can be of assistance to licence holders and their staff in preventing crime and disorder and undue public nuisance. **The Boards support the use of such schemes as examples of good practice and expects all licence holders to actively participate in these where such schemes operate within their area.**
- A.26 Licence Holders **must** consider excluding known troublemakers from their premises to minimise the risk of disorder. In certain cases organisations of Licence Holders, such as Pubwatch, **must** consider the operation of an exclusion, or banning, scheme so that known troublemakers are refused entry to all licensed premises in a particular vicinity. In exceptional cases Licence Holders may seek to refer a particular case to the relevant Board for review or to the local authority through their Community Safety Team for consideration of an Anti-Social Behaviour Order ("ASBO") to enforce an exclusion.
- A.27 The Boards also support Award Schemes such as the Best Bar None scheme and Safer Towns Initiatives and encourages all licensed premises to participate in such schemes. Such schemes help to drive up standards both in the facilities of the premises and in the management and the manner that licensed premises are operated which the Boards believe directly supports the five licensing objectives.
- A.28 Licence Holders should also note the advantages of consultation with the Police particularly when organising events of a character that are not usually held in that particular venue. Minimising any risk of disorder in this way is an example of good practice and is likely to lead to fewer requests to review licences.

Proof of Age/Underage Drinking

- A.29 The Boards strongly support the use of any of the six approved forms of ID as outlined in the Age Verification policy ('AV Policy'). To protect children and young persons and avoid crime, it is now a mandatory condition attaching to all premises licences that there **must** be a written age verification policy in relation to the sale of alcohol within the premises.
- A.30 Licence holders **must** practice due diligence to avoid underage sales. Due diligence will include:

Requiring ID (Proof of Age) if the customer appears under 25. This should also include clear signage to leave customers in no doubt as to the policy;
Training staff in the use of the AV policy;
Ensuring that staff and customers comply with the policy;
Keeping records regarding compliance including refusals.

- A.31 Licence holders can access the AV Policy and Age Verification Staff Declaration [here](#)⁸.
- A.32 Further guidance in this regard is available an example of which is accessible [here](#)⁹.

⁷ <https://ico.org.uk/>

⁸ <http://www.challenge25.co.uk/>

⁹ <https://www.youngscot.net/what-we-do/young-scot-card/pass-is-proof/>

Glassware and Bottles

- A.33 Given that glasses and bottles may on occasion be used as weapons, Licence Holders **must** take reasonable steps to prevent their removal from premises (including authorised pavement seating areas and beer gardens). Licence Holders
- (a) **must** consider, where appropriate, the use of polycarbonate containers, toughened glassware or other suitable alternatives ("safe alternatives");
 - (b) should consider policies which provide that, on appropriate occasions, all drinks are dispensed into containers which provide a safe alternative and that at certain times during later hours of operation and/or when significant numbers of people are on premises, there is exclusive use of safe alternatives.
 - (c) The Boards consider that the use of glasses or glass bottles may give rise to serious injury to patrons or the public due to the locality of the premises, nature of operations or type of patron likely to frequent the premises. The Boards may impose a condition requiring that drinks be served in safer alternatives to glass.

Licence Holders are reminded that all containers used including safe alternatives must comply with the relevant weights and measures legislation.

Bye-laws on Alcohol in Designated Places

- A.34 Aberdeenshire Council has introduced bye-laws prohibiting the consumption of alcohol in certain designated public places. This currently applies in Fraserburgh¹⁰ and Peterhead¹¹.
- A.35 The effect of the bye-laws are that any person who consumes alcoholic beverages in a designated public place **shall** be guilty of an offence. Licensed canteens, licensed premises (including events which have an occasional licence in place) and Members Clubs are exempt from these bye-laws. The bye-laws also state that they **shall** not have effect on 31st December from 6.00p.m. until the end of that day on 1st January until 6.00a.m.
- A.36 As licensed premises are exempt, Licence Holders **must** take care to clearly mark on layout plans where external areas such as beer gardens are to be counted as part of the licensed premises.
- A.37 Where such orders are in force premises licence holders and occasional licence holders should take reasonable steps to inform customers of the existence and effect of such an order. This may include the display of a notice to that effect at exit points from the building.

Lockfast Stores

NORTH DIVISIONAL LICENSING BOARD

The North Divisional Licensing Board expects all alcohol not on display within the premises to be kept in a designated lockfast store within the premises. This greatly reduces the risk of premises being the subject of theft, particularly in a rural area such as North Aberdeenshire.

The location of the lockfast store should also be shown on the layout plans attached to premises licences.

Applicants should refer to Local Condition 6

¹⁰ Link will be added once the Byelaw has been approved and published online.

¹¹ Link will be added once the Byelaw has been approved and published online.

B. SECURING PUBLIC SAFETY

General

- B.1 The Boards are committed to ensuring that the safety of any person visiting or working in, or in the vicinity of, licensed premises is not compromised.

Capacity

- B.2 Capacity limits will be included in all operating plans attached to premises licences. These limits will be set by the Boards, in conjunction with Building Standards, and with the agreement of the Licence Holder. Licence Holders should note that a Board might seek to impose capacity conditions where there are no such limits, following representations on safety grounds.
- B.3 Licence Holders may be required to demonstrate how they intend to control and maintain the agreed capacity levels within the venue.

Good Housekeeping

- B.4 Licence Holders should consider risks associated with:

Preparation of food and drink
Risk of burns and scalding
First aid provision
Use of special effects e.g. strobe lighting, smoke machine, pyrotechnics
Evacuation procedures
Procedures for dealing with people who fall ill, including those affected by drugs or alcohol
Children and young person's accessing the premises
Use of Defibrillators within the premises and associated training

NORTH DIVISIONAL LICENSING BOARD

Applicants should refer to Local Conditions 1- 3, 7-11

Equalities

- B.5 Consideration should be given to equalities issues when completing an application and related risk assessment.
- B.6 A copy of the Boards' Equality Policy and Action Plan can be accessed [here](#)¹².

Disability Access and Facilities Statement

- B.7 Licence Holders applying for a premises or provisional premises licence now require to complete a Disabled Access and Facilities Statement in respect of the premises and provide a copy of this to the relevant Board with their application. Failure to provide this statement means that the application is incomplete and cannot be considered by the relevant Board.
- B.8 The purpose of the statement is to ensure that disabled people can access information about the accessibility of a venue before visiting it. It is good business practice to ensure that premises are accessible and welcoming to all customers. The process of writing a statement should also raise awareness amongst Licence Holders of the accessibility of their premises and action they could take to improve access to their premises.
- B.8 The Disabled Access and Facilities Statement does not compel the premises to provide any specific aids/access for disabled people nor does it interfere with the existing duty

¹² <http://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-equalities/>

under equality law to make reasonable adjustments to ensure that a disabled person can use a service as close as it is reasonably possible to get the standard usually offered to non-disabled people. Licence Holders should however be aware that failure to comply with their existing duty may leave the premises open to a complaint under the Equality Act 2010.

- B.9 Non-Statutory Guidance for Completing a Disabled Access and Facilities Statement was published by the Scottish Government on 8th March 2018. The Guidance is primarily to assist Licence Holders in completing the required statement. The Guidance can be accessed [here](#)¹³: The statement should contain clear information about how accessible the venue is for disabled people. It should also describe the facilities and/or any other provision made on (or in connection with) the premises for disabled people.
- B.10 Licence Holders will not be required to submit a variation when these details change, nor will it be an offence if the originally submitted arrangements are not subsequently complied with.
- B.11 Please note that the Boards do not accept any responsibility for your Disabled Access and Facilities Statement. You are advised to consider these matters carefully and if in doubt seek appropriate advice on these matters. The Boards reserve the right to comment on the content of your Disabled Access and Facilities Statement and ask for more or different information as may be required.

Condition of Premises

- B.12 Licence holders and their staff are expected to ensure that premises, both internally and externally, are maintained in good, clean and tidy condition at all times.
- B.13 Boards may carry out spot checks of premises from time to time.

NORTH DIVISIONAL LICENSING BOARD
Applicants should refer to Local Conditions 1-3

Fire Safety

- B.14 As required under the Fire (Scotland) Act 2005 'as amended' any person who has control to any extent of the premises **shall** carry out a fire risk assessment of the premises for the purpose of identifying any risks to the safety of all relevant persons in respect of harm caused by fire. The risk assessment should also ensure all reasonable steps are taken to ensure suitable fire safety measures are implemented to protect relevant persons from harm caused by fire.
- B.15 The process of risk assessment should be ongoing and hereafter where there is reason to suspect that the current fire risk assessment is:-
- (a) No longer valid; or
 - (b) There has been a significant change in the matters to which it relates;
- The assessment should be reviewed and any required changes **must** be made to ensure continued compliance with the fire safety legislation.
- B.16 Failure to ensure suitable fire safety measures are in place as necessary, may place relevant persons at risk in the event of fire.
- B.17 Further information can be found [here](#)¹⁴.

¹³ <https://beta.gov.scot/publications/licensing-scotland-act-2005-guidance-completing-disabled-access-facilities-statement/>

¹⁴ <https://www.gov.scot/firelaw>

C. PREVENTING PUBLIC NUISANCE

General

- C.1 The Boards wish to protect and maintain the amenity of neighbouring residents and occupiers of other businesses from any adverse consequences of the operation of licensed premises whilst at the same time recognising the valuable, cultural, social and business importance that licensed premises provide.
- C.2 Licence holders **must** also recognise that they have a responsibility to the amenity of the communities they serve.

NORTH DIVISIONAL LICENSING BOARD

Applicants should refer to Local Conditions: 1-3, 13-17

Beer Gardens and Outside Drinking Areas

- C.3 Beer gardens and outside drinking areas are high risk areas for being the source of complaints from local neighbours and residents in relation to noise and litter nuisance.

Licence holders **must** ensure:

That all beer gardens and outside drinking areas are included in the areas that are covered in their premises licence
The operating plan includes reference to these areas at Question 5
A capacity is provided for each outside area at Question 7 of the operating plan.
The extent of such areas are included on the layout plan, together with an indication of any tables, chairs etc. laid out in these areas.

Licence Holders should consult **Supplementary Policy 6** in respect of the requirements when it comes to including such areas in operating and layout plans and also consider the impact of any **bye-laws** which may be in place.

NORTH DIVISIONAL LICENSING BOARD

Applicants should refer to Local Conditions: 31-33

Noise

- C.4 Noise from amplified and non-amplified music, singing and speech sourced from licensed premises **shall not** be audible in any adjoining property after **11.00 p.m.**
- C.5 In considering applications from pubs, clubs and similar premises and activities the Boards expect Licence Holders to have regard to any guidance published such as the Good Practice Guide on the control of noise from pubs and clubs published by the Institute of Acoustics (available to purchase [here](#)¹⁵)
- C.6 The Boards also expect Licence Holders to have regard to the Code of Practice on Environmental Noise Control at Concerts published by the Noise Council. The Boards have also provided a general note on Control of Noise, which is available on the [Boards' website](#)¹⁶.
- C.7 Licence Holders should consider the steps to be taken to ensure patrons and staff leave the premises safely and quietly.
- C.8 Licence Holders should consider the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents including the slamming

¹⁵ <http://www.ioa.org.uk/publications.asp>

¹⁶ Link will be added once published on the website.

of vehicle doors, vehicle horns, vehicle stereos, noise from engines idling, and vehicle exhaust fumes.

- C.9 Particular care **must** be taken where the noise source is in the open air, e.g. beer gardens, play areas, car parks, access roads, temporary structures or queues.
- C.10 Licence Holders should consider any special measures that should be adopted in premises located near to sensitive premises such as residential homes, nursing homes, hospitals, schools or places of worship or within residential areas.
- C.11 Licence Holders are expected to be aware of the impact on neighbours of noise from their premises and are expected to take reasonable steps to prevent noise nuisance. Steps to be taken may include sound tests, installation of a sound limiter, soundproofing, keeping doors and windows closed, door staff to ensure patrons leave quickly and quietly, timing of outdoor entertainment in beer garden areas; notices at exit asking patrons to leave quietly.

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Applicants should refer to Local Condition 5

Litter and Waste Management

- C.12. Licence Holders should be aware that they have a responsibility to have a suitable litter and waste management programme including provisions for recycling in place to ensure that any area outside the premises is at all times kept free of litter (which includes cigarette butts etc. and waste, including human waste). In recognition of increased public awareness of the misuse of plastics, Licence Holders are encouraged to consider using safe alternatives. The provision of hot food after 11.00 p.m. is often associated with the problem of litter affecting the streets and properties surrounding licensed premises. Such steps may include an agreed cleaning schedule.
- C.13 A late hours catering licence may also be required for provision of food outwith operating hours. Further guidance on late hours catering licences is available [here](#)¹⁷.

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Applicants should refer to Local Conditions 1,2, 10 and 32

Queues

- C.14 Licence Holders should consider the steps to be taken to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be formed away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction, for example, making provision for queuing inside the premises.

Transport

- C.15 Licence Holders should consider whether there is sufficient provision of transport for patrons. Failure to do so may result in nuisance due to patrons loitering in the vicinity of the premises, particularly after closing.
- C.16 Licence Holders should consider whether the service of the premises by licensed taxi or private hire vehicles is likely to disturb local residents and take reasonable steps to prevent disturbance from this source. Examples of actions that can be taken include arrangements for door staff to advise customers that their transport has arrived and phones in entrance lobbies perhaps linked directly to licensed taxi or private hire companies. Licence holders may also make arrangements with taxi operators to

¹⁷ <http://www.aberdeenshire.gov.uk/licensing/licences-and-permits/late-hours-catering-licence/>

have taxis wait in public car parks near licensed premises and have steward's direct customers to the public car park at close of business. This reduces nuisance to nearby residents from engines running in idling taxis and aids dispersal of patrons from the premises.

D. PROTECTING AND IMPROVING PUBLIC HEALTH

General

- D1. The Boards wish to see premises thriving in their area but this cannot be at the expense of communities' health and wellbeing. The Boards will have regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in their area. They will take advice from those relevant bodies. Additionally, NHS Grampian Public Health Directorate is a statutory consultee and is consulted on all applications for grant of premises licences and major variations of premises licences.
- D2. Licence Holders will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect communities' health. Such measures may include:-

For On Sales Premises	
Making available information with regard to lower risk drinking,	
Contact points where assistance can be obtained for problem drinking	
Promotion of designated driver schemes	
Easy availability of small 125ml glasses, or 25ml measures instead of 35ml measures	
Support customers in increasing awareness of the number of units of alcohol they are consuming to be aware of the drink-driving limits	
Additional training of bar staff, beyond the statutory minimum requirements, particularly in relation to the effects of alcohol on the body.	
The use of polycarbonate glasses or toughened glassware	
Prevention of overcrowding	
Robust refusal system and recording of refusals procedures	
Calling last orders in plenty of time	
Reduce vertical drinking	
Providing a good range of reasonably priced soft drinks and/or driver's shelves	
Stock a reasonable range of lower ABV and alcohol free beers and wines	
Inviting Public Health agencies to Shows/Games to deliver public health promotional messages in relation to alcohol and drugs.	
Ban or discourage the purchase of rounds of shots which encourage rapid consumption of alcohol in a short space of time in order to promote and encourage lower risk drinking practices and protect vulnerable patrons	

For Off Sales Premises	
Making available information with regard to lower risk drinking.	
Stock a reasonable range of lower ABV and alcohol free beers and wines	
Additional training of staff, beyond the statutory minimum requirements, particularly in relation to the effects of alcohol on the body	
Robust refusals system and recording of refusals procedure	
Having regard to the health objective in the layout of display areas:	For all premises this will include having dedicated shelves or sections devoted exclusively to low alcohol products (with an ABV of between 0.5 and 1.2%)
	In the cases of premises selling other goods as well as alcohol this will mean:
	Not displaying alcohol alongside confectionary or other goods likely to be of interest to children.

	Not having alcohol promotions displayed at places within the premises where it is likely to trigger impulse purchases by customers who would have otherwise not have purchased alcohol, for example at the end of an aisle.
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- D3. The Boards expect Licence Holders to promote lower risk drinking. The Boards also expect Licence Holders to apply an appropriate drug policy such as "Drugs on Licensed Premises" Published by Scottish Business Crime Centre (now re-named Business Resilience Centre).

NORTH DIVISIONAL LICENSING BOARD

Applicants should refer to Local Conditions 1, 3, 19, 22-33

Vertical Drinking

- D.4 The Boards are aware that there is some concern about so called 'vertical drinking' establishments. Particular attention will be paid to any applications for a premises licence where large numbers of patrons will be provided with standing accommodation in the premises. The Board expects such premises to provide patrons with seating for at least 25% of the maximum occupancy as assessed by Building Standards of the room in question in the premises.

Minimum Unit Pricing

- D.5 As of 1 May 2018, no alcoholic drink can be sold at a cost of less than 50p per unit. This is in accordance with Scottish Government policy which targets high strength alcohol sold at low prices.
- D.6 MUP is implemented by way of adding a condition to all licences in Scotland, so failure to adhere to the policy is a breach of your conditions and a criminal offence. Adherence to the conditions is the responsibility of the Licence Holder, premises manager, and staff working at the point of sale.
- D.7 Licence Holders should ensure that all staff are aware of the MUP requirements and may wish to including this as part of their mandatory staff training.
- D.8 As with all licensing conditions, MUP will be enforced by our Licensing Standards Officers. They will seek to provide assistance to any Licence Holder looking for guidance regarding implementation of MUP. Licence Holders should be aware however, that they are ultimately responsible for compliance with their conditions and may be subject to enforcement action in the event of non-compliance.
- D.9 Detailed information and guidance on MUP can be found [here](http://www.minimumunitpricing.scot/)¹⁸.

Irresponsible Drinks Promotions

- D.10 The 2005 Act prohibits the variation of prices within a 72-hour period of a prior change and includes mandatory conditions to tackle irresponsible promotions such as "happy hours". These are contained within the mandatory conditions attaching to all premises.
- D.11 The Boards require clear evidence linking the sale of alcohol to an inducement to the consumer to immediately drink to excess before a promotion will be considered as possibly irresponsible.

¹⁸ <http://www.minimumunitpricing.scot/>

- D.12 Initially, complaints will be dealt with at a local level by the LSO. In most cases, it is hoped that these cases can be resolved in discussion between the LSO and the Licence Holder without any sanctions being applied by the relevant Board.
- D.13 However, where a Board feels that further action is appropriate, it will instigate a review hearing to determine what action, if any, needs to be taken against the licence holder concerned.

The Local Outcomes Improvement Plan (“LOIP”)

- D.14 The Community Empowerment (Scotland) Act 2015 aims to support communities to have a stronger voice in planning and delivering services. It focuses on addressing inequality and empowering communities to improve outcomes in their areas.
- D.15 The Act requires all Community Planning Partnerships (“CPP”) in Scotland to publish a LOIP by 1st October 2017.
- D.16 The Aberdeenshire CPP has approved a LOIP for Aberdeenshire for the period 2017 – 2027. One of the three main priorities of the LOIP is **Changing Aberdeenshire’s relationship with Alcohol**.
- D.17 The Boards will endeavour to take appropriate action in delivering any actions that they can take directly to promote the actions to comply with this main priority and will support any actions taken by their CPP partners where it promotes the Licensing Objectives.
- D.18 Licence Holders should familiarise themselves with this part of the LOIP. Further information on the LOIP can be accessed [here](#)¹⁹.

Smoking

- D.19 The Boards refer Licence Holders and staff to the following website:-

<http://www.clearingtheairscotland.com> and the Boards’ guidance note on smoking, copies of which can be found on the Boards’ website²⁰.

Licence Holders have been effective in ensuring that patrons do not smoke within their premises, however, other issues can arise in the area around the premises such as noise nuisance, litter disorder, and smoke drift into neighbouring residences or back into the licensed premises. Licence Holders and staff are expected to have sufficient measures in place to prevent such problems arising.

E. PROTECTING CHILDREN AND YOUNG PERSONS FROM HARM

Children and Young Persons on Licensed Premises

- E.1 The Boards wish to see family-friendly premises thriving in each area. Where Licence Holders wish to operate such premises, the Boards expect them to appreciate that this places additional responsibilities upon them, at the same time recognising that parents and other adults accompanying children or young persons also have responsibilities.
- E.2. In determining any application where the operating plan indicates that children and young persons are to have access, the Boards will consider the need to protect children and young persons from harm as its paramount concern.
- E.3 Evidence indicates that children and young persons are influenced by the behaviour of adults they observe, including parental drinking, and applicants should take this into consideration when demonstrating how premises will comply and promote this licensing objective as part of their Licensing Objective Risk Assessment.

¹⁹ <http://www.ouraberdeenshire.org.uk/our-priorities/local-outcomes-improvement-plan/>

²⁰ Link will be added once this has been published on the website.

- E.4 Licence Holders **must** consider those factors which may particularly impact on children and young persons including:-

The provision of entertainment or services of an adult or sexual nature.
Members of staff, including those who do not have a personal licence, who have convictions for serving alcohol to children.
Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the premises.
Parental drinking and associated behaviours.

- E.5 Possible control measures include:-

Limitations on the hours when children or young persons may be present, in all or parts of the premises.
Limitations or exclusions by age when certain activities are taking place.
Imposition of requirements for children to be accompanied by an adult.
Acceptance of accredited proof of age cards with photographs, or passports.
Measures to ensure children or young persons do not purchase, acquire or consume alcohol.
Bringing to the attention any concerns they have about the wellbeing of a child according to Aberdeenshire's Getting It Right For Every Child Policy ("GIRFEC") by contacting the local school, health visitor, police or social work officer.
No person under the age of 18 will be permitted to attend an event involving adult entertainment.

- E.6 The Boards expect that employers will make careful checks where premises or entertainment is specifically targeted towards children or young persons to ensure all persons employed or involved with the supervision or management are deemed appropriate persons to be engaged in the activity. An example of such a check would be the completion of a Disclosure Scotland check to the appropriate standard.
- E.7 Parts of premises to which children and young persons are to be allowed entry will require to have a suitable character and atmosphere. Premises or parts of premises which are very small and enclosed are unlikely to be able to provide the appropriate environment. Also premises which have very few facilities are unlikely to comply with the requirements of the Boards. Toilets **must** be of a reasonable standard and reasonably accessible to the area to which children and young persons are allowed entry. The Boards may decide not to grant a premises licence or occasional licence where children would have direct access to those areas of the premises where there are pool tables, darts board or gaming machines.
- E.8 The Boards will give careful consideration to the section of the Operating Plan detailing the terms of entry, the times of access and the parts of the premises suitable for access by children and young persons on a case-by-case basis and **may** impose conditions on a premises licence or in granting an occasional licence where children and young persons are to be allowed entry.
- E.9 Licence Holders are reminded that they and their staff **must** comply with all other legislation in relation to children and young persons.
- E.10 The Boards commend the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks. Where Applicants intend children or young persons to be present on licensed premises the Boards expect the Code of Practice to be fully implemented. The code can be found [here](http://www.portmangroup.co.uk/?pid=1&level=1)²¹.

²¹ <http://www.portmangroup.co.uk/?pid=1&level=1>

The following rules are particularly relevant:-

- “The alcoholic nature of a drink should be communicated with absolute clarity”
- “A drink, its packaging and any promotional material should not in any direct or indirect way have a particular appeal to under-18s”

Alcohol Deliveries and Internet Sales











- E.11 The Boards have a general concern about the increasing trend in such activities and the lack of information available about how such businesses operate within Aberdeenshire. The Boards are therefore of the view that all five licensing objectives are applicable to such businesses.
- E.12 The Boards have a particular concern about the impact of such business on children and young persons. Licence Holders should therefore consider incorporating the following control measures into their Licensing Objectives Risk Assessment where appropriate to the operation of their business:





























Age Verification policies for delivery drivers where the recipient of alcohol is believed to be under the age of 25.
Training for delivery drivers.
Requirement for the customer to sign on receipt of delivery of alcohol.
Delivery drivers to keep refusal registers.
Arrangements to ensure that orders are not left in nominated safe places.
Training for staff delivering alcohol to be at the same level as staff who sell or supply alcohol within licensed premises.

This list is not exhaustive


APPENDIX 2 – LOCAL CONDITIONS: PREMISES LICENCES

A. THE NORTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD


Local Conditions		Objective
General Management for All Premises		
1	The provisions relating to management of licensed premises contained within the Board's current policy statement, particularly Appendix 1 thereto, must be complied with.	PCD, SPS, PPN PIPH, PCYPFH 
2	Premises Licence Holders must ensure that the premises, internally and externally, are maintained in good, clean and tidy condition at all times.	SPS, PPN 
3	Premises Licence Holders must ensure that Refusal Registers and Daily Incident logs are accessible for inspection by Police and Licensing Standards Officers	PCD, SPS 
4	The Licence Holder must ensure that any general authorisation for the sale of alcohol required within the premises is – <ul style="list-style-type: none"> • in writing • available for inspections by Police and Licensing Standards Officers • brought to the attention of and signed by all parties; and • enforced by the premises manager 	PCD, SPS, PPN, PIPH, PCYPFH 
Noise – All Premises		
5	Noise from amplified and non-amplified music, singing and speech sourced from licensed premises shall not be audible in adjoining properties after 11.00 p.m.	PPN 
Lockfast Store – All Premises		
6	All alcohol not on display within the premises must be kept within a designated lockfast store on the premises, and shown on the layout plan attached to the premises licence.	PCD, SPS 
Children and Young Persons – On Sale Premises		
7	Children under the age of twelve years, shall not have direct access to pool tables, darts boards or gaming machines in any part of the premises to which they have access or are allowed entry.	PCYPFH 
8	The Licence Holder shall provide safe high chairs for the use of young children	SPS, PCYPFH 
9	The Licence Holder shall provide heating facilities for baby/toddler's food at no cost to the customer.	SPS, PCYPFH 
10	The Licence Holder shall provide containers for the disposal of soiled nappies	SPS, PPN, PCYPFH 

11	The Licence Holder shall ensure that heating sources are adequately protected.	SPS, PCYPFH  
Premises Providing Late Night Entertainment – On Sale Premises		
12	Alcohol shall be provided for consumption on the premises only.	PCD, SPS, PPN   
13	The entertainment to be provided shall be:XXX to be defined by the Board on a case-by-case basis	PCD, SPS, PPN   
14	The entertainment provided shall be on a continuous basis with breaks of not more than 15 minutes in any one hour.	PCD, SPS, PPN   
15	All public notices or advertisements including social media shall contain the following information:- a. The name and address of the premises b. The entertainment to be provided on the premises c. The commencement time of the entertainment d. The price of entry e. The terminal hour for the premises. f. The time of the curfew, where operated, must be advertised.	PCD, SPS, PPN   
16	The Licence Holder shall display a notice at the entrances to the venue clearly defining the policy of the venue relating to the use of illegal substances and weapons within the venue and stating that criminal offences will be reported to Police Scotland	PCD, SPS, PPN, PIPH    
17	The premises shall have a dispersal policy to ensure patrons are not put in vulnerable situations after leaving the premises. The policy must be in writing. All members of staff shall be informed of the policy. The policy shall be made available to customers, and for inspection. The policy shall be reviewed regularly and a detailed record of reviews kept.	PCD, SPS, PPN, PIPH    
Adult Entertainment – On Sale Premises		
18	Children and young persons are not permitted to attend any event involving adult entertainment.	PCYPFH 
Vulnerability – All Premises		
19	The Licence Holder must have in place a duty of care policy to ensure a standard approach is taken when any patron appears to be displaying signs of excessive intoxication. The Licence Holder must ensure that all staff have additional training in identifying signs of excessive intoxication and an enhanced awareness of vulnerability through intoxication. The Licence Holder shall ensure that staff training records are made accessible for inspection by Police Scotland and Licensing Standards Officers.	PCD, SPS, PPN, PIPH, PCYPFH     



Door Supervisors – On Sale Premises

20	<p>The Premises Licence Holder must ensure that sufficient numbers of Security Industry Authority licensed stewards are on duty to ensure a safe and responsibly run premises. Such persons must be easily identifiable as such to persons present, display the appropriate identification, and should be made aware of their duties, policies and practices, by the Premises Licence Holder. They must be responsible, capable, aware of their duties and not drink alcoholic liquor for the duration of their active employment. Their duties are to:</p> <ol style="list-style-type: none"> Confirm that persons who seek access to the premises have paid for admission or have appropriate passes/invitations; Identify and refuse entry to drunken persons Identify and refuse entry to any persons banned through pubwatch or by any other means; Actively police the premises and to perform all activities in line with their role under the Private Security Act 2001; Supervise entrance doors/access points at all times to ensure that no fire or other exits are blocked; Be aware of the fire safety precautions and procedures and all other policies and practices; Be aware of the premise's drug prevention policy; Provide assistance to patrons, including customer care, directions to facilities and health and safety; Ensure that no patron removes glasses, or open or closed vessels from the premises when exiting for any reason. Remain on the premises until the end of permitted hours and all patrons have vacated the premises, including patrolling the vicinity outside the premises to assist dispersal from the premises after the premises close; Be aware of the provisions of the Licensing (Scotland) Act 2005 which impact on the running of the premises; 	<p>PCD, SPS, PPN PIPH</p> 
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CCTV – All Premises






21	<p>Where a CCTV system is installed this must comply with the required standard and be maintained in working order and staff must be able to operate the system.</p> <p>Images recorded on CCTV must be kept for at least seven days and must be made available to Police Scotland on request</p>	<p>PCD, SPS, PPN</p> 
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Members Clubs

22	Members Clubs must comply with the provisions of Supplementary Policy Statement 7 of the Board's current policy statement.	<p>PCD, SPS, PPN, PIPH, PCYPFH</p> 
23	Members Clubs shall adhere to the terms of the Club's constitution or rules attached to their premises licence	<p>PCD, SPS, PPN, PIPH, PCYPFH</p> 

24	Where the Club has submitted draft constitution or rules with their application for a premises licence, they shall submit a copy of the approved constitution or rules to the Clerk to the Board within 28 calendar days of the draft constitution/rules being approved by the Club's governing body.	PCD, SPS, PPN, PIPH, PCYPFH
25	Where the Club revises its constitution or rules in the future, the Club must submit a copy of the proposed revisions to the Board for approval and thereafter submit a copy of the approved revised constitution or rules to the Clerk to the Board, within 28 calendar days of the draft constitution/rules being approved by the Club's governing body.	PCD, SPS, PPN, PIPH, PCYPFH
26	Where there are any changes to the list of connected persons in relation to the Club, the Club must submit details of the names, addresses, postcodes, dates and places of birth of the new connected persons and an updated list of all connected persons, to the Clerk to the Board, within 28 calendar days of the changes to connected persons being approved by the Club's governing body.	PCD, SPS, PPN, PIPH, PCYPFH
27	The Club must ensure that at all times, there at least two members of staff, or Committee Members, or volunteers involved in the management of the Club who are trained to the standard of a Personal Licence Holder. If the persons trained change at any time, evidence of an up-to-date training certificate must be submitted to the Clerk within two months of change in personnel.	PCD, SPS, PPN, PIPH, PCYPFH
28	Any person requiring to hold a training certificate for the purposes of condition 26 above, must complete a refresher training course within a period of 3 months of the 5-year anniversary of the date of the initial training certificate and submit a copy of the refresher training certificate to the Clerk within 28 calendar days of receipt of the updated certificate. Further refresher training will be completed at 5 yearly intervals thereafter in line with this condition.	PCD, SPS, PPN, PIPH, PCYPFH
29	That up to 5 visitors per member shall be permitted in the club premises provided they are signed into the club by that member into a book kept for that purpose by the club. Such visitors must be bone fide guests of the member signing them in.	SPS, PPN
30	All promotional materials, including the use of social media, must specify that events are open to Members and Guests only, unless an Occasional Licence is in place. Events must be advertised in the press as for "Members and Guests only"	SPS, PPN
Beer Gardens and Outside Drinking Areas		
31	Beer Gardens and outside drinking areas must not be used for activities linked to the sale or consumption of alcohol after 11.00pm	PCD, SPS, PPN, PIPH, PCYPFH
32	The Licence Holder must take reasonable steps to ensure that litter and, where used, glass and bottles are removed from beer gardens and outside drinking areas on a regular basis.	SPS, PPN, PIPH PCYPFH

33	The Licence Holder shall consider the use of safe alternatives to glass containers and bottles in beer gardens and outside drinking areas.	PCD, SPS, PPN, PIPH, PCYPFH     
Hybrid Premises		
34	Premises operating as “other premises” during the day and wishing to operate as Nightclubs thereafter must ensure that the premises are closed down and cleared of patrons, particularly children and young persons, for at least one hour prior to the commencement of operating as a nightclub at the premises	PCD, SPS, PPN, PCYPFH    
Festive Season Conditions for Premises opening after 1.00a.m.		
35	A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1.00a.m. (on any day when the premises are open at that time) until the time at which the premises next close	SPS, PIPH, PCYPFH   
36	A designated person who is the holder of a personal licence must be present on the premises from 1.00a.m. (on any day when the premises are open at that time) until the time at which the premises next close	PCD, SPS, PPN, PIPH, PCYPFH     
37	There must be written policies in existence concerning - <ul style="list-style-type: none"> • The evacuation of the premises; and • The prevention of the misuse of drugs on the premises. • Duty of care (‘Vulnerability through Intoxication’) 	PCD, SPS, PPN, PIPH, PCYPFH     
38	There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.	PCD, SPS, PPN, PIPH, PCYPFH     
39	A person who holds a licence granted under Section 8 of the Private Security Industry Act 2001 must be positioned at every entrance to the premises from 1.00a.m. (on any day when the premises are open at that time) until the time at which the premises next close.	PCD, SPS, PPN, PIPH, PCYPFH     

Key to objectives		
	PCD	Prevention of Crime and Disorder
	SPS	Securing Public Safety
	PPN	Preventing Public Nuisance
	PIPH	Preventing and Improving Public Health
	PCYPFH	Protecting Children and Young Persons from Harm

NOTE: Additional Conditions specific to individual licensed premises may be attached by the Board to premises licences depending on the circumstances of the particular application, over and above the pool conditions listed in this document.

B. THE CENTRAL ABERDEENSHIRE DIVISIONAL LICENSING BOARD

The **Central** Board at their meeting held on the 10th of October 2018 agreed to consider the adoption of local conditions and once these have been developed and approved by the Board these will be added to the Licensing Policy Statement.

C. THE SOUTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD

The **South** Board at their meeting held on the 3rd of October 2018 agreed to consider the adoption of local conditions and once these have been developed and approved by the Board these will be added to the Licensing Policy Statement.

PART THREE: SUPPLEMENTARY POLICIES



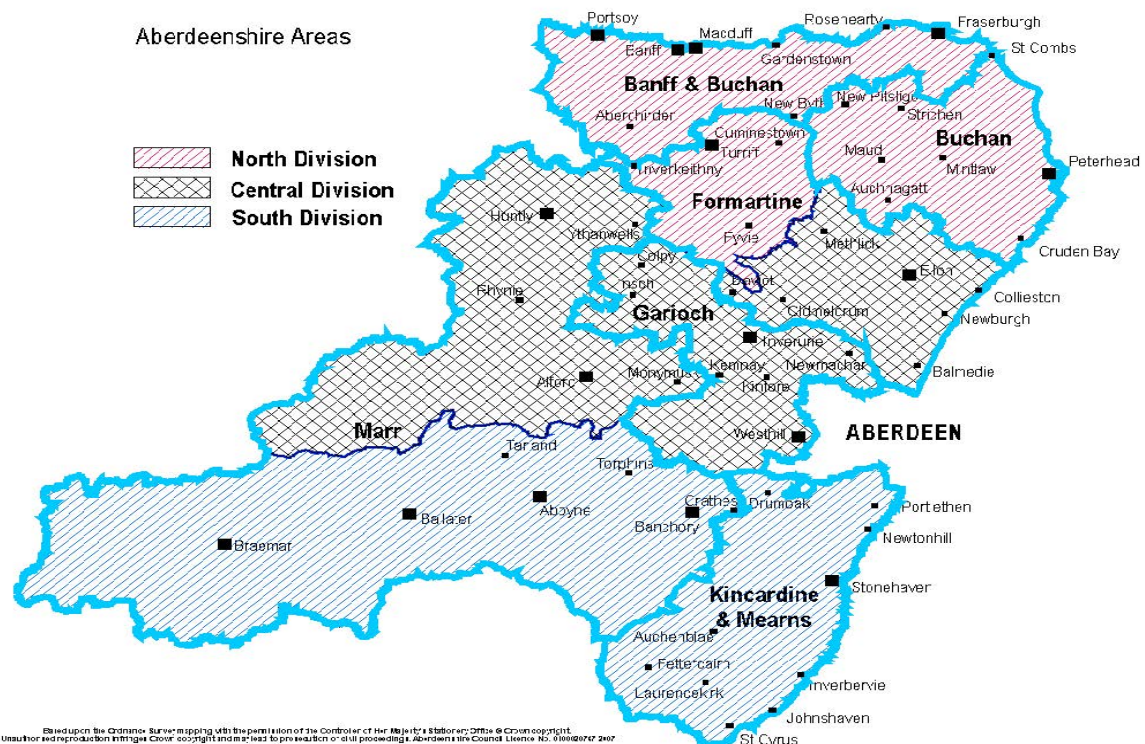
SUPPLEMENTARY POLICY 1 - CONTEXT AND PROFILE

Profile of Aberdeenshire

Profile

- 1.1 Aberdeenshire is a predominately rural area in North East Scotland (its overall area of 6,313 square kilometres represents 8% of Scotland's overall territory); traditionally economically dependent upon the primary sectors (Agriculture, Forestry and Fishing) and related processing industries. Over the past 40 years, the development of the oil and gas industry and associated service sector has repositioned Aberdeenshire's economic focus, and contributed to a rapid population growth of 50% since 1975. However, recent falls in the oil price and decline in that sector indicate that Aberdeenshire faces fresh challenges which may significantly shape and change the area in the years to come. The tourism industry also brings in significant investment to the area and this is well supported by the authority, local businesses and communities throughout Aberdeenshire. In 2016 Aberdeenshire's population was estimated at 262,190 (which was approximately 4.9% of Scotland's total population).
- 1.2 The Aberdeenshire Licensing Boards intend to carry out work to develop a local alcohol profile for each Board Area to supplement the information contained within this Supplementary Policy and **Supplementary Policy 3** and support the annual functions statements published by the Boards each year.

Map



A more detailed version of the map is available [here](#)²².

²² Link will be added once the new map has been published online.

The Three Divisional Licensing Boards

GENERAL

- 1.3 Aberdeenshire is divided into three areas **North**, **Central** and **South** for the purposes of administration and provision of licensing services.
- 1.4 Each of these areas is represented by a Divisional Licensing Board.
- 1.5 The role of each Board is to determine policy as well as the administration and consideration and determination of licensing applications in line with the provisions contained within the 2005 Act for their area.
- 1.6 Whilst the Act is silent in terms of how members of the Boards should exercise their functions separately from their role as councillors, the Boards require to be independent and impartial tribunals in terms of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("ECHR"), which was incorporated into UK domestic law by the Human Rights Act 1998. Board Members also take account of the terms of the Councillors' Code of Conduct published by the Standards Commission for Scotland which sets out the need to ensure that there is a proper and fair hearing for all regulatory decision-making, including liquor licensing, and that there is no suggestion of pre-judging or bias in the consideration of any applications before the Boards. Accordingly, Board Members may declare an interest and not participate in the consideration of any licensing matter in respect of which they have had any prior involvement either personally or in their capacity as a councillor if they feel such prior involvement would compromise their impartiality.
- 1.7 The Boards will carry out all functions under the Act with a view to promoting the five Licensing Objectives
- 1.8 Each Divisional Licensing Board has 8 Members with a Quorum of 4 and they are also supported by a Clerk, Deputy Clerks as well as Administrative Support Staff.
- 1.9 The Clerk is Karen Wiles, Head of Legal and Governance, Business Services, Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB.
- 1.10 The Deputy Clerks are as follows:

NORTH	Fiona M. Stewart
CENTRAL	Jill Joss
SOUTH	Peter Robertson
ADDITIONAL DEPUTES	Lauren Cowie and Iain Meredith

A. THE NORTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD

The Board

- A.1 The current members are:

Brian Topping (Convenor)
Telephone: 07768704507
Email: cllr.b.topping@aberdeenshire.gov.uk



<p>Stephen Calder Telephone: 07388 956115 Email: cllr.s.calder@aberdeenshire.gov.uk</p>	
<p>Alastair Forsyth Telephone: 07388 956119 Email: cllr.a.forsyth@aberdeenshire.gov.uk</p>	
<p>Glen Reynolds Telephone: 07388 956099 Email: cllr.g.reynolds@aberdeenshire.gov.uk</p>	
<p>Michael Roy Telephone: 07876 475497 Email: cllr.m.roy@aberdeenshire.gov.uk</p>	
<p>Sandy Duncan Telephone: 07827 881876 Email: cllr.a.duncan@aberdeenshire.gov.uk</p>	
<p>Anne Stirling Telephone: 07824 461997 Email: cllr.a.stirling@aberdeenshire.gov.uk</p>	
<p>Iain Taylor Telephone: Email: cllr.i.taylor@aberdeenshire.gov.uk</p>	
<p>Board Members may also be contacted by writing to them: c/o Woodhill House, Westburn Road, Aberdeen, AB16 5GB</p>	
<p>PLEASE NOTE THAT CANVASSING OF BOARD MEMBERS IN RELATION TO AN APPLICATION IS AN OFFENCE.</p>	

A.2 Details of the meetings held by the North Board can be found [here](#)²³.

²³ <http://committees.aberdeenshire.gov.uk/committees.aspx?commid=487>

Profile of North Aberdeenshire

A.3 North Aberdeenshire is comprised of the Banff and Buchan, Buchan as well as the northern part of the Formartine administrative areas of Aberdeenshire Council.

A.4 North Aberdeenshire is characterised by a combination of rural and coastal communities and is industrial in nature whilst remaining an attractive place for tourists to visit. The area attracts and welcomes a large Eastern European community. A large number of annual events such as Agricultural Shows and Festivals are held across the Board's area and the Council works closely with organisers to promote these well run local events.

A.5 **Banff and Buchan**

Banff and Buchan's main settlements are Fraserburgh, Banff and Macduff. Fraserburgh has approximately 5.03% of the population of Aberdeenshire with Banff having 1.56% and Macduff having 1.51% respectively. The economy remains largely based on fishing and agriculture and at present the Area is eligible for European Funding due to its high dependency upon these traditional economic sectors. In recent years, major investment has taken place to upgrade port facilities at Macduff and Fraserburgh. Fraserburgh continues to be a key centre for fish landings and processing, and Macduff is a major boat building and repair centre in the North East. The area faces economic difficulties and is a recognised area of urban deprivation. The Area does, however, have a palpable sense of history and highly marketable tourism assets in its spectacular coastline, attractive coastal villages and visitor attractions.

A.6 **Buchan**

Buchan's main settlements are Peterhead, Mintlaw, Cruden Bay and Boddam. Boddam has approximately 0.48% of the population of Aberdeenshire with Cruden Bay having 0.63%, Mintlaw having 1.08% and Peterhead having 7.35% respectively. Peterhead is the largest town in Aberdeenshire; the principal white fish landing port in Europe; and a major oil industry service centre. Peterhead Port Authority's all-weather deepwater quay (Smith Embankment) and its ancillary facilities support both offshore oil & gas and renewable operations and is expected to also attract business from the offshore decommissioning sector. Equally important is the nearby gas terminal at St. Fergus and the Peterhead Power Station. The future of the energy and engineering sectors although in a state of change remains vibrant and Peterhead's role at the top of the Energetica corridor sets the tone for realising future potential. Inland, the area is dependent upon agriculture although there has been a minor decline in rural services.









A.7 **North Formartine**

Formartine's main settlements within North Aberdeenshire are Turriff, Fyvie and Rothienorman. Turriff has approximately 1.89% of Aberdeenshire's population with Rothienorman having 0.42% and Fyvie having 0.20% respectively. Formartine has experienced rapid population growth. Lying at the heart of the Energetica corridor, this growth is likely to continue as this industry develops. By contrast, the area around Turriff retains a strong dependency on the traditional agricultural economy. The area also offers tourism and recreation potential.

B. THE CENTRAL ABERDEENSHIRE DIVISIONAL LICENSING BOARD

The Board

B.1 The current Members are:

Fergus Hood (Convenor) Telephone: 07824 461732 Email: cllr.f.hood@aberdeenshire.gov.uk	
Karen Adam Telephone: 07388 956121 Email: cllr.k.adam@aberdeenshire.gov.uk	
Neil Baillie Telephone: 07388 956133 Email: cllr.n.baillie@aberdeenshire.gov.uk	
Marion Ewenson Telephone: 07388 9561634 Email: cllr.m.ewenson@aberdeenshire.gov.uk	
Victoria Harper Telephone: 07388 956127 Email: cllr.v.harper@aberdeenshire.gov.uk	
Dominic Lonchay Telephone: 07388 956137 Email: cllr.d.lonchay@aberdeenshire.gov.uk	
Gwyneth Petrie Telephone: 07891 296064 Email: cllr.g.petrie@aberdeenshire.gov.uk	
Robbie Withey Telephone: 07388 956147 Email: cllr.r.withey@aberdeenshire.gov.uk	

Board Members may also be contacted by writing to them:
c/o Woodhill House, Westburn Road, Aberdeen, AB16 5GB

**PLEASE NOTE THAT CANVASSING OF BOARD MEMBERS IN RELATION TO
AN APPLICATION IS AN OFFENCE.**

B.2 Details of the meetings held by the Central Board can be found [here](#)²⁴.

Profile of Central Aberdeenshire

B.3 Central Aberdeenshire comprises of the South Formartine, Garioch and North Marr administrative areas of Aberdeenshire Council. The area cover agricultural heartland and also coastal nature reserves.

Garioch

Many of the Communities in Garioch have experienced rapid population growth in recent years and the population is expected to grow further by nearly 12% over the next decade – by far the fastest projected growth rate in Aberdeenshire. The Area's age profile has a higher representation of younger age groups than Aberdeenshire generally and an increasing ageing population. Inverurie, Westhill and Kintore are important work destinations also having a significant beneficial impact on the local economy.

Marr

With nearly half of Aberdeenshire's landmass but only 15% of its people, Marr is the most sparsely populated area with an average of only 12 people per square kilometre. To the west is the spectacular mountain environment of the Cairngorms, part of the Cairngorms National Park. Marr's economy revolves around tourism, forestry and agriculture.

South Formartine

Formartine has experienced rapid population growth, particularly around Ellon and Oldmeldrum and in the south east where development has spread from Aberdeen City. The population is getting older and the population of children has also increased. Lying at the heart of the Energetica Corridor employment and economic activity is set to continue to grow alongside the development of the Aberdeen Western Peripheral Route and the dualling of the A90 between Balmedie and Tipperty. Formartine has a spectacular environment with protected characteristics and fantastic recreational and visitor attractions.

C. THE SOUTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD

The Board

C.1 The current Members are:

Peter Argyle (Convenor)
Telephone: 07801 900843
Email: cllr.p.argyle@aberdeenshire.gov.uk



²⁴ <http://committees.aberdeenshire.gov.uk/committees.aspx?commid=489>

<p>Alastair Bews Telephone: 07824 519567 Email: cllr.a.bews@aberdeenshire.gov.uk</p>	
<p>Rosemary Bruce Telephone: 07388 956151 Email: cllr.r.bruce@aberdeenshire.gov.uk</p>	
<p>Jeff Hutchison Telephone: 07388 956166 Email: cllr.j.hutchison@aberdeenshire.gov.uk</p>	
<p>Alastair McKelvie Telephone: 07388 956143 Email: cllr.a.mckelvie@aberdeenshire.gov.uk</p>	
<p>Colin Pike Telephone: 07388 956157 Email: cllr.c.pike@aberdeenshire.gov.uk</p>	
<p>Dennis Robertson Telephone: 07388 956161 Email: cllr.d.robertson@aberdeenshire.gov.uk</p>	
<p>Leigh Wilson Telephone: 07388 956167 Email: cllr.l.wilson@aberdeenshire.gov.uk</p>	
<p>Board Members may also be contacted by writing to them: c/o Woodhill House, Westburn Road, Aberdeen, AB16 5GB</p>	
<p>PLEASE NOTE THAT CANVASSING OF BOARD MEMBERS IN RELATION TO AN APPLICATION IS AN OFFENCE.</p>	

C.2 Details of the meetings held by the South Board can be found [here](#)²⁵.

Profile of South Aberdeenshire

²⁵ <http://committees.aberdeenshire.gov.uk/committees.aspx?commid=488>

C.3 South Aberdeenshire is comprised of the Kincardine and Mearns and the southern part of the Marr administrative areas of Aberdeenshire Council.

C.4 Kincardine & Mearns

Kincardine & Mearns is the most southern of six administrative areas within Aberdeenshire representing 12% of the whole Aberdeenshire area and is defined by 59 km of coastline to the east and the foothills of the Grampian Mountains to the west. The area itself is very diverse; in the north proximity to Aberdeen has encouraged considerable development of population and industry, the southern part contains the rich farmland of the Mearns and a series of attractive former fishing villages.

C.5 South Marr

There are over 30 towns and villages, with a significantly higher number of even smaller settlements in Marr. Some settlements are very scattered but all have their own identity and characteristics. Marr's spectacular scenery, natural and national heritage and Royal connections ensures the area, particularly Deeside, sustains a well-developed tourism industry based on heritage, natural resources and outdoor activities. The Forestry Commission and agriculture contribute to the local economy as well as health, wellbeing and tourism, through the provision of recreational facilities and production of high quality local food produce.

The Local Licensing Forum

1.11 Each Council (Not licensing Board) **must** establish a Local Licensing Forum for their Area. The role of the Forum is to represent the views of the community as a whole and not individuals or organisations. The role of the Forum is to advise the Licensing Boards on general matters of policy and not individual cases.

A. THE ABERDEENSHIRE LOCAL LICENSING FORUM

A.1 On 18th of January 2018 Aberdeenshire Council appointed the Aberdeenshire Local Licensing Forum.

The terms of reference of the Forum are as follows:

- (a) *To keep under review –
 - (i) The operation of the 2005 Act in Aberdeenshire, and
 - (ii) In particular, the exercise by the Aberdeenshire Divisional Licensing Boards of their functions, andGive such advice and make such recommendation to any of those Boards in relation to those matters as the Forum considers appropriate.*
- (b) *To consider the implications of relevant local data and statistics provided to the Forum by Police Scotland and the local Health Board;*
- (c) *To meet each of the North/Central/South Aberdeenshire Divisional Licensing Boards at least once per year, jointly or severally; and*
- (d) *To advise the Aberdeenshire Divisional Licensing Boards on any matters of policy and other areas of concern.*

A.2 Further information in respect of the Forum is available [here](http://aberdeenshire.gov.uk/licensing/alcohol/forums/local-forums/)²⁶.

²⁶ <http://aberdeenshire.gov.uk/licensing/alcohol/forums/local-forums/>

- A.3 Details regarding meetings of the Forum can be found [here](#)²⁷.
- A.4 Members of the public can also email their views, suggestions or comments on local licensing matters to the Forum using the following email address: licensing.forums@aberdeenshire.gov.uk.

²⁷ <http://aberdeenshire.gov.uk/licensing/alcohol/forums/local-forums/>

SUPPLEMENTARY POLICY 2 – CONSULTATION AND DOCUMENTATION

- 2.1 In preparing this Policy Statement and Supplementary Policy Statements for 2018 - 2023, the Boards adopted a partnership approach to alcohol and alcohol-related issues within Aberdeenshire in a similar manner to the community planning process.

Pre-Formal Consultation Stage

- 2.2 Prior to finalising their draft revised Policy Statement the Boards -
- Carried out a survey monkey consultation on relevant issues
 - Held an engagement session with Police Scotland
 - Held an engagement session with the LSOs
 - Held an engagement session with Public Health
 - Briefed the Aberdeenshire Licensing Forum on what Policy Statements are and their role in the review of the Policy Statements.
 - Considered evidence upon which to determine localities for the purposes of overprovision
- 2.3 At their April Board Meetings held on the 4th (South), 18th (Central) and 25th (North) respectively, the Boards considered the evidence provided by the pre-consultation exercises and evidence submitted in order to direct Officers to prepare the draft version of this Policy Statement to be issued for formal public consultation.

Consultation

- 2.4 In terms of the Act, the Boards are required to consult with:
- The Forum
 - So far as not already represented by the Local Licensing Forum, such other person or persons as appeared to the Board to be representative of:
 - The holders of premises licences and personal licences
 - The Chief Constable
 - Persons having functions relating to health, education, or social work
 - Young People
 - Persons resident within the Forum's area
 - And such other persons as the Board thinks appropriate.
- 2.5 The above includes but is not limited to:

Aberdeenshire Council		
Including:		
Councillors	Area Managers	Building Standards
LSOs	Chief Executive	Community Planning
Corporate Communications	Planning	Environmental Health
Infrastructure Services	Communities	Education and Children's Services

Other Bodies and Groups:				
Including:				
Aberdeenshire Alcohol and Drugs Partnership	Aberdeenshire Integration Joint Board	Aberdeenshire Branch of the Scottish Licensed Trade Association	Alcohol Focus Scotland	Citizen's Panel

Community Councils	Community Planning Board	Community Safety Executive	Drugs Action	HMP Grampian
Licensing Forum	Local Business Associations	Local Community Planning Groups	Local Licensing Solicitors	Local Pubwatches
Members of the Public	NHS Grampian Public Health Directorate	Criminal Justice Partnership	Police Scotland	Scottish Beer and Pub Association
Scottish Fire & Rescue Service	The Licensed Trade	Tourism Boards	YOI Grampian	Youth Forums

Post Consultation Stage

2.6 Following a formal public consultation on the terms of the draft policy statement between 2nd July and 13th September 2018, consultation responses were received from the following:

- Police Scotland
- Licensing Standards Officers
- NHS Grampian
- The Aberdeenshire Local Licensing Forum
- Aberdeenshire Alcohol and Drugs Partnership
- Alcohol Focus Scotland
- Trading Standards Service of Aberdeenshire Council
- Economic Development Service of Aberdeenshire Council
- Continuous Improvement Service of Aberdeenshire Council
- Aberdeenshire Council Community Safety Partnership
- Newburgh on Ythan Golf Club
- McDonald Golf Club, Ellon
- Bennachie Community Council
- Raemoir House, Banchory
- Ythanview Hotel, Methlick
- Aboyne Golf Club
- Member of the Community and a Community Councillor
- Alford Golf Club
- Oldmeldrum golf club
- Birse and Ballogie Community Council
- Ballater Golf Club
- A Personal Licence Holder and Member of a Member's Club in Aberdeenshire
- Alexander Owen for Colin Clark MP
- Central Garage, Glenkindie
- Marr Area Committee of Aberdeenshire Council
- Banff and Buchan Area Committee of Aberdeenshire Council
- Buchan Area Committee of Aberdeenshire Council
- Garioch Area Committee of Aberdeenshire Council
- Formartine Area Committee of Aberdeenshire Council
- Kincardine & Mearns Area Committee of Aberdeenshire Council
- Inch Golf Club
- Banchory Golf Club
- Member of Inch Golf Club
- Member of Inch Golf Club
- Stonehaven Golf Club

- Garioch Indoor Bowling Centre
- Member of Aberdeenshire's Recovery Community and Participant in the Central forum for the ADP.
- Member of the Public

Documentation taken into account in addition to the above responses in determining final policy:

- Local SIMD
- Alcohol Focus Scotland Community Tool Kit
- Alcohol Focus Scotland Licensing Resources Kit
- CRESH Report April 2018
- SIMD Report 2016
- Survey Monkey Responses
- Evidence from the earlier engagement sessions with the Police, LSO and NHS Grampian
- Statistical evidence provided in the ADP response
- Documentary evidence provided in the AFS response
- Aberdeenshire Council profile information

All of the above documents will form the Boards' Strategic Assessment Document as referred to at section 2.7 below.

Preparation of Final Policy Statement and Supplementary Policy Statements

- 2.7 The Boards' Licensing Policy Statement/Supplementary Policy Statements have been prepared having regard to the documentation listed in the Board's Strategic Assessment Document, which can be found [here](#)²⁸.
- 2.8 The Boards will also have regard to any documents or statistical information placed before them during the lifetime of this Policy Statement and related Supplementary Policy Statements, and any reviews thereof.
- 2.9 This Policy was approved by the Boards' as follows: -
- North** – 31st October 2018
Central – 10th October 2018
South – 3rd October 2018

Evidence

- 2.10 The Boards wish all their decisions to be informed by evidence.
- 2.11 The Chief Constable and Aberdeenshire Council are required to provide the Boards with statistical or other information for the purposes of preparing their Policy Statement or Supplementary Policy Statements.
- 2.12 The Boards will always be willing to receive evidence of changing circumstances which any interested party may bring to their attention.
- 2.12 As part of their considerations, the Boards kept in mind the need to continue to promote the Licensing Objectives within its policies and, at the same time, maintain a strong, vibrant and diverse licensed trade. The Boards believe that, in consulting as widely as possible on the development of this Policy Statement, they have achieved this aim.

²⁸ Link will be added once the Strategic Assessment Document has been published online.

How to make a comment on this document

Any comments you may wish to make on the Policy can be submitted as follows:-

In writing to **Viewmount, Arduthie Road, Stonehaven, AB39 2DQ**

By e-mail licensingpolicyreview@aberdeenshire.gov.uk

SUPPLEMENTARY POLICY 3 – OVERPROVISION

GENERAL

Duty to assess overprovision

- 3.1 Section 7 of the Licensing (Scotland) Act 2005 requires the Boards to include in their statement of licensing policy a statement as to the extent to which the Boards consider there to be overprovision of licensed premises generally, or licensed premises of a particular description, in any locality within the relevant Board's area. In determining whether or not there is overprovision the Boards **must** have regard to the number and capacity of licensed premises within the locality (although members clubs are discounted) and may have regard to such other matters as the Boards think fit including the licensed hours of premises in the locality.

Consultation

- 3.2 In considering whether there is overprovision the Boards **must** consult the Chief Constable and NHS Grampian; such persons as appear to the Boards to be representative of the interests of holders of premises licences in respect of premises within the locality; persons resident in the locality; and such other persons as the Board thinks fit. As with the remainder the Boards' Policy Statement the overprovision assessment **must** also seek to promote the Licensing Objectives.

Purpose

- 3.3 The purpose of an overprovision assessment is to provide potential entrants to the market with a clear signal that they may incur costs if they intend to apply for a licence in any locality which the Boards have declared to have reached overprovision. It is also designed to improve public and trade confidence in the licensing system by setting out clearly the grounds on which overprovision should be determined. Overprovision should not restrict trade, however, restricting trade within a locality may be required to preserve public order, protect the amenity of local communities and mitigate the adverse health effects of increased alcohol consumption resulting from growing outlet density.
- 3.4 The Scottish Government Statutory Guidance to Licensing Authorities in relation to overprovision makes it clear that if there is to be finding of overprovision there **must** be robust and reliable evidence which indicates that:
1. a saturation point has been reached or is close to being reached **and**
 2. a causal link **must** be identified between that evidence and the operation of licensed premises in that locality.

Evidence

- 3.5 In preparing their respective overprovision statements the Boards have taken into account evidence from the following:

Setting of localities and setting out draft policy:

Numbers of licensed premises
Capacity of licensed premises
National averages of licensed premises
Settlements with more than 5 licensed premises
Results of Survey Monkey
Evidence from engagement sessions with Police Scotland, Licensing Standards Officers and NHS Grampian

SMID
CRESH 2012

Following formal public consultation:

Consultation responses, particularly those from NHS Grampian, Alcohol Focus Scotland and the Aberdeenshire Alcohol and Drug Partnership
CRESH 2018
SIMD 2016

- 3.6 The Boards considered all the evidence before them in formulating these policies. As the Boards are under a duty to promote the five licensing objectives, evidence relating to overprovision was considered against all licensing objectives.
- 3.7 The Boards consider it to be essential to monitor the effectiveness of their policy, particularly in relation to provision. To this end, the Boards intend to establish an Aberdeenshire Alcohol Profile for each Board area in conjunction with partner agencies trends and to assist in the production of the Boards' Annual Function Reports.

Occupant Capacity

- 3.8 The occupancy capacity of premises in the assessment of overprovision for the purpose of this policy, is a factor in the grounds of refusal of a premises licence on the basis of overprovision and may also be a factor for considering in relation to an Occasional Licence application.
- 3.9 All applications for licences are considered by the Boards on their own merits against the Licensing Objectives. If there is evidence to demonstrate that an increase to capacity by variation or relating to a new licence is inconsistent with any of the licensing Objectives, the Boards already have powers to refuse such applications.

General Evidence

- 3.10 The Boards noted the following general points of evidence in considering their overprovision policies:
- Most responses to the Survey Monkey were positive.
 - Some respondents to the Survey Monkey had concerns about the volume of premises closing whilst others had concerns about off-sale premises. However responses reflected the public's perception of the operation of licensed premises and little evidence was provided to support these views. Limited weight could therefore be attributed to these views by the Board's.
 - The number of licensed premises actively trading within our Board areas has continued to reduce across all divisions.
 - The CRESH Report shows that:
 - Aberdeenshire, as a whole is ranked 29th out of 30 in terms of alcohol outlet availability in Scotland and that this is at a lower level than the national average.
 - Neighbourhoods had an average of 5.6 alcohol outlets within 800m of the population centre compared to the Scottish average of 16.8 outlets.
 - Neighbourhoods had an average of 3.5 on sales outlets within 800m of the population centre, compared to the Scottish average of 11.4 outlets.
 - Neighbourhoods had an average of 2.1 off sales outlets within 800m of the population centre compared to the Scottish average of 5.4 outlets.
 - The CRESH Information could not be broken down readily into Licensing Board areas within Aberdeenshire.
 - Increased drinking in homes and not within licensed premises.
 - The Aberdeenshire Alcohol and Drugs Partnership indicated the difficulty for the Boards when it comes to establish a causal link.

A. THE NORTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD

- A.1 In the Board's 2013 Licensing Policy Statement the localities for the purposes of overprovision were based on administrative areas of the Council. This meant that the Board area was split into three localities, Banff and Buchan, Buchan and North Formartine. Following consideration of evidence in April 2018. The Board decided that this should change and localities for the purpose of this overprovision statement should be based on Council Wards so that there are now seven localities. Because of the change in locality a direct comparison of numbers of licensed premises in each Council Ward at the time of the previous overprovision statement and this overprovision statement is not possible. However a comparison between the previous localities (Council Areas) is possible and is shown on the table below. It can be seen that the number of premises per 10,000 population has decreased in two of the three Council Wards and that in the one Ward area where there has been an increase (Buchan) the increase has been marginal (0.063%).

NORTH BOARD AREA		
Ward / Population	No. of Premises (excluding clubs)	Premises per 10,000 population
Banff and Buchan Wards		
Ward 1 Banff and District 11,140 [Unavailable]	37 [Unavailable]	33.2 [Unavailable]
Ward 2 Troup 9,713 [Unavailable]	17 [Unavailable]	17.5 [Unavailable]
Ward 3 Fraserburgh and District 15,664 [Unavailable]	37 [Unavailable]	23.6 [Unavailable]
Combined 36,517 (35,277)	91 [89]	24.9 [25]
Buchan Wards		
Ward 4 Central Buchan 13,878 [Unavailable]	30 [Unavailable]	21.6 [Unavailable]
Ward 5 Peterhead North and Rattray 15,031 [Unavailable]	43 [Unavailable]	28.6 [Unavailable]
Ward 6 Peterhead South and Cruden 12,846 [Unavailable]	16 (Unavailable)	12.46 [Unavailable]
Combined 41,755 [40,300]	89 [83]	21.3 [21]
North Formartine Wards		
Ward 7 Turriff and District 14,130 [Unavailable]	23 [Unavailable]	16.3 [Unavailable]
	21 premises in this Ward licensed by North	
Combined 14,130 [14,157]	23 [30]	16.3 [21]

- The figures shown above in brackets are the figures from the Board's previous Policy Statement.

- A.2 This statement will now consider overprovision in the context of the five licensing objectives. The first three objectives, namely preventing crime and disorder; securing public safety; and preventing public nuisance all having a large degree of overlap will be considered together.

Preventing crime and disorder, securing public safety and preventing public nuisance

A.3 The Board took into account the following evidence:

There have been no reviews from Police Scotland or the LSOs based on these licensing objectives in the past two years
There were 2900 inspections of premises by the Police in the year to 31st March 2018
While the CRESH Report and Alcohol Focus Scotland highlighted that crime rates in neighbourhoods with the most alcohol outlets were 2.8 times higher than those neighbourhoods with the least, this was contradicted by the evidence submitted by Police Scotland. The crime statistics for North Aberdeenshire remain low. It remains difficult to attribute crimes and offences specifically to a high density of licensed premises within localities.
No evidence has been presented to the Board to indicate that there have been major problems with anti-social behaviour in any of the Board's localities.
No evidence has been presented to the Board relating to public nuisance from Aberdeenshire Council's Environmental Health Service.

A.4 The Board acknowledges that there is evidence to indicate that modern drinking habits, and, in particular, the practice of "pre-loading", means that many of those involved in incidents of disorder and public nuisance in and around on-sales premises would have consumed alcohol that could have been purchased from off sales premises outwith the locality in which the incident took place.

A.5 **In conclusion, The Board was of the view that there was insufficient evidence to indicate that the level of provision of licensed premises within North Aberdeenshire caused high levels of harm in respect of these licensing objectives.**

Protecting and Improving Public Health

A.6 The Board took into account the following evidence:

There have been no reviews from Police Scotland or the LSOs based on these licensing objectives in the past two years.
There have been no objections from NHS Grampian in respect of this licensing objective in relation to applications for the grant or variation of premises licences during the lifetime of the Board's existing policy.
Alcohol related admissions to hospital in the ten years 2007-2017 have fallen in all six localities within the Board's area. The greatest overall decrease has been in the Fraserburgh and District locality and in the Peterhead North and Rattray locality.
Despite concerns from Alcohol Focus Scotland and the Aberdeenshire Alcohol and Drug Partnership, there has been no increase in the number of alcohol related deaths across the whole of the Board area from 2007 to 2017 although the trend in the years since 2009 has been upwards.
The harm to health caused by excessive alcohol consumption may be immediate or may take longer, in some cases many years to manifest itself. This therefore can make it difficult to make a direct connection between the place where alcohol is purchased and any resultant harm to health. Although the Board is entitled to consider the opening hours and capacity of licensed premises in assessing overprovision it is not possible to make a direct comparison between premises in the absence of sales figures because longer opening hours and greater capacity does not necessarily indicate greater volume of sales. The Board noted that there was a difficulty establishing a causal link as expressed in the response submitted by ADP.

- A.7 The Board has noted the concern about potential hotspots within Aberdeenshire, particularly in relation to the Peterhead Harbour Area, Fraserburgh and Banff. The introduction of a local alcohol profile for North Aberdeenshire will enable the Board to monitor these concerns and will assist the Board in providing evidence to make any changes to policy moving forward.
- A.8 **In conclusion, the Board acknowledges that there is evidence of concern regarding the availability of alcohol and alcohol related harm, however is of the view that there is no direct evidence that the level of harm in relation to this licence objective has increased to the extent that it is so high that saturation point has been reached within the North Aberdeenshire.**
- A.9 The Board recognises the cost to individual's health and the wider cost to society brought about by excessive consumption of alcohol and the variety of measures to be found elsewhere in this Statement of Licensing policy and national initiatives such as Minimum Unit Pricing are designed to help to reduce this.

Protecting Children and Young Persons from Harm

- A.10 The Board took into account the following evidence:

There have been no reviews based on this licensing objective in the past two years.
Police Scotland and LSOS scrutinise operating plans and licensing risk assessments closely when considering applications submitted to the Board in respect of the terms of access, hours of access and parts of the premises to which children and young persons have access to licensed premises. Their views are taken very seriously by the Board and on the whole, with the agreement of applicants, incorporated into operating plans attached to licences which are thereafter monitored by the Police and LSOS.
The Board are satisfied that the success of initiatives such as Challenge 25 has meant that sales to Children and Young Persons are no longer a significant issue. The Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS): Alcohol Report 2015 published by the Scottish Government demonstrates that school pupils are most likely to get alcohol from home, a friend or a relative and that direct purchase from licensed premises was rare.

- A.11 **In conclusion, overprovision is not therefore considered by the Board to be an issue in the context of protecting children and young persons from harm within North Aberdeenshire.**
- A.12 The Board does appreciate however that general exposure to alcohol and "normalisation" is an important consideration however this is addressed in other parts of the Licensing Policy statement such as the policy concerning the type of events which might be suitable for occasional licences and policies concerning the admission of children and young persons to licensed premises.

CONCLUSION

- A.13 After considering all the evidence the Board has come to the view that the harm caused by alcohol in North Aberdeenshire is not a direct and sole consequence of the number of premises but is a result of a wider, complex set of factors. Placing a limit on the number of licensed premises, or premises of a particular kind would not in the Board's view at this point in time serve to promote any of the five licensing objectives.

- A.14 Although this means that there is no presumption against the granting of new licences within North Aberdeenshire the Board recognises that each application for a premises licence requires to be determined on its own merits and the Board may still refuse an application if it is satisfied, from evidence presented to it, that there would be an overprovision of licensed premises if the application were to be granted. Decisions will also be informed by the local area alcohol profile for the Board's area.

B. THE CENTRAL ABERDEENSHIRE DIVISIONAL LICENSING BOARD

- B.1 Following consideration of evidence, in April 2018. The Board decided that localities for the purpose of assessing overprovision should be based on Council Wards as per the previous Statement of Licensing Policy. This has enabled a comparison to be made between the most recently available figures for the number of premises per 10,000 population and the 2013 figures as per the table below:

CENTRAL BOARD AREA		
Ward / Population	No. of Premises (excluding clubs)	Premises per 10,000 population
Ward 7 Turriff and District [Methlick Area] 14,130 [Unavailable]	23 [Unavailable]	16.3 [Unavailable]
	2 premises in this Ward are licensed by Central.	
Ward 8 Mid Formartine 16,091 [15,957]	31 [30]	19.3 [19]
Ward 9 Ellon & District 14,719 [12,985]	22 [23]	14.9 [18]
Ward 10 West Garioch 11,112 [10,178]	12 [13]	10.8 [13]
Ward 11 Inverurie & District 14,954 [13,221]	45 [41]	30.1 [31]
Ward 12 East Garioch 13,031 [11,336]	14 [11]	10.7 [10]
Ward 13 Westhill & District 14,888 [15,788]	23 [23]	15.4 [14]
Ward 14 Huntly, Strathbogie & Howe of Alford 16,202 [15,688]	36 [37]	22.2 [23]
Ward 15 Aboyne, Upper Deeside & Donside 10,406 [Unavailable]	61 [Unavailable]	58.6 [Unavailable]
	2 premises in this Ward are licensed by Central.	

- The figures shown above in brackets are the figures from the Board's previous Policy Statement.

- B.2 There has been no significant increase in the premises/population ratio in any of the localities and in four of them there has been a decrease.
- B.3 A public survey carried out on behalf of the Board in December 2017 / January 2018 disclosed that 72.94% of those surveyed considered that the number of licensed premises in the Board area was correct. Of those who thought that

there were too many premises some of the reasons given, such as the demise of on-sales premises due to competition from off-sales were generally not matters that the Board would be entitled to address in an assessment of overprovision.

- B.4 This statement will now consider overprovision in the context of the five licensing objectives. The first three objectives, namely preventing crime and disorder; securing public safety; and preventing public nuisance all having a large degree of overlap will be considered together.

Preventing crime and disorder, securing public safety and preventing public nuisance

- B.5 The Board took into account the following evidence:

In the year to 31 st March 2017 there was a 22% decrease in the number of assaults in licensed premises in the Board Area
There were 2296 police inspections of licensed premises to the end of the year 31 st March 2018
There has been an overall reduction in alcohol related violence in the Board Area.
There have been no reviews from Police Scotland or the LSOs based on these licensing objectives in the past two years
The CRESH Report and Alcohol Focus Scotland highlighted that crime rates in neighbourhoods within Aberdeenshire with the most alcohol outlets were 2.8 times higher than those neighbourhoods with the least. However, this does not co-relate to the evidence submitted by Police Scotland. The crime statistics for Central Aberdeenshire remain low. It remains difficult to attribute crimes and offences specifically to a high density of licensed premises within localities.
No evidence has been presented to the Board to indicate that there have been major problems with anti-social behaviour in any of the Board's localities.
No evidence has been presented to the Board relating to public nuisance from Aberdeenshire Council's Environmental Health Service.

- B.6 Whilst there may be areas in the larger settlements such as Inverurie where there are higher levels of such problems it is not possible to attribute them to any particular premises or groups of premises. Many of those involved in such incidents will have consumed alcohol at home prior to going out and the alcohol has not always been purchased within the settlement.

- B.7 **In conclusion, the Board was of the view that there was insufficient evidence to indicate that the level of provision of licensed premises within Central Aberdeenshire caused high levels of harm in respect of these licensing objectives.**

Protecting and Improving Public Health

- B.8 The Board took into account the following evidence:

There have been no reviews from Police Scotland or the LSOs based on this licensing objective in the past two years
There have been no objections from NHS Grampian in respect of this licensing objective in relation to applications for the grant or variation of premises licences during the lifetime of the Board's existing policy
The number of alcohol related admissions to hospital has fallen in all localities except for Inverurie and District in the period 2010-2017. It can however be seen from the table above that the number of premises per 10,000 population for this particular locality has decreased in the years from 2013. This would suggest that there are other factors behind the rate of admission to hospital and there is no direct correlation with the number of licensed premises.
None of the localities demonstrates a significantly higher rate of alcohol related deaths than Aberdeenshire as a whole. In the years between 2011-2016

Aberdeenshire had an annual average of 27.3 alcohol-related deaths for those aged 20 and over. This is 52% lower than the Scottish rate of 21.8 deaths (Source: CRESH/AFS study).

Despite concerns from Alcohol Focus Scotland and the Aberdeenshire Alcohol and Drug Partnership, there has been no increase in the number of alcohol related deaths across the whole of the Board area from 2007 to 2017 although the trend in the years since 2009 has been upwards.

The harm to health caused by excessive alcohol consumption may be immediate or may take longer, in some cases many years to manifest itself. This therefore can make it difficult to make a direct connection between the place where alcohol is purchased and any resultant harm to health. Although the Board is entitled to consider the opening hours and capacity of licensed premises in assessing overprovision it is not possible to make a direct comparison between premises in the absence of sales figures because longer opening hours and greater capacity does not necessarily indicate greater volume of sales. The Board noted that there was a difficulty establishing a causal link as expressed in the response submitted by ADP.

- B.9 The Board has noted the concern about potential hotspots within Aberdeenshire, particularly in relation to Inverurie and Huntly. The introduction of a local alcohol profile for Central Aberdeenshire will enable the Board to monitor these concerns and will assist the Board in providing evidence to make any changes to policy moving forward.
- B.10 **In conclusion, the Board acknowledges that there is evidence of concern regarding the availability of alcohol and alcohol related harm provided by partner agencies, However, the Board is of the view that there is no direct evidence that the level of harm in relation to this licensing objective has increased to the extent that it is so high that saturation point has been reached within the Central Board localities.**
- B.11 Whilst rates of alcohol related harm in the Board area are at low levels compared to the rest of the country the Board is aware that Scotland compares poorly to its Western European neighbours in terms of higher consumption and rates of health harms. The Board has set out a variety of measures elsewhere in the Statement of Licensing Policy that will address this objective, for example attempting to reduce impulse purchases.

Protecting Children and Young Persons from Harm

- B.12 The Board took into account the following evidence:

There have been no reviews based on this licensing objective in the past two years

Police Scotland and LSOS scrutinise operating plans and licensing risk assessments closely when considering applications submitted to the Board in respect of the terms of access, hours of access and parts of the premises to which children and young persons have access to licensed premises. Their views are taken very seriously by the Board and on the whole, with the agreement of applicants, incorporated into operating plans attached to licences which are thereafter monitored by the Police and LSOS.

The Board are satisfied that the success of initiatives such as Challenge 25 has meant that sales to Children and Young Persons are no longer a significant issue. The Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS): Alcohol Report 2015 published by the Scottish Government demonstrates that school pupils are most likely to get alcohol from home, a friend or a relative and that direct purchase from licensed premises was rare.

- B.13 **In conclusion, overprovision is not therefore considered by the Board to be an issue in the context of protecting children and young persons within Central Aberdeenshire.**

- B.14 The Board does appreciate however that general exposure to alcohol and “normalisation” is an important consideration however this is addressed in other parts of the Licensing Policy statement such as the policy concerning the type of events which might be suitable for occasional licences and policies concerning the admission of children and young persons to licensed premises

CONCLUSION

- B.15 After considering all the evidence the Board has come to the view that the harm caused by alcohol in Central Aberdeenshire is not a direct and sole consequence of the number of premises but is a result of a wider, complex set of factors. Placing a limit on the number of licensed premises, or premises of a particular kind would not in the Board's view at this point in time serve to promote any of the five licensing objectives.
- B.16 Although this means that there is no presumption against the granting of new licences within Central Aberdeenshire the Board recognises that each application for a premises licence requires to be determined on its own merits and the Board may still refuse an application if it is satisfied, from evidence presented to it, that there would be an overprovision of licensed premises if the application were to be granted. Decisions will also be informed by the local area alcohol profile for the Board's area

C. THE SOUTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD

- C.1 Following consideration of evidence in, April 2018. The Board decided that the localities within the Board's area should be based on local government electoral wards as was the case with the 2013 policy statement. The following table shows each of the localities and their respective populations, the number of premises in each and the number of premises per 10,000 population. The corresponding figures for 2013 are shown in brackets:-

SOUTH BOARD AREA		
Ward / Population	No. of Premises (excluding clubs)	Premises per 10,000 population
Ward 15 Aboyne, Upper Deeside and Donside 10,406 [11,311]	61 [63]	58.6 [57]
59 premises in this Ward licensed by South		
Ward 16 Banchory and Mid Deeside 11,809 [9,969]	30 [33]	25.4 [37]
Ward 17 North Kincardine 15,937 [13,819]	20 [17]	12.5 [12]
Ward 18 Stonehaven and Lower Deeside 14,880 [13,843]	32 [39]	21.5 [28]
Ward 19 Mearns 15,759 [13,443]	42 [36]	26.7 [28]

- The figures shown above in brackets are the figures from the Board's previous Policy Statement.

- C.2 The number of premises per population has decreased in every one of the five wards except for two. In the case of Aboyne, Upper Deeside and Donside the increase in this particular ratio is partly attributable to a decrease in population. The Board recognises that this locality is a rural area where tourism is an important part of the economy and

this is reflected in the number of premises when compared to population. The density of off sales premises in this locality is however below the national average (Source: Alcohol Focus (Scotland) /Centre for Research on Environment, Society and Health: Alcohol Outlet Availability and Harm in Aberdeenshire April 2016 (“the AFS/Cresh study”)).

- C.3 Having determined the localities the Board considered all evidence before it in determining whether or not there is overprovision in any of the localities. As the Board is under a duty to promote the Licensing Objectives the Board considered the evidence in relation to those objectives.
- C.4 This statement will now consider overprovision in the context of the five licensing objectives. The first three objectives, namely preventing crime and disorder, securing public safety and preventing public nuisance all having a large degree of overlap will be considered together.

Preventing crime and disorder, securing public safety and preventing public nuisance

- C.5 The Board took into account the following evidence:

There have been no reviews from Police Scotland or the LSOs based on these licensing objectives in the past two years
There were 2348 inspections of premises by the Police in the year to 31 st March 2018
While the CRESH Report and Alcohol Focus Scotland highlighted that crime rates in neighbourhoods with the most alcohol outlets were 2.8 times higher than those neighbourhoods with the least, this was contradicted by the evidence submitted by Police Scotland. The crime statistics for South Aberdeenshire remain low. It remains difficult to attribute crimes and offences specifically to a high density of licensed premises within localities.
No evidence has been presented to the Board to indicate that there have been major problems with anti-social behaviour in any of the Board's localities.
No evidence has been presented to the Board relating to public nuisance from Aberdeenshire Council's Environmental Health Service.
Less than 10% of those surveyed in the public survey thought that there were too many on sales premises in South Aberdeenshire.
A pro-active approach by the police and licensing standards officers towards any potential issues that arise or may arise in licensed premises (particularly on sales premises) together with good co-operation from Licence Holders has helped to ensure that rates of crime and disorder and anti-social behaviour in and around licensed premises remains at a relatively low level in South Aberdeenshire.

- C.6 **In conclusion, the Board was of the view that there was insufficient evidence to indicate that the level of provision of licensed premises within South Aberdeenshire caused high levels of harm in respect of these licensing objectives.**

Protecting and Improving Public Health

- C.7 The Board took into account the following evidence:

There have been no reviews from Police Scotland or the LSOs based on this licensing objective in the past two years
There have been no objections from NHS Grampian in respect of this licensing objective in relation to applications for the grant or variation of premises licences during the lifetime of the Board's existing policy

in the Marr Area care and support for people affected by alcohol issues has been identified by the Health and Social Care Partnership (HSCP) as one of their priorities. (Source:HSCP Locality Plan 2018-21).

There is a low incidence of off sales premises with the sort of large capacities associated with supermarkets (typically greater than 100m2) within the Board area

The changes that have taken place in the way that alcohol is purchased and consumed now means that at least 70 % of alcohol is purchased by way of off sales premises, particularly supermarkets

Statistics from NHS Grampian show that none of the localities has a higher than expected rate of hospital admission due to alcohol or rate of death due to alcohol specific conditions. Although there has been an increase in the number of licensed premises in North Kincardine set against population there has been a decrease in hospital admission due to alcohol or rate of death due to alcohol specific conditions in this locality.

Public consultation on the question of overprovision in the South Board area showed that less than one in five of those surveyed believed that there was overprovision of off sales premises.

Despite concerns from Alcohol Focus Scotland and the Aberdeenshire Alcohol and Drug Partnership, there has been no increase in the number of alcohol related deaths across the whole of the Board area from 2007 to 2017 although the trend in the years since 2009 has been upwards.

The harm to health caused by excessive alcohol consumption may be immediate or may take longer, in some cases many years to manifest itself. This therefore can make it difficult to make a direct connection between the place where alcohol is purchased and any resultant harm to health. Although the Board is entitled to consider the opening hours and capacity of licensed premises in assessing overprovision it is not possible to make a direct comparison between premises in the absence of sales figures because longer opening hours and greater capacity does not necessarily indicate greater volume of sales. The Board noted that there was a difficulty establishing a causal link as expressed in the response submitted by ADP

- C.8 The Board has noted the concern about potential hotspots within Aberdeenshire, particular in relation to Stonehaven. The introduction of a local alcohol area profile for the Board area will enable the Board to monitor these concerns and will assist the Board in providing evidence to make any changes to policy moving forward.
- C.9 The Board acknowledges that over consumption of alcohol is one of the biggest public health challenges facing Scotland. Overprovision attempts to address the cumulative effects of premises on alcohol consumption and harm to health. Whilst the incidence of alcohol related deaths and admissions to hospital in South Aberdeenshire are at the lower end of the national scale a comparison with other Western European nations shows that there may still be room for improvement. The Board noted the Health and Social Care Partnership (HSCP) for the Marr area.
- C.10 Given the changes that have taken place in the way that alcohol is purchased and consumed the Board believes that any consideration of over provision in terms of the health objective should focus on off sales premises. The Board recognises that the harmful effects of alcohol on health can be seen within minutes or hours of consuming alcohol or can take years to become apparent. Longer term health harms include the increased risk of common chronic diseases such as certain cancers, heart disease and high blood pressure. The fact that increased consumption of alcohol contributes to the development of these health conditions over a long period means that it is not possible to link harm to a single premises, area or pattern of consumption.

- C.11 The Board acknowledged that an increase in the capacity of off sales premises may mean that there is increased exposure to alcohol and therefore the possibility of increased consumption. However this is not necessarily the case. In the absence of any requirement for retailers to collect and make available alcohol sales figures there can be no direct evidence of a correlation between capacity, sales and consumption.
- C.12 The Board had regard to modern alcohol purchasing behaviour whereby a substantial percentage of alcohol is purchased in supermarkets (including on-line purchasing) and the presence of a large urban area with a relatively large number of supermarkets on the immediate northern boundary of the Board area (and to a lesser extent on the southern boundary). The AFS/Cr study included a map showing the density of licensed premises throughout Scotland and it gives an indication of a high density of off sales premises in close proximity to the Board's boundaries. The Board takes the view that it is reasonable to infer from all of this that a significant quantity of alcohol consumed in the Board area is purchased from without. This can only however be an inference in the absence of any requirement for retailers to keep and make available alcohol sales figures.
- C.13 **In conclusion, the Board acknowledges that there is evidence of concern regarding the availability of alcohol and alcohol related harm provided by partner agencies, however, the Board is of the view that there is no direct evidence that the level of harm in relation to this licensing objective has increased to the extent that it is so high that saturation point has been reached within the South Board localities.**
- C.14 The Board has set out a variety of measures elsewhere in the Statement of Licensing Policy that will address this objective, for example attempting to reduce impulse purchases and the Minimum Unit Pricing Measures.

Protecting Children and Young Persons from Harm

- C.15 The Board took into account the following evidence:

There have been no reviews based on this licensing objective in the past two years
Police Scotland and LSOS scrutinise operating plans and licensing risk assessments closely when considering applications submitted to the Board in respect of the terms of access, hours of access and parts of the premises to which children and young persons have access to licensed premises. Their views are taken very seriously by the Board and on the whole, with the agreement of applicants, incorporated into operating plans attached to licences which are thereafter monitored by the Police and LSOS.
The Board are satisfied that the success of initiatives such as Challenge 25 has meant that sales to Children and Young Persons are no longer a significant issue. The Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS): Alcohol Report 2015 published by the Scottish Government demonstrates that school pupils are most likely to get alcohol from home, a friend or a relative and that direct purchase from licensed premises was rare.

- C.16 **In conclusion, overprovision is not therefore considered by the Board to be an issue in the context of protecting children and young persons from harm.**
- C.17 The Board does appreciate however that general exposure to alcohol and "normalisation" is an important consideration however this is addressed in other parts of the Licensing Policy statement such as the policy concerning the type of events which might be suitable for occasional licences and policies concerning the admission of children and young persons to licensed premises

CONCLUSION

- C.18 After considering all the evidence the Board has come to the view that the harm caused by alcohol in South Aberdeenshire is not a direct and sole consequence of the number of premises but is a result of a wider, complex set of factors. Placing a limit on the number of licensed premises, or premises of a particular kind would not in the Board's view at this point in time serve to promote any of the five licensing objectives.
- C.19 Although this means that there is no presumption against the granting of new licences within any locality within South Aberdeenshire the Board recognises that each application for a premises licence requires to be determined on its own merits and the Board may still refuse an application if it is satisfied, from evidence presented to it, that there would be an overprovision of licensed premises in that locality if the application were to be granted. Decisions will also be informed by the local area alcohol profile for the Board's area
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SUPPLEMENTARY POLICY 4 – OPERATING HOURS

Operating Hours

- 4.1. The Boards do not wish to inhibit unnecessarily the development of a thriving and safe evening and night-time local economy, which is important for investment, employment and tourism.
- 4.2. The Boards consider that the operating hours set out in this Supplementary Policy Statement meet the needs of businesses to routinely trade, while, at the same time, not impacting on the needs of the community in such a way that would be detrimental to compliance with the five licensing objectives.
- 4.3. Licensed hours, and trading hours, **must** be detailed in the operating plan of every premises. Operating hours will be made up of core hours and regular seasonal variations. The Boards expect Applicants to be able to anticipate all such regular variations.
- 4.4. The 2005 Act makes it very clear that routine, 24-hour opening is **NOT** allowed.

Off Sales

- 4.5. For applications relating to premises licences and to occasional licences, the maximum licensed hours for the sale of alcohol for consumption off the premises (off-sales hours) are **10.00 a.m. to 10.00 p.m.**, each day. **The Boards have no discretion to permit licensed hours outwith these times.** In determining applications and licensed hours within these times, the Boards will, in considering the merits, have particular regard to the effect (if any) which the proposed off-sales hours would have in promoting the licensing objectives.
- 4.6. There is no entitlement to a grant of maximum trading hours for off-sale premises. The hours granted by the Boards to off-sale premises will reflect the hours routinely operated at the premises. There will be flexibility to build in extended or reduced trading to reflect seasonal variations, such as the Festive Season, or, public and local holidays.

On-Sales

- 4.7. While each application is assessed on its own merits, the following sections set out each Board's policy on licensed hours. For applications outwith the Boards' policies, Licence Holders will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances and will not be inconsistent with the licensing objectives.

A. THE NORTH ABERDEENSHIRE DIVISIONAL LICENSING

- A.1 For applications relating to premises licences, including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises ("on-sales hours") the Board considers the commencement of the sale of alcohol would not normally be earlier than **9.00a.m.**
- A.2 The Board may attach conditions to such licences. The earlier a premises wishes to open, the more the Board will expect Licence Holders to demonstrate measures to promote the licensing objectives and justify the request for the early hours.
- A.3 The Board considers it would be difficult for any applicant to justify the sale of alcohol before **9.00a.m.** unless there are exceptional circumstances.

Terminal Hour

- A.4 Licensed hours for on sales premises in particular can have an impact not only within individual premises but also within the locality in which the premises are situated. Taking into account the 5 licensing objectives, the presumption against 24-hour drinking and the Guidance for Licensing Boards and Local Authorities issued by the Scottish Executive, the Board considers the following to be appropriate for the terminal hour beyond which alcohol **must not** be sold on the premises or part(s) of the premises:

Nightclubs

Annually

Sundays – Thursdays - 2.00 a.m.

Fridays – Saturdays - 3.00 a.m.

Festive Season

Sundays – Thursdays - 3.00a.m

Fridays – Saturdays - 4.00a.m.

Other Premises

Annually

1.00 a.m. Daily

1.30 a.m. Daily for Private Functions Only

Festive Season

1.30a.m.

- A.5 The Board considers that a differential requires to be maintained between “other premises” and nightclubs to ensure that all business attracts a fair share of trade. No evidence has been presented to the Board by any consultee that has convinced the Board to remove this differential. The Board is, further, of the view that staggering closing times in this way promotes the prevention of crime and disorder licensing objective by reducing footfall on the streets. For this reason “other premises” will only attract **1.00 a.m.** opening on a daily basis.
- A.6 Nightclubs will be subject to mandatory late opening conditions and the Board may attach further conditions.
- A.7 Premises operating as “other premises” during the day and wishing to operate as Nightclubs thereafter **must** ensure that the premises are closed down and cleared of patrons, particularly children and young persons, for at least one hour prior to the commencement of operating as a nightclub at the premises
- A.8 The later that a premises wishes to open, the more the Board will expect Licence Holders to demonstrate measures that promote the licensing objectives and justify the request for the later hours. The Board further considers that it would be difficult for any applicant to justify the sale of alcohol after **3.00 a.m.**, with the exception of Festive Season Hours, unless there are exceptional circumstances.

Festive Hours

- A.9 The Board's Festive Season Hours will apply each year **only** on the undernoted dates:-

24 th of December	25 th of December	26 th of December
31 st of December	1 st of January	2 nd of January

- A.10 Premises opening after **1.00 a.m.** during the Festive Season may be subject to mandatory conditions and the Board may attach additional conditions.
- A.11 **The Board wishes to make it clear that the Festive Season hours should be accounted for within the seasonal variations section of operating plans and should not be the subject of extended hours applications**

B. THE CENTRAL ABERDEENSHIRE DIVISIONAL LICENSING BOARD

- B.1 For applications relating to premises licences, including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises ("on-sales hours") the Board considers the commencement of the sale of alcohol would not normally be earlier than **11.00 a.m.**
- B.2 The Board will consider extending the commencement of the sale of alcohol in premises from **11.00 a.m. to 9.00 a.m.** under certain circumstances (e.g. tourism, provision of food etc).
- B.3 The Board may attach conditions to such licences. The earlier a premises wish to open, the more the Board will expect Licence holders to demonstrate measures that promote the licensing objectives and justify the request for the early hours. The Board further considers that it would be difficult for any application to justify the sale of alcohol before **9.00 a.m.**, unless there are exceptional circumstances.

Terminal Hour

- B.4 Licensed hours for on sales premises in particular can have an impact not only within the individual premises, but also within the locality in which the premises are situated. Taking into account the 5 licensing objectives, the presumption against 24-hour drinking and the Guidance for Licensing Boards and Local Authorities issued by the Scottish Executive the Board consider the following to be appropriate for the terminal hour beyond which alcohol **must not** be sold on the premises or part(s) of the premises:

Nightclubs etc	Sunday to Thursday	2.00 a.m.
	Friday & Saturday	3.00 a.m.
Other on sale premises		1.00 a.m.

- B.5 Premises open after **1.00 a.m.** will be subject to mandatory late opening conditions and the Board may attach further conditions. The later a premises wish to open the more the Board will expect Licence Holders to demonstrate measures that promote the licensing objectives and justify the request for the late hours. The Board further considers that it would be difficult for any application to justify the sale of alcohol after **3.00 a.m.** unless there are exceptional circumstances.

Festive Hours

- B.6 **The Board wishes to make it clear that the Festive Season hours should be accounted for within the Seasonal Variations section of the Operating Plan and should not be the subject of extended hours applications.**
- B.7 On-sale premises may open until **01.30 a.m.** on the following dates:-

Friday and Saturday preceding 25 th of December.
24 th to the 26 th of December inclusive.
Friday and Saturday preceding 31 st of December.
1 st of January.

Such premises may also open on **31st December until 03:00 a.m.**

C. SOUTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD

- C.1 For applications relating to premises licences, including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises ("on-sales hours") the Board considers the commencement of the sale of alcohol would not normally be earlier than **11.00 a.m.**

- C.2 The Board will consider extending the commencement of the sale of alcohol in premises from **11.00 a.m. to 9.00 a.m.** under certain circumstances (e.g. tourism, provision of food etc).
- C.3 The Board may attach conditions to such licences. The earlier a premises wish to open, the more the Board will expect Licence holders to demonstrate measures that promote the licensing objectives and justify the request for the early hours. The Board further considers that it would be difficult for any application to justify the sale of alcohol before **9.00 a.m.**, unless there are exceptional circumstances.

Terminal Hour

- C.4 Licensed hours for on sales premises in particular can have an impact not only within the individual premises, but also within the locality in which the premises are situated. Taking into account the 5 licensing objectives, the presumption against 24-hour drinking and the Guidance for Licensing Boards and Local Authorities issued by the Scottish Executive the Board consider the following to be appropriate for the terminal hour beyond which alcohol **must not** be sold on the premises or part(s) of the premises:

Nightclubs etc	Sunday to Thursday	2.00 a.m.
	Friday & Saturday	3.00 a.m.
Other on sale premises		1.00 a.m.

- C.5 Premises open after **1.00 a.m.** will be subject to mandatory late opening conditions and the Board may attach further conditions. The later a premises wish to open the more the Board will expect Licence Holders to demonstrate measures that promote the licensing objectives and justify the request for the late hours. The Board further considers that it would be difficult for any application to justify the sale of alcohol after **3.00 a.m.** unless there are exceptional circumstances.

Festive Hours

- C.6 **The Board wishes to make it clear that the Festive Season hours should be accounted for within the Seasonal Variations section of the Operating Plan and should not be the subject of extended hours applications.**
- C.7 On-sale premises may open until **01.30 a.m.** on the following dates:-

Friday and Saturday preceding 25 th of December.
24 th to the 26 th of December inclusive.
Friday and Saturday preceding 31 st of December.
1 st of January.

Such premises may also open on **31st December until 03:00 a.m.**

Occasional Extensions

- 4.8 The Boards may extend the licensed hours in respect of premises by such period as the Boards consider appropriate. The Boards will normally only do so in connection with:
- (i) a special event or occasion to be catered for on the premises, or
 - (ii) a special event of local or national significance.

The grant of an extension of licensed hours can only last for a maximum of 1 month.

- 4.9 The Boards will not normally grant extended hours in relation to requests for the types of entertainment provided for within the operating plan of the premises. For example, if the operating plan specifies live bands as a normal activity, extended hours for a specific band playing at the premises will be rejected as not being a special event to be catered for on the premises, or being an event of local significance.
- 4.10 Occasional extensions should be a rare occurrence, most types of entertainment and the hours relating thereto being capable of being catered for within the operating plan attached to the premises licence.
- 4.11 Licence Holders seeking licensed hours for times outwith the relevant Board's policy, will require to demonstrate to that Board that the additional requested hours are appropriate in the circumstances.
- 4.12 Licence Holders **shall** provide the relevant Board with sufficient information to enable a decision to be made. This will include –

the hours sought
the description of the special event or occasion
what activities are proposed to take place during those hours
when each activity will take place
how the request complies with the licensing objectives.

- 4.13 The Boards will have complete discretion as to whether they grant the application taking into account any objections and representations. The Boards may hold a hearing for the purpose of determining any application, but this is not mandatory. Where a Board does not hold a Hearing, the Board will ensure that before determining the application, the applicant is given an opportunity to comment on any objections or representations.
- 4.14 On occasions of national, local or possibly international significance the Boards have the authority to apply a general extension of licensing hours. The Boards will notify those affected of the granting of any general extension of hours. Such grants will always be posted on the [Licensing Section of Aberdeenshire Council's Website](#)²⁹.
- 4.15 In respect of either sector or local specific grants, the Boards will notify premises individually. The Boards may also publish details in local newspapers as it sees fit.
- 4.16 For further detailed information on Occasional Extensions, please see the [Board's Guidance](#)³⁰.

NORTH DIVISIONAL LICENSING BOARD

The Board considers the commencement of the sale of alcohol **shall not** be earlier than **9.00a.m. (10.00a.m. for off sales)** For the terminal hour beyond which alcohol **must not** be sold on the premises, the Board considers the following to be appropriate –

Off Sales	10.00p.m. daily
On Sales - Where there is no specific entertainment	1.00a.m. daily
On Sales - Where there is specific entertainment	1.30a.m. daily

CENTRAL DIVISIONAL LICENSING BOARD

The Board considers the commencement of the sale of alcohol **shall not** be earlier than **11.00 a.m. (10.00 a.m. for off sales)**. For the terminal hour beyond which alcohol **must not** be sold on the premises, the Board considers **1.00 a.m. (10.00 p.m. for off sales)** daily to be appropriate.

²⁹ <http://www.aberdeenshire.gov.uk/licensing/>

³⁰ <http://www.aberdeenshire.gov.uk/licensing/occasionalextensions.asp>

SOUTH DIVISIONAL LICENSING BOARD

The Board considers the commencement of the sale of alcohol **shall not** be earlier than **11.00 a.m. (10.00 a.m. for off sales)**. For the terminal hour beyond which alcohol **must not** be sold on the premises, the Board considers **1.00 a.m. (10.00 p.m. for off sales)** daily to be appropriate.

Occasional Licences

4.17 It is possible to make an application for an occasional licence authorising the sale of alcohol on premises which are not licensed premises.

4.18 The Boards recognise the particular impact of alcohol misuse on children and young persons and will assist in changing detrimental attitudes and behaviours. Accordingly, there will be a presumption against granting occasional licences for events that are aimed primarily at children or young persons, such as but not limited to, school sports days or children's parties.

4.19 The application may be made by –

The holder of a premises licence, or

The holder of a personal licence, or

A representative of any voluntary organisation (includes members clubs)

4.20 An occasional licence can last up to a **maximum of 14 days**.

4.21 The holders of a premises licence or a personal licence may make unlimited applications.

4.22 There are restrictions on the number of applications a voluntary organisation or members club can make, in any period of 12 months –

not more than 4 occasional licences each having effect for a period of 4 days or more; and
--

not more than 12 occasional licences each having effect for a period of less than 4 days
--

4.23 The combined duration of all occasional licences in any 12-month period **must not exceed 56 days**.

4.24 A valid application requires the completion in full of the application form and all appendices. Please note failure to provide a current e-mail address may result in your application being delayed.

4.25 To allow time to consult the Police and the LSO and for objections/comments to be made, applications should be submitted as far in advance of the event as possible but **not later than 6 weeks** before the event is due to take place. **Any applications received less than 4 weeks before the event is due to take place will be rejected by the Boards with the exception of applications related to the provision of funeral teas.**

4.26 The Boards consider that activities such as dances, discos, dinner dances, wedding-receptions, parties where a disco or band is provided are generally acceptable for granting an occasional licence. This list is not exhaustive.

4.27 If the Boards see a pattern of applications for occasional licences or extensions developing for functions or days or hours that could otherwise be accommodated within the operating plan for the premises, the Boards may decline to deal with such applications and instead advise that the applicant apply for a major variation of their premises licence to accommodate such events.

4.28 Where it is evident from an application due to the type of event, capacity, age demographic and location of an event, the Boards may require a person in charge of the bar at the event who has completed training to the same standards as that required

to obtain a personal licence under the Act and as recommended by the Licensing Standards Officers or Police Scotland.

- 4.29 In all other circumstances, where a voluntary organisation applies for numerous occasional licences in any calendar year, the Boards expect there to be a person in charge of the bar at the event who has completed training to the same standard as that required to obtain a personal licence under the Act, and evidence of training must be submitted to the relevant Board with the application for the occasional licence.
- 4.30 Members Clubs **shall** ensure that occasional licences applied for in respect of their premises are for events for the benefit of the club or their members, to which members of the public are admitted or for which there are insufficient numbers of members attending the event to sign in the required number of guests (also see **Supplementary Policy 7** in this regard).
- 4.31 Licence Holders should also be aware that they may also require a public entertainment licence and/or a late hours catering licence issued by Aberdeenshire Council in terms of the Civic Government (Scotland) Act 1982.

Occasional Licence Hours

- 4.32 Licence Holders seeking licensed hours for times out with the relevant Board's policy, will require to demonstrate to that Board that the additional requested hours are appropriate in the circumstances.

NORTH DIVISIONAL LICENSING BOARD

The Board considers the commencement of the sale of alcohol **shall not** be earlier than **9.00a.m. (10.00 a.m. for off sales)**. For the terminal hour beyond which alcohol **must not** be sold on the premises, the Board considers the following to be appropriate –

Off Sales	10.00 p.m. daily
On Sales - Where there is no specific entertainment	1.00 a.m. daily
On Sales - Where there is specific entertainment	1.30 a.m. daily

CENTRAL DIVISIONAL LICENSING BOARD

The Board considers the commencement of the sale of alcohol **shall not** be earlier than **11.00 a.m. (10.00 a.m. for off sales)**. For the terminal hour beyond which alcohol **must not** be sold on the premises, the Board considers **1.00 a.m. (10.00 p.m. for off sales)** daily to be appropriate.

Members Clubs **must** apply for one Occasional Licence per each separate event during the Festive Season, including festive lunches and dinners

SOUTH DIVISIONAL LICENSING BOARD

The Board considers the commencement of the sale of alcohol **shall not** be earlier than **11.00 a.m. (10.00 a.m. for off sales)**. For the terminal hour beyond which alcohol **must not** be sold on the premises, the Board considers **1.00 a.m. (10.00 p.m. for off sales)** daily to be appropriate.

Members Clubs **must** apply for one Occasional Licence per each separate event during the Festive Season, including festive lunches and dinners

Occasional Licence Conditions

- 4.33 The Boards are aware of the mandatory conditions which are set out both in the Act and in Regulations. In addition the Boards will consider on an individual basis whether it is necessary or expedient to impose conditions, to promote one or more of the licensing objectives or otherwise to give effect to the provisions of this policy statement or to the provisions of the Act.
- 4.34 The decision whether to impose a condition will be made on an objective basis, any representations made and any other relevant information available to the Board when

considering the application. The Boards will seek to avoid the imposition of disproportionate conditions.

- 4.35 The Boards have agreed a pool of local conditions that may attach to occasional licences granted by the Board. These are published on the Board's website and are available [here](#)³¹.

Repeated Occasional Licence Applications

- 4.36 Repeated applications for Occasional licence for the same unlicensed premises, and which are:-

Not for detailed specific events; and/or
For activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months;

Will not generally be considered to be suitable for the grant of an Occasional Licence and will not be granted by the Boards under delegated authority but will require a hearing before the relevant Board. The Boards expect such premises to be operating under a Premises Licence.

- 4.37 Section 59(6) of the Act specifies the grounds for refusal of an application for an Occasional Licence. These grounds include "that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives". These licensing objectives include:-

- **Securing public safety.**
- **Protecting and improving public health.**

The degree of scrutiny afforded by an application for a Premises Licence is not present where premises operate under a series of consecutive Occasional Licences. Accordingly, in the interests of better securing public safety and/or for better protecting and improving public health, the Board considers that it is not generally appropriate for a premises to operate on a series of consecutive Occasional Licences rather than apply for a Premises Licence and, in these circumstances, the Board will require an applicant to explain why an application for a Premises Licence is not being made.

Lack of Demand and Flexible Trading Hours

- 4.38 Licence Holders should be aware that premises should routinely remain open for the licensed hours they apply for and which are granted by the Board.
- 4.39 The Boards recognise that there will always be circumstances that will reasonably cause a temporary deviation from the licensed hours given in the operating plan. Such circumstances will not ordinarily be considered a breach of the operating plan.
- 4.40 The Boards also recognise the need for businesses, especially in a rural environment, to remain economically viable when faced with a lack of demand. Licensed premises may wish to close early owing to a lack of customers and, therefore, not trade for their full complement of licensed hours. Again, this will not ordinarily be treated as breach of the operating plan.
- 4.41 The Boards expect Licence Holders to apply for the hours they normally or usually trade in their operating plan. Provision can be built into operating plans for longer or shorter opening at certain times of the year.
- 4.42 However, in considering such issues, the Boards will give particular attention to whether any "unused" hours are preventing new entrants to the market or premises

³¹ Link will be added once these have been approved and published on the website.

are closing early on a regular basis. If so, it may be appropriate to vary the operating plan of the premises concerned.

Drinking Up Time

- 4.43 Drinking up time is 15 minutes normally and 30 minutes where alcohol is being consumed with a meal. The Board requires Licence Holders to give customers plenty of notice about last orders and time.

British Summer Time

- 4.44 On such date as is prescribed as the date in Spring when the clocks go forward to mark the changeover to British Summertime, Licence Holders who enjoy licensed hours beyond 1.00 a.m. (the official time for clock changes) will be judged by reference to the number of hours after midnight which their operating plan authorises them to be open, rather than by the actual time shown on the clock.
- 4.45 On such date as is prescribed as the date in Autumn when the clocks go back to mark the changeover from British Summertime to British Wintertime, Licence Holders who enjoy licensed hours beyond 1.00a.m. will similarly close according to the number of hours after midnight which their operating plan authorises them to be open, rather than by the actual time shown on the clock.
- 4.46 Any Licence Holder who enjoys hours up to 1.00 a.m. is unaffected by the change of the clocks. The Boards do not accept that those licensed until 1.00 a.m. gain an additional hour on the changeover to British Wintertime.

Additional Considerations

- 4.47 In determining applications where different parts of the premises have different uses, or where parts of premises fall under different categories for operating hours, as specified in this Supplementary Policy Statement, the Boards will have regard to when the activities take place and the principal activity taking place. The Boards may impose further conditions to ensure other activities do not take place or remain ancillary to the principal activity for those licensed hours.
- 4.48 Premises where more than one of the categories applies in different parts of the same premises will be given careful consideration. The Boards may impose conditions and/or different licensed hours to those parts of premises to ensure the activities remain separate. In some circumstances, the Boards may attach different operating plans to cover different floors, or sections of premises, depending on the nature of the activities taking place within the premises.

SUPPLEMENTARY POLICY 5 – RELATIONSHIP WITH OTHER REGIMES AND TRANSPORT, TOURISM, PLANNING AND BUILDING STANDARDS

Relationship With Other Regimes

- 5.1 The aim of the Boards is to serve the licensing needs of their area as quickly and efficiently as possible, striking a balance between the business needs of its customers and the interests of the community as a whole, in order to protect the public and further the licensing objectives. To do this, the Boards will:

When deciding on policies, reach out to all parts of society and genuinely reflect their interests through the medium of the Aberdeenshire Licensing Forum.

- 5.2. The Boards will achieve this by –

working closely in partnership with local groups and organisations whose remit includes alcohol issues;
Encouraging an open and honest exchange of information in a customer-friendly setting and making decisions in a fair and reasoned manner based around agreed and published policies;
Being fair in all matters and in this context fairness includes having regard to and an interest in equality and diversity in all forms and ensuring that equality considerations are central to all that we do;
Working to promote the licensing objectives in partnership with a wide range of other Public Bodies, including Aberdeenshire Council and its various services, statutory consultees, the industry and the public; and
Striving to reflect the interests of all people from all sections of society in our area.

- 5.3. It should be borne in mind that licensing is about regulating the sale of alcohol, and premises on which alcohol is sold, within the terms of the Act. Licensing Boards cannot deal directly with alcohol supplied or consumed outwith licensed premises.
- 5.4. The Boards will not, in so far as is possible, duplicate the roles of other regulatory regimes. Statutory Guidance also indicates that planning, building control and licensing regimes will be properly managed to avoid duplication and inefficiency.
- 5.5. **Appendix 1** to the Board's Policy Statement encourages Applicants to consult with other relevant bodies.
- 5.6. Where other responsible authorities raise matters relating to the licensing objectives then the Boards will take those matters into account when reaching a decision. The Boards will take particular matters seriously when it comes to active promotion of the licensing objectives.
- 5.8 The Boards will work closely with Police Scotland, Licensing Standards Officers, The Scottish Fire & Rescue Service and Council Services for the targeting of agreed problem and high-risk premises. Lower risk premises which are well managed and well-maintained will be subject to less regular inspections.
- 5.9 Listed below are organisations that the Boards will consult with on matters relating to licensing, where deemed appropriate to do so. This list is not exhaustive:-

Aberdeenshire Access Panels	Aberdeenshire Alcohol and Drug Partnership	Aberdeenshire Council – Area Managers	Aberdeenshire Community Planning (incl. LOIP)
Aberdeenshire Community Safety Executive	Alcoholics Anonymous	Alcohol Focus Scotland	Building Standards

Business Associations	Community Councils	Community Learning and Development	COSLA
Education, Learning and Leisure Services	Environmental Health	Grampian Racial Equality Council	The Licensing Forum
National Alcohol Liaison Officer	NHS Grampian Public Health Directorate	Planning Services	Pubwatches and Shopwatches
Police Scotland	SOLAR	Scottish Ambulance Service	Scottish Fire and Rescue Service
Tourism Bodies	Transport Bodies including the Public Transport Unit and Roads	Trading Standards	Various Youth Forums (Incl. Youth Parliament)

and will consider any relevant policies, plans or strategies published by such bodies where relevant to this Policy and the promotion of the five licensing objectives.

- 5.10. The Boards will also have regard to the following:-

Councillor's Code of Conduct
Freedom of Information legislation
Gambling Act 2005
Equalities Legislation
Human Rights Act 1998
GDPR

Transport

- 5.11 Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol. Licence Holders **shall** ensure that they and their staff have sufficient measures in place to ensure patrons exit and leave the vicinity of the premises in good order and as quickly and quietly as possible.
- 5.12 Statutory Guidance requires this Supplementary Policy Statement to identify any arrangements between the LSOs and the Police for reporting views/concerns to the local Transport Committee. The local Transport Committee for Aberdeenshire is the Infrastructure Services Committee. To date, the Boards have not been able to identify any such arrangements. Work will continue to try to progress this matter.
- 5.13 The taxi and private hire trade assists the licensed trade in promoting quick and efficient dispersal from licensed premises within our local communities.

NORTH DIVISIONAL LICENSING BOARD

The Board is aware that there are operations where a bus is hired to transport patrons around a route of pubs and clubs within the Board's area. The Board expects Licence Holders to ensure that the patrons act responsibly whilst within their premises and should cause no adverse impact on the amenity of the local community. To that end, the Board will produce a guidance leaflet in conjunction with Police Scotland and the LSOS which will be accessible on the Boards' website.

Tourism

- 5.14 Statutory Guidance requires this Supplementary Policy Statement to identify any arrangements between Visit Scotland and the Boards, regarding reports on the needs of the local tourist economy. To date, there are no such arrangements in place.
- 5.15 Aberdeenshire has tourist attractions in the form of natural tourism, industrial tourism, golfing tourism, whisky tourism, event tourism along with tourists interested in our heritage, in particular with our connection to royalty

- 5.16 The Boards will engage and work with the Economic Development service of Aberdeenshire Council to signpost to the trade the advice and services that are available to assist in improving the tourism offering in Aberdeenshire.

SUPPLEMENTARY POLICY 6 – LICENCE TYPES AND BOARD PROCEDURES

Statutory Guidance requires the Boards to outline the different type of applications which may be applied for in terms of the Licensing (Scotland) Act 2005 and to set out the Boards' procedures and considerations for determining such applications.

TYPES OF LICENCE

Personal Licence

- 6.1 Every premises, other than members clubs, will require one or more Personal Licence Holder. Personal Licence Holders **must** be over the age of eighteen and have completed a mandatory training course prior to applying for their licence. Once issued, a personal licence can be used anywhere in Scotland.
- 6.2 The Boards will consider applications for personal licences from individuals living in Aberdeenshire or from individuals who are not ordinarily resident in the area of any Licensing Board in Scotland.
- 6.3 The personal licence is intended to ensure that anyone managing premises is suitably capable of doing so. Whilst the Act requires every sale to be "authorised" by a Personal Licence Holder, such authorisation can be a general one.
- 6.4 The Boards expects the terms of any general authorisation for the sale of alcohol to be in writing, specific to the premises, available for inspection by any LSO, brought to the attention of and signed by all parties involved and enforced by the premises manager. This is particularly relevant if the designated premises manager is absent from the premises for more than 4 weeks.
- 6.5 The Boards expect personal Licence Holders that are also designated premises managers to be generally working within the premises on a day-to-day basis. The Boards do not, however, consider that a personal Licence Holder is required to be on the premises at all times, with the exception of certain late opening premises, where mandatory conditions require a Personal Licence Holder to be on the premises after 1.00a.m. However where a Personal Licence Holder is not present they are not removed from all responsibility. This should be addressed in the terms of the authorisation.
- 6.6 Where a premises manager is likely to be absent from the premises for a period of more than three months, the premises Licence Holder should consider substituting a premises manager onto the licence for the duration of the absence.
- 6.7 Personal Licence Holders **must** undergo refresher training prior to the five year anniversary of the date of issue of their personal licence and at five yearly intervals thereafter.
- 6.8 Personal Licence Holders are legally required notify the relevant Board of any change of name or address within 28 days of the change.

Premises Licence

- 6.9 Premises that wish to sell alcohol for consumption on or off the premises will require to have a premises licence. This will govern, amongst other things, what activities are allowed on the premises and during which hours the premises can be open for business. Each licence will be tailored to the premises in question. The following documentation is required for a valid Premises Licence application:-

Section 50 Certificates from Planning, Building Standards and Food Hygiene.
Application Form completed in full.

Operating Plan.
Layout Plan (2 paper copies plus 1 electronic copy)
Disability Access and Facilities Assessment
Licensing Objectives Risk Assessment.
Application fee based on the rateable value of premises

- 6.10 Licence Holders should pay particular attention to the operating plan and the layout plan. If a particular activity is not mentioned in the operating plan that activity cannot take place on those premises until further authorisation is sought from the relevant Board by way of seeking a variation of the premises licence.
- 6.11 The operating plan should set out clearly the Licence Holder's proposals including the activities that would be undertaken on the premises, proposed opening hours and their policy in relation to access for children.
- 6.12 The relevant Board should be able to determine with certainty the kind of operation which would be permitted in terms of the licence, and be assured that the premises will continue to operate on that basis once a licence is granted.
- 6.13 Where any premises ceases to be used for the sale of alcohol for a period of more than three months, the relevant Board will conclude that the licence has ceased to have effect in terms of Section 28 of the Act. A new premises licence will be required before alcohol can then be sold from the premises. The relevant Board will consider each case on its own merits. This period may be extended if circumstance arise that merit this. Licence Holders should request extensions in writing to the relevant Board and should outline the reasons the extension is sought. All requests will be considered by the relevant Board.
- 6.14 Where premises also hold a Houses In Multiple Occupation Licence, leaving no rooms available to let by tourists, the rooms should be removed from the premises licence. There should be separate entrances to the HMO part of the premises to the entrances for the licensed part of the premises.

Provisional Premises Licence

- 6.15 A Provisional Premises Licence is general applied for when premises are undergoing construction or conversion to become licensed premises. Alcohol **cannot** be sold under a Provisional Premises Licence. The application process is the same as for a full Premises Licence but only the following documents are required: -
- A Section 50 Certificate is only required in respect of Planning.
 - Disability Access and Facilities Statement
- 6.16 Details of a Designated Premises Manager is not required at this stage.
- 6.17 Please refer to paragraphs [6.42](#) and [6.43](#) of this Supplementary Policy Statement for links to further Guidance and the fees.

Application Form

- 6.18 Licence Holders should ensure:

That the Application Form is accurately completed in full.
That where the application is being submitted by a Partnership or Company that details of all Partners/Directors are included.
That a full description including building type, location (e.g. rural, urban or city centre) and a breakdown of the public rooms (e.g. lounge bar, public bar etc) is provided.

Section 50 Certificates

- 6.19 All new premises licence applications require a Section 50 Certificate from Planning Services, Building Standards and Environmental Health. These Certificates **must** be

obtained from the relevant services before the premises licence application can be submitted.

Operating Plans

- 6.20 Every operating plan **must** set out clearly the Licence Holder's proposals including the activities that would be undertaken on the premises, proposed opening hours and their policy in relation to access for children and young persons.
- 6.21 Operating plans encourage a flexible licensing regime. They **must** make clear to the relevant Board how the premises are to be run, including full details of all activities to be undertaken on the premises and the times they will be undertaken. This will include seasonal variations. Operating plans **must** be provided with each application in a prescribed format and should be particular to each premises and not completed in general terms. This will allow the relevant Board to make an informed decision and later determine if any breach of the operating plan and/or licence conditions has occurred
- 6.22 The Boards recognise that it is not always possible for Licence Holders to predict customer demand and requirements. However a balance **must** be struck between vague references to potential activities and definite details of actual activities. Matters that cannot be predicted when formulating an operating plan can be the subject of an occasional licence, an occasional extension or, for regular activities, a variation to the operating plan.
- 6.23 Where allowing gaming on the premises, the operating plan should define the types of gaming that are permitted on the premises.

Layout Plans

- 6.24 The layout plans of the premises should show, among other things, the area where alcohol will be sold, seating arrangements and areas suitable for children and young persons. Each area should be clearly delineated including any beer gardens, outdoor seating areas and smoking areas. Inclusion of any outside areas will avoid any doubts when it comes to bye-laws concerning the consumption of alcohol in public places. Where the premises covers more than one floor then there should be a layout plan for each floor. Plans should be to the scale of 1:100. The Board will accept 1:50 for off sales only.
- 6.25 Off sales plans should clearly show all areas where alcohol will be displayed for the purpose of sale. This should include seasonal variations if additional areas are used at certain times.

NORTH DIVISIONAL LICENSING BOARD

The plans **must** also indicate the position of any lock-fast store for any alcohol stored, but not on display, within the premises.

Applicants should refer to Local Condition 6

- 6.26 The Boards expect plans as far as possible to be to scale and of good quality. Inadequate plans may be rejected.
- 6.27 For ease of distribution and security, Applicants are requested to note that wherever possible electronic format should be **.pdf**. Other types of specialist application, like **.cad**, or general applications prone to manual alteration should not be used. In addition the Boards would like electronic format files to remain under 4 megabytes in size. Electronic files **must** be capable of being printed off to scale, so that they can be read clearly. Paper plans should be of a size no larger than A3 for ease of conversion to electronic format.

- 6.28 The Boards require to receive one electronic copy plus two paper copies of the layout plan.

Licensing Objectives Risk Assessment

- 6.29 The Boards require that Applicants applying for premises licences and occasional licences complete a risk assessment in respect of the premises and to provide a copy of this to the relevant Board with the application and operating plan. A risk assessment **must** be an end-to-end process, Licence Holders are reminded that all activity directly connected to their premises, both inside and out, **must** be considered. The purpose of the risk assessment is to help Licence Holders demonstrate compliance with the 5 licensing objectives.
- 6.30 **Please note that the Boards do not accept any responsibility for your risk assessment(s) and are not in a position to sign it (them) off. You are advised to consider these matters carefully and if in doubt engage appropriate professionals to assist you in these matters. The Boards reserve the right to comment on the content of your risk assessment(s) and ask for more or different information as may be required.**

Disability Access and Facilities Statement

- 6.31 For relevant information please see the following section: **Appendix 1: Disability Access and Facilities Statement.**

Confirmation of a Provisional Premises Licence

- 6.32 A provisional premises licence has to be confirmed within 4 years of the date of issue of the licence, otherwise it will automatically be revoked. Upon confirmation the relevant Board may make a variation of the conditions to which the licence is subject. In order to confirm such a licence, the following is required:

Application Form.
Operating Plan (including Designated Premises Manager)
Section 50 Certificates from Building Standards.
Disability Access and Facilities Assessment
Licensing Objectives Risk Assessment
Balance of application fee.

- 6.33 The fee for confirmation of a Provisional Premises Licence is dependent on the rateable value of premises.

Temporary Premises Licence

- 6.34 Where a Licence Holder wishes to carry out alterations etc. to the principal licensed premises then the relevant Board can issue a temporary licence for a secondary premises to enable the Licence Holder to continue to trade pending completion of the works.

- 6.35 To issue a Temporary Premises Licence the relevant Board **must** be satisfied that:

The temporary premises are suitable for use for the sale of alcohol; and
that it is necessary to grant the application to enable the applicant to carry on business pending reconstruction or conversion of the principal premises

- 6.36 The relevant Board may vary the conditions to which the licence is subject, if it considers appropriate to do so.

Application to Vary A Premises Licence

- 6.37 Premises Licence Holders can apply for variations to the terms and conditions of the premises licence. All such applications **must** be accompanied by the original premises licence or a written explanation together with confirmation of the lost or stolen property reference number supplied by Police Scotland in terms of the licence. Each variation application will be considered on its own merits.

Application to Transfer A Premises

- 6.38 A Premises Licence Holder may apply to the relevant Board to transfer the licence. They **must** transfer the licence to a legal personality and in accordance with the conditions sets out in S.33-34 of the Act.
- 6.39 Transfers made under s.34 **must** be made within 28 days of the business transferring to a new Licence Holder. Failure to do so may mean that the licence ceases to have effect under Section 28 of the Act.

Occasional Extensions

- 6.40 An Occasional Extension of permitted hours can be granted to a Licence Holder in connection with any occasion/function considered to be an event of local or national significance taking place on his/her licensed premises and lasting not more than one month.

Occasional Licences

- 6.41 An occasional licence may be granted to the holder of a premises licence, personal licence or a representative of a voluntary organisation for premises authorising him/her to sell alcohol at an occasion/function for a period of not more than 14 days where the event is taking place outwith their licensed premises. Members Clubs may also apply to permit non- members access to their premises for events run by the Club.

Further Guidance

- 6.42 Further Guidance and forms can be found [here](#)³².
- 6.43 Details of fees are available [here](#)³³.

Application Forms

- 6.44 Applications can be accepted in electronic format, paper format or a combination of the two.
- 6.45 Applications in the first instance will be vetted by the Depute Clerk of the relevant Board. It is therefore essential that Applicants complete all questions on the relevant application form and provide as much detail as possible.

Consultation

Notification of Application of New Premises Licence and Major Variations

- 6.46 The relevant Board **must**, within 21 days of receipt of an application for a premises licence give notice of the application to:-

each person having a notifiable interest in neighbouring land (defined by Regulation as within a 4 metre radius of the premises)
any community council within whose area the premises are situated
Aberdeenshire Council (planning services, building standards and environmental health)

³² <https://www.aberdeenshire.gov.uk/licensing/licences-and-permits/?tag=Alcohol#records>

³³ Link will be added as soon as the fees table has been published on the website.

Chief Constable of Police Scotland
Scottish Fire and Rescue Service
Public Health
LSOs

- 6.47 The relevant Board will also publish notice of each application on Aberdeenshire Council's website and/or a designated public access system available on the internet. This can be accessed [here](#)³⁴.

Notification of Transfer of Premises Licence and of Personal Licence

- 6.48 Notification of the above applications will be as follows:

Transfer of Premises Licences	Chief Constable
Personal Licences	Chief Constable and LSOs

Each party has 21 days to respond to the application.

Notification of Occasional Licences and Occasional Extensions

- 6.49 Notification will be given as follows to the Chief Constable and the Licensing Standards Officer who have 21 days to respond to the application.
- 6.50 The Board will also publish notice of each application on Aberdeenshire Council's website and/or a designated public access system available on the internet. These can be accessed [here](#)³⁵ for Occasional Licences and [here](#)³⁶ for any Occasional Extensions.
- 6.51 Members of the public only have 7 days from the publication of this notice to lodge representations or objections with the Board.

Objections and Representations

- 6.52 Any person may submit an objection or representation to the relevant Board.

Objection	An objection is opposition to the grant of any licence at all. It must relate to one of the five licensing objectives and to specific premises. Any person considering lodging an objection should seek independent legal advice before doing so.
Representation	A representation is not opposition to the grant of a licence in principal but concerns the terms or conditions of the proposed licence or major variation. Representations can also be made in support of an application. Any person considering making an application should seek independent legal advice before doing so.

- 6.53 Any objection **must** relate to one of the 5 licensing objectives and relate to specific premises.
- 6.54 An objector opposes the grant of any licence at all. Objectors should address the statutory grounds of refusal, including the licensing objectives, within their objection.
- 6.55 The relevant Board will reject what it considers to be frivolous or vexatious objections or representations and may seek to recover resultant wasted expenses.

³⁴ <https://www.tellmesotland.gov.uk/notices/aberdeenshire/licensing/>

³⁵ <https://www.tellmesotland.gov.uk/notices/aberdeenshire/licensing/>

³⁶ <http://www.aberdeenshire.gov.uk/licensing/alcohol/occasional-extensions-adverts/>

- 6.56 The relevant Board will address each case on its own merits, based on its local knowledge of the area and those that will be directly affected by the granting of a licence.
- 6.57 Further Guidance on Objections/Complaints, together with a Pro-Forma style of objection are available [here](#)³⁷ on the Board's website.
- 6.58 Alcohol Focus Scotland have published a toolkit designed to help anyone who would like to have a say on how alcohol impacts on their community and how the licensing process works in Scotland, the toolkit can be accessed [here](#)³⁸.

Conditions

- 6.59 Mandatory conditions are set out both in the Act and in Regulations. The Boards will consider on an individual basis whether it is necessary or expedient to impose additional conditions, to promote one or more of the licensing objectives or otherwise to give effect to the provisions of this policy statement or to the provisions of the Act. The decision whether to impose a condition will be made on an objective basis, having regard to the licence application, any representations made or any other relevant information available to the Boards when considering the application. The Boards will seek to avoid the imposition of disproportionate conditions.
- 6.60 The Boards can vary, remove and attach new conditions to premises licences when considering applications for transfer or variation of a premises licence.
- 6.61 Occasional Licences are also subject to mandatory conditions and a pool of local conditions which will be attached by the relevant Board as appropriate to the specific event licensed.
- 6.62 There are no mandatory conditions attached to personal licences.
- 6.63 Applicants should confirm, when submitting their operating plans, the measures put in place to comply with any such conditions, whether mandatory or discretionary.

NORTH DIVISIONAL LICENSING BOARD

Premises Licences will be subject to mandatory conditions and to local conditions attached by the Board. Applicants should refer to **Appendices 1 and 2** of the Board's Policy Statement, for information on Conditions and Management of Licensed Premises.

Adult Entertainment

- 6.64 Until such time as the Scottish Government publishes Regulations on adult entertainment, premises offering adult entertainment will be treated on a case-by-case basis.
- 6.65 Applicants should note that adult entertainment will be taken to include lap dancing, strippers, lingerie parties and similar forms of entertainment.
- 6.66 The Boards expect Applicants to give consideration to the promotion of the licensing objectives in relation to the protection of children and young persons from harm and the prevention of crime and disorder.

COMPLAINTS AND ENFORCEMENT

- 6.67 The Boards have no powers under the Licensing (Scotland) Act 2005 to investigate complaints. Any complaint received by the relevant Board will be forwarded to the Licensing Standards Officer and Police Scotland for investigation.

³⁷ <http://www.aberdeenshire.gov.uk/licensing/appeals-and-objections/>

³⁸ <https://www.alcohol-focus-scotland.org.uk/media/133477/Community-licensing-toolkit.pdf>

Licensing Standards Officers

- 6.68 LSOs work with Licence Holders, the public, the Police and the business community in seeking to promote the licensing objectives and ensuring compliance with the law.
- 6.69 The LSOs will investigate complaints against licensed premises in relation to matters relating to the licensing objectives. In the first instance, complainers are encouraged to raise the complaint directly with the licensee or business concerned to seek a resolution.
- 6.70 If direct communication with the Licence Holder proves ineffective then the complaint may be raised with the LSO, perhaps for mediation.
- 6.71 Where an interested party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, the LSO may initially recommend a conciliation meeting to address and clarify the issue of concern.

Police Scotland

- 6.72 Police Scotland has wide ranging powers in relation to criminal activity. An Information Sharing Protocol is in place between the Boards and Police Scotland. Police Scotland has the power to bring a review before the Board. Police Scotland will usually only bring a review to the Board if a Formal Intervention action has not been successful although there may be circumstances that require a review to be brought at an earlier stage.

The Board

- 6.73 In relation to any objection or request for review of licences, the Boards will follow best practice in enforcement including the adoption of the best Regulation Principles and the Hampton Standards: Proportional; Accountable; Consistent; Transparent and Targeted.
- 6.74 When a matter is submitted to a Board by the LSOs it will be anticipated, except in the most serious cases, that attempts have been made through advice and negotiation to address the issues.
- 6.75 The relevant Board will give each party a chance to make written submissions and comments on the other party's submissions before making a decision based on the facts. The relevant Board may also choose to hold a hearing and will give all parties reasonable notice of the same. Each party should provide the relevant Board with copies of documents or evidence upon which they wish to rely no later than 7 days before the hearing.
- 6.76 It is envisaged that very few such cases will need to be submitted to the Boards. However, it should be appreciated that, in appropriate cases, the Boards will not hesitate to use their powers to suspend or revoke a licence where necessary to protect the licensing objectives in relation to the business.
- 6.77 The Boards will take particular matters seriously when it comes to active promotion of the licensing objectives. A list of particularly [serious matters](#) is detailed at the end of this Supplementary Policy Statement.

BOARD DECISION-MAKING

Openness and accessibility

- 6.78 The Boards will deal with all of their business in an open and transparent way. Information and assistance will be made available to those who wish to apply for a licence, to make representations or to object to an application. The Boards are also aware of the need to ensure that the licensing process is accessible to all. Assistance

will be available on request for those who require special arrangements to access any part of the process.

6.79 The Boards' procedures documents can be accessed [here](#)³⁹.

Scheme of Delegation

6.80 It is the Boards' aim to provide an efficient and cost effective service to all those who are involved in the licensing process. Therefore, the Boards have adopted a Scheme of Delegation to ensure that decisions can be made in a way which is consistent with this aim. This Scheme in particular sets out the decisions which may be made by the Clerk to the Board or his/her staff.

6.81 The Board's Scheme of Delegation can be accessed [here](#)⁴⁰.

LIST OF SERIOUS MATTERS

6.82 The Boards consider the following to be serious matters where this impacts on the sale and supply of alcohol:

Use of the premises for the use or supply of drugs;
Use of the premises for laundering the proceeds of crime including drug crimes;
Use of the premises for the sale or distribution of firearms;
Use of the premises for the sale or supply of stolen or counterfeit goods;
Underage purchase and consumption of alcohol;
Use of the premises for prostitution or sale/distribution of pornography;
Use of the premises for unlawful gaming;
Use of the premises for the organisation of racist, homophobic or sexual abuse or attacks;
Use of the premises for the illegal sale of tobacco;
Failure to promptly respond to a warning properly given by the Fire Authority or other competent authority on a matter of public safety at premises;
Failure to avoid easily avoidable but critical risks, including any obstruction of an escape route to, and if necessary beyond a fire exit, and the locking or fastening of fire exit doors during times that premises are open for trade, will be considered an extremely serious failure owing to the dangers to the public;
Nuisance from noise or smell caused by a failure to install any or inadequate equipment and/or failure to maintain such equipment;
Failure to implement an effective policy to prevent fly posting and to contain or collect litter from flyers or other advertising materials discarded in the vicinity of the premises;
Failure to implement an effective policy to contain or collect litter discarded in the vicinity of the premises;
Previous convictions for licensing offences;
Breaches of immigration requirements;
Previous failure to comply with licence conditions.
Promotion of binge drinking and failure to promote responsible drinking.
Any other matter that the Boards consider to be serious in the particular circumstances of the application or licence being considered by them.

The above list is not exhaustive.

³⁹ Link will be added once these have been published online.

⁴⁰ <http://publications.aberdeenshire.gov.uk/dataset/combined-scheme-of-delegation>

SUPPLEMENTARY POLICY 7 – MEMBERS CLUBS

Members Clubs

- 7.1 With some exceptions, members' clubs are regulated under the Licensing (Scotland) Act 2005. To authorise the sale of alcohol on the premises, a premises licence is necessary.
- 7.2 Members Clubs are non-profit making with a constitution **and limited access by members of the public**. Each club, in submitting an application for a premises licence **must** also submit a copy of its current constitution.
- 7.3 The Boards expect clubs to reflect certain operational requirements in their constitution and may impose conditions on a premises licence to that effect on the following matters –

That the business and affairs of the club shall be under the management of a committee or governing body;
That no person under 18 is to be admitted as a member of the club; (unless the club is devoted primarily to some sporting purpose or is a students' union)
That correct accounts and books shall be kept showing the financial affairs and intromissions of the club;
That no member of the committee or governing body, and no manager or staff employed in the club, shall have any personal interest in the sale of alcoholic liquor in the premises or in the profits arising therefrom;
That the membership of the club be at least 25 members to be properly constituted;
That no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the constitution;
That no person is to be supplied with alcohol on a club premises unless that person is a member of the club or is on the premises at the invitation of a member and in the company of that member, or is a member of another qualifying club; (unless an occasional licence is in place). These conditions are found in the Licensing (Clubs) (Scotland) Regulations 2007.

The above list is not exhaustive.

- 7.4 All constitutions will be checked by the Boards for compliance with the Regulations and only when satisfied that the constitution complies will an application be granted. Approved constitutions are attached to premises licences issued by the Boards.
- 7.5 If a members club is running an event where the number of members is insufficient to sign in the number of non-members, an occasional licence **must** be applied for.
- 7.6 Unless an Occasional Licence is in force, all promotional materials (including adverts and promotion by way of social media) **must** specify that events are open to 'Members and their guests only'.
- 7.7 Members Clubs should not be run in the same way as a pub or a nightclub. Events run at Members Clubs should primarily be run for the benefit of Members and their guests, whether under an occasional licence or not. Events should not be run for non-members or third party organisations not connected to the Club.
- 7.8 Membership of such clubs must relate to the primary functions that the club is set up for and should only be granted after formal written application, payment of the proper subscription and recording in the Nominal Roll. Membership solely to allow patrons admission to use the bar or restaurant of prescribe clubs in exchange for a fee is **not acceptable**.
- 7.9 Clubs **must keep their constitutions updated** and, when revised, submit a copy of the revised constitution within 28 calendar days of the draft constitution / rules being approved by the Club's governing body to the Clerk to the relevant Board.

- 7.10 Where there are any changes to the list of connected persons in relation to the Club, the Club **must submit details** of the names, addresses, postcodes, dates and places of birth of the new connected persons and an updated list of all connected persons, to the relevant Board, within 28 calendar days of the changes to connected persons being approved by the Club's governing body. Failure to comply may result in a request for review of premises licence by the LSOs.
- 7.11 Any changes in respect of a Clubs constitution or their list of connected persons will be treated as a minor variation in terms of their licence.
- 7.12 Clubs **must** also ensure their constitution, accounts and entry book are available for inspection by the LSOs and the Police at all reasonable times.
- 7.13 Separate entry books should be kept for "hospitality" so that it is clear that those enjoying hospitality are not guests of members being signed in by members, but are members of another prescribed club being offered hospitality by the club. Such entry books should provide the names and addresses of the members being entertained, together with details of the registered clubs that they are members of.
- 7.14 Refusals Registers should also be kept.
- 7.15 All entry books and refusals registers should be on sequentially numbered pages. These may be audited by Licensing Standards Officers as part of their routine inspection of premises.
- 7.16 To ensure compliance with all of the licensing objectives, the Board expects at least two members of staff, or Committee Members or volunteers involved in the management of the Club to obtain a training qualification to the standard required by Personal Licence Holders. Clubs will require to provide evidence of such training when applying for their premises licences. Any person requiring to hold a training certificate for these purposes, **must** complete a refresher training course within a period of 3 months of the 5-year anniversary of the date of the initial training certificate and submit a copy of the refresher training certificate to the relevant Board within 28 calendar days of receipt of the updated certificate. Further refresher training **must** be completed at 5 yearly intervals thereafter.
- 7.17 Members Clubs may now apply to the Board for a variation of the terms of their premises licence to allow up to 5 guests to be signed in per member. This will require a revised constitution to be submitted with the application for variation. Clubs who do not wish to take advantage of this, will only be able to sign in 3 guests as per the approved constitution attached to their current premises licence.

NORTH DIVISIONAL LICENSING BOARD

The content of this supplementary policy statement is reflected in **local conditions 22-30**

CENTRAL DIVISIONAL LICENSING BOARD

Members clubs **must** apply for one occasional licence per each separate event during the festive season, including festive lunches and dinners.

SOUTH DIVISIONAL LICENSING BOARD

Members clubs **must** apply for one occasional licence per each separate event during the festive season, including festive lunches and dinners.

SUPPLEMENTARY POLICY 8 – EXCLUDED PREMISES

Excluded Premises - Garages

8.1 Some premises are excluded from authorising the sale of alcohol including premises or parts of a premises used as a garage. Such premises are used as a garage if there is (a) sale by retail of petrol or derv (diesel), (b) the sale of motor vehicles, or (c) the maintenance of motor vehicles.

8.2 However, where those premises or parts of premises are used for the sale by retail of petrol or derv, alcohol may be authorised to be sold in some circumstances. Alcohol may be sold where the relevant Board determines that in relation to such premises persons resident in the locality are, or are likely to become, reliant to a significant extent on the premises as the principal source of (a) petrol or derv, or (b) groceries.

8.3 In determining an application for such a premises, the Boards expect the applicant to provide sufficient information to enable them to consider –

The locality in which the premises are situated
What other sources of (a) petrol or derv and/or (b) groceries are in that locality, and
The extent to which persons resident in that locality are, or are likely to become, reliant on the premises as the principal source of (a) petrol/derv, or (b) groceries.

8.4 Factors the Boards may consider include –

The number of premises selling petrol/derv or groceries in the locality
The distance to the nearest other premises selling petrol/derv or groceries
The opening hours of other premises selling petrol/derv or groceries in the locality
The number and/or percentage of persons resident in the locality who are, or are likely to become, reliant on the premises, and
To what extent, the premises are relied on as the principal source of (a) petrol/derv or (b) groceries.

8.5 The Boards acknowledge the concerns regarding the perceived message in relation to encouraging drink driving. However, there is no direct evidence before the Boards to suggest that Boards' position should change or that such premises are not complying with the five Licensing Objectives.

GLOSSARY

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