

Aberdeenshire Licensing Boards
North Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Licence Types and Board Procedures
30th November 2010 – 29th November 2013

Types of Licence

Personal Licences

Every premises, other than registered clubs, will require one or more personal licence holders.

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.

The Board 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.

The Board expects personal licence holders that are also designated premises managers to be generally working within the premises on a day-to-basis. The Board does 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.

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 temporary premises manager onto the licence for the duration of the absence of the primary premises manager.

Premises Licences

Premises that wish to sell alcohol for consumption on or off the premises will require to have a premises licence. This will govern, amongst others, what activities are allowed on the premises and what hours the premises can be open for business. Each licence will be tailored to the type of premises in question. There must be a description of the premises, an operating plan and a layout plan of the premises.

Applicants 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 Board by way of seeking a variation of the premises licence.

The operating plan should set out clearly the applicant's proposals including the activities that would be undertaken on the premises, proposed opening hours and their policy in relation to access for children.

The Board welcomes accessibility for families including children and facilities suitable to cater for children. The Board is researching family-friendly premises with the Licensing Forum. This supplementary policy statement may be revised at the conclusion of that research.

The layout plan of the premises should show, amongst other things, the area where alcohol will be sold, seating arrangements and areas suitable for children. The form of the operating plan and layout plan are set out in Regulations made under the Act.

The 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.

Any activity that ceases to be carried out within the premises for a period of more than three months will require a variation of premises licence application to be lodged to remove that activity from the licence.

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

A provisional premises licence has to be confirmed within 2 years, otherwise it will automatically be revoked. Upon confirmation the Board may make a variation of the conditions to which the licence is subject.

Temporary Premises Licence

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

To issue a Temporary Premises Licence the 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.

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

Application Process

Risk Assessment

The Board requires 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 Board with the application and operating plan. A risk assessment should be an end-to-end process, Licence holders are reminded that all activity directly connected to their premises, both inside and out, should be considered. Risk assessment criteria are set out under *Management of Licensed Premises*, attached as Schedule 1 to this Supplementary Policy. The purpose of the risk assessment is to help applicants demonstrate compliance with the 5 licensing objectives.

Please note that the Board does not accept any responsibility for your risk assessment(s) and is 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 Board reserves the right to comment on the content of your risk assessment(s) and ask for more or different information as may be required.

General

Applications can be accepted in electronic format, paper format or a combination of the two.

Operating Plans

Every operating plan must set out clearly the applicant's proposals including the activities that would be undertaken on the premises, proposed opening hours and their policy in relation to access for children.

Operating plans will encourage a flexible licensing regime. They must make clear to the 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.

The operating plan should include very detailed information and, in turn, the information provided will enable the Board to make an informed decision and later determine if a breach of the operating plan and/or the licence conditions should occur.

The Board recognises 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.

Where allowing gaming on the premises, the operating plan should go on to define the types of gaming that are permitted on the premises.

Where a material breach of the operating plan has occurred, the LSO or the Board may initiate a review of the licence. The Act allows anyone to apply to the Board for a review of the licence.

Layout Plan

The layout plan of the premises should show, among other things, the area where alcohol will be sold, seating arrangements and areas suitable for children. Each area should be clearly delineated including any beer gardens, outdoor seating areas, 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.

Off sales plans should clearly show all areas where alcohol will be displayed for the purpose of sale. More information on display areas for offsales is included under *Management of Licensed Premises*, attached as Schedule 1 to this Supplementary Policy. The plans should also indicate the position of a lock-fast store for any alcohol stored, but not on display within the premises.

The Board expects plans as far as possible to be to scale and of good quality. Inadequate plans may be rejected. The Board will accept plans in paper or electronic format. Paper plans should be of a size no larger than A3 for ease of conversion to electronic format.

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 Board 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.

Seven sets of plans should be lodged with an application for a premises licence. [for the avoidance of doubt: Section 20(2)(b)(ii) of the Act provides that 1 plan should accompany a premises licence application. Paragraph 5 of the Licensing (Procedure)(Scotland) Regulations 2007 provides that a

premises licence application must be accompanied by 6 additional copies of the layout plan required under Section 20(2)(b)(ii) of the Act. That totals 7 plans that need to be lodged with an application]

Forms and Fees

Forms and details of fees are available on Aberdeenshire Council's website at the following address –

www.aberdeenshire.gov.uk

Objections

Notification of Application

The 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 (Licensing Standards Officer, planning services, building standards and environmental health)
- Chief Constable of Grampian Police
- Grampian Fire and Rescue Service

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.

Objections and Representations

Any person may submit an objection or representation to the Board. Any objection must relate to one of the 5 licensing objectives and relate to specific premises.

An objector opposes the grant of any licence at all. Objectors should address the statutory grounds including the licensing objectives. Any person considering lodging an objection should seek independent legal advice before doing so.

A person making a representation is not concerned with the issue of a licence in principle. A representation is concerned with the conditions or the suggestion of possible modifications that could be made to the operating plan and layout plan. Representations can also be made in support of an application. Any person considering making a representation should seek independent legal advice before doing so.

The Board will reject what it considers to be frivolous or vexatious objections or representations and may seek to recover resultant wasted expenses.

Any objection to a premises licence application on the general basis of opposing the use of alcohol or to Sunday licensed hours will be considered to be frivolous by the Board and will be rejected without being considered in determining the premises licence application subject to the objection relating to the particular premises.

The 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.

Further Guidance on Objections/Complaints, together with a Pro-Forma style of objection are available on the Board's website at:-

www.aberdeenshire.gov.uk

Types of Premises Applications

New Application

Applications in the first instance will be vetted by the Clerk of the Licensing Board. It is therefore essential that applicants complete all questions on the relevant application form and provide as much detail as possible.

Application to Vary

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 as to its loss. Each variation application will be considered on its own merits.

Application to Transfer

A premises license holder may apply to the Board to transfer the licence. They must transfer the licence to a legal personality and in accordance with the conditions sets out in ss.33-34 of the Act.

Occasional Extension

An Occasional Extension of permitted hours can be granted to a licence holder in connection with any occasion/function taking place on his/her licensed premises and lasting not more than one month.

Other Licences

Occasional Licences

An occasional licence may be granted to the holder of a licence 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. It is noted that holders of a personal licence and a representative of any voluntary organisation or registered club may also apply for an occasional licence.

Conditions

General

Applicants should refer to *Management of Licensed Premises*, attached as Schedule 1 to this Supplementary Policy, for information on Conditions and Management of Licensed Premises.

Applicants should confirm, when submitting their operating plans, the measures put in place to comply with any such conditions, whether mandatory or discretionary.

Complaints and Enforcement

The Board has no powers under the Licensing (Scotland) Act 2005 to investigate complaints. Any complaint received by the Board will be forwarded to the Licensing Standards Officer for investigation.

Licensing Standards Officer

The LSO 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.

If direct communication with the licence holder proves ineffective then the complaint may be raised with the LSO, perhaps for mediation.

Where an interested party has made valid representations about licensed premises, or a valid application for a license to be reviewed, the LSO may initially recommend a conciliation meeting to address and clarify the issue of concern.

The Board

In relation to any objection or request for review of licences, the Board will follow best practice in enforcement including the adoption of the best Regulation Principles and the Hampton Standards: Proportional; Accountable; Consistent; Transparent and Targeted.

When a matter is submitted to the Board by the LSO it will be anticipated, except in the most serious cases, that attempts have been made through advice and negotiation to address the issues.

The 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 Board may also choose to hold a hearing and will give all parties reasonable notice of the same. Each party should provide the Board with copies of documents or evidence upon which they wish to rely no later than 7 days before the hearing. Procedures for Hearings are as set out in the Board's Scheme of Delegation.

It is envisaged that very few such cases will need to be submitted to the Board. However, it should be appreciated that, in appropriate cases, the Board will not hesitate to use their powers to suspend or revoke a licence notwithstanding that this may have a detrimental impact on the business.

The Board will take particular matters seriously when it comes to active promotion of the licensing objectives. A list of particularly serious matters is detailed at Schedule 2 to this Policy Statement.

Further Guidance on Objections/Complaints, together with a Pro-Forma style of objection are available on the Board's website at:-

www.aberdeenshire.gov.uk

BOARD PROCEDURES

Openness and accessibility

The Board will deal with all of its 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 Board is 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.

The Board's procedures are available on the Board's website at:-

www.aberdeenshire.gov.uk

Decision-making

It is the Board's aim to provide an efficient and cost effective service to all those who are involved in the licensing process. Therefore, the Board has 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.

The Board's Scheme of Delegation is available on the Board's website at:-

www.aberdeenshire.gov.uk

Consideration of premises licence applications

The Licensing Board will assess each premises licence application on its own merits. For the assistance of applicants the Board will have particular regard to:

- the nature of the premises, the style and type of use, the potential number and profile of the customers likely to attend the premises
- the proposed hours of operation
- the means of access to the premises including the location of customer entrances and exits
- the provision of toilet facilities
- whether children and/or young persons are to have access to the premises or parts of premises and upon what terms
- the need for door supervisors
- areas or activities which may have potential for crime and disorder or public nuisance and any measures to mitigate those issues

When considering any application for premises which have been previously licensed, or in any review of an existing licence, the Board will take into account any relevant evidence, especially of the impact on local residents and businesses and will also look at the measures proposed by the applicant to mitigate any adverse impact.

Consideration of Personal Licence Applications

The Board will consider applications for personal licences from individuals living in North Aberdeenshire. When considering an application for a personal licence, the Board will work closely with the Police to establish whether the applicant has been convicted of any relevant offence (which is set out in Regulations).

Where the Police have advised that the applicant has an unspent conviction for a relevant offence, the Board will consider whether the application should be refused under the Act. In making a decision the Board will have regard to the seriousness and age of the conviction along with any other circumstances it considers to be relevant.

Conditions and Management of Licensed Premises

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.

Adult Entertainment

Until such time as the Scottish Executive publishes Regulations on adult entertainment, 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.

The Board has an agreed set of local conditions based on the 5 licensing objectives and the provisions of this Supplementary Policy Statement. These are attached to all premises licences. The premises licences will indicate which of the local conditions apply to that particular licence. Copies of the Board's local conditions can be found on the Board's website at –

www.aberdeenshire.gov.uk

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.

Management of Licensed 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 outlined below, some examples of the areas that applicants should consider, particularly in carrying out a risk assessment to indicate how to comply with the 5 licensing objectives.

Sub-headings have been listed under the Primary Licensing Objectives. Some, may also be relevant to other objectives. The information listed below is not exhaustive.

Prevention of Crime and Disorder

Premises Providing Late Night Entertainment

Premises which provide late night entertainment, which are primarily 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. To ensure compliance with the Licensing Objectives, the Board will impose conditions in relation to the provision of significant entertainment.

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 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. It will be the responsibility of the Licence holder to ensure that there are sufficient numbers of supervisors engaged at the premises in those circumstances.

Applicants 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 what is termed manned guarding activities, whether or not door supervisors are used, may also have to be registered.

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 require to obtain a non-front-line licence. Applicants should contact the Security Industry Authority (or any relevant successor) for further information. Additional information can be obtained from the SIA website at

www.the-sia.org.uk

Applicants should consider whether door supervisors or other security staff are required in respect of the venue and the licensable activity proposed.

In the event that door supervisors are used by the applicant's 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 alcohol liquor for the duration of their active employment.

Their duties are to:

- ◆ Confirm that persons who seek access to the premises have paid for admission or have appropriate passes/invitations;
- ◆ Identify and refuse entry to drunken person
- ◆ 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;

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- ◆ Provide assistance to patrons, including customer care, directions to facilities and health and safety;
- ◆ Ensure that no patron removes glasses, or open or closed vessel 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;
- ◆ An adequate number of stewards must have knowledge of first aid procedure.

These duties help to ensure the prevention of crime and disorder but also to safeguard public safety and internal security at premises.

External duties should include in particular the exclusion of persons who appear to have had too much to drink and/or who appear inclined to disorder. Duties inside the premises should include the monitoring of persons on the premises for excessive consumption of alcohol and/or who exhibit the potential for disorder.

In the event that door supervisors or other security staff are used, 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 of the Board, the LSO and Grampian Police on request.

Applicants should consider whether measures should be put in place 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.

Where such measures are in place applicants will also be expected to make arrangements to record the search of individuals and the seizure of any property which may be required for evidential purposes. Applicants will also be expected to provide a suitable receptacle for the safe retention of illegal substances and to inform the Police so that appropriate disposal can be arranged.

Applicants should also discourage 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 Grampian Police.

Please note that owners of such premises licences are encouraged to read the "Safer Clubbing Guide", as an example of good practice, found by following the link below;

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

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 Supplementary Policy 5 to the Board's Policy Statement.

The Board also supports Schemes such as the Best Bar None Scheme 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 Board believes directly supports the 5 licensing objectives.

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Applicants 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. The Board recommends the existing Pub Watch schemes as example of good practice and expects licence holders to actively participate in such schemes.

Applicants should also note the advantages of consultation with the police particularly where events are of a character that is 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.

Applicants must consider the use of exclusions of known troublemakers from their premises to minimise the risk of disorder. In certain cases organisations of licensees 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. If such a scheme is in force locally, applicants should consider whether to become part of it. In exceptional cases applicants may seek to refer a particular case to the Board or the police for consideration of an Anti Social Behaviour Order (ASBO) to enforce an exclusion.

Dispersal of Patrons

Premises offering significant entertainment, nightclubs in the main, 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.

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 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, as well as linking with local bus and taxi companies to provide safe means of transport home for patrons at the end of the evening, and having stewards patrol outside the premises to encourage patrons to disperse.

If such a policy is adopted by the venue it should be agreed with Grampian Police and steps should be taken to ensure that all staff (including door staff) are familiar with the policy.

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 (b) 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. CCTV systems not kept in working order may result in the Board calling for a review of the premises licence for the particular premises.

Any CCTV system must be installed to the satisfaction of the Chief Constable. Information on the standards of system acceptable can be found on the Board's website at:-

www.aberdeenshire.gov.uk

Proof of Age/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.

It is expected that all applicants adopt and adhere to a policy on requesting proof of age for all persons who appear under the age of 21.

It would be good practice for licence holders to include the prominent display of details of any local initiatives for ID cards within their premises.

Glass and Bottles

Glasses and bottles may on occasion be used as weapons in and near licensed premises and can and do cause serious injury. Applicants should note that glass and bottles can impact upon public safety and cause a public nuisance in addition to the crime and disorder implications.

Applicants are expected to take reasonable steps to prevent the removal of glasses and opened bottles from premises (including authorised pavement seating areas and beer gardens). The Board will consider the use of plastic glasses or beakers in outdoor areas on a case-by-case basis.

Applicants should also consider policies which provide that, on appropriate occasions, all drinks are dispensed into plastic containers and that at certain times during late hours of operation and or when significant numbers of people are on premises there is exclusive use of toughened glass ware and plastic bottles.

Byelaws on Alcohol in Designated Places

Where such orders are in force applicants will be expected to take reasonable steps to inform customers of the existence and effect of such an order. These may include the display of a notice to that effect at exit points from the building.

Applicants should consider whether a personal licence holder and/or the premises manager should be a member of a recognised licence holder's association or other representative body such as a pubwatch scheme.

Promotion of Public Safety

(see also the sub-headings under Crime and Disorder above)

Applicants may provide evidence that such matters have already been addressed within an existing health and safety risk assessment or similar in which case a separate risk assessment for these purposes is not required.

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Applicants may have capacity limits imposed on the premises through fire or building standards regulations. However applicants should note that the Board might seek to impose capacity conditions where there are no such limits on safety grounds, following representations on safety grounds.

The Board may also seek to impose capacity figures which are lower than the safety figure on crime and disorder grounds.

Applicants should demonstrate how they intend to control and maintain the agreed occupancy levels within the venue.

Applicants should consider adopting procedures for:

- supervisors/attendants - numbers and locations;
- staff training;
- entry/egress control;
- evacuation procedures;
- accident/incident reporting;
- routine maintenance of the venue and daily inspections, with a record log, to address in particular the :-
 - checking of all exit routes and signage;
 - removal of obstructions and security devices to exit routes and doors, prior to the occupation of the building;
 - testing of fire alarm, emergency lighting and music cut-out systems and compiling a record log of the tests.

Applicants should consider the installation, testing, maintenance and certification of:

- fire detection systems;
- fire fighting equipment/fire suppression systems;
- alarm system;
- electrical installation for the premises;
- portable electrical appliances;
- emergency lighting system;
- music cut-out systems;
- fire retardant treatments for materials used for drapes, furnishings and decorations. Including treatment frequency and certification and make general fire precautions.

Applicants should consider the regular inspection and maintenance of floors, roof members, beams, mezzanine floors, stairs, lintels, ceilings and any other structural elements.

Applicants should consider adopting written procedures for the inspection and maintenance of:

- furnishings and fabrics;
- guarding to stairs, balconies, landings and ramps;
- general condition of floor surfaces (e.g. trip hazards, non-slip surfaces);
- provision of safety glazing in critical locations;
- suspended decorations, lights, and amplification systems;
- guarding to fires, candles and open flames;
- systems for the collection of glass and bottles.

Applicants should consider safety measures when hot food and drink is prepared in close proximity to the public, to save any risk of burns and scalding.

Applicants should provide details of the first aid facilities and the treatment available on the premises, including details of the numbers of trained first aid staff. Consideration should also be given to the treatment of any person who appears unwell, including those affected by drugs or alcohol.

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Applicants should demonstrate the safety measures to be implemented during the use of any special effects (like strobe lighting or smoke machines) on the premises, including the arrangements for prior notification to customers. The proposed use of pyrotechnics should be advised to the Fire Authority.

Disabled Facilities

Appropriate disabled facilities shall be provided in all premises to ensure compliance with the legislation covering disabled persons and disabled facilities. The Board will, therefore, expect the needs of disabled people to be addressed in the operating plan. The operating plan should normally include physical and managerial methods for the safe evacuation of disabled persons. This should clearly identify trained members of staff to implement emergency egress plans and clarify whether equipment such as lifts are safe to be used. This Supplementary Policy Statement may be revised following the implementation of the Criminal Justice (Scotland) Act 2010 and the Alcohol (Scotland) Act 2010, part of which relates to provision of disabled facilities within licensed premises.

Prevention of Public Nuisance

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.

Applicants should determine and implement steps to prevent noise and vibration escaping both from sources within the premises and from external sources under the control of the applicant such as:

- amplified and non-amplified music levels;
- singing and speech;
- disposal to waste and bottle bins;
- plant and machinery (including extraction systems);
- food preparation, the cleaning of premises and equipment.

Steps to be taken may include:

- the installation/adoption of soundproofing;
- air conditioning to allow windows to be kept closed;
- sound limitation devices;
- use of lobby doors;
- cooling down period with reduced music levels at the end of the night;
- adopting hours of operation appropriate to the activities in question and the location;
- adopting a schedule for the disposal and collection of waste at times appropriate for the locality.

In considering applications from pub, clubs and similar premises and activities the Board expects licence holders to have regards 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 at:

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

and the Code of Practice on Environmental Noise Control at Concerts published by the Noise Council. Aberdeenshire Council's Environmental Health Service will also provide a Guidance Note on Control of Noise, which is available on the Board's website at:

www.aberdeenshire.gov.uk

Particular care must be taken where the noise source is in the open air, e.g. beer garden, play area, car park, access road, temporary structure or queue.

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Applicants should consider any special measures that should be adopted in premises located near sensitive premises such as nursing homes, hospitals or places of worship.

Applicants should determine and implement steps to prevent excessive or ill designed external lighting to premises, outdoor areas and car parks (including lighting intended specifically for public safety and security) intruding upon the comfort and amenity of nearby residents to such an extent as to be a nuisance.

Nuisance by smell is commonly attributable to the commercial preparation of hot food in kitchens with no or inadequate or poorly maintained filtration and extraction equipment. Applicants should determine and implement steps to prevent smells causing a nuisance to local residents and businesses.

The provision of hot food at and from premises after 11pm is often associated with the litter of paper containers and food discarded onto the streets and onto private property in the vicinity of premises. Applicants should determine and implement steps to prevent additional litter (e.g. food waste and food packaging, cans, bottles) in the vicinity of the premises. Such steps may include an agreed cleaning schedule in respect of litter in and in the vicinity of the premises.

The Board will not tolerate the detrimental impact on the amenity of those living and working in an area caused by fly posting and the irresponsible distribution of advertising flyers or other materials such as stickers. Therefore the Board expects applicants to determine and implement steps to prevent fly posting and other unauthorised advertising and to consider measures necessary to control the litter that can be produced by the irresponsible distribution of flyers and other advertising materials.

Applicants should consider the steps to be taken to prevent disturbance by customers arriving at or leaving the premises, including the considerations that have been given to the cumulative effect of this in areas with other licensed premises in the immediate vicinity. This will be of greater importance between 11 p.m. and 7 a.m. than at other times of the day.

Applicants 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.

Applicants should consider the steps to be taken to ensure staff leave the premises safely and quietly. This will be of greater importance between 11 p.m. and 7 a.m. than at other times of the day.

Applicants should consider the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents including the slamming of vehicle doors, vehicle horns, vehicle stereos, noise from engines idling, and vehicle exhaust fumes.

Applicants should consider whether there is sufficient provision for public transport with regard to the proposed opening hours (including taxis and private hire vehicles) for patrons. Failure to do so may result in nuisance and this will be considered a serious failure.

Applicants 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 the provision of an indoor waiting area, arrangements for door staff to advise customers that their transport has arrived and phones in entrance lobbies perhaps linked directly to a private hire company.

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 refers Licence holders and staff to the Board's guidance note on smoking, copies of which can be found on the Board'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.

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.

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 regard or prize, unless the alcohol is in a sealed container and consumed off the premises

** relates to on sale only

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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.

Protecting and Improving Public Health

Applicants will be expected to demonstrate in their risk assessment that suitable and sufficient measures have been identified and will be implemented and maintained to protect patrons' health. Such measures will include:-

- Making available information with regard to sensible drinking,
- The effects of excessive alcohol consumption
- Contact points where assistance can be obtained for problem drinking, and
- Promotion of designated driver schemes

The Board expects applicants to promote sensible drinking. The Board also expects applicants to apply an appropriate drug policy such as is available from Grampian Police.

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.

Protection of Children from Harm

Children and Young Persons on Licensed Premises

The Board has an interest in promoting family-friendly 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 under the age of twelve 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.

The Board expects that employers will make careful checks where premises or entertainment is specifically targeted towards children 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.

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The Board commends the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks. Where applicants intend children to be present on licensed premises or where the sale of alcohol takes place the Board will expect the Code of Practice to be fully implemented.

The code can be found at: <http://www.portmangroup.co.uk/?pid=1&level=1>

In the case of 'children only' events, for example, an under 18 disco, production of play, a pantomime or similar event the Board will usually recommend a specific ratio of adult supervisors to children that can be reasonably expected, on the premises for the activity. The normal ratio will be one supervisor per 50 children plus one supervisor for each floor and one supervisor for each exit. This would mean at an event where 300 children are expected, which takes place on premises which have 2 floors and 4 exits there would need to be 6 supervisors for the capacity of the premises, plus 2 for the two floors, plus 4 for the number of exits giving a total of 12 supervisors on duty throughout the duration of the event. Applicants may have higher levels of supervision if they wish.

In the case of premises giving film exhibitions the Board will expect licence holders or clubs to include in their operating schedule arrangements for restricting children from viewing age restricted films, classified according to the recommendation of the British Board of Film Classification or the licensing authority itself. The Licence holder may also require to obtain a Cinema Licence from Aberdeenshire Council.

Helpful Organisations

Below is a list of helpful organisations. Contact Details will be provided on request. This list is not exhaustive.

- Aberdeenshire Community Planning Partnership
- Pubwatches at Peterhead, Banff and Turriff
- Alcohol Focus Scotland, including Servewise
- Aberdeenshire, Banffshire & Kincardineshire Licensed Trade Association
- Aberdeenshire Trading Standards
- Aberdeenshire Community Safety Executive
- Aberdeenshire Alcohol and Drugs Action Team
- BEDA
- Grocer's Federation
- Shopwatch at Peterhead
- British Institute of Innkeeping
- Grampian Police
- Alcoholics Anonymous

LIST OF SERIOUS MATTERS

The Board considers the following to be serious matters:-

- 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;
- 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;
- Previous failure to comply with licence conditions.
- Any other matter that the Board considers to be serious in the particular circumstances of the application or licence being considered by them.

The above list is not exhaustive.