

THE ABERDEENSHIRE DIVISIONAL LICENSING BOARDS

**REPORT TO THE SOUTH, CENTRAL AND NORTH DIVISIONAL BOARDS – 3rd
October 2018, 10th October 2018 and 31st October 2018**

**LICENSING (SCOTLAND) ACT 2005
SECTIONS 6 & 7: REVIEW OF POLICY STATEMENTS AND OVERPROVISION
POLICY STATEMENTS**

REPORT SEEKING APPROVAL OF FINAL POLICY STATEMENT

1 Recommendations

The Boards are asked to consider the terms of this Report, the responses made to the formal consultation process and:-

- 1.1 Agree the terms of the Final Policy Statement attached as Appendix 1 to this Report.**
- 1.2 In the event that that any of the Boards request that changes are made to the Policy, to agree to delegate the final approval to the Clerk of the Board following consultation with the Board Convenors once the Policy has been considered by all Divisional Boards**
- 1.3 Authorise the Clerk to the Board to publish the approved Policy Statement on the Council's website**

2 Background

- 2.1 All Licensing Boards must review their Policy Statements and Overprovision Policy Statements in terms of Sections 6 & 7 of the Licensing (Scotland) Act 2005, within a period of 18 months of the local government elections in Scotland, therefore by November 2018.**
- 2.2 The Boards have been regularly updated at each Board Meeting on the progress of the current policy review since the local government election in May 2017 and agreed at their meetings on 4th April, 18th April and 25th April 2018 respectively, to have one policy document for the three Licensing Boards that reflected local variations where appropriate. The Boards considered the terms of an Outline Policy Document at that time.**
- 2.3 The Boards approved a draft Policy Statement for the purposes of a formal consultation process at their meetings on 6th June, 13th June and 27th June respectively. A wide-ranging consultation took place between 2nd July and 13th September 2018.**
- 2.4 Submissions were made by the following persons or bodies:**

- Police Scotland
- Licensing Standards Officers
- NHS Grampian
- The Aberdeenshire Local Licensing Forum
- Aberdeenshire Alcohol and Drugs Partnership
- Alcohol Focus Scotland
- Trading Standards Service of Aberdeenshire Council
- Economic Development Service of Aberdeenshire Council
- Continuous Improvement Service of Aberdeenshire Council
- Aberdeenshire Council Community Safety Partnership
- Newburgh on Ythan Golf Club
- McDonald Golf Club, Ellon
- Bennachie Community Council
- Raemoir House, Banchory
- Ythanview Hotel, Methlick
- Aboyne Golf Club
- Member of the Community and a Community Councillor
- Alford Golf Club
- Oldmeldrum golf club
- Birse and Ballogie Community Council
- Ballater Golf Club
- A Personal Licence Holder and Member of a Member's Club in Aberdeenshire
- Alexander Owen for Colin Clark MP
- Central Garage, Glenkindie
- Marr Area Committee of Aberdeenshire Council
- Banff and Buchan Area Committee of Aberdeenshire Council
- Buchan Area Committee of Aberdeenshire Council
- Garioch Area Committee of Aberdeenshire Council
- Formartine Area Committee of Aberdeenshire Council
- Kincardine & Mearns Area Committee of Aberdeenshire Council
- Inch Golf Club
- Banchory Golf Club
- Member of Inch Golf Club
- Member of Inch Golf Club
- Stonehaven Golf Club
- Garioch Indoor Bowling Centre
- Member of Aberdeenshire's Recovery Community and Participant in the Central forum for the ADP.
- Member of the Public

The response to the Boards' draft Policy Statement has been a very positive one.

Copies of the responses made are tabled as Appendix 1 to this Report. Wherever possible, officers have reproduced the comments made in table form, together with officers' comments in relation thereto for consistency of presentation.

- 2.5 Officers have worked through all the responses made and, where appropriate, amendments have been made to the draft Policy Statement based on the recommendations suggested to the Boards. The substantive proposed changes, other than grammatical changes and non-contentious amendments, are highlighted in the table found at Appendix 2 for ease of reference. The revised final Policy Statement is attached as Appendix 3 to this report.
- 2.6 Officers recommend that the Boards approve the Final Policy Document and instruct the Clerk to publish the document by the deadline of 1st November 2018. Officers realise that each Divisional Licensing Board may request minor changes be made to the policy to reflect local requirements and are therefore seeking delegation for final approval to be given to the Clerk to the Board, following consultation with the Board Convenors should the need arise.
- 2.7 In finalising the Policy Statement, the following work is ongoing:
- Creation of a more appropriate action plan and performance indicators to more accurately measure the effect of the Policy Statement;
 - Creation of local Alcohol Profiles for each divisional Board Area to build evidence, on an ongoing basis, of any areas of concern regarding availability of alcohol and any issues that may impact positively or negatively on compliance with and promotion of the five licensing objectives. This document will also be a useful tool in respect of the Boards' Action Plan and the production of the Annual Function Statements by the Boards. It is hoped this document will provide more accurate, local evidence, based on the Boards' localities that the Boards can rely on both in terms of Policy and decision-making moving forward.
 - Creation of Guidance for the new requirement to have a Vulnerability Policy
 - Revisal of pool conditions for Occasional Licences.
 - North Board – Creation of Guidance for Party Buses
 - Glossary of terms within the Policy Statement – there are still bits and pieces to finalise within the Glossary. The Glossary will also be updated throughout the lifetime of the Policy as required to ensure that Policy remains up to date moving forward

Officers will draw up a timeline to ensure this work is completed and will provide progress reports to the Boards in relation to this.

3. Governance

- 3.1 The Boards are able to consider this matter in terms of paragraphs 1.1 and 1.2 of the Board's Scheme of Governance, which sets out that determination of the Boards' Licensing Policy Statements and Overprovision Policy Statements are matters reserved to the Divisional Licensing Boards.

4. Implications and Risk

- 4.1 An Equality Impact Assessment has been completed and is attached as Appendix 4 to this report.
- 4.2 A Town Centre Principle Impact Assessment has been completed and is attached as Appendix 5 to this Report.

Karen Wiles
Clerk to the Board

Report Author: Fiona M. Stewart, Depute Clerk to the Board, Senior Solicitor (Democratic Services)
Date: 24th September 2018