

PART 3 - ADDITIONAL INFORMATION

Licence Conditions and Management of Premises

Conditions

General

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.

Premises Providing Late Night Entertainment

Premises which provide late night entertainment, 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.

In light of this and the 5 licensing objectives, the Board may impose conditions on the licence of a premises which in its view provides significant entertainment.

Please note that holders 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 Boards may also impose conditions in relation to the use of CCTV and door supervisors at such premises as outlined below under "Management of Licensed Premises".

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, and similar forms of entertainment.

The Boards expect 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 Boards consider 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 Boards. The Boards have therefore determined to implement policies in these areas as follows:

Noise

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 exits asking patrons to leave quietly.

Noise from amplified and/or non-amplified music, singing and/or speech sourced from licensed premises should not be audible in any adjoining or neighbouring property after 11.00 p.m.

Glassware and Bottles

Given that glasses and bottles may on occasion be used as weapons, applicants must take reasonable steps to prevent their removal from premises (including authorised pavement seating areas and beer gardens).

- Applicants must consider, the use of plastic containers or toughened glassware where appropriate.
- Applicants should 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 glassware and plastic bottles.
- 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 plastic glasses or bottles.

Capacity

Applicants must comply with any capacity limits imposed on the premises, on the grounds of Preventing Crime and Disorder.

Vertical Drinking

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 Boards expect 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.

Children and Young Persons on Licensed Premises

The Boards have an interest in promoting family friendly premises within Central and South Aberdeenshire and wish to ensure that premises which seek to accommodate children are run in such a way that they are suitable for children.

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.

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 Boards' requirements. 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 not 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.

The Boards may impose conditions on a premises licence or in granting an occasional licence where children are to be allowed entry.

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

Facilities for people with disabilities

Applicants for Premises Licences will be required to submit a statement regarding disabled access and facilities. The statement should be in the prescribed form and contain information on the provision made for access to premises by disabled persons, facilities provided on the premises for use by disabled persons and any other provision made in, or in connection with, the premises for disabled persons.

Condition of Premises

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

Litter and Waste Management

Licence holders should be aware that they have a responsibility to have a suitable litter and waste management programme 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).

Smoking

The Boards welcome the legislation prohibiting smoking in enclosed public places and refer Licence holders and staff to the following website:- www.clearingtheairscotland.com. Licence holders have been effective in ensuring that patrons do not smoke within their premises. However, other issues may 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.

Team Colours

The wearing and display of team colours, particularly football colours, by licence holders, staff and patrons can be a factor leading to crime and disorder or public nuisance. Licence holders are expected to demonstrate how they will deal with such issues.

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 public nuisance. The Boards support the use of such schemes and other initiatives such as safer towns initiatives. The Boards encourage all licenceholders to act responsibly by actively participating in such schemes. The Boards also support the Best Bar None scheme and would encourage all licensed premises to participate. It helps to drive up standards both in facilities and the manner in which licensed premises are operated, which the Boards believe directly supports the 5 Licensing Objectives.

Dispersal Policy

Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol. Licence holders must ensure that they and their staff have sufficient measures in place to ensure patrons exit 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 latest 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.

The Boards expect all night clubs to have a written dispersal policy in place.

Door Supervision

The Boards, taking into account the licensing objectives of preventing crime and disorder, securing public safety and preventing 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 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.

Additional information can be obtained from the SIA website at www.the-sia.org.uk

Underage Drinking

The Boards strongly support the use of any ID card bearing the Proof of Age Standards Scheme logo (PASS logo) available to all young persons under 25. To protect children and young persons and avoid crime, the Boards strongly urge licence holders and their staff to require the production of valid identification cards on a "No proof – no sale" basis.

Licence holders are therefore strongly encouraged to 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 25. 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 following list is comprehensive enough to make it clear as to whether any particular activity will be considered irresponsible and the Boards support 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 price, 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 measures 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 Boards require clear evidence linking the sale of alcohol to an inducement to the consumer to 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 Boards to agree whether or not any promotion breached the mandatory licence conditions. 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 Boards.

However, where the Boards feel that further action is appropriate, they will instigate a review hearing to determine what action, if any, needs to be taken against the licence holder concerned.

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

The Scottish Government is expected in the future to issue regulations relating to drinks promotions in off licences.