

PART 2 - LICENCE APPLICATIONS

Types of Licence

Personal Licences

Every licensed premises will require at least one personal licence holder.

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 Boards expect 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.

The Boards do not 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 1.00 am. 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.

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 other things, what activities are allowed on the premises and during which hours the premises can be open for business. Each licence will be tailored to the premises in question. The following documentation is required for a valid Premises Licence application:-

1. Section 50 Certificates from Planning, Building Standards and Food Hygiene.
2. Application Form completed in full.
3. Operating Plan.
4. Layout Plan (7 paper copies or 2 paper copies plus 1 electronic copy).
5. Risk Assessment.
6. Application fee based on rateable value of premises (see table below).

A full application pack can be found at www.aberdeenshire.gov.uk/licensing

Application Process

1. Section 50 Certificates

All new premises licence applications require a S50 Certificate from Planning and Building Standards. If the premises is to serve food then a S50 Certificate for Food Hygiene is also required from Environmental Health.

Please note that these Certificates must be obtained from the relevant services before the premises licence application can be submitted.

2. Application Form

Please ensure that the Application Form is accurately completed in full. If the applicant is a Partnership or a Company please ensure that details of all Partners/Directors are included. Please provide a full description including building type, location (e.g. rural, urban or city centre) and breakdown of the public rooms (e.g. lounge bar, public bar etc).

3. Operating Plan

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 the policy in relation to access for children.

Operating Plans must make clear to the Boards 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 will be in a prescribed format (subject to Regulations) and should be particular to each premises and note completed in general terms.

The Operating Plan must include very detailed information which will enable the Boards to make an informed decision and later determine if a breach of the Operating Plan and/or licence conditions has occurred.

The Boards recognise that it is not always possible for licence holders to predict customer demand and requirements. However a balance must be struck between vague references to potential activities and definite details of actual activities. Matters that cannot be predicted when formulating an Operating Plan can be the subject of an Occasional Licence, an Occasional Extension or, for regular activities, a variation to the Operating Plan.

Where a material breach of the Operating Plan has occurred, the LSO, the Police or the Boards may initiate a review of the licence. The act also allows anyone to apply to the Boards for a review of the licence.

4. Layout Plans

The Layout Plan of the premises must 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 and smoking areas. Inclusion of any outside areas will avoid any doubt when considering bye-laws concerning the consumption of alcohol in public places. Where the premises cover more than one floor there must 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. This should include seasonal variations if additional areas are used at certain times. The plans must also indicate the position of any lock-fast store for any alcohol stored, but not on display, within the premises.

The Boards require plans to be to scale and of good quality. Inadequate plans may be rejected. The Boards prefer to receive one electronic copy plus two paper copies but would also accept seven paper copies if no electronic copies are available.

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 electronic format files should be under 4 megabytes in size. Paper plans should be of a size no larger than A3 for ease of conversion to electronic format.

5. Risk Assessment

The Boards require that applicants applying for premises 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 must be an end-to-end process and Licence holders are reminded that all activities directly connected to their premises, both inside and out, must be considered. The purpose of the risk assessment is to help applicants demonstrate compliance with the 5 licensing objectives. Examples of issues to be considered are contained in the pro-forma Risk Assessment at Appendix 1.

Please note that the Boards do not accept any responsibility for your Risk Assessment(s) and are not in a position to sign it (them) off. You are advised to consider these matters carefully and if in doubt engage appropriate professionals to assist you in these matters. The Boards reserve the right to comment on the content of your Risk Assessment(s) and ask for more or different information as may be required.

6. Application Fee

Rateable Value	Fee
Nil/Members Club/Visitor Attraction	£200
£1 - £11,500	£800
£11,501 - £35,000	£1,100
£35,001 - £70,000	£1,300
£70,001 - £140,000	£1,700
Over £140,000	£2,000

Provisional Premises Licence

A Provisional Premises Licence is generally applied for when premises are undergoing construction or conversion to become licensed premises. Alcohol cannot be sold under a Provisional Premises Licence. The application process for a Provisional Premises Licence is the same as that for a full Premises Licence with the following exceptions:-

1. A S50 Certificate is only required in respect of Planning.
2. Designated Premises Manager is not required.
3. The application fee for a Provisional Premises Licence is always £200.00.

A Provisional Premises Licence requires to be confirmed within 4 years otherwise it will automatically be revoked. In order to confirm a Provisional Public Entertainment Licence, the following is required:-

1. Fresh Application Form.
2. Operating Plan (including Designated Premises Manager).
3. S50 Certificates from Building Standards & Food Hygiene.
4. Balance of application fee.

The fee for confirmation a Provisional Premises Licence is dependant on the rateable value of premises. See table below

Rateable Value	Fee
Nil/Members Club/Visitor Attraction	0
£1 - £11,500	£600
£11,501 - £35,000	£900
£35,001 - £70,000	£1,100
£70,001 - £140,000	£1,500
Over £140,000	£1,800

Temporary Premises Licence

Where a licence holder wishes to carry out alterations etc to the principal licensed premises then the Boards can issue a temporary licence for secondary premises to enable the licence holder to continue to trade pending completion of the works. The fee for a Temporary Premises Licence is £200.00

To issue a Temporary Premises Licence the Boards 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 Boards may vary the conditions to which the licence is subject, if it considers appropriate to do so.