

Aberdeenshire Licensing Boards
North Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Discretionary Conditions & Management of Premises
30th November 2007 – 29th November 2010

Conditions

General

Mandatory conditions are set out both in the Act and in Regulations. The Board 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 operating plan and any representations made any other relevant information available to the Board when considering the application. The Board will seek to avoid the imposition of disproportionate conditions.

Premises Providing Late Night Entertainment

Premises which provide late night entertainment, such as night-clubs, are an important contributor to the night-time economy and involve a substantial investment in the facilities and entertainment provided on the premises. Those premises tend to be places where patrons arrive from other licensed premises and stay until the terminal hour.

In light of this and the 5 licensing objectives, the Board will impose conditions on the licence of a premises which in its view provides significant entertainment as follows:-

- The provision of alcohol is for consumption on the premises only
- The provision of alcohol is ancillary to the entertainment provided
- The entertainment provided is to be musical entertainment for public dancing and/or public entertainment
- The entertainment provided must be on a continuous basis with breaks of not more than 15 minutes in any one hour
- Any public notices or advertisements may advertise the premises, the entertainment, its commencement time, the price of entry and the terminal hour for the premises. Where the premises operates a curfew this must also be advertised.
- The premises must have a policy to ensure patrons are not put in vulnerable situations after leaving e.g. allowing the phoning of a taxi and waiting in a specific area within the premises. The written policy must be advised to all staff members, where appropriate made clear to customers, available for inspection, reviewed regularly and a detailed record of reviews maintained.

Please note that owners of premises licences are encouraged to read the "Safer Clubbing Guide" found by following the link below;

www.crimereduction.gov.uk/drugsalcohol/drugsalcohol49.htm

The Board will also impose conditions in relation to the use of CCTV and door supervisors at such premises as outlined below under "Management of Licensed Premises".

The conditions mentioned or referred to in this Supplementary Policy Statement will be imposed on a premises licence for such a premise unless the circumstances of a particular application indicate

otherwise and/or an applicant is able to demonstrate to the Board that a condition is not appropriate in the circumstances.

Adult Entertainment

The Scottish Executive intends to publish Regulations on adult entertainment and, until their publication, premises offering adult entertainment will be treated on a case by case basis.

Applicants should note that adult entertainment will be taken to include lap dancing, strippers, Ann Summers parties and similar forms of entertainment.

The Board expects applicants to give consideration to the promotion of the licensing objectives in relation to the protection of children and the prevention of crime and disorder.

Management of Premises

The Board considers that licence holders and their staff should operate their business or operation in a manner which is consistent with the 5 licensing objectives. There are various aspects of running licensed premises which are of particular concern to the Board. The Board has therefore determined to implement policies in these areas, as follows:-

Noise

No noise from amplified and non-amplified music, singing and speech sourced from licensed premises shall be audible in any adjoining property after 11.00p.m.

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 limited, 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 exits asking patrons to leave quietly.

Vertical Drinking

The Board is concerned about so-called vertical drinking establishments. Particular attention will be paid to any applications for a premises licence with a disproportionate amount of standing accommodation. The Board expects all such premises to accommodate patrons with a minimum of 25% seating space.
Premises with Restricted Sale of Alcohol

Some businesses only supply restricted types of alcohol, restricted volumes and restricted containers, For example, florists only supplying champagne, Kilt makers only supplying whisky miniatures, woollen mills only supplying 25cl bottles, or High street stores only supplying alcohol in gift sets.

Some businesses also restrict the places they display alcohol to particular parts of their premises or restrict the provision of alcohol to a percentage of their floor space.

The Board may consider, where necessary, on a case-by-case basis, imposing conditions to ensure these restrictions are adhered to.

By Regulation, Off Sales are now only permitted to display alcohol for consumption off the premises in one or both of the following:-

- A single area of the premises agreed between the Board and the licence holder;

Only alcohol can be displayed in such areas unless it is a non-alcoholic drink or a product packaged with and that can only be purchased with alcohol.

or

- A single area of the premises which is inaccessible to the public.

These areas must be clearly indicated on the layout plan of the premises. The Board considers that "areas inaccessible to the public" will be areas "behind the counter" often used in smaller stores for the display of high value alcohol products. Other such areas can include locked display cabinets. There is no restriction on other products that can be displayed alongside alcohol in areas inaccessible to the public.

The Regulations do not allow for exceptions to the above rules for seasonal or occasional displays. All alcohol requires to be displayed in the areas outlined above.

Children and Young Persons on Licensed Premises

The Board has an interest in promoting family-friendly premises within North Aberdeenshire and wishes to ensure that premises which seek to accommodate children are run in such a way that they are suitable for children.

In determining any application where the operating plan indicates that children are to be allowed on the premises, the Board will consider the need to protect children from harm as its paramount concern.

Applicants will require to demonstrate understanding of the additional responsibilities placed on them when children are on the premises. Specifically, applicants will be expected to demonstrate that suitable and sufficient measures are in place to protect children from harm.

The Board will not normally grant a premises licence or occasional licence where children would have direct access to pool tables, darts board or gaming machines. Glass doors are also of concern to the Board. 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 Board's requirements. Toilets must be of a reasonable standard and reasonably accessible to the area to which children and young persons are allowed entry.

The Board may impose conditions on a premises licence or in granting an occasional licence where children are to be allowed entry as such, but not limited to, the following –

- Provision of safe high chairs
- Provision for heating of children's food at no cost
- Safe and clean nappy-changing facilities (to be covered in Regulations)
- Containers for the disposal of soiled nappies
- Heating sources to be adequately protected
- Electrical sockets to be covered.

Licence holders are reminded that they and their staff must comply with all other legislation in relation to children and young persons.

Disabled Facilities

Appropriate disabled facilities shall be provided in all premises to ensure compliance with the legislation covering disabled persons and disabled facilities.

Condition of Premises

Licence holders and their staff are expected to ensure that the premises, both internally and externally, are maintained in good, clean and tidy condition at all times.

Litter and Waste Management

Licence holders are expected to have a suitable litter and waste management programme in place to ensure that the area outside the premises i.e. the frontage and any beer gardens are kept free of litter at all times including cigarette butts and waste, including human waste.

Smoking

The Board welcomes the legislation prohibiting smoking in enclosed public places. The Board refers Licence holder and staff to the Board's guidance note on smoking, copies of which can be found on Aberdeenshire Council's website at www.aberdeenshire.gov.uk. 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.

CCTV

The use of CCTV on premises can be an important measure in complying with the licensing objectives, particularly in (a) preventing crime and disorder and (c) preventing public nuisance. Digital CCTV systems are readily available which may include both internal and external camera coverage of the premises. The Board supports the use of such systems and encourages 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 Grampian Police on request.

Radiolinks, Pubwatch & Shopwatch

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 Board supports the use of such schemes and expects all licence holders to actively participate in them, as highlighted in Appendix 5 to the Board's Policy Statement.

Dispersal of Patrons

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 the premises and leave the vicinity of the premises as quickly as possible, in good order and as 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 lat time for purchasing alcohol is approaching, covering bar taps once the terminal hour has past; raising the lighting level and inspecting all parts of the premises for patrons.

Door Supervision

The Board, taking into account the licensing objectives of preventing crime and disorder, securing public safety, and prevent public nuisance may consider door supervision appropriate. Whether or not door supervisors are to be required and, if so, the number of door supervisors, the occasions they must be present, the hours they must be present, and possible specification of particular duties and functions will be assessed according to the merits of each individual application.

Applicants are reminded that, as from 1 November 2007, 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 what is termed manned guarding activities, whether or not door supervisors are used, may also have to be registered. Applicants should contact the Security Industry Authority for further information.

Bye-laws

Aberdeenshire Council has introduced bye-laws prohibiting the consumption of alcohol in designated public places.

The effect of the bye-laws is that any person who consumes alcoholic liquor in a designated public place shall be guilty of an offence. Licensed canteens, licensed premises and Registered 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 1 January until 6.00a.m.

As licensed premises are exempt, applicants should take care to clearly mark on layout plans where external areas are to be counted as part of the licensed premises.

Underage Drinking

The Board strongly supports the use of any ID card bearing the Proof of Age Standards Scheme logo (PASS logo) available to all young persons under 26. To protect children and young persons and avoid crime, licence holders and their staff must require the production of valid identification cards on a "No proof – no sale" basis.

Licence holders must practice due diligence to avoid underage sales. Due diligence will include:

- Having an ID policy, for example to require ID if the customer appears under 21. This should also include clear signage to leave customers in no doubt as to the policy.
- Training staff in the policy and use of the policy
- Ensuring that staff and customers comply with the policy
- Keeping records regarding compliance including refusals.

Irresponsible Drinks Promotions

Measures stipulated by the Act include a prohibition on varying prices within a 72-hour period of a prior change and the need to tackle irresponsible promotions such as "happy hours".

The Scottish Government is of the view that the list below is comprehensive enough to make it clear as to whether any particular activity will be considered irresponsible and the Board supports their opinion. An irresponsible promotion is one which –

- Relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18
- Involves the supply of an alcoholic drink free of charge or at a reduced prices on the purchase of one or more drinks (whether or not alcoholic drinks)**
- Involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measure of the drink**
- Involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises)**
- Encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume
- Is based on the strength of any alcohol

- Rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly
- Offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises

** relates to on sale only

The Board requires 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.

Initially, complaints will be dealt with at a local level by the LSO, who will mediate between the Licence holder and the Board to agree whether or not any promotion breached the mandatory licence conditions. 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 Board.

However, where the Board feels that further action is appropriate, it will instigate a review hearing to determine what action, if any, needed to be taken against the licence holder concerned.

Protecting and improving public health is one of the licensing objectives and the Board will view actions that encourage binge drinking as a serious matter.