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ABERDEEN CITY COUNCIL

To: Allan McIntosh, Convener; Craig Adams, Derek Murray, Gerard Rattray and George Wyatt (Representatives of Holders of Premises Licences/Personal Licences); Inspector John Soutar, Grampian Police; Sandy Kelman (Alcohol and Drugs Partnership); Sohail Faruqi (Education); Linda Smith (Health); Ian Donaldson, Mark Donlevy and Bob Westland (Community Safety); Mary Crawford, Ken Eddie, Councillors Martin Greig and John West (Representatives of Residents within the Forum's Area); Barry Black (Representative of Youth) and Diane Sande (Licensing Standards Officer).

Town House,
ABERDEEN 2 September 2010

LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in Committee Room 5 - Town House on **THURSDAY, 9 SEPTEMBER 2010 at 2.00 pm.**

RODERICK MACBEATH
ACTING SENIOR DEMOCRATIC SERVICES MANAGER

BUSINESS

- 1 Welcome and Apologies
- 2 Election of Forum Convener and Vice-Convener
- 3 Minute of Forum Meeting held on 29 July 2010 (Pages 1 - 4)
- 4 Night Time Bus Services - Project Update from Vycki Shade, Senior Engineer

- 5 Agenda Circulation
- 6 Workplan (Pages 5 - 12)
- 7 Recommendations to the Licensing Board on Review of the Statement of Licensing Policy (Pages 13 - 66)
- 8 Statistical Information
- 9 Update from Licensing Board (Pages 67 - 78)
- 10 Update from Licensing Standards Officer
- 11 Proposal to establish a North of Scotland Regional Licensing Forum
- 12 Any Other Competent Business

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Grant Webster, tel. (52)2607 or email gwebster@aberdeencity.gov.uk

Agenda Item 3

ABERDEEN LOCAL LICENSING FORUM

Thursday, 29 July, 2010

Present: Allan McIntosh, Convener; Craig Adams, Tom Cowan, Ken Eddie, Sandy Kelman, Raymond Morrison, Inspector John Soutar, Councillor John West and Bob Westland.

Apologies: Mary Crawford, Mark Donlevy, Ian Donaldson, Sohail Faruqi, Councillor Martin Greig, Derek Murray, Gerard Rattray, Diane Sande, Linda Smith and George Wyatt.

MINUTE

The Forum had before it the minute of the meeting held on 10 June, 2010.

The Forum resolved:-

to approve the minute and to note the following updates as matters arising from the minute –

- (1) that Vycki Shade, Senior Engineer, Enterprise, Planning and Infrastructure Service, would be attending the next Forum meeting to take part in a discussion on the project work to improve night time bus services;
- (2) that the Licensing Board had accepted the Forum's invitation to attend an informal session to view the training DVD prepared by Alcohol Focus Scotland and to take part in an informal discussion thereafter;
- (3) that Sandy Kelman would arrange for a colleague to give a presentation to the Forum at its meeting in November on the Alcohol Strategy reporting mechanism; and
- (4) that Barry Black had been nominated by the Aberdeen Youth Council to serve on the Aberdeen Local Licensing Forum and that the University of Aberdeen Students' Association would be nominating their replacement representative for Katherine Ross in October, 2010.

ALCOHOL ETC. (SCOTLAND) BILL

The Forum considered a briefing paper which was an update on the briefing paper considered by the Forum in February, 2010. The Forum noted the responses submitted by the Licensing Board to the Health Secretary and that a further update would be submitted as the Bill progresses through the Scottish Parliament.

The Forum resolved:-

to note the briefing paper.

NORTH OF SCOTLAND REGIONAL LICENSING FORUM

The Forum noted that the Aberdeenshire Licensing Forums were making enquiries as to whether or not the Aberdeen Forum would be interested in joining a Regional

Licensing Forum. A detailed proposal was not available but a decision in principle would be welcomed.

Inspector John Soutar advised the Forum that Grampian Police was exploring an information sharing protocol with the Licensing Boards in the North East of Scotland but it would be premature to consider that it would be desirable or feasible to work towards establishing a North East of Scotland Statement of Licensing Policy. Clearly the Licensing (Scotland) Act 2005 envisages each Board adopting its own Statement of Licensing Policy.

Members of the Forum discussed potential issues and concerns which could be explored in a regional context but acknowledged there would always be issues which were unique to the city. Some members of the Forum expressed a preference for meetings of the Regional Forum to take place in Aberdeen and at the conclusion of one of the timetabled meetings of the Aberdeen Licensing Forum in order to avoid adding to the time commitments for members of the Forum.

The Forum resolved:-

to request the Clerk to obtain further information about the proposal to establish a Regional Forum and to report back to the Forum meeting on 9 September, 2010.

CONTRIBUTION TO REVIEW OF STATEMENT OF LICENSING POLICY

The Forum considered a discussion paper and their expectations for the new Statement of Licensing Policy. A draft list of recommendations would be prepared based on today's discussion which included acknowledging that the Statement of Licensing Policy should have an expanded section on security, not just in relation to Door Supervisors but also addressing the need for security within premises with sufficient trained staff familiar with evacuation plans which had been tested. Detailed guidance should be developed and one recommendation will be that the Licensing Board establish a Working Group on which they would be represented together with representatives from the trade, security industry, Unight etc to draw up detailed guidance which is practical and can be enforced. Licensing Board representation should help ensure that the conclusions of the Working Group are endorsed by the Board.

The meeting noted Bob Westland and his colleagues are undertaking work on criteria to guide decisions on the number and timing of deployment of security staff in licensed premises of various types and capacities. The Forum would welcome a presentation on this work at a future meeting.

The sections of the Statement of Licensing Policy on Hours, Securing Public Safety and on Preventing Public Nuisance could be usefully expanded to address inconsistencies in approach. The Board could set out its objectives and attach conditions to licences in relation to those objectives in addition to the detailed scrutiny the Board and relevant officers give to the content of Operating Plans. Crowd dispersal, supervision of smoking areas and the context of public transport availability should be addressed in an expanded section on preventing public nuisance. As appropriate, the Board should liaise with the Licensing Committee to develop the details.

The Forum welcomed the decision by the Licensing Board on 27 July, 2010, to extend licensed hours to enable premises to remain open longer on local public holidays without the need for individual applications and scrutiny of applications by Grampian Police and other officials.

The Forum resolved:-

to ask the Clerk to draft a list of recommendations for consideration by the Forum at its meeting on 9/9/10 and to invite members of the Forum who would be responding in their own right to the invitation to contribute to the review of the Statement of Licensing Policy, to submit their responses to the Forum to enable the Forum to consider endorsing them.

LICENSING (SCOTLAND) ACT 2005 – EVALUATION OF IMPLEMENTATION AND COMPLIANCE

The Forum noted that Kenny MacAskill, MSP, Cabinet Secretary for Justice, had advised that NHS Health Scotland had commissioned a three year evaluation to assess the implementation of and compliance with, the objectives and relevant requirements of the Licensing (Scotland) Act 2005. The evaluation would be undertaken by the Scottish Centre for Social Research and the main aim of the evaluation was to assess the effectiveness of implementation and compliance with the legislation to control the availability of alcohol and identify factors facilitating or acting as barriers to effective implementation of the legislation.

The Licensing Board had noted the planned evaluation exercise which would take place over a three year period. However, briefing papers would be made available as data became available ahead of the production of the final report in March, 2013. Therefore the Licensing Board and the Licensing Forum could anticipate being contacted by the research team later this year.

The Forum resolved:-

to note they would have an opportunity to participate in the evaluation exercise being undertaken by the Scottish Centre for Social Research.

LOCAL LICENSING FORUM CONVENERS' MEETING

Allan McIntosh advised that he had attended a meeting on 14/7/10 with Dr. Evelyn Gillan, Chief Executive, Alcohol Focus Scotland, with Conveners of a number of Forums in Scotland. Unfortunately there was a poor attendance at the meeting. However, it was worthwhile and experiences and information were shared on relationships between Forums and Licensing Boards and also with Alcohol Focus Scotland. Alcohol Focus Scotland would try to include a meeting with Forum Conveners in the programme of the National Licensing Conference in September, 2010. Conveners were asked to consider the benefits of regional or national meetings of Forums and how these could best be implemented. Alcohol Focus Scotland had been asked to consider adding an item to the standard agendas of Forum meetings on issues of interest with responses to be collated once they had been reported back to Alcohol Focus Scotland. This would be a useful addition to the information sharing and communication achieved via the dedicated website

www.local-licensing-forums.org.uk. All Forums had been encouraged to send copies of their minutes to Alcohol Focus Scotland and the Aberdeen Forum already does so together with copies of its agendas and reports.

The Convener advised that there was a useful discussion on statistics and evidence gathering and that guidance would be helpful on potential sources of statistics for each of the five licensing objectives.

The problem of front loading of alcohol purchased from off-sales premises including supermarkets was discussed at the meeting and the consensus was that there was a need to consider adjusting business rate charges to reflect the volume of alcohol sold on premises if this was permitted in terms of legislation. Alcohol Focus Scotland had agreed to raise with the Scottish Government the provision in the Licensing (Scotland) Act 2005 that requires evidence of a causal link between premises and problems to substantiate a claim that there was overprovision of a specific type of licensed premises in an area.

In conclusion, the meeting considered education/awareness campaigns on the adverse health effects of excessive consumption of alcohol. Nationally and locally there had been considerable success with the annual Alcohol Awareness Weeks. In Grampian, last year's campaign included electronic initiatives which appealed to younger people. For example, people could log onto a diary to record their consumption and compare it with the recommended levels. There was evidence that in Grampian there was a good understanding of the significance of units of alcohol and the Forum recalled that it had recently submitted comments to the Department of Health supporting mandatory labelling of alcoholic drinks.

In conclusion there was support for improved liaison between the major cities in Scotland to discuss issues of common interest to their Licensing Forums.

The Forum resolved:-

to note the Convener's feedback on the meeting he attended with Alcohol Focus Scotland on 14 July, 2010.

NEXT MEETING

It was confirmed that the next meeting of the Forum would be held on Thursday, 9 September, 2010 at 2.00pm.

- **ALLAN MCINTOSH, Convener**.

ABERDEEN LOCAL LICENSING FORUM

WORKPLAN AS AT AUGUST, 2010

Licensing Objectives (for reference) –

- (1) Preventing Crime and Disorder,
- (2) Securing Public Safety,
- (3) Preventing Public Nuisance,
- (4) Protecting and Improving Public Health, and
- (5) Protecting Children from Harm.

Remit of Local Licensing Forums as set out in the Licensing (Scotland) Act 2005 – keeping under review the operation of the Act in the Forum's area and in particular the exercise by the Licensing Board of their functions including giving advice and making recommendations to the Board in relation to those matters where the Forum considers it appropriate. The Act does not enable a Forum to review or give advice or make recommendations in relation to the exercise by a Board of their function in relation to a particular case. "Case" is taken to mean an application before a Board and in the interests of natural justice is also taken to mean individual licensed premises. The preferred route for consideration of complaints about the running of licensed premises is to write directly to the Clerk or Depute Clerk to the Licensing Board.

The Licensing (Scotland) Act 2005 requires Licensing Boards in exercising any of their functions to have regard to any advice given or recommendations made to them by a Local Licensing Forum and where the Board decides not to follow the advice or recommendation to give the Forum reasons for that decision, the Board must provide copies of relevant statistical information to the Forum as it may reasonably require for the purposes of its general functions.

Licensing Standards Officers have a general function of providing to interested persons information and guidance concerning the operation of the Act, supervising compliance with the Act and the conditions of their licences by holders of Premises Licences and Occasional Licences and mediate between communities and the trade or between any two parties where there is a need to resolve a local problem and develop a local solution. LSOs do not act as "policemen" with regard to licensing but they will liaise with the police and other relevant officials such as Environmental Health Officers in pursuit of the objectives of the Act.

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
(1)	Find out from communities what are their areas of concern	Issues raised by Community Councils, etc have been considered by the Forum and where appropriate action has been taken to make further enquiries. The Forum will await any further referrals from Community Councils or individuals. In August 2010 the Lead Group of the Civic Forum was advised of the opportunity to raise concerns and to submit comments to the Licensing Forum to consider as part of the review of the Statement of Licensing Policy.		
(2)	Improve intelligence in relation to statutory bodies.	The Forum is gaining experience as it considers topics and input from Forum members who are representatives of relevant agencies. The Forum has been represented at conferences and training events and will continue to do so.		
(3)	Overprovision – Assisting the Licensing Board in adopting a statement as part of Licensing Policy.	The Forum submitted its views to the Clerk to the Licensing Board and formally approved the change to its Statement of		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
		Licensing Policy.		
(4)	To receive reports from the Licensing Board containing relevant statistical information.	First statistical report expected for Forum meeting on 11/11/10.		
(5)	<p>To request an outline from the Licensing Board on measures it will employ to ensure compliance with the five licensing objectives.</p> <p>This is being addressed as part of the review of the Statement of Licensing Policy.</p>	<p>An assurance has been given by the Board at the second joint meeting with the Forum that the current Licensing Policy makes appropriate references to the objectives. At the joint meeting with the Board on 23/4/10 it was confirmed that it will continue to monitor statistical trends in relation to crime and if possible health and other indicators in order to evaluate contributions to the achievement of the licensing objectives.</p>		
(6)	Public Safety in the City Centre	Safer Aberdeen Forum Action Plan to be consolidated at Forum meeting on 9/9/10.		
(7)	Late Night Bus Services	An Update will be considered by the Forum at its meeting on 9/9/10.		
(8)	Policy Review	The Sub-Committee and the Forum have considered Licensing Policy Statements		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
		<p>from other Boards in Scotland. No significant gaps have been identified.</p> <p>The Forum is working on its contribution to the review of the Statement of Licensing Policy as the current Policy expires in November 2010.</p>		
(9)	Aberdeen Alcohol Strategy	<p>The Forum or the Sub-Committee would benefit from considering the contributions the Forum can make to the achievement of the Strategy and this may require information on work in progress by other relevant bodies to avoid duplication of effort. For example work being undertaken by the Community Safety Partnership and by the Community Safety Criminal Justice Sub-Group of the Aberdeen Alcohol and Drugs Partnership.</p>		<p>It would perhaps be of assistance to learn from the Licensing Board their approach to ensuring they are contributing to the achievement of the Aberdeen Alcohol Strategy and are monitoring progress.</p>
(10)	<p>Staffing Levels – the Forum and the Sub-Committee noted that Aberdeen is the only city in Scotland to employ only one Licensing Standards Officer. Although information on staffing</p>	<p>A response to the issues raised was received on behalf of the relevant of Head of Service (Housing and Environment) in the City Council. The views of the Clerk to the Licensing</p>		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
	<p>levels elsewhere in Scotland may be out-of-date there is no doubt the majority of local authority areas employ more than one Licensing Standards Officer.</p> <p>The Forum at its meeting on 25/2/10 noted the response set out in this Plan but agreed to write to the Chief Executive of the City Council now seeking her views on increasing the establishment of Licensing Standard Officers.</p> <p>The Chief Executive has asked the Director of Housing and Environment to reply to the Forum and thanked the Forum for drawing this matter to her attention.</p>	<p>Board were also sought. It was agreed it would be premature to formally request the Forum to write to the Chief Executive of the City Council requesting an increase in the number of Licensing Standards Officers employed by the City Council. The professional opinion is that as the Licensing (Scotland) Act 2005 has only been operational since 1/9/09, it is too soon to accurately assess workload. It is anticipated that demand for advice will decline and from experience in dealing with the trade there is evidence of a high level of co-operation and willingness to comply. The officers concerned have given a commitment to review the position to decide whether or not to prepare a business case to support a request for additional staff resources. Meantime the Forum is asked to note that in addition to the Licensing Standards Officer one other officer has been trained in the Licensing Act duties. During 2010 more of his time will be freed up to undertake some of the duties.</p>		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
		Other staff have also received elements of LSO training and this should facilitate a more proactive approach in relation to visiting licensed premises. The LSO's Line Manager will continue to monitor her workload which is standard Council practice. It is suggested the Forum may wish to review the position at its meeting on 11/11/10 as any approach to the City Council to consider enhancing staff resources could be considered then as part of the 2011/12 Budget process.		
(11)	Irresponsible Promotions – The Forum agreed to ask the Clerk to the Licensing Board to comment on the legality and feasibility of requiring applicants for premises licenses to submit an alcohol pricing plan.	The Depute Clerk to the Licensing Board has responded. He has pointed out there is nothing in the mandatory licensing conditions regarding this. If it was considered appropriate (which it is not) it would be administratively unsustainable.		This was discussed at the joint meeting with the Board on 23/4/10.
(12)	Terminal Hours – The Forum agreed to ask the Depute Clerk to the Licensing Board whether legislation would permit the imposition of staggered closing	The Depute Clerk to the Licensing Board has responded. He advises that Appendix 4 of the Board's Statement of Licensing Policy		This was discussed at the joint meeting with the Board on 23/4/10

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
	hours on different types of licensed premises.	states the position regarding terminal hours. Core hours are set out in the premises operating plan and not by local conditions.		

ACTIONS FOR LICENSING FORUM IN

ALCOHOL STRATEGY 2009 – 2019 AND IN ALCOHOL RELATED DISORDER IN THE CITY CENTRE ACTION PLAN

- (1) Reducing Consumption – The Licensing Board will consult widely on specific measures to deliver and enhance their policy including receiving advice from the Licensing Forum.
- (2) Prevention (a) – Encouraging developments to increase access to food and non-alcoholic drinks in clubs and the licensed premises at night in liaison with Unight, the Licensing Board and City Centre/Safer Aberdeen Forum.
- (3) Prevention (b) – Review to establish how a more preventative approach to over-consumption of alcohol can be devised in partnership between the Licensing Board and the trade.
- (4) Prevention (c) – Attract different types of premises to offer family orientated entertainment such as late night coffee shops, cafes, etc. in liaison with the Licensing Board, Unight, Safer Aberdeen Forum and Economic Development staff.

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CITY COUNCIL

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31 August 2010

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**ABERDEEN CITY LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
STATEMENT OF LICENSING POLICY REVIEW**

The Licensing Board must publish a statement of their policy with respect to the exercise of their functions every three years. The Board must have regard to the Licensing Policy statement in exercising their functions under the above Act. The next publication must be completed before the 30 November 2010.

Before publishing their statement the Board must consult the local licensing forum and such other persons as the Board thinks appropriate.

You have been identified as an appropriate consultee. The draft policy can be found at http://www.aberdeencity.gov.uk/Licences/licensing/lic_LiquorInfo.asp and any response can be made to licensing@aberdeencity.gov.uk or to Licensing at the above address.

Should you require a hard copy of the draft policy please contact 01224 522377. The document is quite lengthy and it would be helpful if such requests were kept to a minimum.

Please note that the proposed changes to the Policy are highlighted in yellow.

The last date for responses is Friday 8 October 2010.

Yours faithfully

Eric W J Anderson
Depute Clerk to the Licensing Board

STEWART CARRUTH
DIRECTOR

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ABERDEEN CITY LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
STATEMENT OF LICENSING POLICY
November 2010 – November 2013

CONTENTS		PAGE
PREAMBLE		2
SECTION A – GENERAL		
1	Introduction	4
2	Consultation and links to other policies, strategies and legislation	5
3	Applications for licences and disposal of business	8
4	Delegation of licensing functions	9
5	Notification of application, objections and representations	9
6	Conditions attaching to licences	9
7	Need for licensed premises	11
8	Consideration of applications by the Board	11
9	Overprovision	12
10	Review of premises licence	13
11	Occasional Licences and Extended Hours Applications	13
12	Enforcement and licensing standards officers	14
13	Management of licensed premises	15
14	Licences Ceasing to have Effect [Section 28(5)(b)]	16
15	Personal licences	16
16	Adult entertainment	17
17	Premises offering Alcohol for Consumption off the Premises	17
18	Smoking and nuisance	18
19	Outside seating areas	18
20	Hours of trading	19
21	Under 18 Events	19
22	Annual Fees	22
SECTION B – LICENSING OBJECTIVES		
22	Overview	23
23	Licensing objective – preventing crime and disorder	24
24	Licensing objective – securing public safety	25
25	Licensing objective – preventing public nuisance	26
26	Licensing objective – protecting and improving public health	27
27	Licensing objective – protecting children from harm	28
APPENDICES		
1	Aberdeen City Council (Drinking in Public Places) Byelaws 2009	30
2	Scheme of Delegation	34
3	City Centre Plan	35
4	Operating Hours	36
5	Grampian Police CCTV Specification	38

PREAMBLE

1. Section 6 of the Licensing (Scotland) Act 2005 (the Act) requires all Licensing Boards (the Board) to publish every three years a statement of licensing policy (the policy). This Statement, which incorporates the first review of the policy, fulfils that statutory requirement for Aberdeen City Licensing Board.
2. In accordance with the requirements of section 6 of the Act, the Board has consulted with and taken cognisance of the views of: -
 - the local licensing forum for the Board area
 - such other person or persons who appear to the Board to be representative of holders of licences
 - the Chief Constable of Grampian Police
 - persons having functions relating to health, education and social work and young people (if not already represented on the forum)
 - persons resident within the licensing forum's area and
 - such other persons as the Board thinks appropriate
3. In preparing the policy, the Board has had due regard to the guidance issued by the Scottish Government in April 2007.

In particular the Board has recognised its duty to promote the five licensing objectives set out at section 4 of the Act:

- preventing crime and disorder
 - securing public safety
 - preventing public nuisance
 - protecting and improving public health and
 - protecting children from harm
4. The Board welcomes the powers given to it by the Act and intends to use those powers in a socially responsible way. In so doing, the Board recognises that the interests of the public, residents, businesses and patrons of licensed premises require to be balanced. The five licensing objectives will provide a starting point.
 5. The terms of this policy may require to be updated when further guidance is issued by the Scottish Government.
 6. The Board would welcome your contribution to the formulation of this policy. Comments may be submitted

by email to: licensing@aberdeencity.gov.uk

by fax to: 01224 522491

in writing to: Licensing Team
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Town House
Castle Street
Aberdeen
AB10 1AQ

If assistance is required to make your comments please discuss this with any member of staff who will be glad to assist - tel 01224 523411

You can also access this document on the Council's website at: www.aberdeencity.gov.uk/licensing.

The Council's Licensing Standards Officers, referred to at paragraph 13 of this policy, may be contacted

by email: commercial@aberdeencity.gov.uk

by fax: 01224 523887

in writing: Commercial and Trading Standards Section,
Housing and Environment
Aberdeen City Council, Broad Street
St Nicholas House, Aberdeen AB10 1BX

by telephone: 01224 523800

7. This policy will be in force from 30th November 2010. It will be applied during the three year period to November 2013. It will be kept under review and revised, if appropriate, by the issue of supplementary statements, during the three year period.

Convener.....

Clerk

November 2010

SECTION A – GENERAL

1 INTRODUCTION

1.1 Aberdeen City Licensing Board is a licensing authority for the purposes of the Licensing (Scotland) Act 2005 (“the Act”) and is responsible for granting :

- premises licences
- occasional licences
- temporary licences
- provisional licences
- personal licences
- variations of licences
- transfers of licences
- extensions of licensing hours

in respect of:

- the sale of alcohol by retail;
- the supply of alcohol in members’ clubs.

1.2 Home to a population of 213,810, Aberdeen is a thriving, cosmopolitan city in the North East of Scotland, the gateway to Scotland’s castle and whisky country. The City has a buoyant, modern, economy. While traditional industries such as education, tourism, farming and fishing are still important, it is the energy industry which sets the City apart and has earned it the epithet of “Energy Capital of Europe”.

The city accommodates a wide variety of licensed establishments, which contribute to the leisure and employment opportunities in the area.

A map outlining the extent of the city centre for the purpose of showing where late opening premises are located is attached at Appendix 3.

1.3 There has been a relatively constant number of licensed premises over the last few years, and at the time of review there are 658 licensed premises (including provisional licences) in the city. The Board has also declared two localities in the City where there is an overprovision of licensed premises. (See Section 9.)

1.4 The Act requires the Board to carry out its various licensing functions in such a way that the five licensing objectives are promoted. These are:

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health and
- protecting children from harm

The pursuit of these five objectives is a principal feature of the Board’s policy. The objectives provide a basis for refusal of an application for the grant of a premises

licence or of an occasional licence. Their breach may lead to the imposition of sanctions on a personal licence holder, or provide grounds for the review of a premises licence. Conditions attached to a premises or occasional licence may be based on any of the objectives.

- 1.5 The Act further requires that the Board publishes a statement of licensing policy which sets out the criteria the Board will generally apply to promote the licensing objectives when making decisions on applications.
- 1.6 The Board is required to have regard to the guidance issued by the Scottish Government and to consult with :
- the local licensing forum for the Board's area
 - such other person or persons who appear to the Board to be representative of holders of licences
 - the Chief Constable of Grampian police
 - persons having functions relating to health, education, social work and young people (if not represented on the Forum)
 - persons resident within the licensing forum's area and
 - such other persons as the Board thinks appropriate.
- 1.7 This first statutory review of the policy has been prepared in accordance with the provisions of the Act. It takes effect on 30 November 2010 and will remain in force for a period of not more than 3 years. It will be subject to regular review and further consultation as appropriate. If necessary the Board will prepare and publish supplementary statements of licensing policy.
- 1.8 It should be recognised that this policy covers a wide variety of activities and premises. It cannot provide for every eventuality but seeks to detail those factors which will influence the achievement of the licensing objectives.
- 1.9 This policy does not seek to undermine the right of any individual to apply under the terms of the Act and to have such an application considered on its individual merits. It does not seek to override the right of any person to make representations on an application, or to seek a review of a licence where provision has been made for this in the Act.

2 CONSULTATION AND LINKS TO OTHER POLICIES, STRATEGIES AND LEGISLATION

- 2.1 In developing this policy, the Board has consulted widely and given due consideration to the views of all those who responded. There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration in the promotion of the licensing objectives.

The Board also consulted those involved and responsible for local strategies on Community Safety, planning, transport, culture, health, tourism and economic

development.

- 2.2 In administering its responsibilities in respect of licensing the Board believes that it is important that it does not operate in isolation. Due regard will be given to the policies and decisions of Aberdeen City Council where appropriate.
- 2.3 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention Right. The Board will have particular regard to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:
- Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of their possessions, including, for example the possession of a licence
 - Article 6: that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law and
 - Article 8: that everyone has the right to respect for their home and private life.
- 2.4 The Disability Discrimination Act 1995 introduced measures to tackle discrimination encountered by disabled people in the areas of employment, access to goods, facilities and services. The Board has adopted a Disability Awareness Scheme under the 1995 Act. A copy of that policy is available on the Council website.
- 2.5 The Board recognises its responsibilities under the Race Relations Act, 1976. The impact of this policy on race relations will be monitored through the Board's Race Equality Scheme.
- 2.6 The Board will liaise closely with the Alcohol and Drugs Partnership (ADP) team in Aberdeen. The Board has endorsed the ADP Alcohol Strategy 2009-2019. The importance of such cooperation is recognised as part of the wider alcohol agenda, especially in relation to the public health and child protection licensing objectives.
- 2.7 The Board will have regard to any strategy of the Scottish Government designed to address the social, health and crime and disorder issues raised by the misuse of alcohol.
- 2.8 So far as possible, the Board will avoid duplication with other regulatory regimes and will not use its powers under the Act to arrive at outcomes that can be achieved under other legislation or by other enforcement agencies. These include:
- planning controls
 - fire safety
 - positive measures to create a safe and clean city environment, in partnership with local businesses, transport operators and various appropriate services of the local authority

- a positive and robust approach to binge drinking and underage drinking
- the provision of close circuit television (CCTV) surveillance, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers to designate parts of the local authority area as places where alcohol may not be consumed publicly. Reference is made to Aberdeen City Council (Drinking in Public Places) Byelaws 2009, a copy of which is attached as Appendix 1.
- police enforcement of the general law concerning disorder and anti-social behaviour
- greater use of powers to deal with those who commit offences, such as selling alcohol to people who are drunk.
- control of environmental nuisance

- 2.9 In particular, the Board's licensing functions will be discharged separately from Aberdeen City Council's functions as the local planning authority. The Board recognises that planning and licensing regimes are separate and that the processing of licensing applications should be an exercise distinct from the processing of planning applications. The Board as the licensing authority will not be bound by decisions made by Aberdeen City Council as the local planning authority. Applicants for licences are reminded that planning permission may be required for certain uses and that planning consents may carry conditions **which can affect the operation of licensed premises.**
- 2.10 It is appropriate that planning permission is obtained first, or alternatively that a certificate of lawful use or development has been obtained in terms of the proposed activities and trading hours.
- 2.11 In general, planning permissions authorise a broad type of use of premises, whereas licences are granted for a particular type of activity. A planning permission may cover a number of activities that can have a wide range of different impacts in the locality.
- 2.12 There is a presumption of a common approach in the reasoning behind planning and licensing decisions and conditions attached to planning permissions may relate to one or more of the five licensing objectives.
- 2.13 The formulation of this policy involved consultation with Aberdeen City Licensing Forum, which will keep under review the operation of the Act in this Board's area and will advise and make recommendations to the Board as appropriate. The Board will have regard to any advice given or recommendation made to it by the Forum. Where the Board decides not to follow that advice or recommendation, it will give reasons for the decision to the Forum
- 2.14 All premises for which a licence is sought will be expected to comply with the building standards and food hygiene requirements in force at the time of their construction, or at the time of any alteration. This is particularly relevant in respect of the licensing objectives relating to public health and public safety. Where construction work is proposed or completed, the applicant should be able to produce appropriate certificates issued by the local authority.

Other statutory requirements may apply to the provision of activities at premises and the responsibility for compliance lies with the licence holder. For example it is the responsibility of the applicant to ensure that all appropriate food safety legal requirements are met. The Board will expect all licence holders to conform to all relevant legislation.

- 2.15 There is considerable overlap between the licensing regime and the wider health & safety regulatory regimes. Many specific licensing requirements relate to matters potentially affecting public health and public safety, two of the licensing objectives.

3 APPLICATIONS FOR LICENCES AND DISPOSAL OF BUSINESS

- 3.1 The Board will give notification of applications for new licences via the Council's website.
- 3.2 Aberdeen City Council will itself make applications for premises licences. When this is the case, the Board and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, they will be given full and equitable consideration by the Board.
- 3.3 The Board will not accept any premises licence application which fails to satisfy the requirements of Section 20 of the Act and any regulations made under the Act. Any such application will be returned to the applicant.
- 3.4 The Board will dispose of its business in an open and transparent manner. Information will be made available to those persons who wish to apply for a licence, to make representations, or to lodge objections. The Board will remain at all times mindful of the need to be accessible to all, and assistance will be available on request to those who require any special arrangements to be made.
- 3.5 The Board will operate in the Town House of Aberdeen City Council. Timescales will be laid down for applications to the Board, in accordance with any regulations issued and these will be widely publicised. The Board will meet on a regular basis, usually on an 8 week cycle and the meeting dates will be advertised on our website.
- 3.6 Training of members will be a priority and will be carried out within the three month period following election of any member to the Board. Members will be kept informed of developments in the licensing arena and further training will be initiated as necessary.
- 3.7 The Board is committed to the use of e-government technology and to applying its benefits to ensure continuous improvement of the Board's operation. **All interaction with the Board should be possible electronically by autumn 2010.**

4 DELEGATION OF LICENSING FUNCTIONS

- 4.1 It is the Board's policy to provide a speedy, efficient and cost effective service to all parties involved in the licensing process.
- 4.2 The Board is committed to decisions on licensing matters being taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision making.
- 4.3 The delegations will be made by the Board in accordance with the Act. A table setting out how the Board intends to delegate its various licensing functions is attached at Appendix 2.
- 4.4 Unless there are justifiable reasons, or as permitted by the Act, the Board will meet in public.

5 NOTIFICATION OF APPLICATIONS, OBJECTIONS AND REPRESENTATIONS

- 5.1 The Board will give notice of each premises licence application it receives to those persons referred to in the Act, namely:
- each person with a notifiable interest in neighbouring land
 - any community council within whose area the premises are situated
 - the council within whose area the premises are situated
 - the Chief Constable of Grampian Police
 - the enforcing authority, in terms of section 61 of the Fire (Scotland) Act 2005.
- 5.2 The Board expects the Chief Constable to consider all applications and to give one of the statutory notices as appropriate, referring in particular to the crime prevention objective. The Chief Constable may lodge an objection but only if there is a connection with serious organised crime and the crime prevention objective is threatened.
- 5.3 The Board will consider all relevant representations or objections from any person as defined in section 22 of the Act. Objections or representations which are regarded as frivolous or vexatious may not be considered and, in the case of an application for the review of a licence, if it does not disclose a matter relevant to any ground for review, the Board may reject it.

6 CONDITIONS ATTACHING TO LICENCES

- 6.1 The Board acknowledges the mandatory conditions laid down in Schedules 3 and 4 of the Act. **In particular the Board wishes to prescribe a minimum standard to which designated first aiders must be trained.**

- 6.2 The Board will adopt a balanced approach which promotes the safety of premises, staff and customers without imposing too stringent a burden on licence holders of this type of premises.
- 6.3 Licence holders will already be aware that first aid cover in the workplace is a legal requirement under the *Health and Safety (First Aid) Regulations 1981* and the *Management of Health and Safety at Work Regulations 1999*. It is anticipated that licence holders, in pursuance of these Health and Safety legal obligations, will already have completed a first aid risk assessment and will have provided sufficient first aid cover including trained first aiders. Therefore the Board considers that it should adopt the Health and Safety Executive (HSE) Emergency First Aid at Work (EFAW) qualification as its minimum first aid standard, this being the United Kingdom's recognised entry level qualification in workplace first aid. The Board will also accept the advanced HSE qualification, First Aid at Work (FAW). The course is widely available and takes approximately 6 hours to complete.
- 6.4 In respect of existing first aiders the above will not apply retrospectively but the Board expects licence holders to adhere to the standard when refresher training is being undertaken.
- 6.5 Where relevant representations are made, the Board will consider whether other conditions may need to be attached to a licence in order to achieve the licensing objectives. Any conditions arising as a result of representations will cover matters that are within the control of the licence holder.

The Board has devised a number of local conditions which may be attached to premises licences.

1. The following condition will be attached to all off-consumption premises licences unless there is cause shown why this should not be the case:

CCTV

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current requirements of Grampian Police as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. The system must function correctly during all the hours when the premises are open for the sale and supply of alcohol. Faults will be recorded immediately they are detected and rectified as soon as practically possible. Checks on the operation of the system must be made on a daily basis.

2. The following condition will be attached to all premises licences which offer Adult Entertainment:

Adult Entertainment

A register of performers must be maintained and kept up to date. The register will (a) include (i) the name, address, date and place of birth,

nationality and a current passport sized photograph (ii) in the case of foreign nationals, the passport number and country of origin and (b) be made available for inspection by Grampian Police and/or the Licensing Standards Officers.

3. the following conditions may also be attached to premises licences:

Door Supervisors

It is a condition that the licence holder will ensure that from 23:00 onwards they shall employ or use suitably licensed door supervisors at or near the entrance to, or within the premises, to maintain order and/or security and prevent patrons breaching the licensing objectives.

Drugs Policy

It is a condition that the licence holder has in place and enforces the drugs policy formulated by Grampian Police and attached hereto and displays a notice to the effect that such a drugs policy is in operation at the premises.

Radio Link

It is a condition that the licence holder is a member of the local Radiolink Scheme.

If an applicant volunteers a prohibition or restriction in their operating plan because their own assessment has determined it to be appropriate, the volunteered prohibition or restriction, if accepted, may become a condition attached to the licence and be enforceable as such.

7 NEED FOR LICENSED PREMISES

7.1 The Board acknowledges that need, in the sense of the commercial demand for further licensed premises, is not a licensing policy matter. Licensing decisions will not therefore be based upon this issue.

8 CONSIDERATION OF APPLICATIONS BY THE BOARD

8.1 When considering whether any licence should be granted, the Board will assess the likelihood of it having an adverse impact on the licensing objectives. The Board will take into account relevant matters including :

- the nature of the premises, the activities therein, the potential number and profile of the customers likely to attend the premises
- the proposed hours of operation

8.2 Where it is possible to take steps to mitigate or prevent any potential impact the Board may still be able to grant a licence subject to conditions. Each case will be considered on its merits and appropriate advice will be sought by the Board.

8.3 When considering any application for premises which have been previously

licensed, the Board will take into account evidence presented to it, in particular, the impact the premises may have on local residents and the measures put into effect by the applicant to mitigate any adverse impact.

9 OVERPROVISION

9.1 In terms of section 7 of the Act, the Board is under a duty to include in this policy a statement (overprovision statement) of the extent to which it considers there to be overprovision of licensed premises, or overprovision of licensed premises of a particular description, in any locality within the Board's area.

9.2 Localities

In order to identify those localities the Board consulted:

- the Chief Constable of Grampian Police
- the Local Licensing Forum
- persons who appear to the Board to be representative of the interests of holders of premises licences in respect of premises within the locality and
- other persons as the Board thinks fit.

9.3 Grampian Police identified two areas in the city of Aberdeen in which they consider there to be overprovision of liquor licensed premises and these areas are as follows:

a) **the Belmont Street Area**, which is that area of Belmont Street bordered by Union Street, Back Wynd and Schoolhill. It includes Belmont Street (both sides), Union Street (north side), Back Wynd, Little Belmont Street (both sides) and Gaelic Lane (both sides) and

b) **the Justice Mill Area**, which is that area bordered by Justice Mill Lane, Langstane Place (both sides), Bon Accord Street (both sides), Dee Street (both sides), Union Street (south side) and Holburn Street (both sides).

9.4 The principal evidence that the police used in adopting this view related to the crime statistics for these localities.

The views of Grampian Police are supported by NHS Grampian, Aberdeen City Alcohol and Drugs Partnership (who supported their views by providing evidence gathered from the Scottish Ambulance Service and analysed by NHS Grampian detailing alcohol related call outs to these localities), and the Local Licensing Forum.

9.5 At its meeting on 6 April 2010, the Board, having regard to the number and capacity of liquor licensed premises in both these localities and, with the supporting evidence provided by consultees, adopted these two localities as having an overprovision of liquor licensed premises.

The Board also resolved that there is no overprovision of licensed premises in

respect of the rest of the city of Aberdeen.

9.6 This overprovision statement applies to both on sale and off sale premises but does not apply to premises in respect of which an occasional licence in terms of section 56 Act has effect nor to members' clubs as defined in paragraph 2 of The Licensing (Clubs) (Scotland) Regulations 2007.

9.7 The effect of the identification and adoption by the Board of the two named localities is that there is a presumption against the grant of a premises licence in both these areas. However, the Board will consider each case on its merits and the presumption may be overturned on cause shown.

10 REVIEW OF PREMISES LICENCES

10.1 A licence may be reviewed on the application of any person on the grounds specified in section 36 of the Act. At review the Board will consider all the options at its disposal including the decision to take no action.

10.2 Because of the tight statutory time frame for holding a review hearing once a complaint has been received, the Board has delegated the decision on whether to hold a hearing to the Convener and the Clerk. If a premises licence review application does not disclose any matter relevant to any ground for review, or if it is vexatious or frivolous the Convener and the Clerk will reject it. There may be occasions when the decision whether or not to hold a review hearing will be taken by the full Board. The Convener will make this decision as appropriate.

11 OCCASIONAL LICENCES AND EXTENDED HOURS APPLICATIONS

11.1 An occasional licence authorises the temporary sale or supply of alcohol which is not authorised by a premises licence. An extended hours applications authorises the temporary sale of alcohol in licensed premises for hours beyond the core hours shown on the operating plan

An occasional licence may be applied for by:

- the holder of a premises licence
- the holder of a personal licence
- a representative of a voluntary organisation

to cover a maximum period of 14 days

An extended hours application may be made by the holder of a premises licence for a special event of occasion to be catered for on the premises, or for an event of local or national significance for a period the Board considers appropriate.

11.2 Any applicant for such licences should be aware of their responsibility to apply for a public entertainment licence and late hours catering licence, issued under the Civic Government (Scotland) Act 1982, where appropriate.

11.3 The Board recognises the right of any person to object to an application for an

occasional licence in terms of section 58 of the Act.

- 11.4 The grant of an occasional licence is subject to the mandatory conditions set out in schedule 4 to the Act.
- 11.5 Event organisers are encouraged to provide as much notice of their event as possible to the Board and to the Chief Constable. Consultees have 21 days to respond to applications for occasional licences and 10 days to respond to extended hours applications. Applicants should be aware of these timescales in submitting an application. The board requires an **absolute minimum of 28 days notice** of an event to enable it to deal with an application timeously. When submitting an application, applicants should be aware of the possibility that it may need to be heard by the board and should allow sufficient time to enable this to take place.
- 11.6 Extended hours applications allow for an extension of licensed hours and operate for a maximum period of one month. The Board will normally only grant these extensions for the period of the actual event. If the Board considers the number of applications for extended hours for the same premises is excessive, it will expect the applicant to consider making an application to vary the premises licence, by adjustment of the operating plan.
- 11.7 The Board will normally only permit extended hours applications in connection with (i) a special event or occasion to be catered for on the premises, or (ii) a special event of local, national or international significance. The grant of an extension of licensed hours will last for the period of the special event only and in any case will not exceed one month.
- 11.8 The Board will observe the statutory presumption against 24 hour opening. The exception will be events of high local or national importance.
- 11.9 The Board may make a determination under section 67 of the Act to extend licensed hours to enable premises to remain open longer for certain special occasions. In addition to consulting the Licensing Forum for Aberdeen City, the Board will request observations from the Chief Constable and from other relevant parties on the issues of crime prevention and public safety. The Board will notify any general extension of hours by posting a notice on the website www.aberdeencity.gov.uk
- 11.10 Guidance on hours of trading is attached at Appendix 4.

12 ENFORCEMENT AND LICENSING STANDARDS OFFICERS

- 12.1 Aberdeen City Council will employ licensing standards officers (LSOs) to investigate allegations of unlicensed activities, to ensure that licence conditions are complied with, and to provide information and guidance and a mediation service.
- 12.2 Resources will be targeted towards high-risk premises and activities that require greater attention.

- 12.3 Aberdeen City Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community. The enforcement of the licensing regime is one of these services. The Council is committed to the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 12.4 The Board recognises the interests of both citizens and businesses and will work closely with its partners, to assist licence holders to comply with the law and the five licensing objectives. Proportionate but firm action will be taken against those who commit offences.
- 12.5 The Board expects enforcement agencies to adopt a similar approach and will seek to work actively with them to enforce the licensing legislation. In particular the Board anticipates cooperation with the police and to sharing information where appropriate in order to enhance the promotion of the five licensing objectives.

13 MANAGEMENT OF LICENSED PREMISES

- 13.1 A premises manager must be specified in the operating plan (unless the licence holder is a Members Club). The Board will expect the premises manager to have the day to day responsibility for running the premises and to be present on the premises on a regular basis when alcohol is being sold. The board considers that it is good practice that the premises manager has experience commensurate with the size, capacity, nature and style of the premises.
- 13.2 The premises manager must hold a personal licence.
- 13.3 Within all licensed premises, whether or not alcohol is to be sold, the Board will expect there to be proper management arrangements in place. These should ensure that there is an appropriate number of responsible, trained persons on the premises and that compliance with all statutory responsibilities and the terms and conditions of the premises licence is maintained.
- 13.4 The Board will prescribe a standard to be achieved for first aid qualifications for designated employees in premises subject to the late opening conditions. See section 6.
- 13.5 The Board recognises that certain sectors of the licensed trade have organised themselves into professional interest groups with the aims of fostering mutual interests and to provide significant levels of self help in setting and maintaining suitable standards to ensure adherence to the terms of the licensing objectives. The Board encourages the work of such groups as a valuable contribution to maintaining and improving standards in the city and also encourages licence holders to participate in these groups.

14 LICENCES CEASING TO HAVE EFFECT (SECTION 28(5)(b)).

- 14.1 Section 28 details the period of effect of a premises licence. A premises licence ceases to have effect on the occurrence of certain events. This section of the policy deals with the situation when the licence has ceased to have effect in terms of section 28(5)(b) – that is when the premises in respect of which the licence was issued, cease to be used for the sale of alcohol and that reason is NOT the surrender or revocation of the licence.
- 14.2 The Board will consider the individual circumstances in each case before finding that a licence has ceased to have effect. Where the Board does make such a finding, the only way to reinstate a licence will be to apply for a new premises licence.
- 14.3 There is no statutory definition of “cease to have effect” nor of “ceases to be used for the sale of alcohol”. It is therefore necessary for the Board to set out how it proposes to deal with this situation.
- 14.4 Because of this provision the Board must be made aware when premises are about to or have closed to the public. The Board recognises that there may be a wide variety of reasons why premises might close and that closure does not necessarily mean that the premises have ceased to be used for the sale of alcohol. However, should it be the case that premises are to close for a period of more than 14 days, the Board will expect the licence holder to advise it in writing of the closure, giving the reasons for doing so and the estimated length of closure. If the closure is temporary, the Board will also expect the licence holder to advise it when the premises have reopened.

The Board considers it reasonable to presume that, where premises have been closed for longer than 56 days, without giving reason for the closure, the premises will be deemed to have ceased to be used for the sale of alcohol and the licence therefore ceased to have effect.

15 PERSONAL LICENCES

- 15.1 Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence, subject to the provisions in 15.2.
- 15.2 The Board will grant a personal licence if it is satisfied that the applicant:
- is over 18 years of age
 - possesses a relevant licensing qualification
 - has not had a personal licence revoked in the previous five years, (ending with the day on which the application was received),
 - has not been convicted of any relevant or foreign offence
- 15.3 The Board will give notice of any personal licence application to the Chief Constable. It will consider carefully the seriousness and relevance of any conviction the applicant may have and the period which has elapsed since the offences were committed.

16 ADULT ENTERTAINMENT

- 16.1 The Board is concerned at the growth of premises offering adult entertainment in the city. Applicants should be aware of the statutory definition of adult entertainment contained in SSI 2007/336 (1) (2)(a) and (b). The Board reserves the right to give this provision a wide interpretation.
- 16.2 The Board will particularly expect applicants who propose to offer adult entertainment to give consideration to the promotion of the licensing objectives, in particular those relating to the protection of children, the prevention of crime and disorder and the prevention of public nuisance.
- 16.3 Where premises licence applications include adult entertainment in the planned activities, the Board will have particular regard to the location of the premises in relation to places of religious worship, schools, youth clubs or other premises where significant numbers of children are likely to congregate.
- 16.4 The Board recognises the potential for exploitation, abuse and human trafficking associated with the sex industry. With that in mind, the Board will add local conditions to the effect that those who operate premises providing adult entertainment must maintain a register of their performers, including their date of birth and address and a photograph and make this available at any time for the Police to inspect without warrant.
- 16.5 The Board will expect licence holders to ensure that performers, while outside the premises smoking, do not cause a nuisance to neighbouring residents, businesses and/or the public.
- 16.6 The following condition will be attached to all premises licences which offer adult entertainment:

Adult Entertainment

A register of performers must be maintained and kept up to date. The register will (a) include (i) the name, address, date and place of birth, nationality and a current passport sized photograph (ii) in the case of foreign nationals, the passport number and country of origin and (b) be made available for inspection by Grampian Police and/or the Licensing Standards Officers.

17 PREMISES OFFERING ALCOHOL FOR CONSUMPTION OFF THE PREMISES

- 17.1 The Board will monitor developments in the area of test purchasing and will take enforcement action where necessary. Consideration will be given to establishing a standard condition relating to proof of age, without which no sale of alcohol will be made.
- 17.2 On cause shown the Board may consider restricting the terminal hours of off sales premises taking into account all the licensing objectives. Reference is made also to paragraph 25 of this policy, relating to public nuisance.
- 17.3 Every application will be treated on its merits but the Board will have particular

regard to applications for premises licences for domestic premises. The Board is inclined to the view that such applications are inappropriate insofar as the applicant may not be able to fully comply with the licensing objectives, in particular protecting children from harm or to provide what the Board regards as proper storage for the alcohol offered for sale.

17.4 The Board will treat applications for internet sales which include storage of alcohol at domestic premises in the same way as applications at 17.3.

17.5 The Board will attach the following local condition to all off consumption premises unless there is cause shown why this should not be the case:

CCTV

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current requirements of Grampian Police as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. The system must function correctly during all the hours when the premises are open for the sale and supply of alcohol. Faults will be recorded immediately they are detected and rectified as soon as practically possible. Checks on the operation of the system must be made on a daily basis.

18 SMOKING AND NUISANCE

18.1 The Board acknowledges that smoking is not a licensing matter and is regulated under other legislation. However the Board will ensure, so far as possible that its policies reflect current good practice on smoking.

18.2 The health risks associated with smoking and passive smoking continue to be well publicised. Licence holders should be aware of their own statutory responsibilities, public opinion generally, the expectations of their patrons and the legislation concerning smoking in public places.

18.3 The Board expects that licence holders will have regard to good practice. It is their responsibility to ensure that patrons do not create a nuisance or disturbance for residents living nearby. Where appropriate the Board may impose conditions requiring licence holders to provide litter bins and clean up litter in the vicinity of the premises. Licence holders should be aware that the Board will expect LSOs to enforce, from a public nuisance perspective, smoking in licensed premises.

18.4 Every business has a duty to ensure that waste is disposed of securely and to keep their premises clear of all litter generated by staff and customers. The Board expects licence holders to be aware of their responsibilities and of the possibility of statutory street litter control notices in the case of non compliance.

19 OUTSIDE SEATING AREAS

19.1 The Board recognises a growing trend for outside seating areas in licensed premises. The Act allows the consumption of alcohol off the premises in these areas. However Aberdeen City Council has a byelaw prohibiting the consumption

of alcohol in designated public places. This is part of the overall strategy to make safe all the public areas within the city. The text of the bylaw is available at Appendix 1 and on Aberdeen City Council website at: www.aberdeencity.gov.uk/licensing

- 19.2 The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence. Applicants who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. These areas should be shown on the layout plan.
- 19.3 Aberdeen City Council operates a scheme whereby a permit may be applied for to occupy the footway with tables and chairs. This scheme is operated under the Roads (Scotland) Act 1984. The Board expects that licence holders will not only comply with any conditions attached to such a permit but will also put into place effective management controls, supervision and other measures to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity.

20 HOURS OF TRADING – GENERAL, OCCASIONAL & EXTENDED

General

- 20.1 The Board expects that all applicants for licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Applicants should not overestimate their trading hours just in case they may be required, as this may precipitate a review of the licence.
- 20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.
- 20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances. The Board will deem up to 14 hours continuous trading in any 24 hour period to be reasonable. The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10
- 20.4 The Board further considers that it would be extremely difficult for any applicant to justify the sale of alcohol prior to 10:00 hours and after 03:00 hours unless there are exceptional circumstances. Premises may have differing terminal hours for

different parts of the premises.

20.5 Late opening **is** considered as opening beyond 01:00 hours. Such premises will be subject to mandatory late opening conditions and the Board may attach further conditions. The later a premises wishes to trade, the more the Board will expect applicants to demonstrate measures that promote the licensing objectives and justify the request for later hours.

20.6 **The Board will apply a general direction in terms of section 67 and** allow

a) an extra hour of trading for all premises on 24th and 31st December annually. This extra hour of trading will not apply to casinos and

b) **an extra hour of trading for all premises that wish to trade late on the Sunday night preceding a Monday local holiday. This extra hour of trading will not apply to casinos.** For the avoidance of doubt the 4 local holidays referred to are :-

Monday following the 3rd Sunday in April, 1st Monday in May, 2nd Monday in July, 4th Monday in September. Where the April holiday Monday falls within the week containing Good Friday, the local holiday will be the following Monday. Holiday dates can be viewed at www.aberdeencity.gov.uk

20.7 Premises licensed for **consumption off** the premises **(whether off consumption only or off and on consumption)**, will be subject to the statutory off **consumption** hours of 10:00 hours to 22:00 hours daily. The Board however does have powers to restrict these hours if it considers it to be necessary to meet the licensing objectives.

20.8 Applicants will be expected to give due consideration to the impact their patrons may have after leaving their premises, taking into account the likely exits of patrons from the nearby licensed establishments

The following issues should be considered:

- the effect of the grant of a licence before 10:00 hours or after 01:00 hours on crime and disorder, public safety, public nuisance, public health and children
- the proposed hours when any music, including incidental music and karaoke, will be played
- the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
- whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night
- the capacity of the premises
- the type of use, recognising that premises which sell alcohol, play music, provide late night refreshment or takeaway food, are more likely to be associated with crime and disorder and public nuisance than premises where the consumption of alcohol is not the main activity.
- the hours at which noise may occur and the disturbance of nearby residents' rest, relaxation and sleep.

- 20.9 The Board believes that there may be merit in applicants giving consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, thereby creating a calmer ambience, patrons leaving the premises may be inclined to behave less boisterously after they have left the premises. In addition patrons may be inclined to leave the premises spasmodically in small groups on a gradual basis rather than simultaneously.
- 20.10 Restricted licensing hours may be appropriate in cases where licensed premises are situated in the vicinity of residential property, or have external areas, or where business hours in the vicinity are likely to lead to undue pressure on public transport, public nuisance, disorder or anti social behaviour. The Board may impose different restrictions on hours for different premises and for different days of the week in order to achieve the licensing objectives.
- 20.11 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder caused or exacerbated by customers departing from the premises.
- 20.12 The Board believes that by adopting an approach which is sufficiently flexible, it is possible to ensure that restrictions on the hours of trading will only be applied where this is necessary in order to promote the licensing objectives.

Occasionals and Extended Hours

- 20.13 The Board will normally only permit extended hours applications in connection with (i) a special event or occasion to be catered for on the premises, or (ii) a special event of local, national or international significance. The grant of an extension of licensed hours will normally last for the period of the special event only and in any case will not exceed one month.
- 20.14 The Board will observe the statutory presumption against 24 hour opening. The exception will be events of high local or national importance.
- 20.15 Where the hours sought fall outwith the hours specified in this statement, the applicant will have to demonstrate the hours requested are appropriate in the circumstances. The applicant shall provide the Board with sufficient information to enable a decision to be made. This will include –
- the hours sought
 - the description of the special event or occasion
 - what activities are proposed to take place during those hours
 - when each activity will take place
 - why the event or occasion is considered to be special
 - why the event or occasion cannot take place within the usual hours
 - how the request complies with the licensing objectives.

On occasions of national, local or international significance the Board have the authority to apply a general extension of licensing hours. The Board will notify those affected of the granting of any general extension of hours. Notification of general extensions will be posted on the website www.aberdeencity.gov.uk
Guidance on hours of trading is attached at Appendix 4

21 UNDER 18 EVENTS

- 21.1 Certain licensed premises have, in the past, held events on the premises catering only for customers who are under 18 years of age. During these events the licence holder has ensured that no alcohol is sold or is on display.
- 21.2 The Board expects applicants who wish to offer this activity to list it at question 6 in the operating plan. The Board may impose discretionary conditions in relation to this activity.

22 ANNUAL FEES

- 22.1 Where a premises licence is in effect or is suspended, the holder of that licence must make payment of an annual fee.
- 22.2 First annual fees are due 30 days after the date on which the licence takes effect. Subsequent annual fees are due on the 1st October each year. Where that date falls on a Saturday or Sunday the fee is due the following Monday.
- 22.3 The annual fee payable is determined by reference to the rateable value of the premises. A first annual fee is not to exceed A multiplied by B divided by 365, where A is the full annual fee and B is the number of days between the date on which the first annual fee is due and the next 1 October.
- 22.4 In accordance with the Licensing (Fees) (Scotland) Regulations 2007, the Licensing Board will give notice to premises licence holders of the amount of fee payable not later than 30 days before the date on which the fee is due.
- 22.5 The Licensing Board will **not** issue invoices and the premises licence holder is responsible for ensuring that payment is made by cheque, cash, credit or debit card. We hope to offer a facility for on line payment in the near future.
- 22.6 Payment of the annual fee is a mandatory condition attached to the premise licence and therefore non payment is a breach of that condition.

Non payment of the annual fee may result in the Licensing Board proposing a review of the premises licence. The Board, if satisfied that a ground for review exists, may take any of the following actions:

1. issue a written warning;
2. make a Variation of the Premises Licence;
3. suspend the Premises Licence or
4. revoke the Premises Licence.

22.7 Confirmation of a Provisional Premises Licence

Where premises do not have a rateable value entered on the valuation roll when an application to confirm a provisional premises licence is lodged, no application fee is payable.

However, in accordance with Regulation 3 (3) of the Licensing (Fees) (Scotland) Regulations 2007 "where a rateable value is changed with retrospective effect so as to place premises on a particular date in a different category, the appropriate amount is to be paid to the relevant Board or repaid by it (as the case may be)"

In these circumstances the Board expects that payment will be made in a timeous manner. Failure to make payment may result in the Board pursuing the fee through litigation.

SECTION B - LICENSING OBJECTIVES

22 Overview

22.1 The following sub-sections set out the Board's policy relating specifically to the five licensing objectives:

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children from harm

22.2 In each section, the Board has defined its intended outcome. Each section lists the influencing factors for achieving the objective. Because of the wide variety of premises and activities to which this policy applies, the lists are not exhaustive. Applicants will know their premises best and will be expected to address all relevant considerations.

22.3 In each sub-section, a list of possible control measures is provided, but is not intended to be exhaustive. Many control measures are relevant to more than one objective but have not necessarily been listed under each objective.

22.4 The Board may impose additional local conditions if necessary or expedient to secure the licensing objectives.

22.5 Risk assessment is considered to be good practice and a useful tool in the instruction and training of staff. The selection of control measures should be based upon a risk assessment of the physical characteristics of the premises, the proposed activities and the type of customers expected to attend, for example age range and numbers.

23 LICENSING OBJECTIVE - PREVENTING CRIME AND DISORDER

23.1 Aberdeen City Council together with other agencies already has a **Housing and Community Safety Strategy** aimed at making the city a safe place to live, work and play. The Board is committed to further improving the quality of life for the people of the city by continuing to adopt policies and to introduce measures designed to increase community safety and to reduce crime, the fear of crime, and disorder.

23.2 Preventing crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Factors which impact on crime and disorder include, but not exclusively so:

- underage drinking
- drunkenness on premises
- illegal possession and/or use of drugs
- violent behaviour
- anti-social behaviour
- litter
- unauthorised advertising (including flyposting)
- noise nuisance as a result of those smoking outside premises

23.3 The following examples of control measures are given to assist applicants

- effective and responsible management of premises
- training and supervision of staff
- adoption of best practice guidance where available, including that relating to drinks promotions and safe drinking guidance.
- acceptance of accredited proof of age cards such as the locally recognised Accord Card or PASS scheme
- provision of effective CCTV in and around the premises, which complies with all relevant legislative provisions
- provision of external lighting and other security measures
- employment of Security Industry Authority licensed door supervisors
- provision of litterbins outside premises
- membership of Radiolink
- adherence to Aberdeen City Licensing Board Drugs Policy
- responsible advertising

23.4 Close circuit television makes a significant contribution to addressing antisocial behaviour in Aberdeen. In recent years extensive investment in public space CCTV has assisted in the identification and prosecution of criminals and provided reassurance to residents. The network of CCTV cameras, is a vital part of Aberdeen's strategy to tackle antisocial behaviour and contributes to the development of safer communities. These cameras are designed both to prevent and to detect anti social behaviour.

23.5 The Board is aware of the proposals by Scottish Ministers in respect of the installation of functioning CCTV in late opening premises. In order to ensure the

greatest possible degree of protection for the public this Board may consider conditions which go beyond those proposed by Scottish Ministers. In particular the Board will add a condition to licences for off consumption only, prescribing CCTV of a minimum standard to be installed in and around off sales premises. Reference is made to paragraph 17 and Appendix 5 of this policy in this connection.

- 23.6 Aberdeen City Council has a byelaw prohibiting the consumption of alcohol in designated public places. This is part of the overall strategy to make safe all the public areas within the city. The text of the byelaw is available at Appendix 1 and on Aberdeen City Council website at: www.aberdeencity.gov.uk/licensing.

24 LICENSING OBJECTIVE – SECURING PUBLIC SAFETY

- 24.1 The Board is committed to ensuring the safety of any person in licensed premises.

- 24.2 When addressing the issue of public safety, an applicant must consider those factors which impact on public safety. These include:

- the occupancy capacity of the premises
- the standard of maintenance of the building having regard to its age and the design and layout, including the means of escape in the event of fire
- the structural stability and integrity of the premises
- the nature of the activities to be provided, including whether those activities are of a temporary or permanent nature
- customer profile, for instance age, disability
- the use of special effects such as lasers, pyrotechnics, smoke machines and foam machines
- counter terrorism measures
- provision of facilities for the hygienic service of food (including alcohol)

- 24.3 The following examples of control measures are given to assist applicants.

- suitable and sufficient risk assessments
- effective and responsible management of premises, including installation of a CCTV system (to a prescribed standard) which complies with relevant legislative requirements in and around premises
- provision of a sufficient number of people employed or engaged to secure the safety of both premises and patrons
- appropriate instruction, training and supervision of those employed or engaged to secure the health and safety of both premises and patrons
- adoption of best practice guidance
- implementation of crowd management measures
- proof of regular testing and certification where appropriate, of procedures, appliances and safety systems.
- evacuation procedures on finding a suspicious package or vehicle

25 LICENSING OBJECTIVE - PREVENTING PUBLIC NUISANCE

- 25.1 The Board believes that licensed premises have the potential to have a significant adverse impact on communities. It wishes to maintain and protect the amenity of occupiers of other businesses and residents from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.
- 25.2 The Board will interpret public nuisance in its widest sense and will take it to include such issues as noise, light, odour, litter and anti-social behaviour. In particular the Board will consider that flyposting is both a public nuisance (litter) and anti-social behaviour in terms of its impact on the community.
- 25.3 Applicants should be aware that the Board may apply stricter conditions, including restrictions on licensed hours, where the activities may impact on residents or other business premises and where relevant representations have been received.
- 25.4 The Board believes that the impact of licensed premises on a neighbourhood is significantly influenced by the times when those premises are open. The Board may restrict hours of opening when considering a premises licence application, if it considers this to be appropriate. The Board will consider each case on its merits.
- 25.5 Applicants will be expected to consider the following
- when addressing the prevention of public nuisance:- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes, schools, nurseries and places of worship
 - the hours of opening, especially late at night
 - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
 - the design and layout of premises and in particular the presence of noise limiting features and a functioning CCTV system (to a prescribed standard) , which complies with relevant legislative requirements
 - the occupancy capacity of the premises
 - the availability of public transport
 - the wind down period
 - the last admission time
- 25.6 The following examples of control measures are given to assist applicants.
- effective and responsible management of premises
 - appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, for instance to ensure that customers leave quietly
 - control of operating hours for all or parts of the premises, for instance garden areas
 - adoption of best practice guidance
 - installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices and other mitigation measures

- management of people, including staff, vehicular traffic, queues, and patrons arriving and leaving premises
- liaison with public transport providers
- siting of external lighting, including security lighting and installation of an effective CCTV system (to a prescribed standard) which complies with relevant legislative requirements
- management arrangements for collection and disposal of waste and empty bottles
- effective ventilation systems to prevent nuisance from odour.

25.7 The Board will expect door supervisors to be particularly vigilant about numbers entering the premises, denying entry to those who are drunk or disorderly on arrival, and ensuring an adequate supervision of the premises at all times.

26 LICENSING OBJECTIVE – PROTECTING AND IMPROVING PUBLIC HEALTH

26.1 The Board wishes to see premises thriving in the city but this should not be at the expense of public health and wellbeing. The Board will have particular regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in Aberdeen. It will take advice from those relevant bodies represented on Aberdeen City Licensing Forum.

26.2 Applicants will be expected to consider measures designed to protect public health such as making available information with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance is required with problem drinking.

26.3 The Board will expect door supervisors to be particularly vigilant about numbers entering the premises, denying entry to those who are drunk or disorderly on arrival, and ensuring an adequate supervision of the premises at all times.

26.4 A major concern about excessive alcohol consumption is its impact on health. There is ignorance of the advisable daily and weekly units of alcohol which may be consumed. There is also ignorance of the number of units in commonly consumed drinks. The Board considers that greater awareness of this issue would be achieved by a more overt display of information. It wishes to impress upon licence holders the importance of this issue and will expect prominent informative signage to be displayed in appropriate places within the premises. If necessary, and as the result of a relevant representation, such a requirement may be imposed by way of a condition on a premises licence.

26.5 The measures identified by an applicant may depend on the individual characteristics of the premises. The Board will be receptive to conditions which are proposed by individual applicants in respect of the promotion of this licensing objective. This might include the use of drink mats with sensible drinking messages and the use of posters on areas of circulation and in the toilet areas.

26.6 The Board is very aware of the risk of harm to children's health and this will be of

paramount consideration when determining applications. Children may be adequately protected from harm by the action taken to protect adults but they also may need special consideration. It is recognised that no policy can anticipate every situation but applicants will be expected to consider measures designed to protect children's health while in or around their premises.

- 26.7 Licence holders and their staff must remain vigilant at all times to the risks of excessive consumption of alcohol. There should be established practice within the premises to ensure that a standard approach is taken where patrons' demeanour demonstrates an excessive consumption of alcohol. There should also be a clear understanding of the offences committed in connection with the service of alcohol to children or drunk persons.
- 26.8 In terms of Schedule 3 of the Act applicants must provide a wide selection of reasonably priced non alcoholic beverages during the whole period the premises are open (including free potable tap water). Applicants are encouraged to provide food on the premises, so that patrons may eat at the same time as consuming alcohol if they wish.

27 LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

- 27.1 The Board wishes to see family friendly premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children. In determining any such application the risk of harm to children will be paramount.
- 27.2 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time recognising that parents and other adults accompanying children also have responsibilities.
- 27.3 Children may be adequately protected from harm by the action taken to protect adults but they may also need particular measures to be taken. When addressing the issue of protecting children from harm, the applicant must consider those factors which may particularly impact on children.

These include but are not exhaustive:

- the provision of entertainment or services of an adult or sexual nature are provided
- members of staff who have convictions for serving alcohol to children
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided there

- 27.4 The following examples of control measures are given to assist applicants.

- effective and responsible premises management
- adoption of best practice guidance
- limitations on the hours when children may be present, in all or parts of the premises

- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder

27.5 The Board requires applicants who submit operating plans which include provision for children to ensure that they are not given access to premises when activities such as adult entertainment are taking place.

**ABERDEEN CITY COUNCIL (DRINKING IN PUBLIC PLACES)
BYELAWS 2009**

In exercise of the powers conferred upon them by sections 201 and 202 of the Local Government (Scotland) Act 1973, the Scottish Ministers hereby confirm the foregoing byelaws.

The Scottish Ministers hereby fix 1 October 2009 as the date on which the byelaws shall come into operation.

Bridget Campbell
A member of the staff of
the Scottish Ministers

The Scottish Government
Criminal Justice Directorate
St Andrew's House
22 September 2009

**ABERDEEN CITY COUNCIL
(DRINKING IN PUBLIC PLACES) BYELAWS 2009**

Aberdeen City Council ("the Council"), in exercise of the powers conferred on it by Section 201, 202 and 203 of the Local Government (Scotland) Act 1973, and of all other powers enabling it in that behalf, hereby makes the following byelaws:

Interpretation and Citation

1. (1) In these byelaws, unless the context otherwise requires: "alcoholic drink" has the same meaning as in the Licensing (Scotland) Act 2005;

"licensed premises" has the same meaning as in section 147(1) of the Licensing (Scotland) Act 2005 but does include premises in respect of which there is a provisional premises licence (within the meaning of section 45 (5) of the Licensing (Scotland) Act 2005);

"occasional licence" has the same meaning as in section 56 (1) of the Licensing (Scotland) Act 2005;

"designated place" means any place to which the public have access within the local government area of Aberdeen City Council (as the said area is defined in the Local Government etc. (Scotland) Act 1994), being the area shown delineated in red on the map annexed and executed as relative hereto.

(2) These byelaws may be cited as the Aberdeen City Council (Drinking in Public Places) Byelaws 2009.

Application

2. These byelaws shall not apply:

- (a) on 31 December in any year, from 6 p.m. until the end of that day; and
- (b) on 1 January in any year, until 6 a.m.

Offence

3. (1) Subject to paragraphs (2), (3), (4) and (5) of this byelaw, any person who consumes alcoholic drink in a designated place or is found to be in possession of an open container containing alcoholic drink in a designated place in circumstances whereby it is reasonable to infer that that person intended to drink from it whilst in a designated place shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) It shall not be an offence against these byelaws to do anything in any designated place which is a licensed premises.

(3) It shall not be an offence against these byelaws to do anything in any designated place in respect of which there is in operation an occasional licence in terms of

Section 56 of the Licensing (Scotland) Act 2005 during any period when alcoholic drink may be sold there by virtue of that licence and for fifteen minutes after the expiry of such period.

(4) It shall not be an offence against these byelaws to do anything in any designated place which is a part of the public road adjacent to licensed premises in respect of which there is for the time being in force a consent granted by the local roads authority under Section 59 of the Roads (Scotland) Act 1984 permitting the obstruction of that part of the public road for use in conjunction with those licensed premises.

(5) It shall not be an offence against these byelaws to do anything in any designated place which comprises part of the curtilage of premises licensed for the sale or consumption of alcohol both on and off the premises and on which seating is provided but which ground is not included in the licensed area.

Presumptions

4. (1) This byelaw applies for the purposes of any trial for an offence against these byelaws.

(2) Any liquid found in a container shall, subject to the provisions of this byelaw, be presumed to conform to the description of the liquid on the container.

(3) A container which is found to contain:

- (a) no liquid; or
- (b) an insignificant amount of liquid,

shall, subject to the provisions of this byelaw, be presumed to have contained at the time of the alleged offence liquid which conformed to the description of the liquid on the container.

(4) A person shall not be entitled to lead evidence for the purpose of rebutting a presumption mentioned in paragraphs (2) or (3) above unless, not less than seven days before the date of the trial, he has given notice to the prosecutor of his intention to do so.

Public Notices of Effect

5. (1) The Council shall erect one or more signs at or reasonably adjacent to each designated place for the purpose of giving notice of the effect of these byelaws.

(2) It shall be no defence in proceedings against a person for an offence under these byelaws that the Council failed to comply with paragraph (1) of this byelaw.

Revocation of preceding Bye-law

6. The Aberdeen City Council (Drinking in Public Places) Byelaws 2002, made by the authority on the 2 May 2002 and confirmed by the Scottish Ministers on the 28 June 2002, are hereby revoked.

Sealed with the Common Seal of Aberdeen City Council and subscribed for it and on its behalf by Jane Glaister MacEachran, City Solicitor and Proper Officer for the purposes of Section 202 of the Local Government (Scotland) Act 1973, at Aberdeen on the Twenty Second day of July Two Thousand and Nine.

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DELEGATION OF LICENSING FUNCTIONS

In terms of Schedule 1 paragraph 10 of the Act, the Board may arrange for the discharge of some of its functions by any Member of the Board, a Committee of the Board, or the Clerk to the Board or any person appointed to assist the Clerk.

The Board cannot delegate certain of its functions.

It is the Board's intention to delegate its powers where it considers appropriate as set out below.

The Board reserves the right, to consider and determine all applications and relevant matters under the Act.

Scheme of Delegation

	Matters to be dealt with	Licensing Board	Sub Cttee LB	Officers
1	Licensing Policy Statement or Supplementary Policy Statement	✓		
2	Over Provision Assessment	✓		
3	Premises and temporary premises applications	✓		
4	Variation of a premises licence	✓		
5	Minor variation of premises licence	✓	✓	✓
6	Transfer of premises licence where there are no objections/representations	✓	✓	✓
7	Transfer of premises licence where there are objections/representations	✓		
8	Occasional licences where there are no objections/representations	✓	✓	✓
9	Occasional licences where there are objections/representations	✓	✓	
10	Extended hours applications where there are no objections/representations	✓	✓	✓
11	Extended hours applications where there are objections/representations	✓	✓	
12	Personal licence application for grant or renewal where there are no objections/representations	✓	✓	✓
13	Personal licence for grant or renewal where there are objections/representations	✓		
14	Determination in terms of s 67 - General extensions of licensed hours	✓		



GEOGRAPHICAL INFORMATION SYSTEM



**Title : Aberdeen City Licensing Board
City Centre Area for Regular Extensions.**

Scale: 1:9000

Date:

Map Ref: NJ9306

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Template prepared by: GIS, Research & Information Unit, Strategic Leadership, Tel: 527072

OPERATING HOURS

Facility		Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Significant Entertainment For example discos, DJs, snooker, adult entertainment, dancing and live music for dancing, cabaret	City Centre	02:00 hours	02:00 hours	02:00 hours	02:00 hours	02:00 hours	03:00 hours	03:00 hours
	Non City Centre	02:00 hours	02:00 hours	02:00 hours	02:00 hours	02:00 hours	03:00 hours	03:00 hours
Not Significant Entertainment For example karaoke, pool, darts, dominoes, leisure facilities, background piano music,	City Centre	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	01:00 hours	01:00 hours
	Non City Centre	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours
Restaurants Table meals generally consisting of a meal eaten sitting at a table, counter or other structure which serves the purpose of a table. The meal must be eaten with utensils. Snacks, sandwiches and crisps are not considered to constitute table meals.	City Centre	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours
	Non City Centre	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours
Members' Clubs	City Centre	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	01:00 hours	01:00 hours
	Non City Centre	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours
Casinos Statutory hours Gambling Act 2005	City Centre	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours
	Non City	12:00	12:00	12:00	12:00	12:00	12:00	12:00

	Centre	hours-06:00 hours	hours-06:00 hours	hours-06:00 hours	hours-06:00 hours	hours-06:00 hours	hours-06:00 hours	hours-06:00 hours
	Non City Centre							
Bingo	City Centre	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours
	Non City Centre	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours

Function Rooms A private function is one which is prebooked, at least 24 hours in advance, & where those attending are related/have a degree of relationship with others attending, or a function which is prebooked &/or pre-paid & tickets are sold at least 24 hrs before, for a finite number of individuals, who may/may not have a degree of relationship with each other.	City Centre	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours
	Non City Centre	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours

CCTV REPORT 06/06



CCTV AT LICENSED PREMISES - GENERIC FORM

ASSESSOR

Grampian Police.

CRITERIA

Provide sufficient internal and external CCTV coverage of the premises to meet the requirements of Aberdeen City Licensing Board and Grampian Police.

AREA SUBJECT TO CCTV COVERAGE

Area immediately outside the main access for patrons and at any other egress routinely used. Internal CCTV.

OPERATIONAL REQUIREMENT

1. Target To Be Observed

Persons and groups of persons.

2. What Activity Is Of Concern

Antisocial behaviour, violence against staff, violent confrontation between patrons, patrons and staff. Persons entering or leaving area of coverage.

3. Purpose Of The Observation

To identify individuals within all areas of coverage. To evidence all above conduct and actions within the area of observation.

4. Picture Quality/Factors Required To Achieve Success

To record the actions of all persons in colour at 25 FPS (frames per second) in all areas at least 1 CIF (definition of picture quality). Picture quality should be sufficient for evidential purposes. May change to monochrome in low lighting levels.

5. Other Factors

The system will mitigate threat to staff and patrons by recording the conduct and actions of all persons within the area covered. Disorderly conduct will be reduced, safety will be improved, members of the public and staff will be protected against malicious accusations.

6. Result of Successful Response To The Activity

Staff and patrons will be reassured. Suspects will be identified and innocent parties protected from false allegations. Information and evidence will be gathered to assist in the subsequent prosecution of offenders. Enquiry time will

be reduced.

7. The Response

The response will be by appropriate staff or Police dependent on the nature of the incident.

8. Timescale Of Response

Police to review recording within an appropriate timescale dependent on the incident recorded.

9. When Is The Observation Required

All the hours during which the premises are open for the sale and supply of alcohol.

10. Conditions Required To Be Effective

In all likely conditions, at all times, with up to 16 simultaneous video inputs of same priority, able to cope with changing light levels down to low lux levels but subject to enhanced lighting if required. The system will be capable of expansion.

11. Observer Response

Follow set procedures.

12. Observer Reaction Based On

Threat level, past experience, culture. Formal and informal training.

13. Observer - Speed Of Reaction

Immediately.

14. Who Is The Observer?

Staff and Retrospectively Police, Aberdeen City Licensing Board, Courts.

15. Where Will The Observations Take Place?

In a secure area within the premises or other site deemed suitable by the Board and/or Grampian Police.

16. Stake Holders

Licenceholder, staff, public, Police, Aberdeen City Licensing Board, Scottish Judicial System.

17. Priority Assigned

Essential.

18. Activity

Continuous threat while premises are open for the sale and supply of alcohol.

19. How Effective?

Right first time every time.

20. Benefits

Enhanced security. Safer prosecutions, better evidence gathering. Staff and Police credibility, quality of staff response, policing and public safety enhanced, investigation time reduced, public confidence increased. Fear of crime reduced and complaints dealt with effectively.

ADDITIONAL REQUIREMENTS

The system will record digitally within the designated area on site. The recording system will be capable of simultaneous playback and recording. Access to recorded information will be capable of random access on a time and date basis. Monitoring facilities will be provided on-site and readily accessible by staff and stake holders.

Cameras will be mounted externally and any vulnerable cabling will be contained within metal conduit. Access to recorded information will be retrievable locally. Interference, loss of function of the cameras and audio recording facilities will be recorded and indicated by means of an effective alarm system. VMD (video motion detection) may be used as a basis to record images but this must record all activity two minutes pre and post event in real time (25 frames per second). Notwithstanding, there must be sufficient storage to enable all relevant images over the seven day period to be retained and recovered.

All video recordings will be retained for seven days. RAID (random array of independent drives) data storage and recovery facilities may be incorporated in the system. Time synchronisation and display will be embedded in the recording and visible on the on-site monitor. Updates on time and date will be automatic.

Export to DVD on site will exist. The ability to produce a WORM (write once-read many) DVD-R capable of playback on a standard DVD player is preferred. If this is not the case then embedded software will be provided with the recording.

The system will be installed in such a way that provisions relating to ECHR and the Data Protection Acts will not be compromised. This will be the responsibility of the licensee.

ADDITIONAL INFORMATION

The equipment should be user friendly and based on a tested, reliable and widely available operating system. The system must be approved by Grampian Police. The licensee should consider the benefits of CCTV within the premises. The system internally should cover all bars and blind spots not easily observable at all times by staff. Camera cover should also extend to the area inside the main door as evidence and history indicates that this is the area most likely to host antisocial behaviour and assaults. A lip synchronised audio feed should be available for the camera or cameras covering the area inside the front door. Colour cameras should be used but may change to monochrome in low lighting levels if necessary. Colour footage should be recorded wherever possible. It is recommended that these cameras record in real time but no less than 12 images per second should be considered.

CONCLUSION

The system will be operational at all times. Faults will be rectified immediately they are detected. Checks on the operation of the system must be made on a daily basis

The System if installed will probably exceed that offered by an installer, which can often be ineffective. By specifying the equipment as above a uniform, but not cost prohibitive standard will be achieved. Equipment of this standard is affordable and practical. It is recommended that 25 fps and two cameras per each external access door are adopted as the normal acceptable standard. A camera or cameras should also be installed to cover any exit doors routinely used.

Attention should be paid to the quality of the cameras and good quality units installed.

Internal cameras which meet the aforementioned criteria should record at 25 images per second if this is not feasible the frame rate should not fall below 12 images per second. This is to be commended and should be recommended by the Board. The camera inside the front door should also have a lip synchronised audio feed. Licensees should consider the benefits of installing internal CCTV which will yield benefits identical to external CCTV.

It is recommended that the assessor carry out a final inspection to ensure that all criteria are met.

Note that other premises will have different requirements and there may be the need to install a substantial number of cameras to provide the necessary cover, this will also affect the memory required to sustain the frame rate over the seven day period with a proportionate increase in cost to the Licensee/Company.

SVHS and VHS recording facilities should not be considered suitable for new systems as indications are that these machines are soon to become redundant.

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ABERDEEN CITY COUNCIL

ABERDEEN LOCAL LICENSING FORUM

List of Draft Recommendations to the Licensing Board
as contribution to the review of the Statement of Licensing Policy

- (1) The layout of the new Statement of Licensing Policy should include references to the relevant Licensing Objectives.
- (2) The Licensing Objectives should be set out earlier in the document with a title such as Promoting Licensing Objectives rather than just Licensing Objectives.
- (3) The Statement of Licensing Policy should specifically refer (in the links to other policies and strategies) to the following documents – the Aberdeen Alcohol Strategy, the publication “Licensing for Public Health” published in June, 2009 and considered by the Licensing Board on 15/12/09, the Community Safety Partnership Action Plan, the Single Outcome Agreement and input from Social Care and Wellbeing about Child Protection. In addition there should be reference to the City Council’s Transportation Strategy and the Single Equalities Scheme. The latter would avoid separate references to disability and race for example.
- (4) It is misleading to have Section 13 entitled Enforcement and Licensing Standards Officers. It would be more appropriate to have a separate section on the role of Licensing Standards Officers which is more extensive than enforcement.
- (5) A useful addition would be a Contacts section as other cities appear to have this either as part of the revised Statement of Licensing Policy or as a stand alone document.
- (6) There should be a glossary of terms or a briefing paper explaining the different remits and functions of the Board, the Committee and the Forum.
- (7) The publicity about the new Statement of Licensing Policy would be an opportunity to have a public education/awareness campaign.
- (8) Procedures for making representations and objections and the distinction between them plus a complaints procedure would also be of value to members of the public. For example it would be useful to know what triggers a review of a licence.
- (9) A section on Monitoring and Evaluation of the effectiveness of the policy itself and the Board’s contributions to other relevant strategies would be a useful addition.
- (10) Sections 10.4 and 25.7 refer to Door Supervisors and a convenient point should be identified to expand on their role and to discuss them in the context of risk assessment in relation to the safety of employees and patrons and the number required related to occupancy capacity or opening times.
- (11) Section 11 refers to review of premises licences and it would be useful to state what triggers a review and what are the relevant grounds for review.
- (12) Section 2.6 would be the appropriate point to mention the Aberdeen Alcohol Strategy and the Alcohol and Drugs Partnership (the JADAT replacement) in addition to the Community Safety Partnership.

- (13) Section 2.8 could be expanded or qualified by stating when issues/concerns are brought to the Board's attention which are supported by evidence, the Board will make recommendations/offer advice to other bodies charged with overseeing those other regulatory regimes and invite them to take action or respond to the Board explaining why this would not be appropriate.
- (14) In the light of the new planning regime and 2005 Licensing Act it is considered inappropriate to state at Section 2.10 "it is appropriate that planning permission is obtained first".
- (15) Section 6.3 could be re-worded to confirm that model conditions have been adopted (subject to amendment) and to state that they have the equivalent of statutory status. The conditions themselves should be attached to the Statement of Licensing Policy.
- (16) In Section 8.1 the reference to the Board assessing the likelihood of an application having an adverse impact on the Licensing Objectives should be more positive. The test should be to consider if the application would promote the Licensing Objectives. For example, from the application it may be apparent that they have the intention (or a track record with other premises) to meet the criteria of Best Bar None or to join Unight.
- (17) In Section 9.6 "evidenced" complaints could be expanded to explain what these are and that this relates to any application and is not related just to overprovision which is the heading of Section 9. It would also be useful to clarify if the Board could proactively trigger a review of a licence based on views from members of the public or whether "evidence" in fact means police information/intelligence, relevant data from NHS Grampian or the Ambulance Service.
- (18) In Section 22.5 a recommended template for risk assessments should be proposed.
- (19) Section 25.3 should indicate what relevant representations would be? Although under the 2005 Act there is no requirement for renewal of licences every three years, it would seem appropriate to have an assurance about monitoring/review of compliance with licence conditions and the Operating Plan.
- (20) The heading of Section 20.10 should be changed from Hours of Trading as Section 20.10 sets out issues to consider in relation to patrons leaving premises and refers to availability of food and transport not just hours of trading. Dispersal requires a comprehensive approach and recommendation (23) below suggests a process including a Working Group.
- (21) The Forum recommends that the Board adopt similar statements to the following taken from the City of Edinburgh's Statement of Licensing Policy –
"Where an ATM is made available for use on licensed premises, the Board will consider the imposition of a condition that the ATM should not be located in any part of the premises where alcohol is available for purchase and consumption so that a customer wishing to use the ATM must cease drinking in order to do so."
- (22) The Forum recommends that the Board considers its position on requirements for the provision of food and non-alcoholic drinks if a legal action against Dundee Licensing Board is concluded in their favour. An extract from the Dundee City Licensing Board Statement of Licensing Policy may be of assistance to the Board and is attached as Appendix 1.
- (23) The Forum recommends that the Board establish a Working Group with a representative of the Board, the Licensing Committee, the trade, Unite the security industry and taxi and bus providers to devise a comprehensive solution to the problem of crowd dispersal in the city centre especially in the early hours of the morning at the weekends.
- (24) The Forum recommends that the Board includes conditions on pavement cafés and its own position on Irresponsible Promotions and Price Variations in the new

Statement of Licensing Policy. Attached to this paper (as Appendix 2) is a copy of the supplementary Policy Statement approved by the City of Dundee Licensing Board on these matters which may be of assistance.

- (25) The Forum recommends that the Board expands the Statement of Licensing Policy to include at least some of the following control measures included in the Dumfries & Galloway Statement of Licensing Policy –
- (a) encouraging licence holders to play an active part in preventing drink driving by displaying anti-drink driving materials, supplying reasonably priced soft drinks, promoting designated drivers schemes and offering free soft drinks to designated drivers;
 - (b) securing public safety by encouraging the provision of toughened or plastic drinking vessels, proof of regular testing of procedures, for example, crowd management and evacuation procedures and preparation and introduction of a policy around accessible transport for lone women and other vulnerable groups; and
 - (c) risk assessments for each type of event to be held in licensed premises as detailed in Operating Plans should be comprehensive and the Board and officers assisting the Board in scrutinising Plans should be encourage to check public safety will be secured bearing in mind the customer profile for the events, for example, age, disability, gender, race/ethnicity and also consideration of the use of special effects such as lasers, pyrotechnics, smoke machines, hazers and strobe lights. In addition the structural stability of dance floors should be assessed and evidence obtained of the maintenance and testing regime for fire safety equipment including fire drills.
- (26) The Forum recommends that the Board ensures the new Statement of Licensing Policy addresses a number of “audiences” including the citizens of Aberdeen who want assurance that the Licensing Objectives are given due prominence in the Board’s deliberations and decision-making. The following statement of intent taken from the Licensing Statement for Dumfries and Galloway is worthy of consideration and adaptation to reflect the multi-agency approach in Aberdeen:-
- (a) while acknowledging that smoking is not a licensing matter, the Dumfries and Galloway Statement of Licensing Policy sets out the responsibilities of licence holders in relation to sweeping up cigarette ends and other smoking related waste left by customers taking a smoking break immediately outside licensed premises and thereafter returning to the premises. The Statement mentions the Board may impose conditions requiring licence holders to provide litter bins in the vicinity of premises. The Forum is of the view that as wide an area as feasible should be included in this regime with LSOs, road sweepers and community Wardens, etc. being in a position to report the next day on any breaches or concerns about accumulation of litter, etc. The Forum recommends that smoking areas be supervised on the same basis as queues to enter licensed premises are supervised;
 - (b) concerns had been expressed in Dumfries and Galloway regarding the safety of young women who may be attracted to groups of men smoking outside licensed premises. The Statement of Licensing Policy states “If these concerns appear to be justified, the Board will assist in addressing harm to young people through partnership with the licensed trade, the police and agencies involved in child protection and representation.”;
 - (c) the multi-agency approach with the full support of the licensed trade is recommended as the way forward in respect of Protecting and Improving Public Health with specific reference to workplace alcohol policies, links to

other public health programmes such as drugs, sexual activity, gambling addiction, road safety and personal safety.

CONCLUSION

In addition to the above list the Forum may wish to endorse recommendations or observations submitted by individual members of the Forum and to support relevant actions in the Safer Aberdeen Forum's Action Plan. Cheryl Smith, Safer Aberdeen Programme Manager, with the City Council, has submitted a copy of the Action Plan for the Local Licensing Forum's information.

City of Dundee Statement of Licensing PolicyProvision of Food and Non-Alcoholic Refreshments in Entertainment Licensed Premises

““On 20th October, 2005, the Licensing Board approved the policy whereby entertainment licensed premises would be allowed to open for an additional hour from 2.30am until 3.30am on Saturdays and Sundays for the provision of food and non-alcoholic refreshments only. This followed a report containing recommendations from the Evening Economy Working Group which were aimed at tackling the increasing incidents of persons gathering outside late hours catering establishments once entertainment licence premises closed at 2.30am. Any premises wishing to take advantage of this extra hour could either provide the food by means of an arrangement with late hours caterers in the area whereby food could be delivered to the entertainment licensed premises and consumed by patrons therein or alternatively, the entertainment licensed premises could provide the food themselves.

To date, regular extensions to 3.30am have been granted on the above understanding but have not yet been implemented since a number of late hours catering establishments have appealed to the Sheriff against the decision of the Licensing Committee to curtail their opening hours to 2.30am unless such establishments were willing to enter into an agreement to provide food to entertainment licensed premises as narrated above. It is anticipated that, after some delay, these appeals will shortly be heard by the Sheriff. In the event that the policy is supported by the courts, and given the fact that it has not yet been tested in practice, this policy will continue under the new Board.” The Dundee Board has also a provision in relation to a minimum entry charge for premises providing entertainment. “A minimum charge for entry to premises, applicable to persons of 18 years of age and over, must be charged. This charge shall be fixed by the Licensing Board at its meeting in June of each year for the year beginning 1st July and ending 30th June. This minimum charge must not be off-set in any way. For the avoidance of doubt, off-setting the minimum charge includes, but is not limited to, (a) the issue of complimentary tickets or vouchers, and (b) the advance purchase of tickets granting entry on more than one evening.”

The Dundee Board Statement makes reference to Best Bar None. The Board thought it appropriate to indicate that through its policy there is support for the continuation of the Best Bar None scheme, but for the avoidance of doubt, does not require licence holders to participate in it but commends participation as good practice.”

SUPPLEMENTARY STATEMENT OF LICENSING POLICY (NO.1)**IRRESPONSIBLE PROMOTIONS AND PRICE VARIATIONS**

"Drinks promotion" means in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises [2005 Act, Schedule 3, Paragraph 8(5)].

Promotions can occur in relation to both on and off sales.

A drinks promotion which involves a variation in pricing will be effected by the requirements of Schedule 3, Paragraph 7 - "Pricing of alcohol"

Schedule 3, Paragraph 8(2) (subject to the requirements of Paragraph 8(3)) states that a drinks promotion is irresponsible if it falls within the descriptions listed in Schedule 3, Paragraph 8(2).

Paragraphs 7, 8(1), 8(2) & 8(3) are reproduced in full at the end of this Supplementary Statement.

An irresponsible drinks promotion must not be carried on in or in connection with any premises [Schedule 3, Paragraph 8(1)].

Currently, there is no definitive guidance as to what constitutes an "irresponsible drinks promotion". Examples of drinks promotions can, however, be considered individually against the legislative criteria to assess if the promotion is irresponsible in terms of the Act.

The following list is of promotions which have or are occurring locally and which the Board feels are in breach of the legislation. The list is not exhaustive, so not being on the list does not mean that a promotion is necessarily in compliance with the Act.

Following the list of irresponsible drinks promotions is a list of activities that, in the opinion of the Board, would be in breach of the pricing of alcohol requirements of Schedule 3 paragraph 7.

A. Irresponsible drinks promotions

1. **All inclusive offers.** For example, a party night promotion, where the purchase of a ticket or payment of an admission charge entitles the purchaser to access to a free bar. This promotion involves the supply of unlimited alcohol for a fixed charge and therefore Schedule 3, Paragraph 8(2)(d) applies.
2. **Watch the match and if your team wins get a free pint of beer.** For example, a promotion that requires a customer to be in the premises at the beginning of a televised sports event and at the end of the contest dependent on the result the person may be given a free pint of beer. This promotion is offering alcohol to be consumed on the premises as a reward for being in the premises and therefore Schedule 3, Paragraph 8(2)(h) applies.
3. **Double up.** For example, a premises offers customers the chance to double up by offering a double measure for an extra 50p (in addition to the price for a single measure). This promotion offers an extra measure of a alcohol at a reduced price on the purchase of a measure of alcohol and therefore Schedule 3, Paragraph 8(2)(c) applies.
4. **Student nights.** For example, a night club advertises/distributes flyers giving details of the venue, entry fee and stating that the first drink is free. The free drink is offered as a reward for entering the premises therefore Schedule 3, Paragraph 8(2)(h) applies.
5. **Drinks vouchers.** For example, a night club advertises/distributes flyers giving details of the venue, entry fee and stating that five £1 drink vouchers will be given to the customer on entry. The vouchers can be handed over the bar in exchange for a drink. This constitute giving alcohol as a reward for entering the premises therefore Schedule 3, Paragraph 8(2)(h) applies.

6. **Drinks as prizes / rewards.** For example, a quiz night or competition where alcohol is offered for consumption on the premises as a prize for winning or a reward for taking part. Schedule 3, Paragraph 8(2)(h) applies.
7. **Reward card.** For example, on application by a customer a points card is issued by a premises. Every time a purchase is made by the card holder in the premises the card is credited with points. The points are given a cash value and can be claimed against the price of alcoholic drinks. This constitutes giving alcohol as a reward for frequenting the premises therefore Schedule 3, Paragraph 8(2)(h) applies.
8. **Free bottle of wine.** For example, a restaurant offers a set meal for two with a free bottle of wine for £50 (excluding Saturdays). This constitutes giving alcohol as a reward for frequenting the premises therefore Schedule 3, Paragraph 8(2)(h) applies.

B. Pricing of Alcohol

1. **Offering the same drinks at different prices in the same premises.** For example, prices in the lounge bar of a pub being different than the prices in the public bar. This would constitute a variation in pricing and would not comply with the requirements of Schedule 3, Paragraph 7.
2. **Out of code discount .** For example, offering cans of beer with a best before date that has expired while selling cans of the same brand that are within date code at a different price. This would constitute a variation in pricing and would not comply with the requirements of Schedule 3, Paragraph 7.
3. **Discount vouchers .** For example, a promotion where vouchers or tokens which are sold or given to potential customers where by they are entitled to a reduction in the price of certain drinks while other customers still require to pay the full price. This constitutes a variation in pricing and would not comply with the requirements of Schedule 3, Paragraph 7.
4. **Discount to certain customers.** For example, a promotion that offers a discount to students or OAPs while other customers pay the full price for the same drinks. This constitutes a variation in pricing and would not comply with the requirements of Schedule 3, Paragraph 7.
5. **Student nights.** For example, a night club advertises/distributes flyers giving details of the venue & entry fee and stating that on a Friday or Saturday night, drinks are £1 all night*. The asterisk gives the qualification for the promotion which is * *with student card*. The price of drinks is varied for students but not other customers therefore this constitutes a variation in pricing and would not comply with the requirements of Schedule 3, Paragraph 7.
6. **Drinks vouchers.** For example, a night club advertises/distributes flyers giving details of the venue, entry fee and stating that five £1 drink vouchers will be giving to the customer on entry. If the voucher merely entitles the customer to a discounted drink i.e. the customer uses a voucher and is only charged a £1 then unless that drink is that price for all customers then this constitutes a variation in pricing and would not comply with the requirements of Schedule 3, Paragraph 7.
7. **Cheaper drinks throughout the week.** For example, a pub has a drinks promotion where the cost of all drinks is reduced from 12.30pm on a Sunday until Friday at 8pm. Drinks are increased to " full" price from 8pm on a Friday until closing time on Saturday night. This constitutes a further variation in drinks pricing. A variation in pricing cannot occur except at the beginning of a licensing period so drinks cannot change price at 8pm if the pub is open prior to this time selling alcohol and the variation must last a minimum of 72 hours so the variation whereby the prices increase on the Friday and Saturday does not provide the minimum 72 hours time period. This variation in pricing would not comply with the requirements of Schedule 3, Paragraph 7

Pricing of alcohol

7 Where the price at which any alcohol sold on the premises is varied—
 (a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and
 (b) no further variation of the price at which that or any other alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

Irresponsible drinks promotions

8 (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.
 (2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it—
 (a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
 (b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
 (c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
 (d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
 (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
 (f) is based on the strength of any alcohol,
 (g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly,
 or
 (h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.
 (3) Paragraphs (b) to (d) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.

ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 27 JULY 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

New Grant(s)

Premises	Applicant	Date Received	Decision
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1	FOUNTAINHALL WINES LTD 29 FOUNTAINHALL ROAD ABERDEEN AB15 4EW	FOUNTAINHALL WINES LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	20 May 2010	Granted Local Condition(s).
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ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 27 JULY 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Provisional(s)

Premises

Applicant

Date Received

Decision

	Premises	Applicant	Date Received	Decision
2	474 UNION STREET 474 UNION STREET ABERDEEN AB10 1TS	NICHOLAS JOHN SULLIVAN C/O PAULL & WILLIAMSONS LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN	2 June 2010	Granted
3	94 VICTORIA ROAD 94 VICTORIA ROAD TORRY ABERDEEN AB11 9DT	CELLAR NO.1 LIMITED C/O MACDONALD LICENSING LIMITED 21A RUTLAND SQUARE EDINBURGH EH1 2BB	18 June 2010	Granted
4	SCOTMID UNITS 1A & 2 JESMOND DRIVE BRIDGE OF DON ABERDEEN AB15 4YD	SCOTTISH MIDLAND CO-OPERATIVE SOCIETY LIMITED C/O ANDERSON STRATHERN LLP SOLICITORS 1 RUTLAND COURT EDINBURGH	25 May 2010	Granted

ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 27 JULY 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Provisional(s)

Premises	Applicant	Date Received	Decision
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5	SIZZLING WOK UNIT 7 QUEENS LINKS LEISURE PARK QUEENS LINKS ABERDEEN AB24 5EN	CATER RESTAURANT LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	10 June 2010	Granted
6	TESCO EXPRESS 393/395 NORTH DEESIDE ROAD CULTS ABERDEEN AB15 9SX	TESCO STORES LIMITED C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	6 May 2009	Granted
7	TRAVELODGE HOTEL 21-23 JUSTICE MILL LANE ABERDEEN AB11 6EQ	TRAVELODGE HOTELS LIMITED C/O MORTON FRASER LLP SOLICITORS QRTERMILE TWO 2 LISTER SQUARE EDINBURGH	16 June 2010	Granted

ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 27 JULY 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Provisional(s)

Premises	Applicant	Date Received	Decision
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8	UNIT 3 KITTYBREWSTER SHOPPING CENTRE CLIFTON ROAD ABERDEEN AB24 4RZ	ANIL KUMAR GRANDHI C/O HAMILTON WATT & CO SOLICITORS & ESTATE AGENTS ASHLEY HOUSE 4 BON ACCORD CRESCENT ABERDEEN	18 June 2010	Granted
9	WAGAMAMA UNIT FS3A FIRST FLOOR UNION SQUARE ABERDEEN AB11 5RG	WAGAMAMA LIMITED C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	4 June 2010	Granted

ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 27 JULY 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)

Premises

Applicant

Date Received

Decision

10	ADIE'S 62 BEDFORD ROAD ABERDEEN AB24 3LP	THE PARTNERSHIP OF KHURSHID BHATTI AND ZHUBAIR AHMED (LAHORE KARAH) C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET	29 April 2010	Granted
11	CARLTON BAR 32 CASTLE STREET ABERDEEN AB11 5BB	GLORIA MCHATTIE C/O HARPER MACLEOD LLP SOLICITORS THE CA'D'ORO 45 GORDON STREET GLASGOW	9 June 2010	Granted
12	ENIGMA BAR UNIT 17 THE ACADEMY CENTRE BELMONT STREET ABERDEEN AB10 1LB	FIRST INNS LTD, T/A ENIGMA BAR C/O PETERKINS SOLICITORS 100 UNION STREET ABERDEEN AB10 1QR	11 May 2010	Granted

ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 27 JULY 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)

Premises

Applicant

Date Received

Decision

13 FOUR MILE HOUSE
OLD SKENE ROAD
KINGSWELLS
ABERDEEN
AB15 8QA

ROAR LTD
C/O JAMES & GEORGE COLLIE
SOLICITORS
1 EAST CRAIBSTONE STREET
ABERDEEN
AB11 6YQ

14 May 2010

Granted

14 FRANKLYNS
56 JUSTICE MILL LANE
ABERDEEN
AB11 6EP

PRIVATE DANCER LIMITED

17 June 2010

Granted

15 THE NEW GREENTREES
VICTORIA STREET
DYCE
ABERDEEN
AB21 7AA

STEPHLEN LIMITED
C/O HARPER MACLEOD LLP
SOLICITORS
THE CA'D'ORO
45 GORDON STREET
GLASGOW

5 May 2010

Granted

ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 27 JULY 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)

	Premises	Applicant	Date Received	Decision
16	LA LOMBARDA 2 KING STREET ABERDEEN AB24 5AX	LA LOM LTD C/O ESLEMONT CAMERON GAULD SOLICITORS 18 CARDEN PLACE ABERDEEN AB10 1UQ	9 June 2010	Granted
17	OLIVE TREE RESTAURANT 32/34 QUEENS ROAD ABERDEEN AB15 4YF	EASYFOLLOW LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	11 May 2010	Granted
18	PARAMOUNT BAR 21 BON ACCORD STREET ABERDEEN AB11 6EA	PARAMOUNT BAR LIMITED C/O PAULL & WILLIAMSONS LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN	14 June 2010	Granted

ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 27 JULY 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)

Premises

Applicant

Date Received

Decision

	Premises	Applicant	Date Received	Decision
19	RUSTICO 60-66 UNION ROW ABERDEEN AB10 1SA	CRISPLINK LIMITED T/A RUSTICO C/O PAULL & WILLIAMSONS SOLICITORS NEW INVESTMENT HOUSE 214 UNION STREET ABERDEEN	10 May 2010	Granted
20	SUNNY'S (NISA) 36-40 MARKET STREET ABERDEEN AB11 5PL	THE PARTNERSHIP OF KHURSHID BHATTI AND ZHUBAIR AHMED (LAHORE KARAH) C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET	29 April 2010	Granted
21	THE CO-OPERATIVE FOOD 295 ROSEMOUNT PLACE ABERDEEN AB25 2YB	SOMERFIELD STORES LIMITED C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	12 May 2010	Granted

ABERDEEN CITY LICENSING BOARD LICENSING BOARD

MEETING, 27 JULY 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

List of Decisions

Variation (Major)(s)

Premises

Applicant

Date Received

Decision

22	TIEN 703 GREAT NORTHERN ROAD ABERDEEN AB24 2DU	WALMING LIMITED C/O GRANT SMITH LAW PRACTICE AMICABLE HOUSE 252 UNION STREET ABERDEEN AB10 1TN	19 May 2010	Withdrawn
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ABERDEEN CITY LICENSING BOARD LICENSING BOARD**MEETING, 27 JULY 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ****Licensing (Scotland) Act 2005****List of Decisions****Transfer(s)****Premises****Applicant****Date Received****Decision**

23 THE GORDON HOTEL
WELLINGTON ROAD
ABERDEEN
AB12 4GH

GREENE KING BREWING &
RETAILING LIMITED
C/O BOYLE SHAUGHNESSY
SOLICITORS
STANDARD BUILDINGS
94 HOPE STREET

21 June 2010

Granted

ABERDEEN CITY LICENSING BOARD LICENSING BOARD**MEETING, 27 JULY 2010 at 10:30am in , the Town & County Hall, Union Street, Aberdeen, AB10 1AQ****Licensing (Scotland) Act 2005****List of Decisions****Personal Licence(s)****Premises****Applicant****Date Received****Decision**

24

JAMIE COCHLAN
C/O C J LANG & SON LTD
PAT ADDIE
LONGTOWN DISTRIBUTION CENTRE
78 LONGTOWN ROAD
DUNDEE

29 April 2010

Withdrawn

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