

**ABERDEENSHIRE LICENSING BOARDS
SOUTH DIVISION**

A Meeting of the LICENSING BOARD for the **SOUTH DIVISION OF ABERDEENSHIRE** appointed in terms of the Licensing (Scotland) Act 2005 will be held within the **BANCHORY TOWN HALL, 14 HIGH STREET, BANCHORY, AB31 5RP** on **WEDNESDAY 2 OCTOBER 2019 at 10AM.**

Members are requested to meet in ante-room at the Town Hall at 9:30am.

**Viewmount
Arduthie Road
Stonehaven
AB39 2DQ**

**Peter Robertson
Depute Clerk to the Licensing Board**

25 September 2019

BUSINESS

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

3. STATEMENT ON EQUALITIES

(Page 2)

Consider, and if so decided, adopt:- "In line with the Council's legal duty under section 149 of the Equality Act 2010 the Board, in making decisions on the attached reports, shall have due regard to the need to":-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it.

3. MINUTES OF BOARD MEETING OF 28 AUGUST 2019 FOR APPROVAL

(Pages 3-5)

5. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCES – NON-CONTENTIOUS APPLICATIONS – FOR CONSIDERATION

(Pages 6-12)

6. ADDITIONAL REPORTS

- (i) Review of Licensing Fees **(Pages 13-26)**
- (ii) Licensing Matters Event 2019 **(Pages 27-30)**
- (iii) South and Central Board Standard Conditions **(Pages 31-38)**

7. DATE OF NEXT MEETING – 4 DECEMBER 2019 - Venue to be confirmed

STATEMENT ON EQUALITIES

PUBLIC SECTOR EQUALITY DUTY – GUIDANCE FOR MEMBERS

What is the duty?

In making decisions on the attached reports, Members are reminded of their legal duty under section 149 of the Equality Act 2010 to have due regard to the need to:-

- (i) eliminate discrimination, harassment and victimisation;
- (ii) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
- (iii) foster good relations between those who share a protected characteristic and persons who do not share it. The “protected characteristics” under the legislation are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; and (in relation to point (i) above only) marriage and civil partnership.

How can Members discharge the duty?

o ‘have due regard’ means that in making decisions, Members must consciously consider the need to do the three things set out above. This requires a conscious approach and state of mind. The duty must influence the final decision. However, it is not a duty to achieve a particular result (e.g. to eliminate unlawful racial discrimination or to promote good relations between persons of different racial groups). It is a duty to have due regard to the need to achieve these goals. How much regard is ‘due’ will depend upon the circumstances and in particular on the relevance of the needs to the decision in question. The greater the relevance and potential impact that a decision may have on people with protected characteristics, the higher the regard required by the duty.

What does this mean for Licensing Board decisions?

Members are directed to the section in reports headed ‘Equalities, Staffing and Financial Implications’. This will indicate whether or not an Equality Impact Assessment (EIA) has been carried out as part of the development of the proposals and, if so, what the outcome of that assessment is. An EIA will be appended to a report where it is likely that the action recommended in the report could have a differential impact (either positive or negative) upon people from different protected groups. The report author will have assessed whether or not an EIA is required. If one is not required, the report author will explain why that is. Where an EIA is provided, Members should consider its contents and take those into account when reaching their decision. Members should also be satisfied that the assessment is sufficiently robust and that they have enough of an understanding of the issues to be able to discharge their legal duty satisfactorily.

For more detailed guidance please refer to the following link:-http://www.equalityhumanrights.com/uploaded_files/EqualityAct/psed_technical_guidance_scotland.doc

4. **MINUTES OF BOARD MEETING**

**ABERDEENSHIRE LICENSING BOARDS
SOUTH DIVISIONAL LICENSING BOARD**

Minute of Meeting of the SOUTH ABERDEENSHIRE DIVISIONAL LICENSING BOARD held in the BANCHORY TOWN HALL, 14 HIGH STREET, BANCHORY, AB31 5RP on 28 AUGUST 2019 at 10AM.

- Present -

Councillors Alistair McKelvie, Rosemary Bruce, Alastair Bews and Leigh Wilson

- In Attendance –

*Peter Robertson, Depute Clerk to the Licensing Board
Sergeant Gillian Flett*

In the absence of the Convenor, Cllr Argyle, who had a conflicting meeting, Cllr Bruce nominated Cllr McKelvie to take the chair. Cllr Bews seconded the motion. No one was otherwise minded and Cllr McKelvie became the Chair for the meeting

3. **APOLOGIES FOR ABSENCE**

Cllrs Peter Argyle, Jeff Hutchison, Colin Pike and Dennis Robertson

4. **DECLARATIONS OF INTEREST**

None

3. **STATEMENT ON EQUALITIES**

In making decisions on the following items of business, the Board AGREED, in terms of Section 149 of the Equality Act, 2010:-

(1) The Board would have due regard to the need to:-

- (a) Eliminate discrimination, harassment and victimisation;*
- (b) Advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and*
- (c) Foster good relations between those who share a protected characteristic and persons who do not share it.*

(2) Where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

4. **MINUTES OF BOARD MEETING OF - FOR APPROVAL**

The Minutes of the South Board Meeting of 5 June 2019 were APPROVED as a correct record.

5. REPORTS

(i) ABERDEENSHIRE LOCAL OUTCOMES IMPROVEMENT PLAN (LOIP) AND LOCALITY PLANNING ANNUAL REPORTING

Having considered a report by the Aberdeenshire Community planning partnership the Board welcomed the report and the opportunity to comment and made the following comments:-

- (1) With reference to the finding that a survey by Aberdeenshire Youth Forum found that for young people aged 10-18 years alcohol was the second highest issue (joint with bullying) the Board wished to know which aspects of alcohol gave particular concern, for example was it parental alcohol misuse, peer group misuse, health etc?*
- (2) More detail was requested in relation to Housing First program for rapid rehousing of people with alcohol difficulties*

The Depute Clerk noted that the Board approved the report subject to clarification on these two matters and undertook to obtain a response from the relevant officer in the Community Planning Partnership and report it to members

(ii) CHIEF CONSTABLE'S REPORT TO THE SOUTH ABERDEENSHIRE LICENSING BOARD FOR THE PERIOD 1ST APRIL 2018 TO 31ST MARCH 2019

Sergeant Flett introduced the Chief Constable's annual report to the Board. On the whole the South Board area gave the police little cause for concern. An increase in reported incidents (80 as against 67 in previous year) did not necessarily reflect badly as it showed that premises were willing to involve the police which could help to forestall difficulties. There had been two premises where formal intervention had taken place. One was because of sale of alcohol to a drunk person and in another there had been a significant number of assaults in one weekend.

Sergeant Flett also highlighted some of the particular work being carried out in relation to off sales premises and behaviour change campaigns that were ongoing.

The Board thanked Sergeant Flett and commended the continuing work carried out by Police Scotland as a partner agency.

(iii) FEE REVIEW DRAFT REPORT TO THE LICENSING BOARDS

Having considered a report by the Clerk the Board:-

Agreed to a formal consultation on proposed changes to certain Licensing Board fees as detailed in the report and in Appendix 2 from the 30th August to the 20th September;

Agreed that the results of the consultation exercise be reported back to the Licensing

Boards in October with a view to introducing any changes to the fees from 1st November 2019.

(iv) EQUALITY ACT 2010 (SPECIFIC DUTIES)(SCOTLAND) REGULATIONS 2012

Having considered a report the Board;-

- 1. Noted the duties in terms of the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012;*
- 2. Approved for publication the joint Aberdeenshire Council, Aberdeenshire Education Authority and Aberdeenshire Licensing Boards' Equality Mainstreaming & Outcomes Progress Report 2017-2019;*
- 3. Agreed the terms of the updated Equalities Policy for the Boards and authorised the Depute Clerk to publish the updated Policy on the Boards' website;*
- 6. **DATE OF NEXT MEETING –2 October 2019 in Banchory Town Hall***

End of Minutes

Notice and Agenda Continues

5. LICENSING (SCOTLAND) ACT 2005 APPLICATION FOR MAJOR VARIATION OF PREMISES LICENCES – NON - CONTENTIOUS APPLICATIONS – FOR CONSIDERATION

REPORT TO LICENSING BOARD – 2 October 2019

LICENSING (SCOTLAND) ACT 2005

APPLICATIONS FOR VARIATIONS OF PREMISES LICENCES

NON CONTENTIOUS APPLICATIONS

Ramsay Arms, Fettercairn

Park Shop, Drumoak

1 Reason for Report / Summary

- 1.1 Two applications have been received for major variations of premises licences. Premises are Ramsay Arms, Fettercairn and Park Shop, Drumoak. Such applications must be determined by the Board.

2. Recommendations

- 2.1 It is recommended that the Board considers the materials before them and, in respect of each application in turn –
- (a) Determines whether there is enough evidence before the Board to allow a determination to be made, or whether the Board needs to defer consideration of the matter to the next available Board Meeting for further material to be made available; and
 - (b) Where the Board has concluded that there is sufficient evidence before them to allow a determination to be made, to consider in respect of each of the applications made, whether said applications should be granted or refused.

3 Purpose and Decision Making Route

- 3.1 In terms of Section 17 of and in terms of Part 3 of the Licensing (Scotland) Act 2005, a Premises Licence is required to authorise the sale of alcohol on premises.
- 3.2 In terms of Section 30 any application for a variation of a Premises Licence, which is not a minor variation as defined by Section 29(6), must be considered by the Board.
- 3.3 Two applications for variation of Premises Licences are now ready to be put before the Board for consideration. Details are provided in Appendix 1 to this report.
- 3.4 In relation to the applications to be considered by the Board -
 - 3.4.1 there are no valid objections to the application (at the time of writing this report) ;
 - 3.4.2 the hours sought in the Operating Plan are within the Licensing Board's general policy on Licensing Hours as set out in its Statement of Licensing Policy.

4 Discussion

- 4.1 The Depute Clerk has determined, as outlined above, that the following applications for variation of the Premises Licences listed in Appendix 1 to this report are non-contentious application and asks that the Board grant the same.
- 4.2 Copies of the application forms, operating plan and layout plan where applicable will be available for perusal by Board Members prior to the Board Meeting from 9.30am.

Consultations

- 4.3 The Depute Clerk examined the application in detail and the Applicant then addressed any issues requiring to be addressed. Thereafter, the Depute

Clerk forwarded the application to the following persons or bodies as part of the consultation process:

- (a) Police Scotland;
- (b) Scottish Fire & Rescue Service;
- (c) The Environmental Health, Planning and Building Standards Services of Aberdeenshire Council;
- (d) The Licensing Standards Officer;
- (e) The appropriate Community Council; and
- (f) Neighbouring Occupiers
- (g) Health Authority

4.4 At the same time as the application was consulted on, the applicant required to display a site notice at the premises, in a location where it could be easily read by members of the public, advertising the fact that an application to vary the Premises Licence had been made. The Licensing Standards Officers checked to ensure the site notice had been appropriately displayed, and had been displayed for the correct time period, as part of the consultation exercise for the application.

4.5 The applications were also advertised on the Council's website.

Objections and Representations

4.6 No objections were received in respect of this application.

4.7 In any cases where the statutory consultees had made representations these would be copied to the applicant.

4.8 Any applicant who has taken issue with the representations made will have their application considered at a full hearing of the Board at a future Board meeting.

4.9 If the Board determines that the variation of licence should be granted, it will take effect from the date of grant.

4.10 If the Board determine that further evidence is required, the application should be referred to the next available Board Meeting in order that the

applicant may present their case in full or further information can be obtained in the interim.

Procedure

4.11 Each application should be considered on its own merits.

4.12 Members' options in disposing of the applications are:-

- (a) To grant the application;
- (b) Refuse the application;
- (c) Grant subject to varied hours and/or additional conditions; or
- (d) Determine that further evidence is required in which case the application should be referred to the next available Board Meeting in order that the applicant may present their case in full or further information can be obtained in the interim.

4.13 When coming to a decision the Board must consider the evidence provided and the contents of this report. Supplementary advice and information can be made available by Officers, if required.

5 Implications and Risk

5.1 There are no Board Policies highlighted identified in respect of this matter as the Committee is considering the application as the Licensing Authority in a quasi-judicial role and must determine the applications on their own merits in accordance with the legal tests set out in the relevant legislation.

5.2 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial		X	
Staffing		X	
Equalities			X

Fairer Scotland Duty			X
Town Centre First			X
Sustainability		X	
Children and Young People's Rights and Wellbeing			X

5.3 An Equality Impact Assessment is not needed in this case because the Board is carrying out a quasi-judicial function and there will be no differential impact on the protected characteristics of any party to the proceedings.

6 Scheme of Delegation

6.1 The Board can consider these applications in terms of paragraph 1.6 of the current Scheme of Delegation which provides that consideration of a variation of a premises licences is a matter reserved to the Board.

6.2 Due to these applications being considered non-contentious, they have been put to the Board for consideration without the applicants requiring to be present.

Karen Wiles
Clerk to the Board

Report Prepared by: Peter Robertson, Depute Clerk to the Licensing Board
Date: 19 September 2019

List of appendices:
Appendix One - details of applications

APPENDIX ONE

Non - Contentious Major Variation				
Name of Applicant	Name and Address of Premises	Premises Licence No.	Variation Applied For	Remarks (if any)
Janet Hood Training and Consulting Ltd Kirkton of Balfour Edzell Breachin DD9 7XU	Ramsay Arms Hotel Burnside Road Fettercairn AB30 1XX	AB-S-P049	<ul style="list-style-type: none"> • Change terminal core hour on sales to 0100 daily. • Change commencement core hour off sales to 1000 for hotel patrons only. • Change seasonal variations to read the premises licence holder will operate all general extensions granted by the licensing board including without prejudice to the generality the festive hours to reflect South Aberdeenshire Board Policy Friday and Saturday/Saturday/Sunday before 25/12 and 31/12 & 24-26 December into 25/27 December to 0130 & 31 December into 1 January 0300. • Add in gaming (race nights, casino nights in tandem with appropriate functions – no under 18's to be permitted in the part of the premises where gambling taking place). • Add indoor sports to include eg yoga, keep fit, dance practice. • Add televised sport. • Add in breakfasts, teas, coffees, snacks, delivery of food and food/alcohol not alcohol alone and subject to a minimum £10 spend on food as from time to time may be requested subject to delivery policy attached, food and drink tasting and matchings, product launches, quiz, poker nights (in discrete part of the premises no under 18s to be permitted in the part of the premises where gambling taking place) and other activities 	No representation or objection at date of writing report to Board. Update to be provided by Depute Clerk at meeting.

			<p>commensurate with activities to be undertaken in a vibrant hospitality premises.</p> <ul style="list-style-type: none"> • In column 4 add activities can commence from 0700 and continue through all core hours and permitted extensions. • Amend terms, times and parts of the premises children and young persons are allowed. 	
<p>Five One Trading Ltd Drum Cottage Drumoak Banchory AB31 5AE</p>		AB-S-P243	<ol style="list-style-type: none"> 1. Add on sales hours 11:00 – 23:00. 2. Add activities clubs and other group meetings and outdoor drinking facilities. 3. Add terms, times and parts of the premises to which children and young persons will be allowed entry. 	<p>One representation from Police Scotland at time of writing report. Applicant has agreed to accept recommendations in police representation and application amended accordingly. An update on any further representations will be provided by the Depute Clerk at the Board meeting.</p>

**REPORT TO ABERDEENSHIRE DIVISIONAL LICENSING BOARD**SOUTH – 2nd October 2019CENTRAL – 9th October 2019NORTH – 1st November 2019**REVIEW OF LICENSING BOARD FEES****1 Reason for Report / Summary**

- 1.1 This report seeks authority to approve new application fees for Major Variations, Transfers and replacement personal licences following consultation.

2 Recommendations

The Board is recommended to:

- 2.1 **Acknowledge that a public consultation was carried out in relation to proposed changes to certain liquor licensing fees as detailed in the report from 30th August to 20th September 2019.**
- 2.2 **Consider the summary of consultation responses (Appendix 1) set out in para 4.4 below;**
- 2.3 **Approve the proposed fees as set out in Appendix 2 with effect from 4th November 2019.**
- 2.4 **Agree that inflation, as intimated by the Head of Finance, will be applied to these fees from 1st April 2021 on an annual basis.**
- 2.5 **In the event that the three Licensing Boards do not come to a consensus decision, to delegate the final approval of the fees to the Head of Legal and Governance as Clerk to the Board, following consultation with the Convenors of all Boards to ensure consistency across Aberdeenshire.**

3 Purpose and Decision Making Route

- 3.1 This report provides an update to the Board following the report presented at the August Boards on the consultation that occurred during the month of September on the proposals on changes to the fee structure for transfers, major variations and personal licence replacements.
- 3.2 The Boards are being asked to determine a new fee structure to be introduced from 4th November 2019. Should the three Boards have a differing opinion on the fees, a delegation is sought to give the Head of Legal and Governance as Clerk to the Licensing Boards approval to determine the final fee following consultation with the Convenors of the Boards to ensure consistency across Aberdeenshire.

4 Discussion

4.1 The Licensing Boards have the discretion to fix the fees for transfer applications, major variations and replacement personal licences. The Regulations state that "in determining any fee, a board is to have regard to the desirability of ensuring that the total fees payable under these Regulations to that Board in respect of any period are likely to be *broadly equivalent to the expenses incurred* by that board, and the Council for the area of that Board, in administering the Act generally during that period." It is also Council Policy, through the corporate charging policy, to seek full cost recovery wherever possible.

4.2 All three Divisional Licensing Boards agreed in August to go out to public consultation on proposals to change the licensing fee structure for Transfers, Major Variations and replacement personal licences. The consultation document was made available online on a Survey Monkey and all premises licence holders were sent a link to the consultation questionnaire and invited to respond. The survey was also promoted through the Licensing Standards Officers and to community councils.

4.3 In total, 28 number of responses were received. The full consultation responses are shown in Appendix 1 which also details the service response to each response individually. The vast majority of responses (82%) were from members of the licensed trade.

4.4 Summary of Consultation Responses

In very brief terms, a summary of the consultation responses are:-

- 62% respondents agreed that the Boards should recover their costs where possible.
- 59% of the respondents were content with the proposals. Of the members of the licensed trade who were asked 50% were positive, and statutory consultees and interested parties were all 100% positive.
- 31% of the respondents were negative about the proposals.
- 10% of respondents proffered alternative ways of calculating fees based on the capacity of the premises, or based on the volume of alcohol sold by the premises. The annual fees are based on rateable value and this is laid out in the legislation agreed by the Scottish Government. The Boards are unable to change this. The alternative method of basing fees on the volume of alcohol sold is impossible to track as retailers are under no obligation to publish the volume of alcohol that is sold. The Boards are asked to ensure that their fees are broadly equivalent to the cost of providing the service, and so the rateable value and the volume of alcohol sold from a premises are not relevant to that calculation.
- There are some comments which appear to be more relevant to annual fees rather than a fee for a major variation i.e. allowing discretionary waivers for new businesses and therefore have been discounted at this stage.

- 4.5 These issues have all been considered in forming the options available for the new fee scales however, the Boards have a duty to ensure that their fees are broadly equivalent to their expenses. The consultation responses have been broadly supportive of the proposals and the alternatives proposed by consultees have been considered and comments regarding the competency of the options have been included in Appendix 1. Officers propose that the fee structure as set out in Appendix 2 to this paper should be adopted to come into effect from 4th November 2019.

5 Council Priorities, Implications and Risk

- 5.1 The report helps deliver Council Priority 1 – Supporting a strong, sustainable, diverse and successful economy and Council Priority 9 – Delivery responsible, long-term financial planning.
- 5.2 This report is related to but not directly, the delivery of the LOIP Priority – Changing Aberdeenshire’s Relationship with Alcohol.
- 5.3 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial	x		
Staffing		x	
Equalities		X	
Fairer Scotland Duty		x	
Town Centre First		x	
Sustainability		x	
Children and Young People’s Rights and Wellbeing		x	

- 5.4 An equality impact assessment is not required because any impact is on businesses and not on individuals and so does not have a differential impact on any of the protected characteristics.
- 5.5 The financial implications are that with the increase in fees, the Licensing Boards will move closer to full cost recovery in line with the corporate charging policy, its statutory duty and in line with the medium term financial strategy of the Council and the budget.
- 5.6 There are no staffing, sustainability and children and young people’s rights and wellbeing implications.
- 5.7 The following Risk has been identified as relevant to this matter on a Corporate Level:
- ACORP001 – Budget Pressures

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 The Boards have the statutory authority to set their fees and charges.

Ritchie Johnson
Director of Business Services

Report prepared by Lauren Cowie, Principal Solicitor (Governance)
Date 3rd September 2019

List of Appendices

Appendix 1 – Consultation Responses and officer comments

Appendix 2 – Proposed New Fees

Appendix 1 – Consultation Responses

Aberdeenshire Licensing Transfer and Major Variation Fees Review

Analysis

Survey Monkey Link: <http://www.surveymonkey.co.uk/r/PMSDR6Z> (30/06/19 to 20/09/19 (3 weeks))

Responses received: 29

Q1 Are you a:

Options	Number	%
Member of the Licence Trade	24	82.76
Statutory Consultee	2	6.90
Interested Party	3	10.34
Member of the Public	0	0.00

Q2 Do you agree that the Licensing Boards should aim to recover their costs as much as possible through their fees?

Proposed Fee Structure as at 1st of November 2019			
Type of Application	Current Fee	Proposed Fee	Comments
S.33 & S.34 Transfer	£180.00	£180.00	There is no proposal to increase this fee as the current fee sufficiently covers the costs.
Minor Variation	£20.00	£20.00	This fee is set by statute.
Change of Premises Manager	£31.00	£31.00	This fee is set by statute.
Major Variation	£200.00	£350.00*	This is an increase to match the average processing costs.
Replacement Personal Licence	£10.00	£20.00*	This is an increase to match costs.

Should an applicant require to apply for a variation at the same time as a transfer, then they will be liable to pay for the transfer fee and the relevant variation fee.
Those fees marked with an asterisk (*) will increase by inflation as set by the Head of Finance annually from 1st of April 2021.

Options	Number	%
Yes	18	62.07
No	11	37.93

Broken down by respondent type:

Member of the licensed trade	Yes	No
Number	13	11
%	54.17	45.83
Statutory Consultee	Yes	No
Number	2	0
%	100.00	0.00
Interested Party	Yes	No
Number	3	0
%	100.00	0.00
Member of the Public	Yes	No
Number	0	0
%	#DIV/0!	#DIV/0!

Q3 Do you think that the proposals are a fair way to change licensing fees?

Options	Number	%
Yes	17	58.62
No	9	31.03
Other (please specify)	3	10.34

Broken down by respondent type:

Member of the licensed trade	Yes	No	Other
Number	12	9	3
%	50.00	37.50	12.50
Statutory Consultee	Yes	No	Other
Number	2	0	0
%	100.00	0.00	0.00
Interested Party	Yes	No	Other
Number	3	0	0
%	100.00	0.00	0.00
Member of the Public	Yes	No	Other
Number	0	0	0
%	#DIV/0!	#DIV/0!	#DIV/0!

For comments see results spreadsheet. 3

Summary of Comments	Positive	Constructive	Neutral	Negative
Number	0	1	0	2
%	0	33.33	0.00	66.67

Q4 If you answered "No" to Q3, what would you propose instead?

For comments see results spreadsheet. 29

including Assessment in terms of no responses.

Summary of Comments	Positive	Constructive	Neutral	Negative
Number	18	3	0	8
%	62.07	10.34	0.00	27.59

Q5 By applying inflation to the discretionary element of the fees, the fees will gradually increase rather than a sharp increase at every review point. Do you have any comments on the proposal to apply inflation on the fees every year from 1st April 2021?

For comments see results spreadsheet. 29

including Assessment in terms of no responses.

Summary of Comments	Positive	Constructive	Neutral	Negative
Number	2	2	21	4
%	6.90	6.90	72.41	13.79

Aberdeenshire Licensing Transfer and Major Variation Fees Review

Results

Survey Monkey Link: <https://www.surveymonkey.co.uk/r/PM5DR6Z> (30/08/19 to 20/09/19 (3 weeks))

Respondent	Date	Q1		Q2		Q3		Q4		Q5		Comments / Action Taken
		Party	Member of the Licence Trade	Agree with aim of recovery	Yes	Are the proposals fair	Yes	Proposals put forward	None	Inflationary Rise Proposal	None	
1	30/08/2019		Member of the Licence Trade	Yes		Yes		None		None		None - Positive response. The Boards are not responsible for setting the statutory regime when it comes to licensing and therefore cannot make such a change. We appreciate that there are other costs involved in running a business but the council as a public body must consider the public purse and ensure that its costs are covered in line with our statutory obligation. The Boards have not increased their prices since the inception of the 2005 Act, however this position is no longer sustainable.
2	30/08/2019		Member of the Licence Trade	No		Other : Cut the farm filling go back to the 1974 Act it was much more fit for purpose and did not rip off the trade.	None			The fees are already too high for a struggling industry big money firms can afford this the single operator not so much unless backed by big money.		

3	30/08/2019	Member of the Licence Trade	No	No	Licensed premises already pay far more than their fair share in taxes and fees to government thanks to disproportionately high business rates, high staffing levels incurring PAYE and NI costs, alcohol duties, etc. in many cases this is around 50% turnover versus just 2% or 3% left for operator profit. Stop bleeding us dry and reduce your costs by increasing efficiency and decreasing the levels of excessive bureaucracy.	Fees should be reduced not increased at all. We are not your cash cow.	We appreciate that there are other costs involved in running a business but the council as a public body must consider the public purse and ensure that its costs are covered in line with our statutory obligation. The Boards are not responsible for the staffing levels within premises or business decisions. The Boards have not increased their prices since the inception of the 2005 Act, however this position is no longer sustainable.
4	30/08/2019	Member of the Licence Trade	Yes	No	Increasing by 80% is out of order, as a publican I cant increase my charges by that amount.	None	The proposed major variation fee simply reflects our average processing costs when it comes to this type of application.
5	30/08/2019	Member of the Licence Trade	No	No	None	None	We are unable to comment here as the respondent has not provided any reasoning in respect of their responses.
6	30/08/2019	Member of the Licence Trade	Yes	Yes	None	None	None - Positive response.
7	31/08/2019	Member of the Licence Trade	Yes	Yes	None	None	None - Positive response.

8	01/09/2019	Member of the Licence Trade	Yes	No	To establish equity all licence related fees should be based on the level of alcohol sales of the premises in question, not rateable value, the current system being entirely misjudged and inappropriate.	We all have to deal with inflation, it should be charged annually, down as well as up.	The Boards are not responsible for setting the statutory regime when it comes to licensing and therefore cannot make such a change. Licence Holders are under no obligation to disclose how much alcohol is sold from their premises and so basing any fee calculation on alcohol sales is currently not possible to track. We appreciate the comments in respect of the proposal to simply apply inflationary rises moving forward.
9	01/09/2019	Interested Party	Yes	Yes	None	None	None - Positive response.
10	01/09/2019	Member of the Licence Trade	No	Other: It is maybe a fairer way, however we have already seen substantial increases and business are struggling.	Keep costs as they are.	This should be in line with CPI to keep costs to a minimum.	We appreciate that there are other costs involved in running a business but the council as a public body must consider the public purse and ensure that its costs are covered in line with our statutory obligation. We appreciate the suggestion in terms of inflationary rises and will consult with the Head of Finance on an annual basis before setting the charge.
11	03/09/2019	Statutory Consultee	Yes	Yes	None	None	None - Positive response.
12	04/09/2019	Member of the Licence Trade	No	No	Major Variation is far too hefty.	None	The proposed major variation fee simply reflects our average processing costs when it comes to this type of application.
13	05/09/2019	Interested Party	Yes	Yes	None	None	None - Positive response.
14	06/09/2019	Interested Party	Yes	Yes	None	None	None - Positive response.

15	11/09/2019	Member of the Licence Trade	Yes	Yes	None	None	None - Positive response.
16	12/09/2019	Member of the Licence Trade	No	No	I personally think the Major Variation is quite an excessive jump in prices.	Yes, fees should not be rising every year. Maybe once every 5 years.	The proposed major variation fee simply reflects our average processing costs when it comes to this type of application. The annual fee will not increase as a result of this review. The only fee which will increase on a yearly basis in terms of the proposal are major variations and this will be done solely to reflect our increased costs as a result of inflation. By applying inflation every year, the potential for another large increase is minimised as the costs will be covered on an ongoing basis.
17	13/09/2019	Member of the Licence Trade	Yes	Other: Major variation could be further subdivided. Some major variations require far more work and detail than others. They will require consultation from various parties unlike some that will be granted with minimal trouble. The fee should reflect this.	See 'other' above	None	Whilst we appreciate the comment and can see the logic in this, all major variations are processed in the same way. The legislation provides that all applications of a particular type must be charged the same fee and that we should cover our costs. It is for this reason that the proposed fee is based on our average processing costs.

18	13/09/2019	Member of the Licence Trade	No	Yes	None	None	The council as a public body must consider the public purse and ensure that its costs are covered in line with our statutory obligation.
19	13/09/2019	Member of the Licence Trade	Yes	Yes	None	None	None - Positive response.
20	13/09/2019	Member of the Licence Trade	Yes	Yes	None	None	None - Positive response.
21	13/09/2019	Member of the Licence Trade	No	No	If you explain how you come to the fee you charge, then we can see if the service you are providing is worth the extra charge.	As I have said. Show us the transparency of your costs. It has been said that you have been overcharging in the past.	The methodology of calculating fees was explicit in the report which went to the Boards in August. Costs included in the calculation are printing, postage, staff fees etc. The Boards have not reviewed their fees over the last ten years. No evidence has been presented of the overcharging.

22	13/09/2019	Member of the Licence Trade	No	No	<p>Fee structure according to size of premises e.g public house seating capacity up to 100 fee = 150.00</p> <p>Restaurant seating under 50 fee = 75.00</p> <p>Large public house seating capacity up to 300?? 300.00.</p> <p>more proportionate fees according to capacity for licenced premises to recoup costs via trade??</p>	<p>To allow new business to get off their feet possibly allow discretionary grants/fee waiver for 1st year of trading then fees rising year 2 and three etc until in line with inflation etc following years trading. Possibly 50% fee then 75% 2nd year 100% 3rd year.</p> <p>Possibly allow licenced premises a monthly fee paying system - discount for monthly payments or payment in full at renewal - either?</p>	<p>Whilst we appreciate the comment and can see the logic in this we think this would apply more to the annual fee rather than a fee for a major variations, this is set by the Scottish Government and is therefore outwith the Boards power. All mjoy variations are processed in the same way, the statutory provisions state that all applications of a particular type must be charged the same fee.</p>
23	14/09/2019	Member of the Licence Trade	Yes	Yes	None	None	None - Positive response.
24	14/09/2019	Member of the Licence Trade	Yes	Yes	None	Sounds fair.	None - Positive response.
25	15/09/2019	Member of the Licence Trade	Yes	Yes	None	None	None - Positive response.
26	16/09/2019	Statutory Consultee	Yes	Yes	None	None	None - Positive response.
27	16/09/2019	Member of the Licence Trade	No	No	None	None	We are unable to comment here as the respondent has not provided any reasoning in respect of their responses.

28	17/09/2019	Member of the Licence Trade	No	Yes	None	None	The council as a public body must consider the public purse and ensure that its costs are covered in line with our statutory obligation.
29	19/09/2019	Member of the Licence Trade	Yes	Yes	None	None	None - Positive response.

Appendix 2 – Proposed Fees

Type of Application	Current Fee	Proposed Fee from 4th November 2019 with inflationary increases from 1st April 2021
s.33 and s.34 – Transfer	£180.00 (including variation)	£180.00 (excluding variation)
s.33 and s.34 – Transfer with Minor Variation	£200.00	Transfers with Minor Variation £200.00
Major Variation Fee	£200.00	Transfer with Change to Premises Manager - £211.00
Preplacement Personal Licence Fee	£10.00	£350.00
		£20.00



REPORT TO ABERDEENSHIRE DIVISIONAL LICENSING BOARD
SOUTH – 2nd October 2019
CENTRAL – 9th October 2019
NORTH – 1st November 2019

LICENSING MATTERS EVENT 2019

1 Reason for Report / Summary

- 1.1 This report seeks to update members on the arrangements in place for the Licensing Matters Event and to discuss the role that the Board will have at the Event.

2 Recommendations

The Board is recommended to:

- 2.1 Acknowledge the arrangements in place**
- 2.2 Discuss the role that Board Members will have on the day**
- 2.3 Nominate a representative of the Board to assist in chairing the event, this will be shared between all 3 Boards.**

3 Purpose and Decision Making Route

- 3.1 This report provides an update to the Board following the paper presented at the June Boards on the Licensing Matters Event which is due to occur on the 27th November.

4 Discussion

- 4.1 There is a partnership approach to the now annual Licensing Matters Event, and partners from Police Scotland, the Alcohol and Drugs Partnership, NHS Grampian's Public Health Directorate and Opportunity North East are involved in planning this year's event.
- 4.2 Feedback was obtained from all of the Boards in June, and this, along with ideas and feedback from partners, has informed the arrangements for this year's event.
- 4.3 In terms of location, it was felt that whilst Inverurie is central to Aberdeenshire, the transport links are better to Woodhill House in Aberdeen. The availability of rooms and dates were investigated. It was initially considered that by moving the event to Aberdeen would mean putting a limit on the number of attendees, however the limit will be 75, which is the average number of attendees from the last two years. The plan is to manage the attendance at the event through an electronic system allowing the trade and interested parties to sign up online. This will enable officers to keep track of attendance easily. It was felt that given the feedback around accessibility, that a different location could be worth exploring.

Feedback will be sought on the change after the event and an evaluation over which option works best for future events will be completed and reported to the Boards.

- 4.4 The format of the event is set out in the agenda for the day which can be found at Appendix 1 to this report. It was felt that the participants would obtain more value from shorter sessions with partners in smaller groups to increase discussion and interaction.
- 4.5 A keynote address will be given by Opportunity North East on the impact of Food and Drink Tourism in Aberdeenshire. This will be followed by the participants being divided into three groups to attend sessions lead by Police Scotland, the Public Health Directorate of NHS Grampian and the Licensing Team alongside the Licensing Board members who are able to attend. Details of this are in Appendix 1. This is an opportunity for Board members to directly engage with participants in small groups to discuss key issues that affect them and to discuss, in general terms, the work of the Boards therefore a high turnout of Board members is encouraged.
- 4.6 Officers consider that it is appropriate that the chairing of the event is shared between a representative of each Board and so a nomination is sought from each Board and officers will liaise with all nominees in advance of the event.

5 Council Priorities, Implications and Risk

- 5.1 The report helps deliver Council Priority 1 – Supporting a strong, sustainable, diverse and successful economy.
- 5.2 This report is related to but not directly, the delivery of the LOIP Priority – Changing Aberdeenshire's Relationship with Alcohol.
- 5.3 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed.

Subject	Yes	No	N/A
Financial		x	
Staffing		x	
Equalities		X	
Fairer Scotland Duty		x	
Town Centre First		x	
Sustainability		x	
Children and Young People's Rights and Wellbeing		x	

- 5.4 An equality impact assessment is not required because any impact is on businesses and not on individuals and so does not have a differential impact on any of the protected characteristics.

- 5.5 There are no financial, staffing, sustainability and children and young people's rights and wellbeing implications.
- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

Ritchie Johnson
Director of Business Services

Report prepared by Lauren Cowie, Principal Solicitor (Governance)
Date 18th September 2019

List of Appendices

Appendix 1 – Proposed Agenda for Licensing Matters Event 2019

Appendix 1 – Proposed Agenda for Licensing Matters

Proposed Structure for the Day

27th November 2019

Venue – Woodhill House, Westburn Road, Aberdeen

10.00 - 10.05 - Chairs Welcome, Council Chamber – **Representative from Board**

10.05 - 10.20 - Keynote Address – ONE on Food and Drink Tourism

Representative from Board to introduce how next sessions will work.

10.30 - 11.00 - BREAKOUT SESSION 1

11.00 - 11.15 - TEA BREAK

11.15 - 11.45 - BREAKOUT SESSION 2

11.50 - 12.20 - BREAKOUT SESSION 3

12.25 - 12.50 - Counter Terrorism

12.50 - 13.00 - Summary and Conclusion – **Representative from Board**

Breakout Session 1 – Lead by NHS Grampian's Public Health Directorate (Ante Room) – Health and Wellbeing with a focus on Mental Health of the Workforce

Breakout Session 2 – Lead by Police Scotland (Committee Room 2) - Vulnerability, STOP and Crime Scene Preservation

Breakout Session 3 – Lead by Licensing Team and Licensing Board Members – Licensing Process, New Technology and Engagement with Board Members.

The participants will attend all breakout sessions in rotation so there is a chance to talk to all.

Facilitators will be on hand.

(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 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"> a. Confirm that persons who seek access to the premises have paid for admission or have appropriate passes/invitations; b. Identify and refuse entry to drunken persons c. Identify and refuse entry to any persons banned through pubwatch or by any other means; d. Actively police the premises and to perform all activities in line with their role under the Private Security Act 2001; e. Supervise entrance doors/access points at all times to ensure that no fire or other exits are blocked; f. Be aware of the fire safety precautions and procedures and all other policies and practices; g. Be aware of the premise’s drug prevention policy; h. Provide assistance to patrons, including customer care, directions to facilities and health and safety; i. Ensure that no patron removes glasses, or open or closed vessels from the premises when exiting for any reason. j. 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; k. 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.