

The Licensing (Scotland) Act 2005

Aberdeenshire Licensing Boards

Statement of Licensing Policy Central Division

30th November 2013 -29th November 2016

LICENSING OBJECTIVES

The 5 core objectives underpinning the Licensing (Scotland) Act 2005 are:-

- (a) Preventing crime and disorder**
- (b) Securing public safety**
- (c) Preventing public nuisance**
- (d) Protecting and improving public health**
- (e) Protecting children from harm**

"We wish to propose that certain principles should be specifically enshrined in statute as principles which should at all times guide the Licensing Boards and other in the exercise of their functions."

The Nicholson Committee: Review of Liquor Licensing Law in Scotland, Paragraph 2.23

POLICY STRUCTURE

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1. LICENSING POLICY STATEMENT

INTRODUCTION

- A. 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.
- B. 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. Scottish Government Guidance further provides that Policy Statements should provide local communities with a clear indication of the Board’s policy as well as being consistent with the licensing objectives.
- C. To that end, this Policy Statement sets out the Central Aberdeenshire Divisional Licensing Board’s (“the Board”) general approach to decision making under the Act.
- D. Where it is necessary to provide more detailed guidance, Supplementary Statements will be issued.

GENERAL PRINCIPLES

- E. In exercising their functions under the Act the Board is required to have regard to this Policy Statement.
- F. **The Board will consider all applications on their merits within the context of this Policy Statement. In particular, the Board 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 Board to depart from this Policy Statement will need to demonstrate, by means of evidence, good reason for so doing, and in particular, evidence how a departure will comply with, and promote, any or all of the five licensing objectives.**
- G. The Board expects 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 applicant premises.
- H. The Board acknowledges that their licensing powers are not the main statutory mechanism for dealing with anti-social behaviour and nuisance but will work in partnership with organisations that deal with such issues to assist in delivering shared outcomes.

- I. The Board is adopting a partnership approach to alcohol and alcohol issues within Central Aberdeenshire in order to work more pro-actively at local level and, to demonstrate on a more practical level how the Board will adhere to and promote the licensing objectives. In doing this, the Board has carried out extensive consultation, as outlined in supplementary statement 2 to this Policy. The Board has also reviewed the terms of this policy to set out achievable and measurable outcomes going forward. The policy will establish a baseline in relation to outcomes and this will be supported by annual reports to the Board to continually review the success of the policy or to revisit outcomes which are not achieving the intended effect.

CONTEXT – CENTRAL ABERDEENSHIRE

- J. A profile of the Board’s area is contained in **Supplementary Policy Statement 1** to this Policy Statement.

PREPARATION OF POLICY STATEMENT

- K. The Board has consulted with a wide variety of persons and partnership organisations in preparing this Policy Statement. The Board has also reviewed this Policy Statement having regard to a wide range of documents and evidence.
- L. These are outlined in **Supplementary Policy Statement 2** to this Policy Statement.

THE LICENSING OBJECTIVES

- M. The primary purpose of this policy statement is to ensure that the Board promotes the Licensing Objectives in exercising its functions.
- N. This being of primary importance, the Board has set out at **Appendix 1** to this Policy Statement, how they aim to achieve this, what actions will be taken to deliver these aims, what outcomes are expected, how these will be measured, and any local conditions required to assist compliance with the licensing objectives.
- O. The Board has discretion to apply conditions to a premises licence. In doing so, the Board must have regard to how additional conditions relate to the mandatory conditions set out in the Act, Regulations, Orders, and any other Instruments set out in terms of the Act.

OVERPROVISION

- P. The Board has published **Supplementary Policy Statement 3** to this Policy Statement, setting out the extent to which they consider there to be overprovision of licensed premises (or licensed premises of a particular description) in any locality within the Board’s area.

OPERATING HOURS

- Q. The Board considers that the operating hours set out in **Supplementary Policy Statement 4** meet the needs of businesses to routinely trade, while, at the same time, not impacting on the needs of the community in such a way that would be detrimental to compliance with the five licensing objectives.

RELATIONSHIP WITH OTHER REGIMES

- R. Guidance indicates that the Board should provide clear indications of how the Board will take into account other matters relating to alcohol.
- S. Detailed guidance is provided in **Supplementary Policy Statement 5** to this Policy Statement.

TRANSPORT

- T. Guidance requires this policy statement to identify any arrangements between the Licensing Standards Officer and the Police for reporting views/concerns to the local Transport Committee, which in Aberdeenshire is the Infrastructure Services Committee. Detailed information is provided in **Supplementary Policy Statement 6** to this Policy Statement.

TOURISM, PLANNING AND BUILDING STANDARDS

- U. Guidance requires this policy statement to identify any arrangements between Visit Scotland and the Boards, regarding reports on the needs of the local tourist economy. Detailed information is provided in **Supplementary Policy Statement 7** to this Policy Statement.
- V. Guidance also indicates that planning, building standards and licensing regimes will be properly managed to avoid duplication and inefficiency. This has been covered in **Supplementary Policy Statement 5**. [See above paragraph on Relationships with other Regimes].

DUPLICATION

- W. The Board is committed to avoiding duplication with other regulatory regimes in so far as it is reasonably practicable for them to do so.

LICENCE TYPES, PROCEDURES, ENFORCEMENT AND SERIOUS MATTERS

- X. **Supplementary Policy Statement 8** sets out information on licence types, Board's procedures and decision-making powers, enforcement action, and the matters the Board consider to be serious in determining applications.
- Y. Information previously outlined in this Supplementary Policy Statement relating to the management of licensed premises has been removed. This has, instead, been incorporated into Appendix 1 of this Policy Statement as management of licensed premises should fundamentally be about promoting the licensing objectives.

LICENSING STANDARDS OFFICERS

- Z. Licensing Standards Officers (“LSOs”) are employed by Aberdeenshire Council and have the functions set out in the Act. Their role is threefold – guidance, mediation and compliance.
- AA. Licensing Standards Officers work with the Public, the Council’s partners and the business community in seeking to promote the licensing objectives and ensuring compliance with the law. They are also members of the Local Licensing Forum for Central Aberdeenshire.
- BB. Four Licensing Standards Officers are employed within Aberdeenshire. They are based in Banff, Peterhead, Inverurie and Stonehaven and are authorised to work in all Board areas.

INFORMATION ON MEMBERS CLUBS

- CC. Information relating to Members Clubs is set out in **Supplementary Policy Statement 9** to this Policy Statement.

INFORMATION ON EXCLUDED PREMISES

- DD. Information relating to excluded premises is set out in **Supplementary Policy Statement 10** to this Policy Statement.

HOW TO MAKE COMMENT ON THIS DOCUMENT

- EE. Consultation on this document took place between August 2013 and December 2013. The Policy was published on 6 June 2014 and will be applied during the 3-year period until November 2016. It will be kept under review and revised, if appropriate, by the issue of supplementary Policy Statements that will apply to the end of the 3-year period.
- FF. Please see **Supplementary Policy Statement 2** for details on how to make comments.

PUBLICATION

Copies of this Policy Statement will be available for public inspection, during normal office hours, free of charge at –

Central Aberdeenshire Licensing Board
Gordon House
Blackhall Road
INVERURIE

Email: licensingpolicyreview@aberdeenshire.gov.uk

Copies of this Policy Statement will also be available in .pdf format on Aberdeenshire Council’s website at –

<https://www.aberdeenshire.gov.uk/licensing/boards.asp>

Any personal information collected will be held and processed in accordance with the Data Protection Act 1988.

The offices are open to the public between 10.00 am and 4.00 pm Mondays to Fridays.

Electronic copies are also available by contacting the Depute Clerk to the Board whose details are given in **Supplementary Policy Statement 2**.

Paper copies will be posted, free of charge, on request.

APPENDIX 1 TO POLICY STATEMENT

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Board
Licensing Objectives
30th November 2013 – 29th November 2016

1. The Board expects applicants to give consideration to the promotion of the licensing objectives.
2. The Board considers that licence holders and their staff should operate their business 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.
3. Applicants should consider certain areas of operation in assessing how to comply with the licensing objectives. The Board wish to offer some guidance to applicants in relation to how to achieve this in practice. This Appendix sets out that guidance, under the heading of each of the five licensing objectives. Applicants should note, that information listed under one objective, may be relevant under other objectives. The Board has cross referenced this information under each appropriate objective heading.
4. Guidance contained within this Appendix is not exhaustive.

Helpful Organisations

5. Below is a list of helpful organisations. This list is not exhaustive.
 - Aberdeenshire Alcohol and Drugs Partnership
 - Aberdeenshire Community Planning Partnership
 - Aberdeenshire Community Safety Executive
 - Aberdeenshire Trading Standards
 - Alcohol Focus Scotland, including Serवेशive City & Guilds
 - Alcoholics Anonymous
 - British Entertainment & Dance Association
 - British Institute of Innkeeping
 - Grocer's Federation
 - Local Licensing Forum
 - NHS Grampian Public Health Directorate
 - North, Central and South Aberdeenshire Alcohol and Drug Forums
 - Police Scotland
 - Pubwatches
 - Scottish Licensed Trade Association
 - Scottish Fire & Rescue Service
 - Shopwatch
 - Security Industry Authority

A: PREVENTING CRIME AND DISORDER

1. The Board supports a strategy aimed at making each area a safe place to live in and visit. The Board is 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:-

- (a) Underage drinking
- (b) Drunkenness on premises
- (c) Public drunkenness
- (d) Illegal possession and/or use of drugs
- (e) Violent behaviour
- (f) Anti-social behaviour
- (g) Litter
- (h) Misuse of non regulated psychoactive substances

Premises Providing Late Night Entertainment

2. Nightclubs are an important contributor to the night-time economy and involve a substantial investment in both facilities and entertainment. They tend to be places where patrons arrive from other licensed premises.
3. 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.
4. 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
5. The Board may also impose conditions in relation to the use of CCTV and door supervisors at such premises.

Dispersal Policy

6. 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.
7. 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 passed; raising the lighting level and inspecting all parts of the premises for patrons.
8. The Board expects all night clubs to have a written dispersal policy in place.

Door Supervision

9. The Board, 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.
10. 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.
11. Additional information can be obtained from the SIA website at:-
www.the-sia.org.uk

Proof of Age/Underage Drinking

12. 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, it is now a mandatory condition attaching to all Premises Licences that there must be an age verification policy in relation to the sale of alcohol within the premises.
13. 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.

CCTV

14. 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 Police Scotland 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 in a premises offering late night entertainment 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:-

<http://www.aberdeenshire.gov.uk/licensing/ApprovedCCTVguidance.pdf>

Radiolinks, Pubwatch & Shopwatch

15. 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 Board supports the use of such schemes and other initiatives such as Safer Towns initiatives. The Board encourages all licence holders to act responsibly by actively participating in such schemes. The Board also supports 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 Board believes directly supports the 5 Licensing Objectives.
16. Applicants must consider excluding 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 for review or to the police for consideration of an Anti Social Behaviour Order (ASBO) to enforce an exclusion.

Glassware and Bottles

17. 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).
 - (a) Generally speaking, Applicants must consider, where appropriate, the use of plastic containers or toughened glassware.
 - (b) 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.
 - (c) The Board considers 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 Board may impose a condition requiring that drinks be served in plastic glasses or bottles.

Relationship with Other Licensing Objectives

Please see also Section B on Securing Public Safety and Section C on Prevention of Public Nuisance.

ACTIONS

Prevention of Crime and Disorder

To work in partnership with relevant bodies to address Crime and Disorder in our communities and to promote the reduction of alcohol-related crime and anti-social behaviour.

What needs to change?

- Increased awareness of factors contributing to Crime and Disorder.
- Reduction in violent incidents at licensed premises
- Reduction in the number of those who re-offend whilst under the influence of alcohol
- Reduction in anti-social behaviour in and around licensed premises
- Reduction in the number of reviews relating to this objective brought before the Board

How will we know whether this has changed?

- Increased availability of crime prevention literature for use by the Trade
- Statistics from Police Scotland in relation to:-
 - Recorded serious violent crime at or near to licensed premises.
 - Detected serious violent crime at or near to licensed premises.
 - Recorded common assault at or near to licensed premises.
 - Detected common assault at or near to licensed premises.
 - Recorded licensing offences under the Licensing (Scotland) Act 2005.
 - Detected licensing offences under the Licensing (Scotland) Act 2005.
 - Recorded anti-social behaviour crimes at or near to licensed premises.
 - Detected anti-social behaviour crimes at or near to licensed premises.
 - How many premises in Central Aberdeenshire are subject to a Formal Licensing Intervention?
 - How many Formal Licensing Interventions were satisfactorily resolved?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective after a Formal Licensing Intervention have been brought to the Board this year?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective that were so severe that they were brought straight to the Board without going through the Formal Licensing Intervention process?
 - DRUGS RELATED OFFENCES?
- How many reviews led by the LSO in connection with breaches of this licensing objective have been brought to the Board this year?
- How many premises are actively participating in Pubwatches and Shopwatches?
- How many customers have been banned by Pubwatches/Shopwatches on grounds of crime and disorder in the last year?

What Partners do we need to work with to make this happen?

- Area Committees
- Citizen's Panel
- Community Planning Board
- Licensing Forum
- Licensing Standards Officers
- Licensed Trade
- Local Community Planning Partnership
- Northern Community Justice Authority

- Police Scotland
- Pubwatch
- Shopwatch

How will we go about doing this?

What the Board will do

- Raise awareness of the licensing system.
- Impose conditions on licensed premises where appropriate.
- Engage with Pubwatches on a regular basis.

What the Boards will expect of the Trade

- Comply with conditions attached to their licence.
- Participate in awards schemes.
- Participate in Pubwatch and Shopwatch where appropriate.
- Display crime prevention literature within premises.
- Co-operate with our partners in providing evidence in relation to crime and disorder.
- Revise and update Licensing Objectives Risk Assessment regularly

What the Boards will expect of the Forums

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To keep review of the functions exercised by the Board
- To provide evidence of consultation with the community that they represent in all dealings with the Board.

What the Boards will expect of Partners

- Provide the Statistics to evidence the success or otherwise of the Policy.
- Gauge opinion

B. SECURING PUBLIC SAFETY

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

Capacity

2. Capacity limits will be included in all operating plans attached to premises licences. These limits will be set by the Board, in conjunction with Building Standards, and with the agreement of the licence holder. 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.
3. Applicants should demonstrate how they intend to control and maintain the agreed occupancy levels within the venue.

Good Housekeeping

4. Applicants should consider risks associated with:
 - a) preparation of food and drink
 - b) risk of burns and scalding
 - c) first aid provision
 - d) use of special effects e.g. strobe lighting, smoke machine, pyrotechnics
 - e) evacuation procedures
 - f) procedure for dealing with people who fall ill, including those affected by drugs or alcohol
 - g) children and young persons accessing the premises

Condition of Premises

5. 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.

Equalities

6. Consideration should be given to equalities issues when completing an application and related risk assessment. This section may be revised following the implementation of the provisions of the Criminal Justice (Scotland) Act 2010 and the Alcohol (Scotland) Act 2010 relating to the provision of disability access statements, which is being considered by the Scottish Parliament this term as part of the Regulatory Reform Bill.

Fire Safety

7. The Licence Holders must carry out a Fire Risk Assessment and comply with the Fire (Scotland) 2005 as amended and all other relevant legislation, to the satisfaction of the Chief Officer

Relationship with Other Licensing Objectives

8. Please see also Section A on Prevention of Crime and Disorder and Section C on Prevention of Public Nuisance.

ACTIONS

Securing Public Safety

To work in partnership with relevant bodies to address issues of public safety in our communities and to promote the reduction of alcohol-related crimes and anti-social behaviour.

What needs to change?

- Awareness of public safety
- Perceptions around feeling unsafe in our area
- Reduction in violent incidents at licensed premises
- Reduction in the number of those who re-offend whilst under the influence of alcohol
- Reduction in anti-social behaviour in and around licensed premises
- Reduction in the number of reviews relating to this objective brought before the Board

How will we know whether this has changed?

- Increased availability of personal safety equipment through local Community Safety Groups
- Statistics from Police Scotland in relation to:-
 - Recorded serious violent crime at or near to licensed premises.
 - Detected serious violent crime at or near to licensed premises.
 - How many reviews led by the Police in connection with breaches of this licensing objective have been brought to the Board this year?
 - How many premises in Central Aberdeenshire are subject to a Formal Licensing Intervention?
 - How many Formal Licensing Interventions were satisfactorily resolved?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective after a Formal Licensing Intervention have been brought to the Board this year?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective that were so severe that they were brought straight to the Board without going through the Formal Licensing Intervention process
- Increase in the number places where Street Pastors work.
- How many reviews led by the LSO in connection with breaches of this licensing objective have been brought to the Board this year?
- How many premises are represented on Pubwatches and Shopwatches?
- How many customers have been banned by Pubwatches on grounds of securing public safety in the last year?
- Promotion of Scottish Fire and Rescue Service Fire safety checks in on and off-sale premises.
- How many of our licensed premises have specific Drug Policies?

- How many of our licensed premises have Written Dispersal Policies?

What Partners do we need to work with to make this happen?

- Area Committees
- Citizen's Panel
- Community Planning Board
- Licensing Forum
- Licensing Standards Officers
- Licensed Trade
- Local Community Planning Partnership
- Police Scotland
- Pubwatches
- Scottish Fire and Rescue Service
- Shopwatches

How will we go about doing this?

What the Board will do

- Raise awareness of the licensing system.
- Impose conditions on licensed premises where appropriate.
- Engage with Pubwatches on a regular basis.

What the Board will expect of the Trade

- Comply with conditions attached to their licence.
- Participate in award schemes.
- Participate in Pubwatch and Shopwatch where appropriate.
- Co-operate with our partner agencies in providing evidence in relation to public safety issues.

What the Board will expect of the Forums

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To keep review of the functions exercised by the Board
- To provide evidence of consultation with the community that they represent in all dealings with the Board.

What the Board will expect of Partners

- Provide the Statistics to evidence the success or otherwise of the Policy.
- Provide the Anti-Social Behaviour Strategy and regular updates to the Board
- Gauge opinion

C. Preventing Public Nuisance

1. The Board 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.
2. Licence holders must also recognise that they have a responsibility to the amenity of the community they serve.

Noise

3. 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.
4. 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.
5. 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>). (Could not be found)

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:

<http://www.aberdeenshire.gov.uk/environmental/noise/index.asp>

Litter and Waste Management

6. 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).

Queues

7. 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.

Transport

8. Applicants should consider whether there is sufficient provision for transport for patrons. Failure to do so may result in nuisance due to patrons loitering in the vicinity of the premises, particularly after closing, and this will be considered a serious failure.
9. 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 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.

Relationship with other Licensing Objectives

Please see also Section A on Prevention of Crime and Disorder and Section B on Securing Public Safety.

ACTIONS

Prevention of Public Nuisance

To work in partnership with relevant bodies to address issues of public nuisance in our communities.

What needs to change?

- Reduction in noise nuisance in and around licensed premises
- Reduction in violent incidents in and around licensed premises
- Reduction in incidents involving litter in and around licensed premises
- Reduction in anti-social behaviour in and around licensed premises
- Reduction in the number of reviews relating to this objective brought before the Board

How will we know whether this has changed?

- Statistics from Police Scotland in relation to:-
 - Anti-social behaviour at and near to licensed premises.
 - How many reviews led by the Police in connection with breaches of this licensing objective have been brought to the Board this year?
 - How many premises in Central Aberdeenshire are subject to a Formal Licensing Intervention?
 - How many Formal Licensing Interventions were satisfactorily resolved?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective after a Formal Licensing Intervention have been brought to the Board this year?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective that were so severe that they were brought straight to the Board without going through the Formal Licensing Intervention process?
- How many reviews led by the LSO in connection with breaches of this licensing objective have been brought to the Board this year?
- How many mediations have taken place with LSO in relation to nuisance? How many of these have been successful?
- How many complaints have been lodged with Environmental Health in connection with:-
 - noise problems in relation to licensed premises this year?

- litter problems in relation to licensed premises this year?
- odour problems in relation to licensed premises this year?

What Partners do we need to work with to make this happen?

- Area Committees
- Citizen's Panel
- Community Planning Board
- Environmental Health
- Licensing Forum
- Licensing Standards Officers
- Licensed Trade
- Local Community Planning Partnership
- Local interest groups
- Police Scotland

How will we go about doing this?

What the Board will do

- The Boards will raise awareness of the licensing system.
- Impose conditions on licensed premises where appropriate.
- Engage with Pubwatches on a regular basis.
- Liaise with local Area Committees, Police Scotland and local press regarding the implementation of the alcohol bye-laws.

What the Board will expect of the Trade

- Trade will comply with any local conditions attached to their licence.
- Participate in award schemes.
- Participate in Pubwatch and Shopwatch where appropriate.
- Co-operate with our partner agencies in providing evidence in relation to public safety issues.

What the Board will expect of the Forums

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To keep review of the functions exercised by the Board
- To provide evidence of consultation with the community that they represent in all dealings with the Board.

What the Board will expect of Partners

- Provide the Statistics to evidence the success or otherwise of the Policy.
- Provide opportunity for the public to purchase personal safety equipment
- Provide the Anti-Social Behaviour Strategy and regular updates to the Boards
- Gauge opinion

D. PROTECTING AND IMPROVING PUBLIC HEALTH

1. The Board wish to see premises thriving in each area, but this cannot be at the expense of patrons' health and wellbeing. The Board 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. Additionally, NHS Grampian Public Health Directorate is now a statutory consultee, and is consulted on all applications for new licences or major variations.
2. Applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect patrons' health. Such measures will include:-

For On Sale Premises

- a) Making available information with regard to sensible drinking,
- b) Contact points where assistance can be obtained for problem drinking
- c) Promotion of designated driver schemes
- d) Easy availability to small 125ml glasses, or 25ml instead of 35ml
- e) Support customers in increasing awareness of the number of units of alcohol they are consuming to be aware of the drink-driving limits
- f) Additional training of bar staff, beyond the statutory minimum requirements, particularly in relation to the effects of alcohol on the body
- g) The use of plastic or toughened glassware
- h) Prevention of overcrowding
- i) Robust refusal system and recording of refusals procedures
- j) Calling last orders in plenty of time
- k) Reduce vertical drinking
- l) Providing a good range of reasonably priced soft drinks and/or driver's shelves
- m) Stock a reasonable range of lower abv and alcohol free beers and wines
- n) Inviting Public Health agencies to Shows/Games to deliver public health promotional messages in relation to alcohol and drugs.

For Off Sale Premises

- o) Making available information with regard to sensible drinking
 - p) Stock a reasonable range of lower abv and alcohol free beers and wines
 - q) Additional training of staff, beyond the statutory minimum requirements, particularly in relation to the effects of alcohol on the body
 - r) Robust refusals system and recording of refusals procedure
 - s) Context of alcohol displays in relation to other permitted products
2. The Board expects applicants to promote sensible drinking. The Board also expects applicants to apply an appropriate drug policy such as "Drugs on Licensed Premises" Published by Scottish Business Crime Centre (now re-named Business Resilience Centre).

Irresponsible Drinks Promotions

4. Measures stipulated by the Act include a prohibition on varying prices within a 72-hour period of a prior change and irresponsible promotions such as “happy hours”.
5. The Scottish Government has revised the requirements in relation to irresponsible drinks promotion. Details of the requirements are listed at Condition 13 of the Mandatory Conditions attaching to Premises Licence, which can be accessed at www.aberdeenshire.gov.uk.
6. 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.
7. 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. 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.
8. However, where the Board feels 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.

Vertical Drinking

9. The Board is 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 Board expects 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.

Smoking

9. The Board refers 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.

Relationship with Other Licensing Objectives

Please see also Section B on Securing Public Safety, Section C on Prevention of Public Nuisance and Section D on Protecting Children from Harm.

ACTIONS

Protecting and Improving Public Health

To work in partnership with relevant bodies to promote public health in our communities

What needs to change?

- Reduction in the harm related to the supply of alcohol from licensed premises
- Reduction in health inequalities due to alcohol consumption

- Greater engagement with the off trade
- Greater partnership working with NHS Grampian Public Health Directorate
- Better understanding of the scope of licensing and what can be delivered

How will we know whether this has changed?

- How many premises are displaying healthy living posters?
- How many premises are using small 125ml measures?
- What proportion of premises are using 25ml measures as opposed to 35ml measures?
- What is the on sales capacity in Central Aberdeenshire?
- How many variations has there been to increase on sales capacity?
- How many variations has there been to decrease on sales capacity?
- What is the off sales capacity in Central Aberdeenshire?
- How many variations has there been to increase off sales capacity?
- How many variations has there been to decrease off sales capacity?
- Statistics from NHS Grampian Public Health Directorate in relation to local health issues related to the consumption of alcohol.
- Statistics from Police Scotland in relation to:-
 - How many reviews in connection with breaches of this licensing objective have been brought to the Board by Police Scotland this year?
 - How many premises in Central Aberdeenshire are subject to a Formal Licensing Intervention?
 - How many Formal Licensing Interventions were satisfactorily resolved?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective after a Formal Licensing Intervention have been brought to the Board this year?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective that were so severe that they were brought straight to the Board without going through the Formal Licensing Intervention process?
- How many reviews in connection with breaches of this licensing objective have been brought to the Board by LSO this year?
- How many reviews in connection with breaches of this licensing objective have been brought to the Board by other bodies this year?
- How many mediations have taken place with LSO in relation to nuisance? How many of these have been successful?

What Partners do we need to work with to make this happen?

- Area Committees
- Citizen's Panel
- Community Planning Board
- Environmental Health
- Licensing Forum
- Licensing Standards Officers
- Licensed Trade
- Local Community Planning Partnership
- NHS Grampian Public Health Directorate

How will we go about doing this?

What the Board will do

- Impose local conditions on licences
- Raise awareness of the licensing system
- Work with Pubwatches to encourage the use of smaller measures in licensed premises
- Monitor any sudden increases or decreases in capacity in licensed premises
- Engage more meaningfully with the off trade and representative groups of that

sector

What the Board will expect of the Trade

- Comply with conditions attached to their licence
- Participate in awards schemes.
- Participating in Pubwatch or Shopwatch.
- Increasing availability of smaller measures of alcohol and alternatives to alcohol.
- Co-operate with partners agencies in increasing customer awareness of sensible drinking.
- Train staff in relation to the effects of alcohol on the body.

What the Board will expect of the Forums

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To keep review of the functions exercised by the Board
- To provide evidence of consultation with the community that they represent in all dealings with the Board.

What the Board will expect of Partners

- Provide statistics to the Boards
- Work in conjunction with the Board, Trade and Forums in increasing customer awareness of sensible drinking
- Gauge opinion

E. PROTECTING CHILDREN FROM HARM

1. The Board wish to see family-friendly premises thriving in each area. Where applicants wish to operate such premises, the Board 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.
2. 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, including those who do not have a personal licence, 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.
3. 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.
4. 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.
5. The Board has an interest in promoting family friendly premises within Central Aberdeenshire and wish to ensure that premises which seek to accommodate children are run in such a way that they are suitable for children.
6. 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.
7. 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 requirements of the Board. 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 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.
8. The Board may impose conditions on a premises licence or in granting an occasional licence where children are to be allowed entry.

9. Licence holders are reminded that they and their staff must comply with all other legislation in relation to children and young persons.
10. 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. As an example, 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.
11. 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.

Underage Drinking

12. The Board also takes very seriously the issue of under-age drinking and wishes to remind licensees that they and their staff must not sell, or allow the sale of alcohol to children and young persons. This is a criminal offence.
13. It is also a criminal offence to sell or supply alcohol to a person over the age of 18 where it is suspected that the person will then supply that alcohol to a child or young person.

Relationship with other licensing objectives

Please see also Section A on Prevention of Crime and Disorder, Section B on Securing Public Safety, Section C on Prevention of Public Nuisance and Section D on Protecting Children from Harm.

ACTIONS

Protection of Children from Harm

To work in partnership with relevant bodies to protect children from harm whilst within licensed premises

What needs to change?

- To ensure that no alcohol related harm affects children whilst on licensed premises
- To promote family friendly premises.

How will we know whether this has changed?

- Statistics from Police Scotland in relation to:-
 - How many premises in Central Aberdeenshire are subject to a Formal Licensing Intervention?
 - How many Formal Licensing Interventions were satisfactorily resolved?
 - How many reviews led by Police Scotland in connection with breaches of this

licensing objective after a Formal Licensing Intervention have been brought to the Board this year?

- How many reviews led by Police Scotland in connection with breaches of this licensing objective that were so severe that they were brought straight to the Board without going through the Formal Licensing Intervention process?
- Recorded licensing offences in relation to children and young persons.
- detected licensing offences in relation to children and young persons.
- How many representations to a new premises licence application were made in respect of children and young persons access to licensed premises?
- How many representations were made in respect of major variations to a premises licence were made in respect of children and young persons access to licensed premises?

What Partners do we need to work with to make this happen?

- Area Committees
- Citizen's Panel
- Community Planning Board
- Environmental Health
- Licensing Forum
- Licensing Standards Officers
- Licensed Trade
- Local Community Planning Partnership
- NHS Grampian Public Health Directorate
- Pubwatches
- Trade Association

How will we go about doing this?

What the Board will do

- Impose conditions where appropriate
- Review licences where appropriate

What the Board will expect of the Trade

- Comply with conditions
- Comply with mandatory condition regarding Challenge 25 ID policies
- Keep up to date Refusal Registers

What the Board will expect of the Forums

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To keep review of the functions exercised by the Board
- To provide evidence of consultation with the community that they represent in all dealings with the Board.

What the Board will expect of Partners

- Police Scotland will provide statistics
- Community Planning assistance

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Context and Profile of Central Aberdeenshire
30th November 2013 – 29th November 2016

General Information

- 1.1 Aberdeenshire is a predominantly rural area in the north east of Scotland. Traditionally, it has been economically dependent upon agriculture, fishing, forestry and related processing industries. Over the last 40 years, the development of the oil and gas industry and associated service sector has broadened Aberdeenshire's economic base. The population of Aberdeenshire is 247,600. Aberdeenshire has experienced the highest population growth in Scotland in recent years and represents 4.8% of Scotland's total.
- 1.2 Aberdeenshire is divided into three Areas, North, South and Central, for the purposes of administration and provision of licensing services.

Central Aberdeenshire

- 1.3 Central Aberdeenshire comprises of the South Formartine, Garioch and North Marr administrative areas of Aberdeenshire Council. The area covers agricultural heartland and also coastal nature reserves

South Formartine

Formartine has experienced rapid population growth, particularly around Ellon and Oldmeldrum and in the south east where development has spread from Aberdeen City. The population is getting older and the population of children has also increased. Lying at the heart of the Energetica Corridor employment and economic activity is set to continue to grow alongside the development of the Aberdeen Western Peripheral Route and the dualling of the A90 between Balmedie and Tipperty. Formartine has a spectacular environment with protected and fantastic recreational and visitor attractions.

Garioch

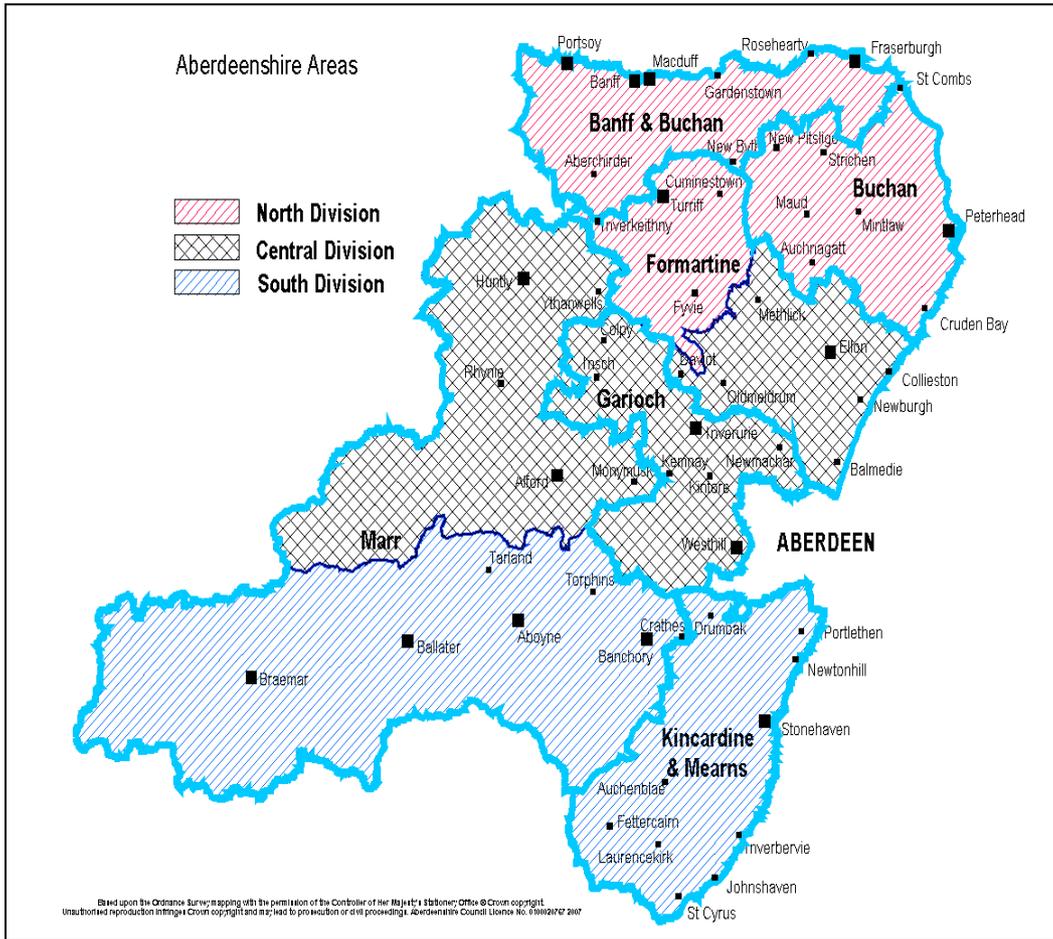
Many of the Communities in Garioch have experienced rapid population growth in recent years and the population is expected to grow further by nearly 12% over the next decade – by far the fastest projected growth rate in Aberdeenshire. The Area's age profile has a higher representation of younger age groups than Aberdeenshire generally and an increasing ageing population. Inverurie, Westhill and Kintore are important work destinations also having a significant beneficial impact on the local economy.

North Marr

With nearly half of Aberdeenshire's landmass but only 15% of its people, Marr is the most sparsely populated area with an average of only 12 people per square kilometre. To the west is the spectacular mountain environment of the Cairngorms,

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part of the Cairngorms National Park. Marr's economy revolves around tourism, forestry and agriculture.



The Central Aberdeenshire Divisional Licensing Board

- 1.4 The Central Divisional Board consists of eight members of Aberdeenshire Council with a quorum of four Members.
- 1.5 The current members of the Board are:

<p>Cryle Shand - Convenor The Neuk Fintray Aberdeen AB21 0YG 07876 475365 (Blackberry) Email: cllr.c.shand@aberdeenshire.gov.uk</p>	
<p>Richard Cowling 42 Nether Blackhall Inverurie AB51 4EW 01467 670896 (home) 07770331371 (mobile) Email: cllr.r.cowling@aberdeenshire.gov.uk</p>	
<p>John Latham Glenend Tough Alford AB33 8DN 01975 562369 (Home) 07876 475038 (Mobile) Email: cllr.j.latham@aberdeenshire.gov.uk</p>	
<p>Joanna Strathdee Claremonte Littlejohn Street Huntly AB54 8HL 01466 799353 (home) 07801900842 (mobile) Email: cllr.j.strathdee@aberdeenshire.gov.uk</p>	

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<p>Allan Hendry Fraoch Eilean Lodge 18 Holdings Balmedie AB23 8WU 01358 743091 (home) 07733228547 (mobile) Email: cllr.a.hendry@aberdeenshire.gov.uk</p>	
<p>Iris Walker 2 Burnland Place Elrick Westhill Aberdeenshire AB32 6JU 01224 741338 (Home) 07876 475272 (Blackberry) Email: cllr.i.walker@aberdeenshire.gov.uk</p>	
<p>Fergus Hood 28 Panmure Gardens Potterton AB23 8UG 01358 743827 (Home) 01358 743827 (Fax) 07824 461732 (Mobile) Email: cllr.f.hood@aberdeenshire.gov.uk</p>	
<p>Hamish Vernal "Ecosse" 31 Beverley Road Inverurie AB51 3QN 01467 628778 (Home) 07876 475498 (Blackberry) Email: cllr.h.vernal@aberdeenshire.gov.uk</p>	

- 1.8 Please note that the canvassing of Board Members in relation to applications is an offence.
- 1.9 The Board is supported by a Clerk, 2 Depute Clerks and administrative support staff.
- 1.10 The Clerk is Karen Wiles, Head of Service, Legal and Governance, Corporate Services.
- 1.11 The Depute Clerks are Jill Joss and Sandy Munro.

Local Licensing Forums

- 1.18 Each Council (not Licensing Board) must establish a Local Licensing Forum for their area. The Forum is supposed to be representative of the community as a whole and not individuals or organisations. The role of the Forum is to advise the Licensing Board on general matters of policy and not individual cases.
- 1.19 Aberdeenshire Council has appointed 3 Local Licensing Forums, one for each divisional Licensing Board area.
- 1.20 Each Licensing Board and the respective Forum will meet jointly at least once a year. Each Forum will meet more often, at least four times per year, in public.
- 1.21 In formulating its Policy Statement, the Central Licensing Board has taken account of the views, advice and recommendations of the Central Local Licensing Forum.
- 1.22 More information on the licensing forums can be found at:-

https://aberdeenshire.gov.uk/licensing/local_forums/

- 1.23 The forums also have a discussion site where members of the public can discuss licensing or alcohol issues in their local area. More information can be found at:-

https://aberdeenshire.gov.uk/licensing/local_forums/discussion.asp

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Preparation of Policy Statement/Supplementary Policy
Statements
30th November 2013 – 29th November 2016

Consultation

- 2.1 In preparing the Policy Statement and Supplementary Policy Statement for 2013 – 2016, the Board has consulted in a new way. The Board is adopting a partnership approach to alcohol and alcohol-related issues within Central Aberdeenshire in a similar manner to the community planning process.
- 2.2 In terms of the Act, the Board is required to consult with
- The Forums
 - So far as not already represented by the Local Licensing Forum, such other person or persons as appeared to the Board to be representative of -
 - The holders of premises licences and personal licences
 - The Chief Constable
 - Persons having functions relating to health, education, or social work
 - Young People
 - Persons resident within the relevant Forum's area
 - And such other persons as the Boards think appropriate.
- 2.3 The above includes but is not limited to: –
- | | |
|---|---|
| <ul style="list-style-type: none">• Aberdeenshire Council<ul style="list-style-type: none">○ Chief Executive○ Area Managers○ Infrastructure Service○ Education, Leisure & Learning Service○ Planning Service○ Building Standard Service○ Environmental Health Service○ Social Work & Housing Service○ Corporate Communications○ Licensing Standards Officers○ Community Planning Officers• Aberdeenshire Alcohol and Drugs Partnership• Aberdeenshire branch of the Scottish Licensed Trade Association• Alcohol Focus Scotland• Citizen's Panel• Community Councils• Community Planning Board• Community Safety Executive | <ul style="list-style-type: none">• Drugs Action• HMP Grampian• Licensing Forums• Local Business Associations• Local Licensing Solicitors• Local Pubwatches• Members of the public• NHS Grampian (Public Health)• Northern Community Justice Authority• Police Scotland• Scottish Beer and Pub Association• Scottish Fire & Rescue Service• The Licensed Trade• Tourism Bodies• YOI Grampian• Youth Forums |
|---|---|

SUPPLEMENTARY POLICY 2

Preparation of Policy Statement/Supplementary Policy Statements

- 2.4. The Central Board's Licensing Policy Statement/Supplementary Policy Statements have been prepared having regard to the documentation listed in the Strategic Assessment Document, which can be found at:-

www.aberdeenshire.gov.uk/licensing/Boards.asp

- 2.5. The Board will also have regard to any documents or statistical information placed before it during the lifetime of the Policy Statement 2013 – 2016 and related Supplementary Policy Statements, and any reviews thereof.

Evidence

- 2.6. **The Board wishes all its decisions to be informed by evidence.**
- 2.7. The Chief Constable and Aberdeenshire Council are required to provide the Board with statistical or other information for the purposes of preparing its Policy Statement or Supplementary Policy Statements.
- 2.8. The Board will always be willing to receive evidence of changing circumstances which any interested party may bring to its attention.

HOW TO MAKE COMMENT ON THIS DOCUMENT

Any comments you may wish to make on the Policy can be submitted as follows:-

In writing to

Central
The Depute Clerk to the Board
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie
AB51 3WA
01467 628208

LP3, Legal Post, Inverurie

By e-mail

licensingpolicyreview@aberdeenshire.gov.uk

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Duty to Assess Overprovision
30th November 2013 – 29th November 2016

Overprovision

- 3.1. Section 7 of the Licensing (Scotland) Act 2005 requires the Board to have a policy stating the extent to which the Board considers there to be an overprovision of licensed premises or licensed premises of a particular description, in any locality within the Board's area. In determining whether or not there is overprovision the Board must have regard to the number and capacity of licensed premises within the locality, although Members Clubs are discounted. As with the remainder the Board's Policy Statement the Overprovision Assessment must also seek to promote the Licensing Objectives.
- 3.2. The presumption under the Licensing (Scotland) Act 2005 is that an application for a premises licence should be granted unless any of the grounds for refusal apply such as being inconsistent with any of the Licensing Objectives or the Board considers the locality over provided.
- 3.3. Scottish Government Guidance to Licensing Authorities in relation to overprovision makes it clear that there must be robust and reliable evidence which suggests that a saturation point has been reached or is close to being reached and a causal link must be identified between that evidence and the operation of licensed premises in that locality.

Duty to Consult

- 3.4. Section 7 of the Act places a duty on the Board to consult with the Police, Health Board, Premises Licence Holders, persons resident within the Board's area and such other persons as the Board thinks fit. More detailed information on who the Board has consulted in relation to preparation of this Policy can be found in Supplementary Policy 2.
- 3.5. In addition the Board has considered the following documents when preparing this statement:-
- The Board's table of Licensed Premises.
 - Capacity figures for On and Off Sale Premises.
 - Citizens Panel Survey Responses
 - NHS Grampian Public Health Directorate Survey Response and Separate Consultation Response
 - Police Scotland Survey Response and separate Consultation Response
 - Scottish Index of Multiple Deprivation figures
 - Board's Record of Variations
 - Alcohol Focus Scotland's Consultation Response

SUPPLEMENTARY POLICY 3

- 3.6. The Board requires to define the localities within the Board's area and has decided that the localities should remain the Council Wards as follows:-

National Average - 39 (41)

Central Board Area

	<u>No of Premises (ex clubs)</u>	<u>Premises per 10,000 Population</u>
<u>Mid Formartine</u>		
15,957 (8,500)	30 (29)	19(34)
<u>Ellon & District</u>		
12,985 (10,000)	23 (20)	18 (20)
<u>West Garioch</u>		
10, 178 (6,500)	13 (13)	13 (20)
<u>Inverurie & District</u>		
13,221 (12,500)	41 (33)	31 (26)
<u>East Garioch</u>		
11,336 (9,000)	11 (11)	10 (12)
<u>Westhill & District</u>		
15,788 14, 000	23 (22)	14 (16)
<u>Huntly, Strathbogie & Howe Of Alford</u>		
15,688 (13,000)	37 (38)	23 (29)
<u>Aboyne, Upper Deeside & Donside</u>		
11,311 (500)	3 (3)	<1 (<1)

- 3.6.1. NB - the small part of Aboyne, Upper Deeside & Donside which falls within the Board's jurisdiction is a sparsely populated rural area in which tourism plays an important role in the local economy, and 3 licensed premises in said area is not seen as cause for concern in terms of overprovision.

** The figures shown above in brackets are the figures from the Board's previous policy statement.*

Aberdeenshire Central Divisional Board Premises

Year	On	Off	Both	Provisional	Total	Total including clubs
2011	31	65	73	0	169	198
2012	33	68	72	1	174	204
2013	37	69	73	2	181	207

3.7 Assessment of Evidence

The board considers all evidence before it in formulating this Policy. As the Board is under a duty to promote the Licensing Objectives the Board considered the evidence in relation to those objectives.

3.8 The Board has summarised some of the important parts of the evidence submitted below in relation to the Licensing Objectives. The Board would stress that this is a summary only and that all of the evidence published on the website was taken into consideration.

3.9 General Assessment

The general evidence presented a mixed response to the Board with opinions ranging from a perception that the current provision was adequate, to a concern over the number of premises closing down, to concerns over the operation of Off sale premises. The Board had requested evidence to support any such perceptions but did not receive any and so the weight which would be given to these responses was fairly limited.

3.10 The tables depicted earlier indicate a slight increase in the number of licensed premises but with one exception, a reduction in the number of licensed premises per head of population. Statistics indicate the national average has also decreased and each of the localities in the Board's area registers considerably below the national average.

3.11 The Board considers comparison with other areas of Scotland which share the same legislative and cultural background to be more relevant than comparison with other countries in which different factors and cultures may prevail. Current evidence indicates that Central Aberdeenshire fares well in such comparison and there is nothing before the Board to suggest any imminent change to this position.

3.12 Off sale capacity figures have proved difficult to evaluate as a result of differing approaches to measuring capacity contained in applications. To ensure this issue is resolved for future exercises the Board will only accept capacity figures calculated in square metres in all future applications.

Licensing Objective - Preventing Crime & Disorder

3.13 The response from Police Scotland raised a number of matters:-

SUPPLEMENTARY POLICY 3

- The percentage of crimes and offences linked directly in the Crown file system to licensed premises was very low, although this is likely to be under recorded.
- In areas which have a high density of licensed premises the ability to attribute crimes and offences which have occurred on the street or open space nearby is very difficult.
- A high percentage of accused persons were either drunk or under the influence of alcohol when committing the identified crimes and offences which indicates that alcohol is still a major factor in the commission of crime as is the case in the rest of Scotland. Attributing the supply of alcohol to specific premises is however complex.
- There is no indication from the data and crime statistics that there is overprovision of licensed premises in the Central Board area.

3.14 Incidences of crime and anti social behaviour recorded by Police Scotland in relation to the Board's area are very low and although it is difficult to attribute instances directly to licensed premises there is no indication from the statistics that there is overprovision within Central Aberdeenshire.

3.15 There have been three reviews sought by Police Scotland in relation to the Prevention of Crime & Disorder Licensing Objectives which led to two premises having their licences varied temporarily and a third premises suspended for a period of time.

3.16 No evidence was submitted to the Board to indicate that there were major problems within antisocial behaviour in any of the Board's localities.

Conclusion - There is little evidence of harm in relation to the Prevention of Crime and Disorder Licensing Objectives within the Board's localities.

Licensing Objective - Securing Public Safety

3.17 As previously stated the number of licensed premises per head of population has decreased in all but one of the Board's areas. No evidence has been received that there are any issues relating to public safety in any of the Board's areas.

3.18 There have been no Premises Licence reviews sought on the grounds of this Licensing Objective.

Conclusion - There is little evidence of harm relating to the Securing of Public Safety Licensing Objective within the Board's localities.

Licensing Objective - Preventing Public Nuisance

3.19 There have been very few complaints relating to public nuisance in any of the Board's areas. Where complaints have been received these have been satisfactorily resolved through mediation for the most part.

3.20 There have been no crime statistics relating to public nuisance submitted by Police Scotland.

- 3.21 There have been three Premises Licence Reviews which included the Licensing Objective of Preventing Public Nuisance as a grounds for review. Two of the applications resulted in a temporary variation of the Premises Licence and a third led to a period of suspension.

Conclusion - There is little evidence of harm arising from Prevention of Public Nuisance Licensing Objective within the Board's localities.

Licensing Objective - Protecting and Improving Public Health

- 3.22 The Board acknowledges that national statistics evidence a general concern between the availability of alcohol and alcohol related harm, particularly in relation to Off sale premises.
- 3.23 The Board notes the figures provided for hospitalisation rates for Aberdeenshire as a whole which equate to approximately 0.37% of the population. The figure has not been broken down for Central Aberdeenshire but as the Aberdeenshire figure is at a low level there is no evidence to suggest that levels of harm within Central Aberdeenshire or any of the Board's localities are sufficient to warrant a finding of overprovision.
- 3.24 The Board considers that the statistics provided raised general concerns but there is no clear evidence to suggest a casual link to alcohol related harm within any of the Board's localities. The Board does retain the power to review Premises Licences where evidence emerges that such premises are adding to alcohol related harm.
- 3.25 There have been no reviews citing this Licensing Objective as a ground for review.
- 3.26 The Board has received one representation from NHS Public Health Directorate to an application for a Major Variation. This was resolved to the satisfaction of the Directorate without requiring a hearing.
- 3.27 The Board did not believe that the evidence submitted warranted a cap on floor space given over to alcohol display. There was no evidence to suggest a premises with a larger floor area for alcohol display sold a greater volume of alcohol. Currently there is no legal requirement for premises to disclose volume of alcohol sold.
- 3.28 In order to facilitate a more accurate comparison of the information that does require to be provided, the Board will only accept capacity figures in square metres for Off sale premises in all future applications.
- 3.29 The Board also notes the statistics regarding the percentage of the population residing within a certain distance of licensed premises but is unaware of any evidence to suggest those people necessarily obtain alcohol from such premises.

Conclusion - Whilst the Board accepts that there is evidence linking the availability of alcohol to alcohol related harm in general there is insufficient direct evidence that suggests that the levels of harm within the Board's localities are of such a level that saturation point has been reached or is imminent.

Licensing Objective - Protecting Children from Harm

- 3.30 Evidence from Police Scotland and Licensing Standards Officers supports the position that Challenge 25 under Mandatory Conditions relating thereto are being implemented within all licensed premises in Central Aberdeenshire.
- 3.31 There have been no Premises Licence reviews citing this Licensing Objective as a grounds for review.

Conclusion - There is no evidence of harm relating to the Protecting Children from Harm Licensing Objective within the Board's localities.

Final Conclusions

- 3.32 Taking into account the number and capacity of licensed premises within the Board's localities and having considered the evidence submitted in relation to the promotion of the Licensing Objectives, the Board finds that no evidence providing a dependable casual link with the operation of licensed premises to suggest a saturation point has been reached or is close to being reached within any of the localities. Similarly there is no evidence that the operation of licensed premises is causing excessive harm within those localities.
- 3.33 Whilst determining that there are currently no localities which are overprovided, the Board considers in general terms that there is a link between the numbers of off sale premises in particular and concern for one or more of the five licensing objectives.
- 3.34 The Board will continue to consider each application on its own merits to ensure that any increase in the number of premises or capacity, whether on sale or off sale, will not be inconsistent with any of the Licensing Objectives.
- 3.35 The Board will continue to work with partner agencies to monitor the effectiveness of this policy and revisit it should it become necessary.

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Boards
Supplementary Statement of Licensing Policy
Operating Hours
30th November 2013 – 29th November 2016

Operating Hours

- 4.1 Licensed hours must be detailed in the operating plan of every premises. Operating hours will be made up of core hours and regular seasonal variations. The Board expects Applicants to be able to anticipate all such regular variations.
- 4.2 The Board does not wish to unnecessarily inhibit the development of a thriving and safe evening and night-time local economy, which is important for investment, employment and tourism.
- 4.3 The Board considers that the operating hours set out in this Supplementary Policy Statement meet the needs of businesses to routinely trade, while, at the same time, not impacting on the needs of the community in such a way that would be detrimental to compliance with the five licensing objectives.
- 4.4 While each application is assessed on its own merits, the following sets out the Policy on licensed hours. For applications for hours outwith the Policy, applicants will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances and will promote the licensing objectives.
- 4.5 The Act makes it very clear that routine, 24-hour opening, will NOT be allowed

Off Sales

- 4.6 For applications relating to premises licences and to occasional licences, the maximum licensed hours for the sale of alcohol for consumption off the premises ("off-sales hours") are 10.00 a.m. to 10.00 p.m., each day. **The Board has no discretion to permit licensed hours outwith these times.** In determining applications and licensed hours within these times, the Board will, in considering the merits, have particular regard to any effect the proposed off-sales hours might have on the occurrence of anti-social behaviour.
- 4.7 There is no entitlement to a grant of maximum trading hours for off sales premises. The hours granted by the Board to off sales premises will reflect the actual hours of operation of the premises. There will be flexibility to build in extended or reduced trading to reflect seasonal variations, such as the festive season, or public and local holidays.

On Sales

- 4.8 For applications relating to premises licences, including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises ("on-sales

hours”) the Board considers the commencement of the sale of alcohol would not normally be earlier than 11.00 a.m.

- 4.9 The Board will consider extending the commencement of the sale of alcohol in premises from 11.00 a.m. to 9.00 a.m. under certain circumstances (e.g. tourism, provision of food etc).
- 4.10 The Board may attach conditions to such licences. The earlier a premises wish to open, the more the Board will expect applicants to demonstrate measures that promote the licensing objectives and justify the request for the early hours. The Board further considers that it would be difficult for any application to justify the sale of alcohol before 9.00 a.m., unless there are exceptional circumstances.

Terminal Hour

- 4.11 Licensed hours for on sales premises in particular can have an impact not only within the individual premises, but also within the locality in which the premises are situated. Taking into account the 5 licensing objectives, the presumption against 24-hour drinking and the Guidance for Licensing Board and Local Authorities issued by the Scottish Executive the Board consider the following to be appropriate for the terminal hour beyond which alcohol must not be sold on the premises or part(s) of the premises:

Nightclubs etc Sunday to Thursday - 2.00 a.m.
Friday & Saturday - 3.00 a.m.

Other on sale premises 1.00 a.m.

- 4.12 Premises open after 1.00 a.m. will be subject to mandatory late opening conditions and the Board may attach further conditions. The later a premises wish to open the more the Board will expect applicants to demonstrate measures that promote the licensing objectives and justify the request for the late hours. The Board further considers that it would be difficult for any application to justify the sale of alcohol after 3.00 a.m. unless there are exceptional circumstances.

Festive Hours

- 4.13 The Board wishes to make it clear that the Festive Season hours should be accounted for within the Seasonal Variations section of the Operating Plan and should not be the subject of extended hours applications.
- 4.14 On-sale premises may open until 01.30 a.m. on the following dates:-
Friday and Saturday preceding 25th December.
24th to 26th December inclusive.
Friday and Saturday preceding 31st December.
1st January.
Such premises may also open on 31st December until 03:00 a.m.

Occasional Extensions

4.15 The Licensing Board may extend the licensed hours in respect of premises by such period as the Boards consider appropriate. The Board will normally only do so in connection with

- (i) a special event or occasion to be catered for on the premises, or
- (ii) a special event of local or national significance.

The grant of an extension of licensed hours can only last for a maximum of 1 month.

4.16 To allow time to consult the Police and the LSO and for objections/comments to be made, applications should be submitted as far in advance of the event as possible but **not later than 6 weeks** before the event is due to take place. **Any applications received less than 4 weeks before the event is due to take place will be rejected by the Board.**

4.17 Where the hours sought fall outwith the on-sales hours specified in this statement, the applicant will require to demonstrate the hours requested are appropriate in the circumstances.

4.18 The applicant shall provide the Board with sufficient information to enable a decision to be made. This will include –

- the hours sought
- the description of the special event or occasion
- what activities are proposed to take place during those hours
- when each activity will take place
- how the request complies with the licensing objectives.

4.19 The Board will have complete discretion as to whether they grant the application taking into account any objections and representations. The Board may hold a hearing for the purpose of determining any application, but this is not mandatory. Where the Board does not hold a Hearing, the Board will ensure that before determining the application, the applicant is given an opportunity to comment on any objections or representations.

4.20 On occasions of local, national or possibly international significance the Board have the authority to apply a general extension of licensing hours. The Board will notify those affected of the granting of any general extension of hours. Such grants will always be posted on the Licensing Section of Aberdeenshire Council's website at –

<https://aberdeenshire.gov.uk/licensing/index.asp>

Occasional Licences

4.21 It is possible to make an application for an occasional licence authorising the sale of alcohol on premises which are not licensed premises

SUPPLEMENTARY POLICY 4

- 4.22 The application may be made by –
1. The holder of a premises licence, or
 2. The holder of a personal licence, or
 3. A representative of any voluntary organisation (includes registered clubs)
- 4.23 An occasional licence can last up to a maximum of 14 days.
- 4.24 The holders of a premises licence or a personal licence may make unlimited applications.
- 4.25 There are restrictions on the number of applications a voluntary organisation or registered club can make, in any period of 12 months –
- not more than 4 occasional licences each having effect for a period of 4 days or more; and
 - not more than 12 occasional licences each having effect for a period of less than 4 days
- 4.26 Please note that the combined duration of all occasional licences in any 12 month period must not exceed 56 days.
- 4.27 **Where a representative of a voluntary organisation applies for an occasional licence for a barn dance, or a marquee dance, the Board expects there to be a person in charge of the bar at the event who has completed training to the same standard as that required to obtain a personal licence under the Act, and evidence of that training must be submitted to the relevant Board with the application for the occasional licence.**
- 4.28 **In all other circumstances, where a voluntary organisation applies for more than four occasional licences in any calendar year, the Board expect there to be a person in charge of the bar at the event who has completed training to the same standard as that required to obtain a personal licence under the Act, and evidence of training must be submitted to the relevant Board with the application for the occasional licence.**
- 4.29 A valid application requires the completion in full of the application form and all appendices. Please note failure to provide a current e-mail address may result in your application being delayed.
- 4.30 To allow time to consult the Police and the LSO and for objections/comments to be made, applications should be submitted as far in advance of the event as possible but **not later than 6 weeks** before the event is due to take place. **Any applications received less than 4 weeks before the event is due to take place will be rejected by the Board.** Applicants should also be aware that they may also require a public entertainment licence and/or a late hours catering licence issued by Aberdeenshire Council in terms of the Civic Government (Scotland) Act 1982.

- 4.31 The Board consider that activities such as dances, discos, dinner dances, wedding-receptions, parties where a disco or band is provided are generally acceptable for granting an occasional licence. This list is not exhaustive.
- 4.32 Members Clubs must apply for one Occasional Licence per each separate event during the Festive Season, including festive lunches and dinners.

Occasional Licence Hours

- 4.33 The Board considers the commencement of the sale of alcohol shall not be earlier than 11.00 a.m. (10.00 a.m. for off sales) For the terminal hour beyond which alcohol must not be sold on the premises, the Board considers 1.00 a.m. (10.00 p.m. for off sales) daily to be appropriate.

4.32 Applicants seeking licensed hours for times outwith the Board's policy, will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances.

Occasional Licence Conditions

- 4.34 The Board is aware of the mandatory conditions which 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. Such conditions may require a representative of a voluntary organisation to have undergone relevant training. The decision whether to impose any conditions will be made on an objective basis, any representations made and any other relevant information available to the Board when considering the application. The Board will seek to avoid the imposition of disproportionate conditions.
- 4.35 The Board has a pool of local conditions which can be found at Aberdeenshire Council's website at -
- www.aberdeenshire.gov.uk

Lack of Demand and Flexible Trading Hours

- 4.36 Applicants should be aware that premises should routinely remain open for the licensed hours they apply for and which are granted by the Board.
- 4.37 However, the Board recognises that there will always be circumstances that would reasonably cause a temporary deviation from the licensed hours given in the operating plan. Such circumstances will not ordinarily be considered a breach of the operating plan.
- 4.38 The Board also recognises the need for businesses, especially in a rural environment, to remain economically viable when faced with a lack of demand. Licensed premises may wish to close early owing to a lack of customers and, therefore, not trade for their full complement of licensed hours. Again, this will not ordinarily be treated as breach of the operating plan.

- 4.39 The Board expects applicants to apply for the hours they normally trade. Provision can be built into Operating Plans for longer or shorter hours at certain times of the year, if required.
- 4.40 However, in considering such issues, the Board will give particular attention to whether these “unused” hours are preventing new entrants to the market or premises are closing early on a regular basis. If so, it may be appropriate to change the operating plan of the premises concerned.
- 4.41 Applicants should note that the Act allows *anyone* to apply to the Board for a review of the licence on any of the grounds set out in Section 36 of the Act. Applicants should not, for example, grossly overestimate their licensed hours “just in case” they may be required.

Drinking Up Time and Dispersal Policy

- 4.42 Drinking up time is 15 minutes normally and 30 minutes where alcohol is being consumed with a meal. The Board requires licence holders to give customers plenty of notice about last orders and time.
- 4.43 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.
- 4.44 The Board expect all night clubs to have a written dispersal policy in place.

British Summer Time

- 4.45 On such date as is prescribed as the date in Spring when the clocks go forward to mark the changeover to British Summer Time, Licence holders who enjoy licensed hours beyond 1.00 a.m. (the official time for clock changes) will be judged by reference to the number of hours after midnight which their operating plan authorises them to be open, rather than by the actual time shown on the clock.
- 4.46 On such date as is prescribed as the date in Autumn when the clocks go back to mark the changeover from British Summer Time to British Winter Time, Licence holders who enjoy licensed hours beyond 1.00 a.m. will similarly close according to the number of hours after midnight which their operating plan authorises them to be open, rather than by the actual time shown on the clock.
- 4.47 Any licence holder who enjoys hours up to 1.00 a.m. is unaffected by the change of the clocks. The Board does not accept that those licensed until 1.00 a.m. gain an additional hour on the changeover to British Winter Time.

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Relationships With Other Regimes
30th November 2013 – 29th November 2016

Relationship with other Regimes

- 5.1 The Board's aim is to serve the licensing needs of Central Aberdeenshire as quickly and efficiently as possible, striking a balance between the business needs of their customers and the interests of the community as a whole, in order to protect the public and further the licensing objectives. To achieve this, the Board will reach out to all parts of society and genuinely reflect their interests through the medium of the Local Licensing Forum.
- 5.2 We will achieve this by-
- working closely in partnership with local groups and organisations whose remit includes alcohol issues
 - encourage an open and honest exchange of information in a customer-friendly setting and make decisions in a fair and reasoned manner based around agreed and published policies;
 - be fair in all matters and in this context fairness includes having regard to and an interest in equality and diversity in all forms and ensuring that equality considerations are central to all that the Board does;
 - work to achieve objectives in partnership with a wide range of other public bodies, including Aberdeenshire Council and its various services, statutory consultees, the industry and the public;
 - strive to reflect the interests of all people from all sections of society in Central Aberdeenshire.
- 5.3 It should be borne in mind that licensing is about regulating the sale of alcohol and premises on which alcohol is sold as well as for connected purposes within the terms of the Act. Licensing Boards cannot deal directly with alcohol supplied or consumed outwith licensed premises.
- 5.4 The Board will not, in so far as is possible, duplicate the roles of other regulatory regimes.
- 5.5 Appendix 1 to the Policy Statement encourages applicants to consult with other relevant bodies.
- 5.6 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are no longer on the licensed premises and beyond the direct control of the individual, club or business holding the licence.

SUPPLEMENTARY POLICY 5

The Police are, and will remain, responsible for enforcement of criminal law in general.

5.7 Where other responsible authorities raise matters relating to the licensing objectives then the Board will take those matters into account when reaching a decision. The Board will take particular matters seriously when it comes to active promotion of the licensing objectives.

5.8 The Board will work closely with Police Scotland, Licensing Standards Officers, The Scottish Fire & Rescue Service and Council Services for the targeting of agreed problem and high-risk premises. Lower risk premises which are well managed and well-maintained will be subject to less regular inspections.

5.9 Listed below are organisations with whom the Board will consult on matters relating to licensing, where they deem it appropriate to do so. This list is not exhaustive:-

- Aberdeenshire Access Panels
- Aberdeenshire Alcohol and Drug Partnership
- Aberdeenshire Council – Area Managers
- Aberdeenshire Community Plan
- Aberdeenshire Community Safety Partnership
- Alcoholics Anonymous
- Alcohol Focus Scotland
- Building Standards
- Business Associations
- Community Councils
- Community Learning
- COSLA
- Education, Learning and Leisure Service
- Environmental Health
- Grampian Racial Equality Council
- Local Licensing Forums
- National Alcohol Liaison Officer
- NHS Grampian
- Planning Services
- Pubwatches and Shopwatches
- Police Scotland
- SOLAR
- Scottish Ambulance Service
- Scottish Fire and Rescue Service
- Tourism Bodies
- Transport Bodies – including the Public Transport Unit and Roads Service
- Youth Forums
- Youth Parliament

5.10 The Board will also have regard to the following:-

- Councillors' Code of Conduct
- Freedom of Information legislation
- Gambling Act 2005
- Equalities Legislation
- Human Rights Act 1998

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Transport
30th November 2013 – 29th November 2016

Transport

- 6.1 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 and leave the vicinity of the premises as quickly as possible, in good order and as quietly as possible.
- 6.2 Nightclub operators will require to have dispersal policies in place as a condition of their licences. All premises licences should consider whether they should have a formal, written dispersal policy.
- 6.3 Occasional Licences may also be conditioned to the effect that dispersal policies require to be in place.
- 6.4 Guidance requires this Policy Statement to identify any arrangements between the LSO and the Police for reporting views/concerns to the local Transport Committee. The local Transport Committee for Aberdeenshire is the Infrastructure Services Committee. To date, the Board has not been able to identify any such arrangements. Work will continue to try to progress this matter.
- 6.5 The taxi and private hire trade within Central Aberdeenshire has remained consistent in recent years. This trade assists the licensed trade in promoting quick and efficient dispersal from licensed premises within our local communities.

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Tourism, Planning and Building Control
30th November 2013 – 29th November 2016

Tourism, Planning and Building Standards Service

Tourism

- 7.1. Guidance requires this policy statement to identify any arrangements between Visit Scotland and the Board, regarding reports on the needs of the local tourist economy. To date, there are no such arrangements in place.
- 7.2. We have tourist attractions in the form of natural tourism, industrial tourism, and golfing tourism along with tourists interested in our heritage, in particular with our connection to Royalty.
- 7.3. The problem identified from engaging with local tourism representatives identified that the hotels in the area are almost at capacity during the week with industry workers. This can create a shortage of tourist beds.
- 7.4. We will engage and work with the Economic Development service of Aberdeenshire Council to signpost to the trade the advice and services that are available to assist in improving the tourism offering in our area.

Planning and Building Standards Service

- 7.5. Guidance also indicates that planning, building control and licensing regimes will be properly managed to avoid duplication and inefficiency. This has been covered in The Board's Supplementary Policy Statement on Relationships with other Regulatory Regimes

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Licence Types and Board Procedures
30th November 2013 – 29th November 2016

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Part B: Application Process

**Part C: Complaints and
Enforcement**

Part D: Board Decision-Making

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Part A: Types of Licence

Personal Licences

- 8.1 Every licensed premises will require at least one personal licence holder.
- 8.2 Personal Licence Holders must be over the age of eighteen and have completed a mandatory training course prior to applying for their licence.
- 8.3 Once issued, a personal licence can be used anywhere in Scotland.
- 8.4 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.
- 8.5 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.
- 8.6 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.
- 8.7 Personal licence holders must undergo refresher training within three months of the five year anniversary of the date of issue of their personal licence and at five yearly intervals thereafter.
- 8.8 Personal Licence holders are reminded that they must notify the relevant Board of any change of name or address within 28 days of the change.

Premises Licences

- 8.9 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).
- 8.10 A full application pack can be found at www.aberdeenshire.gov.uk

Provisional Premises Licence

8.11 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.

8.12 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.

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

Temporary Premises Licence

8.14 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.

8.15 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.

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

PART B: Application Process

APPLYING FOR A PREMISES LICENCE

1. Section 50 Certificates

- 8.17 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.
- 8.18 Please note that these Certificates must be obtained from the relevant services before the premises licence application can be submitted.

2. Application Form

- 8.19 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

- 8.20 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.
- 8.21 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.
- 8.22 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.
- 8.23 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.
- 8.24 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

- 8.25 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

SUPPLEMENTARY POLICY 8

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.

- 8.26 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.
- 8.27 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

- 8.28 The Boards require that applicants applying for premises licences complete a risk assessment in respect of the premises and 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.
- 8.29 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.

Types of Premises Licences Applications

New Application

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

Application to Vary

- 8.31 The Premises Licence Holders can apply for variations to the terms and conditions of the Premises Licence. All such applications must be completed 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

SUPPLEMENTARY POLICY 8

- 8.32 The Premises 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 set out in SS3-34 of the Act.
- 8.33 Transfers must be made within 28 days of the business transferring to a new licence holder. Failure to do so may mean that the licence ceases to have effect under Section 28 of the Act.

Occasional Extension

- 8.34 An Occasional Extension of permitted hours can be granted to a licence holder in connection with any occasion/function considered to be an event of local or national significance taking place on his/her licensed premises and lasting not more than a month.

Occasional Licence

- 8.35 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.
- 8.36 See separate guidance on Occasional Licences available on the website at: www.aberdeenshire.gov.uk.

Consideration of Personal Licence Applications

- 8.37 The Boards will consider applications for personal licences from individuals living in Central Aberdeenshire or from individuals who are not ordinarily resident in the area of any licensing Board. When considering an application for a personal licence, the Boards will work closely with the Police to establish whether the applicant has been convicted of any relevant offence (which will be set out in Regulations).
- 8.38 Where the Police have advised that the applicant has an unspent conviction for a relevant offence, the Boards will consider whether the application should be refused. In making a decision the Boards will have regard to the seriousness and age of the conviction, along with any other circumstances they consider to be relevant.

Forms and Fees

- 8.39 Forms and details of fees are available on Aberdeenshire Council's website at the following address - www.aberdeenshire.gov.uk.

Consultation

Notification of Application for Premises Licence or Major Variation

8.40 The Boards must, on receipt of an application for a premises licence or major variation, give notice of the application to:

- each person having a notifiable interest in neighbouring land
- any community council within whose area the premises are situated
- Aberdeenshire Council (Planning Services, Building Standards, Environmental Health)
- Chief Constable of Police Scotland
- Scottish Fire & Rescue Services
- LSO
- Public Health

8.41 The Boards will also publish notice of each application on Aberdeenshire Council's website.

Notification of Transfer of Premises Licence and of Personal Licence

8.42 Notification will be given to the Chief Constable who has 21 days to respond to the application.

Notification of Occasional Licences and Occasional Extensions

8.43 Notification will be given to the Chief Constable and the Licensing Standards Officer who has 21 days to respond to the application.

8.44 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. Note: members of the public only have 10 days from the publication of this notice to lodge representations or objections with the Board.

Objections and Representations

8.45 Any person may submit an objection or representation to the Boards.

8.46 Objections:- an objection is opposition to the grant of any licence at all. It must relate to one of the five licensing objectives and to specific premises. Any person considering lodging an objection should seek independent legal advice before doing so.

8.47 Representations:- a representation is not opposition to the grant of a licence in principal but concerns the terms or conditions of the proposed licence or major variation. Representations can also be made in support of an application. Any person considering making an application should seek independent legal advice before doing so.

8.48 The Boards will reject what they consider 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

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the Boards and will be rejected without being considered in determining the premises licence or major variation application.

- 8.49 The Boards will address each case on its own merits, based on their local knowledge of the area and those that will be directly affected by the granting of a licence or major variation.

Conditions

- 8.50 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.

Adult Entertainment

- 8.51 Until such time as the Scottish Government publishes Regulations on adult entertainment premises offering adult entertainment will be treated on a case by case basis.
- 8.52 Applicants should note that adult entertainment will be taken to include lap dancing, strippers, and similar forms of entertainment.
- 8.53 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.

Part C: Complaints and Enforcement

8.54 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 and Police Scotland for investigation.

Licensing Standard Officers (LSOs)

8.55 LSOs are employed by Aberdeenshire Council and have the functions set out in S14 of the Act. Their role is threefold - guidance, mediation and compliance. LSOs work with licence holders, the public, the Police and the business community in seeking to promote the licensing objectives and ensuring compliance with the law.

Police Scotland

8.56 Police Scotland has wide ranging powers in relation to criminal activity. An information sharing protocol is in place between the Board and Police Scotland. Police Scotland have the power to bring a review before the Board. Police Scotland will usually only bring a review to the Board if an intervention action has not been successful although there may be circumstances that require a review to be brought at an earlier stage.

THE BOARDS

8.57 The Boards will follow best practice in enforcement and strive to be - proportional; Accountable; Consistent; Transparent and Targeted.

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

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

8.60 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 **Part E** to this Supplementary Policy Statement.

PART D: BOARD DECISION-MAKING

Openness and Accessibility

8.61 The Boards will deal with all of their 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.

Decision Making

Scheme of Delegation

8.62 It is the Boards' aim to provide an efficient and cost effective service to all those who are involved in the licensing process. Therefore, the Boards have adopted a Scheme of Delegation to ensure that decisions can be made in a way which is consistent with this aim. This Scheme will in particular set out the decisions which may be made by the Clerk to the Board or her staff. The Boards' Scheme of Delegation is detailed on Aberdeenshire Council's Website at:-

www.aberdeenshire.gov.uk

8.63 Please note that it is a criminal offence to make a false statement in or in connection with or in any licence application.

Consideration of Premises Licence Applications

8.64 The Boards will assess each application on its own merits. For the assistance of applicants the Boards will have particular regard to:

- the nature of the premises, the style and type of use, 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
- matters such as litter control

8.65 When considering any application for premises which have been previously licensed, or in any review of an existing licence, the Boards 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.

8.66 Where any premises ceases to be used for the sale of alcohol for a period of more than three months, the Board will conclude that the licence has ceased to have effect in terms of Section 28 of the Act. A new premises licence will be required before alcohol can then be sold from the premises. The Board will

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consider each case on its own merits. This period may be extended if circumstances arise that merit this.

Consideration of Personal Licence Applications

- 8.67 The Boards will consider applications for personal licences from individuals living in Central Aberdeenshire or from individuals who are not ordinarily resident in the area of any licensing Board. When considering an application for a personal licence, the Boards will work closely with the Police to establish whether the applicant has been convicted of any relevant offence (which will be set out in Regulations).
- 8.68 Where the Police have advised that the applicant has an unspent conviction for a relevant offence, the Boards will consider whether the application should be refused. In making a decision the Boards will have regard to the seriousness and age of the conviction, along with any other circumstances they consider to be relevant.

PART E: LIST OF SERIOUS MATTERS

8.69 The Boards will take particular matters seriously when it comes to active promotion of the licensing objectives. A list of particularly serious matters is detailed below:-

- 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 illegal firearms;
- Use of the premises for the sale or supply of stolen or counterfeit goods;
- Underage purchase and/or consumption of alcohol;
- Use of the premises for prostitution or sale/distribution of unlawful 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;
- Failure to comply with licence conditions;
- Promotion of Binge Drinking and failure to promote responsible drinking
- 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.

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Members Clubs
30th November 2013 – 29th November 2016

Members' Clubs

- 9.1 With some exceptions, members' clubs are regulated under the Licensing (Scotland) Act 2005. To authorise the sale of alcohol on the premises, a premises licence will be necessary.
- 9.2 Members' Clubs are non-profit making with a constitution, and have limited access for members of the public. Each Club must submit a copy of its current Constitution when submitting an application for a Premises Licence.
- 9.3 The Board expects clubs to reflect certain operational requirements in their constitution and may impose conditions on a premises licence to that effect on the following matters:
- the business and affairs of the club shall be under the management of a committee or governing body who shall be elected for not less than one year by a general body of members;
 - the committee or governing body shall hold periodic elections and meetings;
 - correct accounts and books shall be kept showing the financial affairs and intrusions of the club;
 - no member of the committee or governing body, and no manager or staff employed in the club, shall have any personal interest in the sale of alcoholic liquor in the premises or in the profits arising therefrom;
 - there shall be a definable subscription payable in advance by members of the club;
 - no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the constitution;
 - a maximum of 3 visitors per member shall be permitted in the club premises provided they are signed into the club by that member into a book kept for that purpose by the club

The above list is not exhaustive.

- 9.4 Clubs must keep their constitutions updated and, when revised, submit a copy of the revised constitution to the Clerk to the Board.
- 9.5 Clubs must also ensure their constitution, accounts and entry book are available for inspection by the LSO and the Police at all reasonable times.
- 9.6 Members clubs must apply for one occasional licence per each separate event during the festive season, including festive lunches and dinners.

- 9.7 Where there are any changes to the list of connected persons in relation to the Club, the Club **must submit details** of the names, addresses, postcodes, dates and places of birth of the new connected persons and an updated list of all connected persons, to the Clerk to the Board, within 28 calendar days of the changes to connected persons being approved by the Club's governing body. This is a statutory requirement and a local condition and failure to comply may result in a review by the LSOs.

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Excluded Premises
30th November 2013 – 29th November 2016

Excluded Premises - Garages

- 10.1 Some premises are excluded from authorising the sale of alcohol including premises or parts of a premises used as a garage. Such premises are used as a garage if there is:
- (a) sale by retail of petrol or derv(diesel),
 - (b) the sale of motor vehicles, or
 - (c) the maintenance of motor vehicles.
- 10.2 However, where those premises or parts of premises are used for the sale by retail of petrol or derv, alcohol may be authorised to be sold in some circumstances. Alcohol may be sold where the Board determine that in relation to such premises persons resident in the locality are, or are likely to become, reliant to a significant extent on the premises as the principal source of (a) petrol or derv, or (b) groceries.
- 10.3 In determining an application for such premises, the Board expect the applicant to provide sufficient information to enable the Board to consider:
- the locality in which the premises are situated
 - what other sources of (a) petrol or derv and/or (b) groceries are in that locality , and
 - the extent to which persons resident in that locality are, or are likely to become, reliant on the premises as the principal source of (a) petrol/derv, or (b) groceries.
- 10.4 Factors the Board may consider include:
- the number of premises selling petrol/derv or groceries in the locality
 - the distance to the nearest other premises selling petrol/derv or groceries
 - the opening hours of other premises selling petrol/derv or groceries in the locality
 - the number and/or percentage of persons resident in the locality who are, or are likely to become, reliant on the premises, and
 - to what extent, the premises are relied on as the principal source of (a) petrol/derv or (b) groceries.
- 10.5 The Board acknowledge the concerns regarding the perceived message in relation to encouraging drink driving raised by some respondents to the Survey Monkey questionnaire. However, there is no direct evidence before the Board to suggest that position should change or that such premises are not complying with the 5 Licensing Objectives.