

## APPENDIX 2

<b>Page of Licensing Policy</b>	<b>Change</b>	<b>Rationale for Change/Points to Consider</b>
1	Inclusion of "Aberdeenshire"	Makes it clear that it refers to Aberdeenshire Boards.

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2	Addition of contact details in additional languages	To increase the accessibility of the Policy Statement and to promote the duties under the Equalities Act.

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6	Foreword has been added	This pulls the document together and gives a sound overview.

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11	<p>2.2 added "Alcohol is not an ordinary commodity due to its well-recognised hazardous properties. As a result, permission to sell alcohol is not a right but an entitlement awarded where the Boards deem an application not to prejudice the goals of the five licencing objectives either in its own right or as a consequence of cumulative impact across the licencing area in question.</p> <p>2.6 – The Action Plan will be brought back to the Boards at a later date for approval and will then be made available online.</p>	This was added to reflect comments made by the Alcohol and Drugs Partnership.

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12	Reference has been added to Appendix 2 to make it clearer how to locate the North Board's local conditions.	Added for clarity

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15	<p>No change at this stage.</p> <p>A.1 Addition of “Applicants should be able to demonstrate measures within their Licensing Objective Risk Assessment to minimise the impact of:”</p> <p>A.3 has been strengthened to state “A.3 Applicants must take all reasonable measures to prevent the use of illegal substances or weapons by displaying notices in, and at entrances to, licensed venues which clearly define the policy of the venue and should state that criminal offences will be reported to Police Scotland.”</p>	<p>This element of the policy was supported by Alcohol Focus Scotland in their submission, although along with the majority of other statutory consultees they recommended that Central and South should consider implementing local conditions.</p> <p>Wording has been amended to provide better clarity in respect of how applicants and licence holders are to demonstrate this, this reflects the comments by the Police and other consultees.</p> <p>Wording has been amended to strengthen the previous statement in this regard, this reflects the comments of the Alcohol and Drug Partnership, Police Scotland and Aberdeenshire Licensing Forum.</p>
16	<p>No change yet</p> <p>A.10 amended to read “Licence Holders should ensure that all staff are made aware of the issues surrounding vulnerability through intoxication and are able to spot the signs of excessive intoxication. This may be done by providing additional training in this regard using material such as the 'Who are you?' Video (<a href="http://whoareyou.nz">whoareyou.nz</a>) or similar. It would also be beneficial for any related training in this respect to be recorded.”</p>	<p>Alcohol Focus Scotland are of the view that dispersal policies should apply to all premises. This is currently only required for nightclubs.</p> <p>This is rather than an absolute requirement due to difficulties in enforcement.</p>

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17	<p>A.14 has been amended to reflect that the Boards can add conditions to a premises licence.</p> <p>A.17 has been corrected to include that Door Supervisors must not drink alcohol whilst on duty.</p> <p>A.18 Strengthened to read “Applicants should take all reasonable steps to prevent the use or supply of illegal drugs, or weapons, such as the searching of customers for offensive weapons or drugs on entering the premises, these searches and where applicable the seizure of items <b>must</b> be conducted by an SIA licensed door steward. “</p>	All as advised by the Licensing Standards Officers.
18	<p>A.24 It should be noted that all CCTV users must register with the Information Commissioners Office (“ICO”) and follow the correct guidelines for the use of CCTV, for example, appropriate signage in place and the maintaining of records, further guidance in this regard is available on the <a href="#">ICO website</a>.</p>	This is a new provision to provide guidance to licence holders and to remind them of the need to comply with Data Protection Act requirements.
19	<p>Added “where such schemes operate in their area”</p> <p>The Challenge 25 policies are currently being updated and the links will refer to their updated site once completed.</p>	This reflects the fact that these schemes are not always in operation and reflects the comments from the Licensing Standards Officers.
20	<p>A.33 updated to include “safer alternatives to glass”</p>	This reflects comments made by the Licensing Forum, Licensing Standards Officers among others. Additional guidance has also been provided to ensure that licence holders comply with the weights and measures legislation as advised by Trading Standards.

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21	B4.	Point for Consideration:- Consider including section on the use of defibrillators, first aid and also in respect of the use Naloxone in terms of overdoses (consideration of this was put forward by the ADP and the Licensing Forum)
23	<p>C4 Noise from amplified and non-amplified music, singing and speech sourced from licensed premises <b>shall not</b> be audible in any adjoining property after <b>11.00 p.m.</b></p> <p>C10 added or within residential areas.</p>	<p>Point for Consideration:- Consider the competing concerns here with the trade feeling that this may be too onerous but LSOs and others stating that perhaps this should be earlier with their recommendation being 10 pm – no change has been made to this draft as previous provision seemed to reflect the wishes of the Boards.</p> <p>To reflect the comments from the LSO's.</p>

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24	<p>C14 reference removed to the fact that this will be considered a serious failure, reads:- Applicants should consider whether there is sufficient provision of transport for patrons. Failure to do so may result in nuisance due to patrons loitering in the vicinity of the premises, particularly after closing.</p> <p>The language at D1 has removed reference to patron and instead states communities and reads:- The Boards wish to see premises thriving in their area but this cannot be at the expense of communities' health and wellbeing</p> <p>D2:- any reference to sensible drinking has been amended to lower risk drinking and addition of meaning of low alcohol related products.</p>	<p>to reflect the comments received from the LSO's and ALF in this regard.</p> <p>Wording has been changed to better reflect the fact that the use of alcohol impacts on communities as well as individuals this replaces the word 'patrons', reflects the wishes of NHS Grampian in their response.</p> <p>Sensible Drinking' has been changed to 'Lower Risk Drinking' throughout to better reflect the terminology now being used, reflects the comments of ALF and ADP in this regard.</p>
27	<p>E3 Amended to read "Evidence indicates that children and young persons are influenced by the behaviour of adults they observe, including parental drinking, and applicants should take this into consideration when demonstrating how premises will comply and promote this licensing objective as part of their Licensing Objective Risk Assessment."</p>	<p>Reflects the comments from Alcohol Focus Scotland</p>

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28	<p>E8 Added E.8 The Boards will give careful consideration to the section of the Operating Plan detailing the terms of entry, the times of access and the parts of the premises suitable for access by children and young persons on a case by case basis and <b>may</b> impose conditions on a premises licence or in granting an occasional licence where children and young persons are to be allowed entry.</p> <p>E.10 Added The following rules are particularly relevant:-</p> <p style="padding-left: 40px;">“The alcoholic nature of a drink should be communicated with absolute clarity”</p> <p style="padding-left: 40px;">“A drink, its packaging and any promotional material should not in any direct or indirect way have a particular appeal to under-18s”</p> <p>E11 and E12 have been added to include guidance on Alcohol Deliveries and Internet Sales</p>	<p>This reflects the suggestion from Alcohol Focus Scotland and also better reflects the work that the Boards already do in this regard.</p> <p>This has been added to reflect comments made by the Alcohol and Drugs Partnership and also supports the views expressed by the citizens panel.</p> <p>This is following concerns raised by economic development and Alcohol Focus Scotland.</p>
30	Local Condition 15 has been updated to include advertising through social media.	This keeps the Policy up to date with modern methods of advertising.
33	Local Condition 37 Vulnerability Policies reflected	
34	Central Board Local Conditions?	Central Board to consider whether they wish to implement local conditions.
35	South Board Local Conditions	South Board to consider whether they wish to implement local conditions.
37	1.2 The Aberdeenshire Licensing Boards intend to carry out work to develop a local alcohol profile for each Board Area to supplement the information contained within this Supplementary Policy and <a href="#">Supplementary Policy 3</a> and support the annual functions statements published by the Boards each year.	Added to reflect the views of officers and also NHS Grampian as it was felt that this would be beneficial for the work of the Boards and the policy but will take time to develop into an appropriate format.

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48	Overprovision Policy has been reworked to improve strength of policy.	This section of the policy has been reworked to include reference to the evidence referred to by the Boards, this was done to answer the concerns raised and incorporate the suggestions of AFS, NHS Grampian and ADP.

61 onwards	<p>Options were given in the North between Option A or B.</p> <p><b>OPTION A – “Hours - Existing Wording”</b></p> <p>A.1 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 North Board considers the commencement of the sale of alcohol <b>shall</b> generally be no earlier than <b>9.00 a.m.</b></p> <p>A.2 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 five licensing objectives; the presumption against 24-hour drinking; the Guidance for Licensing Boards and Local Authorities issued by the Scottish Government; and the mandatory conditions specified by Regulation that apply to those premises opening after <b>1.00 a.m.</b> the Board considers the following to be appropriate for the terminal hour beyond which alcohol <b>must not</b> be sold on the premises or parts of the premises:-</p> <p><u>Restaurants</u></p> <table data-bbox="371 1285 1050 1391"> <tr> <td data-bbox="371 1285 443 1352"><b>daily</b></td> <td data-bbox="469 1285 596 1319"><b>Annually</b></td> <td data-bbox="855 1285 916 1319"><b>1.00</b></td> <td data-bbox="986 1285 1050 1319"><b>a.m.</b></td> </tr> <tr> <td></td> <td data-bbox="469 1357 683 1391"><b>Festive Season</b></td> <td data-bbox="855 1357 979 1391"><b>1.30</b></td> <td data-bbox="932 1357 979 1391"><b>a.m.</b></td> </tr> </table> <p>A.3 Restaurants, for the purposes of this section, are defined as premises, or parts of a premises, where the supply of alcohol for consumption is ancillary to a table meal taken by persons within the premises.</p> <p>A.4 A table meal generally consists of a meal eaten by a person sitting at a table, counter or other structure which serves the purpose of a table. The meal <b>must</b> be eaten with cutlery or similar accoutrements. Snacks, sandwiches and crisps are not considered to constitute table meals.</p> <p><u>Premises Offering No significant Entertainment Facilities</u></p>	<b>daily</b>	<b>Annually</b>	<b>1.00</b>	<b>a.m.</b>		<b>Festive Season</b>	<b>1.30</b>	<b>a.m.</b>	Option A received no support whilst 3 consultees preferred Option B. Option B has been included in the final policy document.
<b>daily</b>	<b>Annually</b>	<b>1.00</b>	<b>a.m.</b>							
	<b>Festive Season</b>	<b>1.30</b>	<b>a.m.</b>							



	<p style="text-align: center;"><b>3.00 a.m. Fridays - Saturdays</b></p> <p style="text-align: center;"><b>Festive Season 3.00 a.m. Sundays-Thursday;</b></p> <p style="text-align: center;"><b>4.00 a.m. Fridays-Saturdays</b></p> <p>A.8 Premises or parts of premises where the provision of alcohol to persons frequenting the premises for consumption on the premises is ancillary to the significant entertainment provided and subject to conditions the Board may impose in relation to such premises. <b>This primarily relates to nightclubs only.</b></p> <p>A.9 The Board considers that a differential requires to be maintained between public houses and hotels offering significant entertainment and the hours operated by nightclubs to ensure that all business attracts a fair share of the trade. No evidence has been presented to the Board by any consultee that has convinced the Board to remove this differential. The Board is, further, of the view that staggering closing times in this way promotes the prevention of crime and disorder licensing objective by reducing footfall on the streets. For this reason public houses and hotels offering significant entertainment will only attract <b>1.00 a.m.</b> opening on a daily basis.</p> <p>A.10 Such premises will be subject to mandatory late opening conditions and the Board may attach further conditions. The later that 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 <b>3.00 a.m.</b>, with the exception of Festive Season hours, unless there are exceptional circumstances.</p> <p><u><i>Early Morning Hours</i></u></p> <p>A.11 <b>9.00 a.m.</b> is considered by the Board to be the norm for early morning opening.</p> <p>A.12 Applications seeking licensed hours before <b>9.00 a.m.</b> will require strong evidence before being granted by the Board.</p>	
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A.13 The Board may attach conditions to such licences. The earlier that a premises wishes 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.

Festive Hours

A.13 The Board's Festive Hours will apply each year **only** on the undernoted dates:-

24 <sup>th</sup> of December	25 <sup>th</sup> of December	26 <sup>th</sup> of December
31 <sup>st</sup> of December	1 <sup>st</sup> of January	2 <sup>nd</sup> of January

A.14 Premises opening after **1.00 a.m.** during the Festive Season may be subject to mandatory conditions and the Board may attach additional conditions.

A.15 **The Board wishes to make it clear that the Festive Season hours should be accounted for within the seasonal variations section of the operating plans and should not be the subject of extended hours applications.**

**OPTION B – “Hours - Simplified Wording”**

A.1 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 **9.00a.m.**

A.2 The Board may attach conditions to such licences. The earlier a premises wishes to open, the more the Board will expect Applicants to demonstrate measures to promote the licensing objectives and justify the request for the early hours.

A.3 The Board considers it would be difficult for any applicant to justify the sale of alcohol before **9.00a.m.** unless there are exceptional circumstances.

Terminal Hour



Page of Licensing Policy	Change	Rationale for Change/Points to Consider						
	<p>licensing objectives and justify the request for the later hours. The Board further considers that it would be difficult for any applicant to justify the sale of alcohol after <b>3.00 a.m.</b>, with the exception of Festive Season Hours, unless there are exceptional circumstances.</p> <p><u><i>Festive Hours</i></u></p> <p>A.9 The Board's Festive Hours will apply each year <b>only</b> on the undernoted dates:-</p> <table border="1" data-bbox="469 692 1048 840"> <tbody> <tr> <td data-bbox="469 692 660 763">24<sup>th</sup> of December</td> <td data-bbox="660 692 852 763">25<sup>th</sup> of December</td> <td data-bbox="852 692 1048 763">26<sup>th</sup> of December</td> </tr> <tr> <td data-bbox="469 763 660 840">31<sup>st</sup> of December</td> <td data-bbox="660 763 852 840">1<sup>st</sup> of January</td> <td data-bbox="852 763 1048 840">2<sup>nd</sup> of January</td> </tr> </tbody> </table> <p>A.10 Premises opening after <b>1.00 a.m.</b> during the Festive Season may be subject to mandatory conditions and the Board may attach additional conditions.</p> <p>A.11 <b>The Board wishes to make it clear that the Festive Season hours should be accounted for within the seasonal variations section of operating plans and should not be the subject of extended hours applications</b></p>	24 <sup>th</sup> of December	25 <sup>th</sup> of December	26 <sup>th</sup> of December	31 <sup>st</sup> of December	1 <sup>st</sup> of January	2 <sup>nd</sup> of January	
24 <sup>th</sup> of December	25 <sup>th</sup> of December	26 <sup>th</sup> of December						
31 <sup>st</sup> of December	1 <sup>st</sup> of January	2 <sup>nd</sup> of January						

66	<p>4.25 Any applications received less than 4 weeks before the event is due to take place will be rejected by the Boards with the exception of applications related to the provision of funeral teas.</p> <p>4.28 Where it is evident from an application due to the type of event, capacity, age demographic and location of an event, the Boards may require a person in charge of the bar at the event who has completed training to the same standards as that required to obtain a personal licence under the Act and as recommended by the Licensing Standards Officers or Police Scotland.</p>	<p>This reflects practice and comments from Police Scotland.</p> <p>The LSO's recommend that the reference to barn dance or marquee dance is removed as too prescriptive and instead recommend instead a form of wording to reflect the risks associated to the type of event that is being held e.g. capacity, age demographic and location. We would also recommend removing the word 'expect' and insert 'may require a person in charge of the bar at the event who has completed training to the same standards as that required to obtain a personal licence under the Act'. We believe this would be something the consultees would consider as part of the consultation/conditioning process, however, staff training must also be taken into consideration and anyone who only holds a training certificate cannot hold staff training. This can only be done by someone who holds a personal licence and therefore the LSO's are more likely to request someone who holds a personal licence to be on duty rather than</p>
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Page of Licensing Policy	Change	Rationale for Change/Points to Consider
		someone who only holds a PLH certificate
71	Previous 5.16 removed: <i>“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.”.</i>	As this is no longer accurately reflects the position as per the comments received by Economic Development
81	<p>7.1 Added “Approved constitutions are attached to premises licences issued by the Boards.”</p> <p>7.6 Unless an Occasional Licence is in force, all promotional materials (including adverts) <b>must</b> specify that events are open to ‘Members and their guests only’.</p> <p>The majority of comments from clubs centred on this section. The new section reads:-</p> <p>7.8 Membership of such clubs must relate to the primary functions that the club is set up for and should only be granted after formal written application, payment of the proper subscription and recording in the Nominal Roll. Membership solely to allow patrons admission to use the bar or restaurant of prescribe clubs in exchange for a fee is <b>not acceptable</b>.</p>	<p>This reflects current practice.</p> <p>Wording has condensed and the use of the phrase ‘in the press’ has been removed to take into account the fact that this can now take many forms e.g. a post on social media.</p> <p>This provision as previously worded caused the most concern for consultees, this previously views as aiming to prevent ‘social membership’ which would have been highly detrimental to clubs, the wording has been amended to better reflect the type of arrangement which we are trying to prevent using wording that was put forward by one of the consultees as we felt this was excellently put.</p>