

(i) **South and Central Board Standard Conditions**

**ABERDEENSHIRE LICENSING BOARDS
REPORT TO SOUTH AND CENTRAL DIVISIONAL LICENSING BOARDS
2 AND 9 OCTOBER 2019**

1 Reason for Report / Summary

This is a follow up from the approval of the Boards' Revised Statement of Licensing Policy in October 2018. The Boards are being asked to note that the Clerk to the Board has, following consultation with the Convenors exercised delegated authority and approved a set of standard conditions which may be applied by the South and Central Boards on a case by case basis when premises licences are granted. The report appends the standard conditions so that Board Members are aware of their availability.

2 Recommendations

The Committee is recommended to:

- 2.1 Note the standard conditions that are attached as the Appendix to this report and note that they are available and can be attached to premises licences as deemed appropriate by Boards either when new premises licences are granted or when they are the subject of major variation.

3 Purpose and Decision Making Route

- 3.1 The South and Central Boards approved the Revised Statement of Licensing policy at their respective meetings on 3 and 10 October 2019 . Approval was subject to delegation to the Clerk of the Boards amending the wording of the Policy Statement, and in particular Appendix One to allow the Boards to adopt, at some point after the publication of the Policy Statement a set of standard conditions that can be drawn upon and applied on a case by case basis to individual premises in the South and Central Board area;
- 3.2 This report provides the Board with a copy of the conditions that can now be attached as appropriate by the Boards when they grant a new premises licence (including a provisional premises licence) and can also be attached by the Boards when granting a major variation of a premises licence

4 Discussion

- 4.1 Section 27 of the Licensing (Scotland) Act 2005 provides that every premises licence will be subject to the Mandatory Conditions as prescribed by Scottish Ministers. In addition section 27 states that in addition a Board may impose such other conditions "as they consider necessary or expedient for the purposes of any of the licensing objectives". A Boards discretion to attach additional conditions is therefore constrained. Additionally, section 27 states that conditions cannot relate to a matter such as planning, building control or food hygiene which is regulated under another enactment. It should be noted that conditions can also be imposed when a Board grants a variation of a premises licence (other than a minor variation)
- 4.2 The North Board Statement of Licensing Policy already has a set of Standard Conditions. These were included with the North Board revised Statement of

Licensing Policy when it was approved in October 2019. The conditions were the same conditions as had already been part of the pre-existing North Board Statement of Licensing Policy.

- 4.3 In the interests of ensuring consistency across the three Divisional Boards and to avoid potential confusion on the part of applicants the Clerk has decided after consultation with the Convenors to adopt the North Board standard conditions for South and Central Boards. This will however be on the basis that these conditions will be available to each Board to attach in each individual case as they consider necessary or expedient for the purposes of any of the licensing objectives. The conditions will therefore be available to the Clerk/ Depute Clerks to recommend to Boards as appropriate on grant or variation of non contentious applications provided that they had been agreed by the applicants. In the case of contentious applications where a hearing takes place and a Board is minded to grant an application appropriate conditions could be drawn from the standard conditions and attached to the licence. It should be noted that the standard conditions do not preclude Boards from attaching additional bespoke conditions to suit the particular circumstances of any individual application however they are still subject to the caveat that they are necessary and expedient for the licensing objectives and do not overlap with other regulatory regimes such as planning and environmental health.

5 LICENSING BOARD PRIORITIES, IMPLICATIONS AND RISK

- 5.1 The Boards priority is in all cases to ensure that the sale and supply of alcohol is conducted in a way that achieves the licensing objectives of:-

preventing crime and disorder;
securing public safety;
preventing public nuisance; protecting and improving public health; and
protecting children and young persons from harm.

- 5.2 An Equality Impact Assessment is not needed because there will be no differential impact on persons sharing the same protected characteristics.

- 5.3 There are no area, policy, finance, staffing or sustainability implications directly arising from this report.

- 5.4 There are no risks arising out of this report.

6 GOVERNANCE











This report is for the purpose of making Board members aware of action taken by the Clerk in exercise of a delegation granted by the Boards

























**KAREN WILES
CLERK TO THE BOARD**

Report prepared by Peter Robertson, Depute Clerk
Date 20 September 2019





List of Appendices – Board Conditions










APPENDIX – LOCAL CONDITIONS: PREMISES LICENCES

































Local Conditions		Objective
General Management for All Premises		
1	The provisions relating to management of licensed premises contained within the Board's current policy statement, particularly Appendix 1 thereto, must be complied with.	PCD, SPS, PPN PIPH, PCYPFH 
2	Premises Licence Holders must ensure that the premises, internally and externally, are maintained in good, clean and tidy condition at all times.	SPS, PPN 
3	Premises Licence Holders must ensure that Refusal Registers and Daily Incident logs are accessible for inspection by Police and Licensing Standards Officers	PCD, SPS 
4	The Licence Holder must ensure that any general authorisation for the sale of alcohol required within the premises is – <ul style="list-style-type: none"> • in writing • available for inspections by Police and Licensing Standards Officers • brought to the attention of and signed by all parties; and • enforced by the premises manager 	PCD, SPS, PPN, PIPH, PCYPFH 
Noise – All Premises		
5	Noise from amplified and non-amplified music, singing and speech sourced from licensed premises shall not be audible in adjoining properties after 11.00 p.m.	PPN 
Lockfast Store – All Premises		
6	All alcohol not on display within the premises must be kept within a designated lockfast store on the premises, and shown on the layout plan attached to the premises licence.	PCD, SPS 
Children and Young Persons – On Sale Premises		
7	Children under the age of twelve years, shall not have direct access to pool tables, darts boards or gaming machines in any part of the premises to which they have access or are allowed entry.	PCYPFH 
8	The Licence Holder shall provide safe high chairs for the use of young children	SPS, PCYPFH 
9	The Licence Holder shall provide heating facilities for baby/toddler's food at no cost to the customer.	SPS, PCYPFH 
10	The Licence Holder shall provide containers for the disposal of soiled nappies	SPS, PPN, PCYPFH 






11	The Licence Holder shall ensure that heating sources are adequately protected.	SPS, PCYPFH  
Premises Providing Late Night Entertainment – On Sale Premises		
12	Alcohol shall be provided for consumption on the premises only.	PCD, SPS, PPN   
13	The entertainment to be provided shall be:XXX to be defined by the Board on a case-by-case basis	PCD, SPS, PPN   
14	The entertainment provided shall be on a continuous basis with breaks of not more than 15 minutes in any one hour.	PCD, SPS, PPN   
15	All public notices or advertisements including social media shall contain the following information:- a. The name and address of the premises b. The entertainment to be provided on the premises c. The commencement time of the entertainment d. The price of entry e. The terminal hour for the premises. f. The time of the curfew, where operated, must be advertised.	PCD, SPS, PPN   
16	The Licence Holder shall display a notice at the entrances to the venue clearly defining the policy of the venue relating to the use of illegal substances and weapons within the venue and stating that criminal offences will be reported to Police Scotland	PCD, SPS, PPN, PIPH    
17	The premises shall have a dispersal policy to ensure patrons are not put in vulnerable situations after leaving the premises. The policy must be in writing. All members of staff shall be informed of the policy. The policy shall be made available to customers, and for inspection. The policy shall be reviewed regularly and a detailed record of reviews kept.	PCD, SPS, PPN, PIPH    
Adult Entertainment – On Sale Premises		
18	Children and young persons are not permitted to attend any event involving adult entertainment.	PCYPFH <input data-bbox="1265 1473 1310 1518" type="checkbox"/>
Vulnerability – All Premises		
19	The Licence Holder must have in place a duty of care policy to ensure a standard approach is taken when any patron appears to be displaying signs of excessive intoxication. The Licence Holder must ensure that all staff have additional training in identifying signs of excessive intoxication and an enhanced awareness of vulnerability through intoxication. The Licence Holder shall ensure that staff training records are made accessible for inspection by Police Scotland and Licensing Standards Officers.	PCD, SPS, PPN PIPH, PCYPFH  

Door Supervisors – On Sale Premises

20	<p>The Premises Licence Holder must ensure that sufficient numbers of Security Industry Authority licensed stewards are on duty to ensure a safe and responsibly run premises. Such persons must be easily identifiable as such to persons present, display the appropriate identification, and should be made aware of their duties, policies and practices, by the Premises Licence Holder. They must be responsible, capable, aware of their duties and not drink alcoholic liquor for the duration of their active employment. Their duties are to:</p> <ol style="list-style-type: none"> Confirm that persons who seek access to the premises have paid for admission or have appropriate passes/invitations; Identify and refuse entry to drunken persons Identify and refuse entry to any persons banned through pubwatch or by any other means; Actively police the premises and to perform all activities in line with their role under the Private Security Act 2001; Supervise entrance doors/access points at all times to ensure that no fire or other exits are blocked; Be aware of the fire safety precautions and procedures and all other policies and practices; Be aware of the premise's drug prevention policy; Provide assistance to patrons, including customer care, directions to facilities and health and safety; Ensure that no patron removes glasses, or open or closed vessels from the premises when exiting for any reason. Remain on the premises until the end of permitted hours and all patrons have vacated the premises, including patrolling the vicinity outside the premises to assist dispersal from the premises after the premises close; Be aware of the provisions of the Licensing (Scotland) Act 2005 which impact on the running of the premises; 	<p>PCD, SPS, PPN PIPH</p> 
CCTV – All Premises		
21	<p>Where a CCTV system is installed this must comply with the required standard and be maintained in working order and staff must be able to operate the system.</p> <p>Images recorded on CCTV must be kept for at least seven days and must be made available to Police Scotland on request</p>	<p>PCD, SPS, PPN</p> 
Members Clubs		
22	<p>Members Clubs must comply with the provisions of Supplementary Policy Statement 7 of the Board's current policy statement.</p>	<p>PCD, SPS, PPN, PIPH, PCYPFH</p> 
23	<p>Members Clubs shall adhere to the terms of the Club's constitution or rules attached to their premises licence</p>	<p>PCD, SPS, PPN, PIPH, PCYPFH</p> 

24	Where the Club has submitted draft constitution or rules with their application for a premises licence, they shall submit a copy of the approved constitution or rules to the Clerk to the Board within 28 calendar days of the draft constitution/rules being approved by the Club's governing body.	PCD, SPS, PPN, PIPH, PCYPFH 
25	Where the Club revises its constitution or rules in the future, the Club must submit a copy of the proposed revisions to the Board for approval and thereafter submit a copy of the approved revised constitution or rules to the Clerk to the Board, within 28 calendar days of the draft constitution/rules being approved by the Club's governing body.	PCD, SPS, PPN, PIPH, PCYPFH 
26	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.	PCD, SPS, PPN, PIPH, PCYPFH 
27	The Club must ensure that at all times, there at least two members of staff, or Committee Members, or volunteers involved in the management of the Club who are trained to the standard of a Personal Licence Holder. If the persons trained change at any time, evidence of an up-to-date training certificate must be submitted to the Clerk within two months of change in personnel.	PCD, SPS, PPN, PIPH, PCYPFH 
28	Any person requiring to hold a training certificate for the purposes of condition 26 above, must complete a refresher training course within a period of 3 months of the 5-year anniversary of the date of the initial training certificate and submit a copy of the refresher training certificate to the Clerk within 28 calendar days of receipt of the updated certificate. Further refresher training will be completed at 5 yearly intervals thereafter in line with this condition.	PCD, SPS, PPN, PIPH, PCYPFH 
29	That up to 5 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. Such visitors must be bone fide guests of the member signing them in.	SPS, PPN 
30	All promotional materials, including the use of social media, must specify that events are open to Members and Guests only, unless an Occasional Licence is in place. Events must be advertised in the press as for "Members and Guests only"	SPS, PPN 
Beer Gardens and Outside Drinking Areas		
31	Beer Gardens and outside drinking areas must not be used for activities linked to the sale or consumption of alcohol after 11.00pm	PCD, SPS, PPN, PIPH, PCYPFH 
32	The Licence Holder must take reasonable steps to ensure that litter and, where used, glass and bottles are removed from beer gardens and outside drinking areas on a regular basis.	SPS, PPN, PIPH PCYPFH 

33	The Licence Holder shall consider the use of safe alternatives to glass containers and bottles in beer gardens and outside drinking areas.	PCD, SPS, PPN, PIPH, PCYPFH     
Hybrid Premises		
34	Premises operating as “other premises” during the day and wishing to operate as Nightclubs thereafter must ensure that the premises are closed down and cleared of patrons, particularly children and young persons, for at least one hour prior to the commencement of operating as a nightclub at the premises	PCD, SPS, PPN PCYPFH    
Festive Season Conditions for Premises opening after 1.00a.m.		
35	A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1.00a.m. (on any day when the premises are open at that time) until the time at which the premises next close	SPS, PIPH, PCYPFH   
36	A designated person who is the holder of a personal licence must be present on the premises from 1.00a.m. (on any day when the premises are open at that time) until the time at which the premises next close	PCD, SPS, PPN, PIPH, PCYPFH     
37	There must be written policies in existence concerning - <ul style="list-style-type: none"> • The evacuation of the premises; and • The prevention of the misuse of drugs on the premises. • Duty of care ('Vulnerability through Intoxication') 	PCD, SPS, PPN, PIPH, PCYPFH     
38	There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.	PCD, SPS, PPN, PIPH, PCYPFH     
39	A person who holds a licence granted under Section 8 of the Private Security Industry Act 2001 must be positioned at every entrance to the premises from 1.00a.m. (on any day when the premises are open at that time) until the time at which the premises next close.	PCD, SPS, PPN, PIPH, PCYPFH     

Key to objectives		
	PCD	Prevention of Crime and Disorder
	SPS	Securing Public Safety
	PPN	Preventing Public Nuisance
	PIPH	Preventing and Improving Public Health
	PCYPFH	Protecting Children and Young Persons from Harm

NOTE: Additional Conditions specific to individual licensed premises may be attached by the Board to premises licences depending on the circumstances of

the particular application, over and above the pool conditions listed in this document.