

General Principles

Introduction

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.

The primary purpose of the Policy Statement is to ensure that, in exercising its functions, the Board promotes the licensing objectives, as shown on the previous page.

To that end, this Policy Statement sets out the Central and South Aberdeenshire Divisional Licensing Boards’ (“the Boards”) general approach to decision making under the Act.

Where it is necessary to provide more detailed guidance, Supplementary Statements will be issued.

In exercising their functions under the Act the Boards are required to have regard to this Policy Statement.

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 an application whether or not it 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.

The Boards expect all applicants to show how they will conform to the licensing objectives and, in particular, how they will do so in the context of the circumstances pertaining to the locality of the application premises.

The Boards acknowledge that their licensing powers are not the main statutory mechanism for dealing with anti-social behaviour and nuisance and will pay due regard to any other statutory or other systems of control which can be more appropriately applied in the circumstances.

THE LICENSING OBJECTIVES

1. **Preventing crime and disorder**
2. **Securing public safety**
3. **Preventing public nuisance**
4. **Protecting and improving public health**
5. **Protecting children from harm**

In general terms the Boards will seek to promote the licensing objectives as follows:

1. Preventing Crime and Disorder

The Boards support a strategy aimed at making each area a safe place to live in and visit. The Boards are committed to improving the quality of life for the people in each area by ensuring that licensed premises are run in such a way as not to contribute to crime and disorder.

Applicants must demonstrate that they will address problems such as:-

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

Control measures include:-

- Staff trained to request proof of age for all persons who appear to be under the age of 25.
- All staff to be made aware of what constitutes valid proof of age (e.g. passport, photo card driver's licence or accredited proof of age card).
- Staff trained to monitor persons on the premises for excessive consumption of alcohol.
- Applicants must consider whether door supervisors or other security staff are required in respect of the premises.
- Applications must consider whether measures should be put in place to prevent the use or supply of illegal drugs or weapons.

- Applicants must consider whether to display notices indicating that illegal substances or weapons will not be permitted on the premises, and that suspected criminal offences will be reported to Grampian Police.
- Membership of any available Pub Watch Scheme or equivalent.
- Procedures to exclude known troublemakers from the premises, making use of any information available from Pub Watch Schemes.
- Consultation with the Licensing Standards Officer (“LSO”) (See Chapter 14) and/or Grampian Police where proposed events are a departure from the everyday use of the premises.

2. Securing Public Safety

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

Applicants must address issues such as:-

- Capacity
- Staff Training
- First Aid Facilities
- Fire Safety
- Disabled Access
- Maintenance of Premises

Means of addressing these issues may include:-

- Compliance with any capacity limits imposed on the premises by way of Fire or Building Standards Regulations or imposed for other reasons of public safety.
- Maintenance of premises including any CCTV system and fire fighting equipment.
- Regular testing of procedures, appliances and safety systems.
- Training and supervision of those staff responsible for the health and safety of staff and patrons.
- Any additional measures required for the use of special effects such as strobe lighting, smoke machines or pyrotechnics to include prior notification to customers and, where appropriate, Grampian Fire and Rescue.
- Provision of facilities for hygienic service of food and drink.

3. Preventing Public Nuisance

The Boards wish to protect and maintain the amenity of 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 such premises provide.

Applicants must consider all aspects of public nuisance including:-

- Noise
- Light
- Odour
- Litter
- Anti-Social Behaviour

Applicants must have regard to the following:-

- Location of the premises and character of the surrounding neighbourhood.
- Opening hours and nature of activities to be provided.
- Layout of premises.
- Availability of public transport particularly for events with large community impact.
- Training and supervision of staff.
- Effective management of all parts of the premises including any outdoor areas.
- Soundproofing, sound limitation devices and other noise mitigation measures.
- Effective management of staff and patrons arriving and leaving the premises.
- Liaison with public transport providers including arrangements for patrons awaiting the arrival of taxis or private hire vehicles.
- Siting of external lighting including security lighting.
- Effective management arrangements for collection and disposal of waste and empty bottles.
- Effective ventilation systems to prevent nuisance from odour.

4. Protecting and Improving Public Health

The Boards are concerned about the link between the consumption of alcohol and public health. The Boards wish to see premises thriving in each area, but this cannot be at the expense of patrons' health and wellbeing. The Boards will have regard to the views of, and take advice from the relevant bodies responsible for, and interested in, the protection and improvement of public health in each area.

Applicants must have regard to:-

- Promoting sensible drinking.
- The effects of excessive alcohol consumption.
- Assistance available for problem drinking.
- Promotion of designated driver scheme
- Application of an appropriate drugs policy such as is available from Grampian Police.
- Increase patrons' awareness of units of alcohol per drink and daily/weekly recommended safe alcohol intake.
- Provision of suitable alternatives to alcohol including free tap water.
- Training of staff to ensure that drunk persons are denied service or entry to the premises.

- Display of posters and leaflets containing contact information for support groups such as Alcoholics Anonymous.

5. Protecting Children From Harm

The Boards wish to see family-friendly premises thriving in each area. Where applicants 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 also have responsibilities.

The Boards also take very seriously the issue of under-age drinking and wish to remind licensees that they and their staff must comply with all other legislation in relation to children and young persons, including not selling or allowing the sale of alcohol to children and young persons.

The applicant must consider those factors which may particularly impact on children including:-

- The provision of entertainment or services of an adult or sexual nature.
- Members of staff 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.

Possible control measures include:-

- Limitations on the hours when children 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 do not purchase, acquire or consume alcohol.

The Boards expect 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.

In the case of 'children only' events, for example, an under 18 disco, production of play, a pantomime or similar event the Boards 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, taking place on premises which have 2 floors and 4 exits there would need to be 12 supervisors on duty throughout the duration of the event made up of 6 supervisors for the capacity of the premises, plus 2 for the two floors, plus 4 for the exits.

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.

CONTACT DETAILS

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Copies of this Policy Statement will also be available in .pdf format on Aberdeenshire Council's website at www.aberdeenshire.gov.uk

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