

Public Document Pack



To: Councillor Boulton, Convener; and Councillors Cameron, Carle, Dickson, Forsyth, Grant, Lawrence, Townson and Yuill.

Town House,
ABERDEEN 12 June 2015

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 23 JUNE 2015 at 10.30 am.**

ALYSON MOLLISON
CLERK TO THE LICENSING BOARD

BUSINESS

- 1 List of Applications (1.1 to 1.16) (Pages 1 - 8)
 - 1.1 Application for a provisional premises licence: Holiday Inn Express Aberdeen Airport, 2-3 International Gate, Dyce (Pages 9 - 10)
 - 1.2 Application for a provisional premises licence: Banks O'Dee Football Club, Spain Park, Abbotswell Road (Pages 11 - 12)
 - 1.3 Application for a premises licence: Africentre, 214 George Street (Pages 13 - 26)
 - 1.4 Application for variation of a premises licence: Auriga, 7 Summer Street (Pages 27 - 30)
 - 1.5 Application for variation of a premises licence: Belmont Cinema, 49 Belmont Street (Pages 31 - 34)

- 1.6 Application for variation of a premises licence: Booker Ltd, Whitemyrs Avenue (Pages 35 - 40)
- 1.7 Application for variation of a premises licence: Clunie Convenience Store, 7 Clunie Place (Pages 41 - 44)
- 1.8 Application for variation of a premises licence: Icon Stores Ltd, 158 Oscar Road (Pages 45 - 52)
- 1.9 Application for variation of a premises licence: Keystore Express, 50 Summerfield Terrace (Pages 53 - 60)
- 1.10 Application for variation of a premises licence: Number 1, 1 Queen's Terrace (Pages 61 - 62)
- 1.11 Application for variation of a premises licence: O'Neill's (Gnd Floor), 9 Back Wynd (Pages 63 - 68)
- 1.12 Application for variation of a premises licence: Rainbow Casino, 61 Summer Street (Pages 69 - 70)
- 1.13 Application for variation of a premises licence: TGI Friday's Unit 3, Queen's Links Leisure Park (Pages 71 - 72)
- 1.14 Application for variation of a premises licence: The Bobbin, 500 King Street (Pages 73 - 74)
- 1.15 Application for a personal licence: 4115 (Pages 75 - 76)
- 1.16 Application for a personal licence: 4136 (Pages 77 - 78)
- 2 Gambling Policy Statement - Report (Pages 79 - 126)
- 3 Response to Consultation of 5th Edition of GC Guidance - Report (Pages 127 - 136)
- 4 Chief Constable's Report to Aberdeen City Licensing Board 2014 (Pages 137 - 144)

Should you require any further information about this agenda, please contact Jacqui Wallace, e-mail jwallace@aberdeencity.gov.uk or tel. 01224 522985

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ABERDEEN CITY LICENSING BOARD

Meeting 23 June 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Provisional(s)	Premises	Applicant	Date Received	Comments
1	HOLIDAY INN EXPRESS ABERDEEN AIRPORT 2-3 INTERNATIONAL GATE DYCE ABERDEEN AB21 0BE	DOMINVS PROJECT COMPANY LTD C/O BURNESS PAULL LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	21 April 2015	193 bedroom hotel with restaurant, bar and meeting facilities offering alcohol for consumption on the premises 10:00 to 00:00 hours Monday to Saturday and 12:30 to 00:00 hours Sunday.
	BANKS O'DEE FOOTBALL CLUB SPAIN PARK ABBOTSWELL ROAD ABERDEEN AB12 3AB	BANKS O'DEE FOOTBALL CLUB C/O BURNESS PAULL LLP SOLICITORS UNION PLAZA 1 UNION WYND ABERDEEN AB10 1DQ	10 March 2015	Hospitality area within multi-sports facility seeking on sales 11:00 to 01:00 hours daily. Receptions and club meetings catered for.

ABERDEEN CITY LICENSING BOARD

Meeting 23 June 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

New Grant(s)	Premises	Applicant	Date Received	Comments
3	AFRICENTRE FOODS 214 GEORGE STREET ABERDEEN AB25 1BS	ANGELA CHINYERE HENNESSY C/O GEORGE WATT & STEWART ARCHITECTS 24 NORTH SILVER STREET ABERDEEN AB10 1RL	16 April 2015	Retail shop providing off sales 11:00 to 19:00 hours Monday to Saturday.

ABERDEEN CITY LICENSING BOARD

Meeting 23 June 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
4 AURIGA RESTAURANT 7 SUMMER STREET ABERDEEN AB10 1SB	BARGA ABERDEEN LTD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	4 March 2015	Vary the commencement hour on Sundays to 11:00 hours. Vary the terminal hour daily to 00:00 hours. Change the premises name to Barga.
BELMONT CINEMA 49 BELMONT STREET ABERDEEN AB10 1JS	BELMONT FILMHOUSE LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	11 May 2015	Increase the licensed area to include the auditoriums, editing suites and seminar rooms and all other public areas. Vary the terms of access for children and young persons to allow them entry to the bar area until 21:00 hours when accompanied by an adult. Allow children and young persons aged 12 and older entry to the premises unaccompanied. Add conferences, restaurant facilities, bar meals, club and group meetings both within and outwith core hours to accommodate specific customer events. Also add recorded and live music.

ABERDEEN CITY LICENSING BOARD

Meeting 23 June 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
6 BOOKER LIMITED WHITEMYERS AVENUE MASTRICK ABERDEEN AB16 6YR	BOOKER LIMITED C/O DWF LLP SOLICITORS 5 ST PAUL'S SQUARE OLD HALL STREET LIVERPOOL L3 9AE	6 March 2015	Reorganisation of store to incorporate a new delivery service. This will result in an increase in the area required for the display of alcohol on the warehouse floor. Display area will increase from 164.81 to 340.84 sq meters.
CLUNIE CONVENIENCE STORE 7 CLUNIE PLACE ABERDEEN AB16 5RN	ZULFIQUAR AHMAD C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	25 February 2015	Expansion of premises into adjacent unit. Increase in capacity from 10.5 to 11.92 sq metres.
8 ICON STORES LTD 158 OSCAR ROAD TORRY ABERDEEN AB11 8EJ	JOHN RICHARD MCGOWAN	8 May 2015	Store refit and reconfiguration resulting in an increase in capacity from 3.71 to 7.28 sq metres.
9 KEYSTORE EXPRESS 50 SUMMERFIELD TERRACE ABERDEEN AB24 5JD	SALOM (J S) LIMITED C/O JAMES & GEORGE COLLIE SOLICITORS 1 EAST CRAIBSTONE STREET ABERDEEN AB11 6YQ	26 February 2015	Change of layout resulting in an increase in capacity from 5.9 to 9.94 sq metres. Also change of premises name to Keystore Express.

ABERDEEN CITY LICENSING BOARD

Meeting 23 June 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
10 NUMBER 1 1 QUEENS TERRACE ABERDEEN AB10 1XL	MARK JAMES CAVANAGH C/O PETERKINS SOLICITORS 100 UNION STREET ABERDEEN AB10 1QR	20 April 2015	Vary the commencement hour for both on and off sales to 10:00 hours Monday to Friday. Add on sales Sunday 11:00 - 00:00 hours and off sales 10:00 - 22:00 hours. Open premises at 09:00 hours Monday to Friday for the provision of coffee and breakfasts.
O'NEILLS (GROUND FLOOR) 9 BACK WYND ABERDEEN AB10 1JP	MITCHELLS & BUTLERS RETAIL LTD C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	11 May 2015	Vary the operating plan to allow children and young persons entry to the premises for the purpose of consuming a meal They must be supervised by an adult and vacate the premises at 20:00 hours.
12 RAINBOW CASINO 61 SUMMER STREET ABERDEEN AB10 1SJ	DOUBLE DIAMOND GAMING LTD	23 March 2015	Vary the operating plan to allow televised sports and gaming outwith core licensed hours until 07:00 am on Saturdays and Sundays.

ABERDEEN CITY LICENSING BOARD

Meeting 23 June 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
13 TGI FRIDAY'S UNIT 3 QUEEN'S LINKS LEISURE PARK ABERDEEN AB24 5EN	THURSDAYS (UK) LIMITED C/O BRODIES LLP SOLICITORS 15 ATHOLL CRESCENT EDINBURGH EH3 8HA	25 March 2015	Change the terms of access for children and young persons to allow them entry unaccompanied at the discretion of the management. Remove the requirement that they have to consume a meal and allow them access at all times when the premises is open.
THE BOBBIN 500 KING STREET ABERDEEN AB24 5ST	STONEGATE PUB COMPANY LIMITED C/O HILL BROWN SOLICITORS 3 NEWTON PLACE GLASGOW G3 7PU	18 May 2015	Alteration to layout including removal of ground floor toilets, relocation of disabled toilet and expansion of female toilets on first floor.

ABERDEEN CITY LICENSING BOARD

Meeting 23 June 2015 at 10:30am in Committee Room 2, Town House, Broad Street, Aberdeen, AB10 1AQ

Licensing (Scotland) Act 2005

Personal Licence(s)

Applicant

Date Received

Comments

15

ROY WILLIAM WALKER
C/O KNIGHT TRAINING
134 THE BARRACKS
WHITE CROSS
SOUTH ROAD
LANCASTER

16 April 2015

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE

PREMISES: HOLIDAY INN EXPRESS, ABERDEEN AIRPORT

DESCRIPTION

- Applicant is seeking on sales from 10:00 to 00:00 hours Monday to Saturday and 12:30 to 00:00 hours Sunday.
- On sales to 01:00 hours Fridays to Saturdays for pre-booked functions
- Activities and services will include conference, restaurant and bar meal facilities, receptions including weddings. Club and other group meetings
- Recorded music
- Children and young persons will be allowed access only when accompanied by an adult. They will be allowed access as a guest or when visiting the premises for food and refreshment.
- Conference facilities will be available from 07:00 hours and breakfasts from 06:30 hours

OBJECTIONS/REPRESENTATIONS

None

LICENSING POLICY STATEMENT

6 CONDITIONS ATTACHING TO LICENCES

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

Drugs Policy

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

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PROVISIONAL PREMISES LICENCE
PREMISES: BANKS O'DEE FOOTBALL CLUB, ABBOTSWELL RD

DESCRIPTION

- Applicant is seeking on sales from 11:00 hours to 01:00 hours daily
 - Food to be provided as part of a hospitality package associated with football matches, with a meal being provided before the game by outside caterers.
 - Provision of receptions and club meetings
 - Recorded music
 - Televised Sports
 - Indoor/outdoor sports
- The agent advises that the primary purpose for applying for a licence is for the holding of pre-booked and ticketed hospitality events associated with football matches taking place although other functions may take place from time to time. Children and young persons will not be allowed to these events.

OBJECTIONS/REPRESENTATIONS

None

LICENSING POLICY STATEMENT

None

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: PREMISES LICENCE
PREMISES: AFRICENTRE, 214 GEORGE STREET

DESCRIPTION

- Retail shop selling Nigerian food
- Alcohol to be sold for consumption off the premises 10:00 to 19:00 hours Monday to Saturday

OBJECTIONS/REPRESENTATIONS

- Police
- LSO
- NHS Grampian

LICENSING POLICY STATEMENT

Paragraph 6.5 – Conditions Attaching to Licences

The Board has devised a number of local conditions that may be attached to premises licences. 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 technical requirements of the Police Service of Scotland as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. (all off-sales are however exempt from 4.2 relating to lip sync capability at entrance and exit doors)

Extract from paragraph 9.8 Overprovision Off Sales

OFF SALES:

The Board realised that the terms of section 7 of the 2005 Act did not support calculating overprovision to cover its entire area. The Board therefore decided to exclude two localities namely a) the Anguston locality (as identified by the Board) and b) the Kirkhill locality (as identified by the Board).

Having excluded these two localities, the Board identified the rest of its area as a locality which has overprovision of off sales premises. The Board, having regard to the number and capacity of liquor licensed premises in this locality and, with the supporting evidence provided by consultees, adopted this locality as having an overprovision of liquor licensed premises for off sales.

The Board realised that there were premises which sold alcohol for off consumption only and other premises which sold alcohol for both off and on consumption. It decided to restrict overprovision to premises that sold alcohol for off consumption only which, according to the information from the Health Board, is where the source of cheap alcohol lies.

The Board also realised that this figure was likely to change in future should any off sales premises close by way of surrender or revocation. The Board was also aware from the Health Board's advice that described their evidence as "the tip of the iceberg" and that there was a lot of under-reporting. The Board therefore considered that this would not automatically lead to a successful application for a new licence on the basis that an existing licence had been surrendered or revoked. Should that occur the Board may consider carrying out a further overprovision assessment before determining such future application.

NOT PROTECTIVELY MARKED

28 May 2015

Your Ref:

Our Ref: AD/DASU/SID41852/6875/15

Mr Eric W J Anderson
Team Leader (Team Three)
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6
Level 1 South
Marischal College
Broad Street
ABERDEEN
AB10 1AB



Sir Stephen House QPM
Chief Constable

Aberdeen City Division
Queen Street
Aberdeen
AB10 1ZA

01224 306472

FOR THE ATTENTION OF MR ERIC ANDERSON

Dear Sir

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF
A PREMISES LICENCE
AFRICENTRE FOODS, 214 GEORGE STREET, ABERDEEN, AB25 1BS
ANGELA HENNESSY, BORN 24/07/1976, 105 FAIRVIEW MANOR,
ABERDEEN, AB22 8ZY**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

The applicant seeks to obtain a premises licence for an existing premises located in Aberdeen.

In terms of section 22(1)(b)(ii), I make the following representation on behalf of the Chief Constable.

The premises are situated within the 'Off Sales' overprovision area, as detailed within 9.8 of the Aberdeen City Licensing Board Statement of Licensing Policy 2013 - 2016.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

The Policy states that the Board accepted detailed evidence from the Health Board when identifying its off sales overprovision area and that it "...considered that the evidence provided by the Police in regard to alcohol related crime figures throughout the city adequately supported its view."

Police Scotland provided Aberdeen City Licensing Board with detailed analytical data in respect of crimes and offences connected to licensed premises, and other crimes where the consumption of alcohol by either the perpetrators or victims of crime was a key factor, all of which impacted significantly on the Preventing Crime and Disorder licensing objective, amongst others. This evidence was read alongside that provided by the Health Board during the Board's decision making process for the overprovision assessment.

For these reasons, and in terms of Section 22(1)(b)(ii) of the Licensing (Scotland) Act 2005, the Chief Constable makes representation in respect of the application.

Yours faithfully

Murray Main
Chief Inspector

NOT PROTECTIVELY MARKED

MEMO

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
3rd Floor, Marischal College



To	Eric Anderson, Team Leader, Legal and Democratic Services		
From	Tara-Erin Gilchrist, Licensing Officer		
Email	Commercial@aberdeencity.gov.uk	Date	10 June 2015
Tel.	2185	Our Ref.	TAE/PAC
Fax.	01224 523887	Your Ref.	

Licensing (Scotland) Act 2005

Application for Variation of Premises Licence

Address: Africentre Foods, 214 George Street, Aberdeen, AB25 1BS

In terms of Section 22 (1) (b), I make the following representation to the Licensing Board.

The overprovision statement, as detailed within the Aberdeen Licensing Board policy (section 9), identifies overprovision of **off sales** in Aberdeen with the exception of two localities (section 9.8) - neither of which is relevant to this application. Therefore I would highlight that the application falls within an overprovision area of Aberdeen.

This memo is submitted for your attention when considering the application.

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Date 10th June 2015
Enquiries to 01224 557047
Our Ref 20151062
Email: grampian.healthprotection@nhs.net

Eric Anderson
Solicitor
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Mr Anderson

**Licensing (Scotland) Act 2005 – Application for a Premises Licence
Africentre Foods, 214 George Street, Aberdeen, AB25 1BS**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following objection under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to apply for a premises licence for the property at 214 George Street, Aberdeen, AB25 1BS. This objection will focus on the following points:

1. Evidence with regard to overprovision.
2. Distance between existing off sales premises in the area.
3. Hospital admission rates for wholly attributable alcohol- related conditions.
4. Comparison of alcohol related death rates.
5. Referrals to Integrated Alcohol Service
6. Appendix 1 – map of alcohol off sales licensed premises for Aberdeen City
7. Appendix 2 – major disease and injury categories causally linked to alcohol

1. Evidence with regard to overprovision

The Aberdeen City Alcohol Licensing Board published their Statement of Licensing Policy in November 2013. Under Section 7 of the Licensing (Scotland) Act 2005, the Licensing Board were unanimous in the declaration of the whole of the Board area as overprovided for in terms of off-sales with the exception of two localities – Anguston and Kirkhill. This overprovision assessment was taken after considering the detailed analytical evidence from both NHS Grampian and Police Scotland.

The application for 214 George Street, Aberdeen is within the area defined by the Board as overprovided for in terms of off-sales - Section 9.8 of the Aberdeen Statement of Licensing Policy 2013-2016:

Having excluded these two localities (Anguston and Kirkhill), the Board identified the rest of its area as a locality which has overprovision of off sales premises.

NHS Grampian supported the Board's decision with density maps and data during the Statement of Licensing Policy consultation. Below is the compelling density data for Aberdeen. The density 1k buffer map is attached as appendix 1.

	Total licensed premises	On-sales premises	Off-sales premises	% population 18+ residing within 1 km off-sales	% population 18+ residing within 500 m off-sales
Aberdeen City at Dec 2012	635	447	188	96%	84%

There is a strong relationship between the availability of alcohol leading to over consumption resulting in health harm.

The Board will be aware that the majority of alcohol is bought from off-sales alcohol outlets where the alcohol is cheaper than purchasing from on-sales. Drinking within a domestic setting can increase the risks of alcohol-related harms and excessive consumption, leading to health harm. NHS Grampian provided evidence during the consultation demonstrating the link between provision of premises and increased consumption leading to alcohol related health harm. The World Health Organisation have reported alcohol attributable health harms and are presented in appendix 2, and have recently reported that alcohol is a considerable contributor in preventable cancer¹.

Research published on the 7th October 2014 has strengthened the relationship between density and greater alcohol related deaths. This research identified that neighbourhoods in Scotland with the most licensed premises have alcohol related death rates more than double those in neighbourhoods with the fewest licensed premises. One of the key findings from this research is that each increase in outlet availability was associated with a higher alcohol-related death rate.²

Although it is noted that this outlet is proposing a small capacity of 1.4m² we feel this is still adding to the overall capacity in the city and adds a further off sales outlet to an area where an overprovision policy applies.

¹ <http://www.iarc.fr/en/publications/books/wcr/wcr-order.php>

² <http://www.alcohol-focus-scotland.org.uk/media/89684/cresh-research-alcohol-outlets-and-health.pdf>

2. Distance between existing off sales premises in the area.

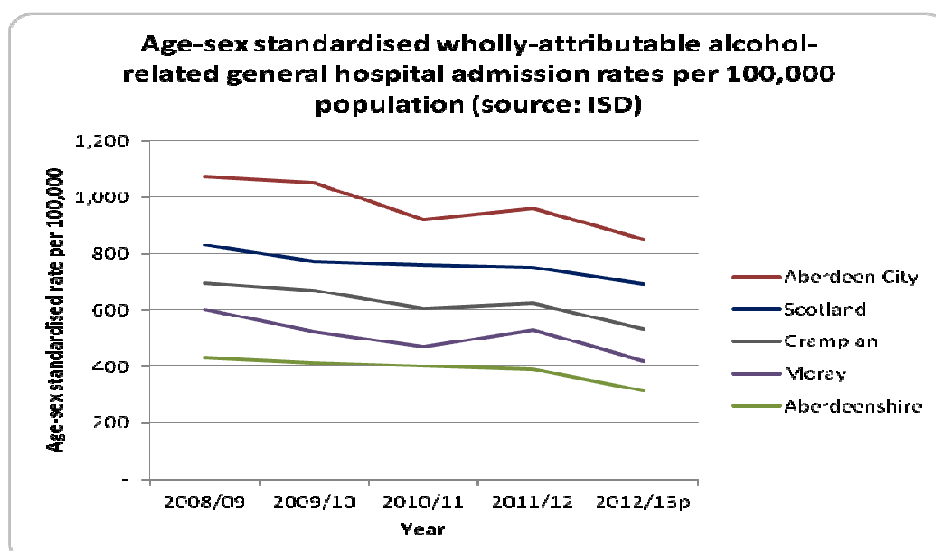
Within the immediate vicinity of this store there are a number of off-sales premises with 1 of these stores already selling African beer. See table below.

Address	Distance from Africentre Foods	Walking time from Africentre Foods
107 George Street, Co-op	.26km	2.01 minutes
259 George Street, Keystores	.09km	1.22 minutes
278 George Street, Piotr & Pawel	.13km	2.14
313 George Street	.22km	2.31 minutes
367/371 George Street, Spar	.30km	5 minutes
398 George Street, International store	.30km	5 minutes
489 George Street, World Spice*	.49km	5.31
466 George Street, Co-op	.48km	7 minutes
530/532 George Street, Grosik	.63km	9 minutes
569 George Street, Icon	.70km	10 minutes
568 George Street, Europe	.70km	10 minutes

* denotes store selling African beer

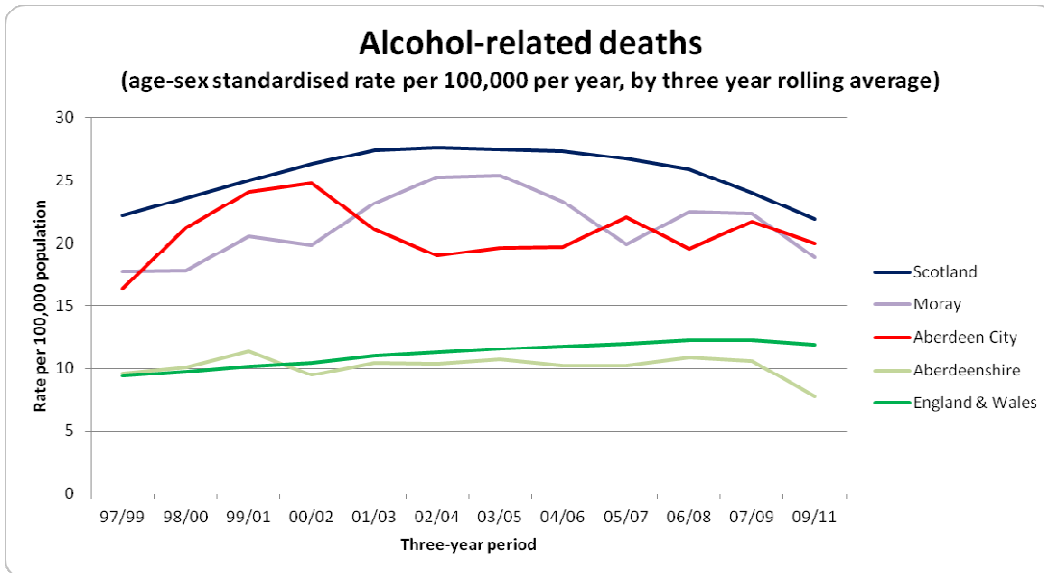
3. Hospital admission rates for wholly attributable alcohol- related conditions.

The graph below illustrates hospital admissions. Trends in wholly-attributable alcohol-related hospital admissions in Grampian have been generally consistent with those seen nationally. Following a decade of rising admission rates, there has been a reduction in recent years. However, Aberdeen City's admission rate remains significantly higher than Aberdeenshire or Moray.



4. Comparison of alcohol related death rates.

The graph below illustrates death rates as reported by Scottish Public Health Observatory (ScotPHO³) using GROS data (General Register Office for Scotland). Aberdeen City's rate has remained essentially stable, in contrast to Scotland's falling rate.



Alcohol related deaths in Scotland have fallen but the rate is still one of the highest in Western and Central Europe. Although mortality rates have reduced in recent years they are still more than double the rates seen in the 1980s.

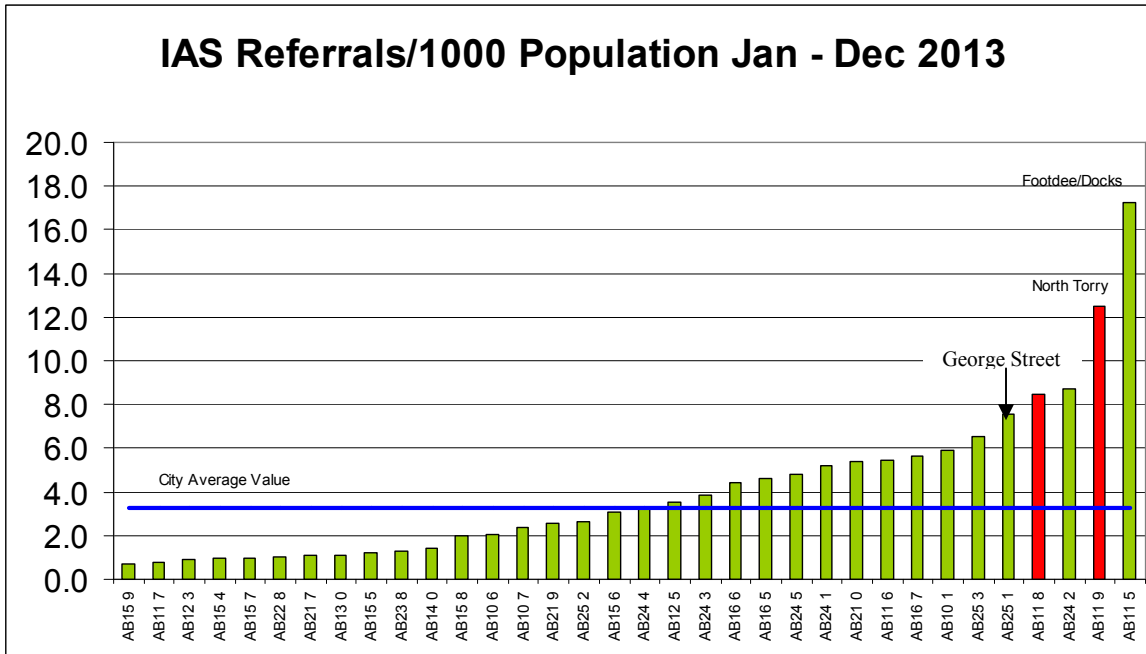
Information from ScotPHO can be broken down to post code sector. The post code sectors for the area in George Street served by this off sales premises record alcohol related deaths and alcohol related or attributable hospital patient admissions to be **more than 5% worse than the Scottish average** and are coded Red in the most recent edition of the Traffic Lights Health & Wellbeing Profiles (2012)⁴.

³ <http://www.scotpho.org.uk/>

⁴ <http://www.nhsgrampian.org/grampianfoi/files/TrafficLights2012AberdeenCity.pdf>

5. Referrals to Integrated Alcohol Service

The information shown in the graph below relates to the number of referrals per 1000 population made to the NHS Grampian, Integrated Alcohol Service (IAS), Cornhill Hospital, Aberdeen during 2013. As you can see from the chart the post code sector for the George Street area is showing significantly higher than average numbers of referrals.



There is nothing in the application which demonstrates that this license should be approved and no automatic assumption that a licence application in these circumstances should be granted.

For these reasons, and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian objects to the application as the granting of it would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

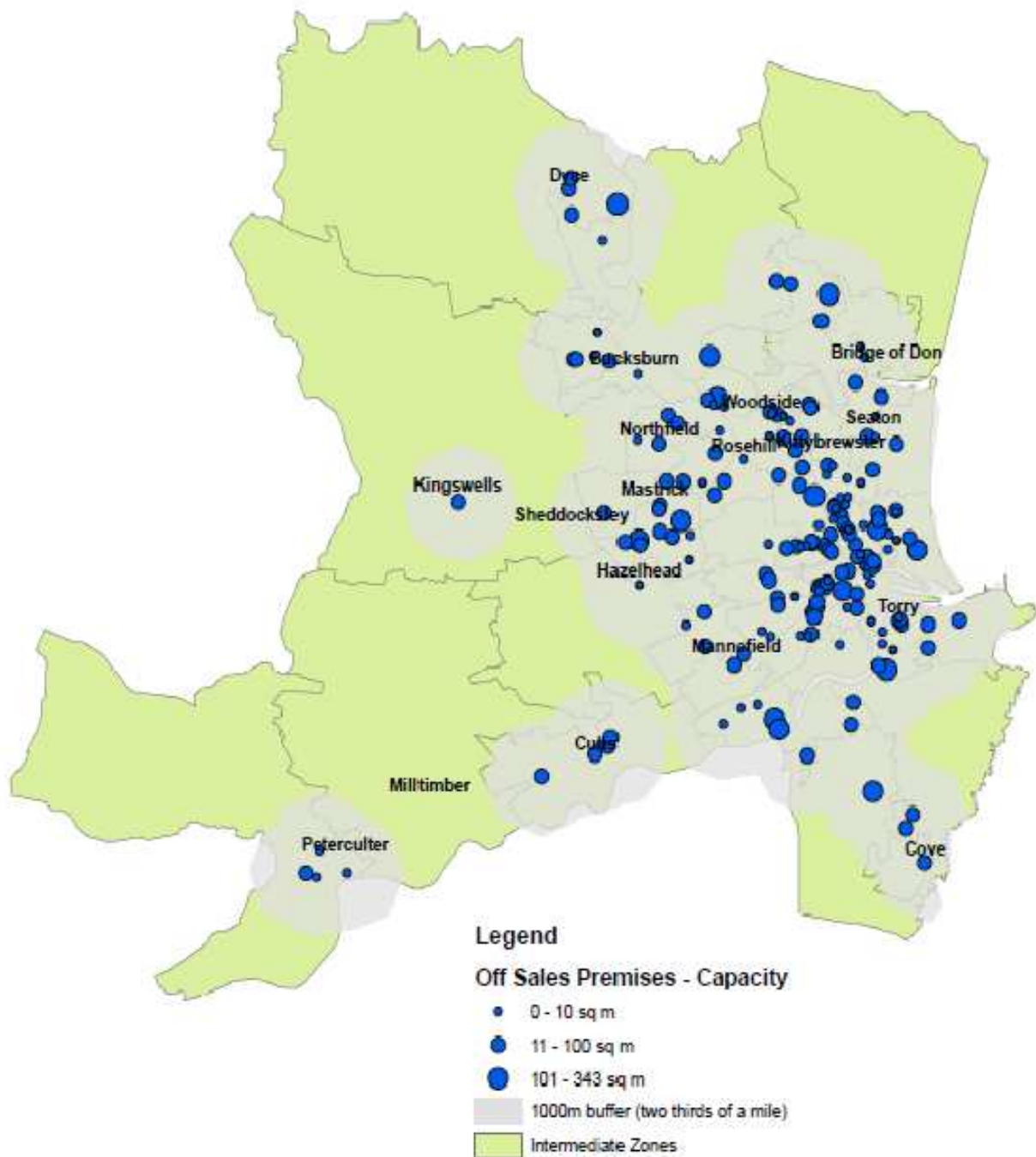
Yours sincerely

Christopher Littlejohn
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drugs)

Aberdeen City Alcohol Off Sales Licensed Premises (188)

(1000m buffer)



Based on general practice registration of Abn City residents at April 2012
192,500 = 18 years and over population
185,600 = 18 years and over live within 1000 metres of an off-sales premises
96% = percentage of residents live within 1000 metres of an off sales premises

Box 3. Major disease and injury categories causally impacted by alcohol consumption.
 (Excerpt from “World Health Organisation - Global status report on alcohol and health 2014”)⁵

Green: Overall beneficial effects from low-risk patterns of drinking, while heavy drinking is detrimental
Red: 100% alcohol- attributable

Neuropsychiatric conditions: **alcohol use disorders** (AUDs see Box 4) are the most important neuropsychiatric conditions caused by alcohol consumption. Epilepsy is another disease causally impacted by alcohol, over and above withdrawal-induced seizures (Samokhvalov et al., 2010b). Alcohol consumption is associated with many other neuropsychiatric conditions, such as depression or anxiety disorders (Kessler, 2004; Boden and Fergusson, 2011) but the complexity of the pathways of these associations currently prevents their inclusion in the estimates of alcohol-attributable disease burden (Rehn et al., 2010a).

Gastrointestinal diseases: liver cirrhosis (Rehm et al., 2010b) and pancreatitis (both acute and chronic; Irving et al., 2009) are causally related to alcohol consumption. Higher levels of alcohol consumption create an exponential increase in risk. The impact of alcohol is so important that for both disease categories there are subcategories which are labelled as “alcoholic” or “alcohol-induced” in the ICD.

Cancers: alcohol consumption has been identified as carcinogenic for the following cancer categories (International Agency for Research on Cancer, 2012) cancer of the mouth, nasopharynx, other pharynx and oropharynx, laryngeal cancer, oesophageal cancer, colon and rectum cancer, liver cancer and female breast cancer. In addition, alcohol consumption is likely to cause pancreatic cancer. The higher the consumption, the greater the risk for these cancers, with consumption as low as one drink per day causing significantly increased risk for some cancers, such as female breast cancer (Seitz et al., Rehm & Shield, 2013; Nelson et al., 2013).

Intentional injuries: alcohol consumption, especially heavy drinking, has been causally linked to suicide and violence (Cherpitel, 2013; Macdonald et al., 2013).

Unintentional injuries: almost all categories of unintentional injuries are impacted by alcohol consumption. The effect is strongly linked to the alcohol concentration in the blood and the resulting effects on psychomotor abilities. Higher levels of alcohol consumption create an exponential increase in risk (Taylor et al., 2010).

Cardiovascular diseases (CVD): the relationship between alcohol consumption and cardiovascular diseases is complex. The beneficial cardioprotective effect of relatively low levels of drinking for **ischaemic heart disease and ischaemic stroke** disappears with heavy drinking occasions. Moreover, alcohol consumption has detrimental effects on hypertension, atrial fibrillation and haemorrhagic stroke, regardless of the drinking pattern (Roerecke & Rehm, 2012).

Fetal alcohol syndrome (FAS) and preterm birth complications: alcohol consumption by an expectant mother may cause these conditions that are detrimental to the health of a newborn infant (Foltran et al., 2011).

Diabetes mellitus: a dual relationship exists, whereby a low risk pattern of drinking may be beneficial while heavy drinking is detrimental (Baliunas et al., 2009).

Infectious diseases: harmful use of alcohol weakens the immune system thus enabling development of pneumonia and tuberculosis. This effect is markedly more pronounced when associated with heavy drinking and there may be a threshold effect, meaning that disease symptoms manifest mainly if a person drinks above a certain level of heavy drinking (Lonnroth et al., 2008).

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: AURIGA, 7 SUMMER STREET

DESCRIPTION

- Vary the commencement hour to 11:00 hours Sundays
- Vary the terminal hour to 00:00 hours daily

OBJECTIONS/REPRESENTATIONS

- Neighbour who is objecting on the grounds of preventing public nuisance and protecting and improving public health.

LICENSING POLICY STATEMENT

Appendix 4 – Operating Hours

If granted the hours of trading would remain within guidelines for premises of this type in this location

26 - Licensing Objective – Preventing Public Nuisance

26.1 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.

26.2 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.

26.2 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.

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Jacqui Wallace

From: Anastasia <[REDACTED]>
Sent: 10 May 2015 10:53
To: Licensing
Subject: Objection to application for variation (major), Premises- Auriga Restaurant, 7 Summer Street, Aberdeen, AB10 1SB

[REDACTED]
10 May 2015

Dear Sir/Madam

**ABERDEEN CITY LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR VARIATION (MAJOR)
PREMISES- AURIGA RESTAURANT, 7 SUMMER STREET, ABERDEEN, AB10 1SB**

As owner and resident of [REDACTED] to the licensed premises identified above, we wish to object to the portion of this application which relates to the proposed variation of terminal operating hours from 11:00 to 00:00 daily. We have no objections to the proposal to change the premises' name to Barga, or to the application to vary the commencement hour on Sundays to 11:00.

We strongly object to the proposed variation of the terminal hour from 11:00 to 00:00 daily, because we believe it is inconsistent with the 'Licensing Objectives' of **preventing public nuisance and protecting and improving public health.**

Given the proximity of the premises to our home, we are particularly concerned as to the level of noise which will travel through the structure of the building and be heard in our flat at a time when it is reasonable to expect that we will have retired to bed (typically around 22:30 during the working week). Our flat [REDACTED]
[REDACTED]
[REDACTED] This concern is heightened by the fact that the walls appear to have very poor sound proofing properties; as has become obvious as the renovation works at this property have progressed.

We are further concerned that 00:00 would not be the end of business related activity. This is not an unfounded concern and is based on our experience of the 'after hours' noise and anti-social behaviour of the customers and workers of licensed premises already in the vicinity. This is generated by activities such as cleaning and tidying, bottle recycling, bin emptying, people lingering in and around the premises waiting for taxi's/lifts home, vehicles arriving/leaving, raised voices/shouting and customers standing on the street outside our home smoking. It would not be unfair to estimate that this noise continues for at least an hour after closing. We do not believe that we should have to tolerate such noise nuisances until 00:00 at the earliest, but in reality, later, and particularly during the week. We both work full-time and we feel that if this portion of the application is successful, we would be forced to move home. It is also worth noting that most of the other licensed premises

nearby close before 00:00 during the week yet we are often affected by the noise generated for the above reasons after 23:00.

I hope that our reasons for objecting to major variations of the terminal operating hours have been set out clearly and will be carefully considered by The Board in reaching a decision.

Should a formal hearing of this application be held, we would like to be present.

Yours faithfully,

[Redacted signature]

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: BELMONT CINEMA, 49 BELMONT STREET

DESCRIPTION

- Extend the licensed area to include the auditoria, seminar rooms and all other public areas
- Vary the time to which children and young persons are allowed in the bar area from 20:00 to 21:00 hours.
- Change the terms of access for children aged 12 and over and young persons to allow them access unaccompanied by an adult.
- Add conference, restaurant and bar meals facilities.
- Add receptions, club meetings music and live performances.

OBJECTIONS/REPRESENTATIONS

- LSO

LICENSING POLICY STATEMENT

28 - LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

28.1 - The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families. In determining any such application the risk of harm to children will be paramount.

28.2 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time as recognising that parents and other adults accompanying children also have responsibilities.

28.3 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.

28.4 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

- Appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a responsible person adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function or event.
- Enforcement of the mandatory Challenge 25 Policy.

MEMO

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
3rd Floor, Marischal College



To	Eric Anderson, Team Leader, Legal & Democratic Services		
From	Diane Sande, Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	10 June 2015
Tel.	Ext. No 2541	Our Ref.	DBS/PAC
Fax.	01224 523887	Your Ref.	

Licensing (Scotland) Act 2005

Application for Variation of Premises Licence

Address: Belmont Cinema, 49 Belmont Street, Aberdeen, AB10 1JS

In terms of Section 22 (1) (b), I make the following representation to the Licensing Board.

If the Board are minded to grant this application, I would like to make the following recommendation:

That a Local condition be attached to the premises licence stating that - for films classified as U, PG and 12A – alcohol will only be sold within the auditoria after 18:00.

This memo is submitted for your attention when considering the application.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: BOOKER LIMITED, WHITEMYERS AVENUE

DESCRIPTION

- Reorganisation of store to incorporate a new delivery service resulting in more products being placed on the warehouse floor meaning an extension of the area required for the display of alcohol
- Premises will remain to be used by trade customers for cash and carry purposes

OBJECTIONS/REPRESENTATIONS

- LSO
- Applicant's agent

LICENSING POLICY STATEMENT

9 OVERPROVISION

9.8 OFF SALES
Having excluded two localities, the Board identified the rest of its area as a locality which has overprovision of off sales premises.....It decided to restrict overprovision to premises that sold alcohol for off consumption only which, according to the information from the Health Board, is where the source of cheap alcohol lies.

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MEMO

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
3rd Floor, Marischal College



To	Eric Anderson, Team Leader, Legal and Democratic Services		
From	Tara-Erin Gilchrist, Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	14 May 2015
Tel.	Ext. 2185	Our Ref.	TAE/MAC
Fax.	01224 523887	Your Ref.	

Application for Variation of Premises Licence

Address: Booker, Whitemyres Avenue, Mastrick, Aberdeen, AB16 6YR

Applicant: Booker Limited, Equity House, Irthlingborough, Wellingborough, Northamptonshire, NN8 1LT

The applicant would like to increase their alcohol display area within the premises from 164.81m² to 340.84 m².

In terms of Section 22 (1) (b), I make the following representation to the Licensing Board.

The overprovision statement, as detailed within the Aberdeen Licensing Board policy (section 9), identifies overprovision of 'off sales' in Aberdeen with the exception of two localities (section 9.8) - neither of which is relevant to this application. Therefore I would highlight that the application falls within an overprovision area of Aberdeen.

I visited the premises on the 12th May 2015 and met with the Premises manager John McCombie. I noted Booker is similar to a warehouse facility, the premises is a business centre with registered customers. The business centre is an 'off sales' premises, however, the sale of alcohol is for trade customers only.

We discussed the application to vary the alcohol display area within the premises. John re-iterated that the change was due to the new delivery area being reconfigured, however, he believed there may not be an increase in the capacity for the proposed alcohol display area.

This memo is submitted for your attention when considering the application.

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Aberdeen City Council
Clerk to the Licensing Board
Business Hub 6 L1S
Marischal College
Aberdeen
AB10 1AB

F.A.O: Jacqui Wallace

Your Ref:

Our Ref: DDC/CB/2001262-24/26617

Please quote this when replying

Date: 1 June 2015

Please ask for: David Crank

Ext: 683381

Direct Dial: 0151 907 3381

E-mail: David.Crank@dwf.co.uk

Direct Fax: 03333 20 44 40

Dear Madam,

Booker Limited, Whitemyers Avenue, Mastrick, Aberdeen, AB16 6YR

We write further in relation to the application for Booker at their Whitemyers Avenue premises for a Major Variation to extend the display area. We have seen the comments from the Licensing Standards Officer and these have caused us to have further discussion with my client in respect of the suggestion that the increase did not appear as great as was reflected in the application. Further the question from David Kidd, in relation to the calculation, caused a re-examination of the layout plans.

The simpler point to answer in relation to the question raised by David Kidd is that although the dimensions on the layout plan that is displayed shows the rack run as being 2 metres high, the table at the bottom has it marked down as 2.2 metres high and in fact it should be 2.2 metres high and the layout plan has missed the ".2" off. This should assist David to reconcile the figures on the plan with those in the table.

To help we have asked that this be corrected and attach six further copies of the corrected layout plan via hard copy of this letter and a scanned copy with the email copy of this letter.

A greater issue arose from our discussions with the client. This appears to be twofold, first the original calculation was wrong and then there appears to have been a change to the layout, probably made in or about 2010, before either myself or the current Licensing Administrator became involved in the administration of licensing. It appears that a change was made and the area expanded, it also appears to be the case that in earlier calculations, the client's calculations were only based on the rack run and did not include the pallets, something that is corrected now in respect of this application.

45340306-1

Aberdeen City Council

The effect on the calculation of including in the calculation the pallet display in 2009 would have given a display figure of 270.41m², the changes, made in or about 2010, would have increased this to 349.12m² and the current application seeks 340.84m².

We would hope the Board would understand that the errors have their basis in mistakes or misunderstandings of the position on or after conversion and not any attempt to mislead or disregard. In recent years there has been greater certainty as to requirements and we seek to explain and correct the earlier errors.

We would ask that this application proceed on the basis that it will regularise the position. As you know our client's business operates on a wholesale basis selling to trade customers, and has the benefit of a Premises Licence to ensure that any of those trade customers that are not solely involved in the alcohol trade do not cause it to breach the strict definition of wholesale in the Act. The display area also doubles as a storage area for the client as in other wholesalers.

It remains the case that in order to make a purchase from Booker one needs to be a member, one needs to have provided details of one's business and to have a trade or business.

We would ask that the up to date plan form the basis of the application, we would ask that this application allow us to correct the position in relation to layout, and to update the changes that have been made to the layout of the distribution element of the premises. We would say that if the applications had been made in the correct order, this would in fact be a minor variation to slightly reduce the area, but accept that it should continue to be dealt with as a major variation to regularise the position.

We would be grateful if you could acknowledge receipt of this correspondence and look forward to hearing from you as to whether the matter could be dealt with on the 23rd June 2015. If there are questions please contact the writer David Crank.

We thank you for your continuing help.

Yours faithfully

David Crank
Associate
for DWF LLP

Enc.

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: CLUNIE CONVENIENCE STORE, 7 CLUNIE PLACE

DESCRIPTION

- Incorporation of adjacent retail unit into premises
- Increase in alcohol display from 10.5 to 11.92m²
- Include on the operating plan a description of other activities including the sale of convenience goods, magazines, provision of a cash machine, post office services.

OBJECTIONS/REPRESENTATIONS

- LSO

LICENSING POLICY STATEMENT

Extract from paragraph 9.8 Overprovision Off Sales

OFF SALES:

The Board realised that the terms of section 7 of the 2005 Act did not support calculating overprovision to cover its entire area. The Board therefore decided to exclude two localities namely a) the Anguston locality (as identified by the Board) and b) the Kirkhill locality (as identified by the Board).

Having excluded these two localities, the Board identified the rest of its area as a locality which has overprovision of off sales premises. The Board, having regard to the number and capacity of liquor licensed premises in this locality and, with the supporting evidence provided by consultees, adopted this locality as having an overprovision of liquor licensed premises for off sales.

The Board realised that there were premises which sold alcohol for off consumption only and other premises which sold alcohol for both off and on consumption. It decided to restrict overprovision to premises that sold alcohol for off consumption only which, according to the information from the Health Board, is where the source of cheap alcohol lies.

The Board also realised that this figure was likely to change in future should any off sales premises close by way of surrender or revocation. The Board was also aware from the Health Board's advice that described their evidence as "the tip of the iceberg" and that there was a lot of under-reporting. The Board therefore considered that this would not automatically lead to a successful application for a new licence on the basis that an existing licence had been surrendered or revoked. Should that occur the Board may consider carrying out a further overprovision assessment before determining such future application.

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MEMO

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
3rd Floor, Marischal College



To	Eric Anderson, Team Leader, Legal & Democratic Services		
From	Tara Erin Gilchrist, Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	14 May 2015
Tel.	Ext. No 2185	Our Ref.	TAE/PAC
Fax.	01224 523887	Your Ref.	

Application for Variation of Premises Licence

Address: Clunie Convenience Store, 7 Clunie Place, Aberdeen, AB16 5RN

Agent: James & George Collie, 1 East Craibstone Street, Aberdeen, AB11 6YQ

In terms of Section 22 (1) (b), I make the following representation to the Licensing Board.

The overprovision statement, as detailed within the Aberdeen Licensing Board policy (section 9), identifies overprovision of **off sales** in Aberdeen with the exception of two localities (section 9.8) - neither of which is relevant to this application. Therefore I would highlight that the application falls within an overprovision area of Aberdeen.

This memo is submitted for your attention when considering the application.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: ICON STORES LTD, 158 OSCAR ROAD

DESCRIPTION

- Store refit and reconfiguration as requires modernising
- Increase in alcohol display area from 3.71 to 8.34m²

OBJECTIONS/REPRESENTATIONS

- LSO
- NHS Grampian

LICENSING POLICY STATEMENT

Extract from paragraph 9.8 Overprovision Off Sales

OFF SALES:

The Board realised that the terms of section 7 of the 2005 Act did not support calculating overprovision to cover its entire area. The Board therefore decided to exclude two localities namely a) the Anguston locality (as identified by the Board) and b) the Kirkhill locality (as identified by the Board).

Having excluded these two localities, the Board identified the rest of its area as a locality which has overprovision of off sales premises. The Board, having regard to the number and capacity of liquor licensed premises in this locality and, with the supporting evidence provided by consultees, adopted this locality as having an overprovision of liquor licensed premises for off sales.

The Board realised that there were premises which sold alcohol for off consumption only and other premises which sold alcohol for both off and on consumption. It decided to restrict overprovision to premises that sold alcohol for off consumption only which, according to the information from the Health Board, is where the source of cheap alcohol lies.

The Board also realised that this figure was likely to change in future should any off sales premises close by way of surrender or revocation. The Board was also aware from the Health Board's advice that described their evidence as "the tip of the iceberg" and that there was a lot of under-reporting. The Board therefore considered that this would not automatically lead to a successful application for a new licence on the basis that an existing licence had been surrendered or revoked. Should that occur the Board may consider carrying out a further overprovision assessment before determining such future application.

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MEMO

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
3rd Floor, Marischal College



To	Eric Anderson, Team Leader, Legal & Democratic Services		
From	Diane Sande, Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	10 June 2015
Tel.	Ext. No 2541	Our Ref.	DBS/PAC
Fax.	01224 523887	Your Ref.	

Licensing (Scotland) Act 2005
Application for Variation of Premises Licence
Address: Icon Stores, 158 Oscar Road, Aberdeen, AB11 8EJ

In terms of Section 22 (1) (b), I make the following representation to the Licensing Board.

The overprovision statement, as detailed within the Aberdeen Licensing Board policy (section 9), identifies overprovision of **off sales** in Aberdeen with the exception of two localities (section 9.8) - neither of which is relevant to this application. Therefore I would highlight that the application falls within an overprovision area of Aberdeen.

This memo is submitted for your attention when considering the application.

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Date 9th June 2015
Enquiries to 01224 557047
Our Ref 20151064
Email: grampian.healthprotection@nhs.net

Eric Anderson
Solicitor
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Mr Anderson

**Licensing (Scotland) Act 2005 – Application for the variation of a Premises Licence
Icon Stores, Ltd, 158 Oscar Road, Aberdeen, AB11 8EJ**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following objection under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to increase the **capacity** of the premises off-sales provision at 158 Oscar Road, Aberdeen, from 3.71m² to 7.28m². This equates to an approximate increase of 95% to the existing off-sales capacity. NHS Grampian wish to make an objection based on the **increased availability** of alcohol in an area of over provision.

The objection will focus on the following points:

1. Evidence with regard to overprovision and capacity of premises
2. Referrals to integrated alcohol service
3. Hospital admission rates for wholly attributable alcohol-related conditions

1. Evidence with regard to overprovision and capacity of premises

During the development of the 2013 – 2016 Statement of Licensing Policy, NHS Grampian provided a range of evidence that helped Aberdeen City Licensing Board identify the whole city, with the exclusion of two localities, as being overprovided for in respect of off sales premises.

It is stated in the Statement of Licensing Policy, Paragraph 9.8 that:

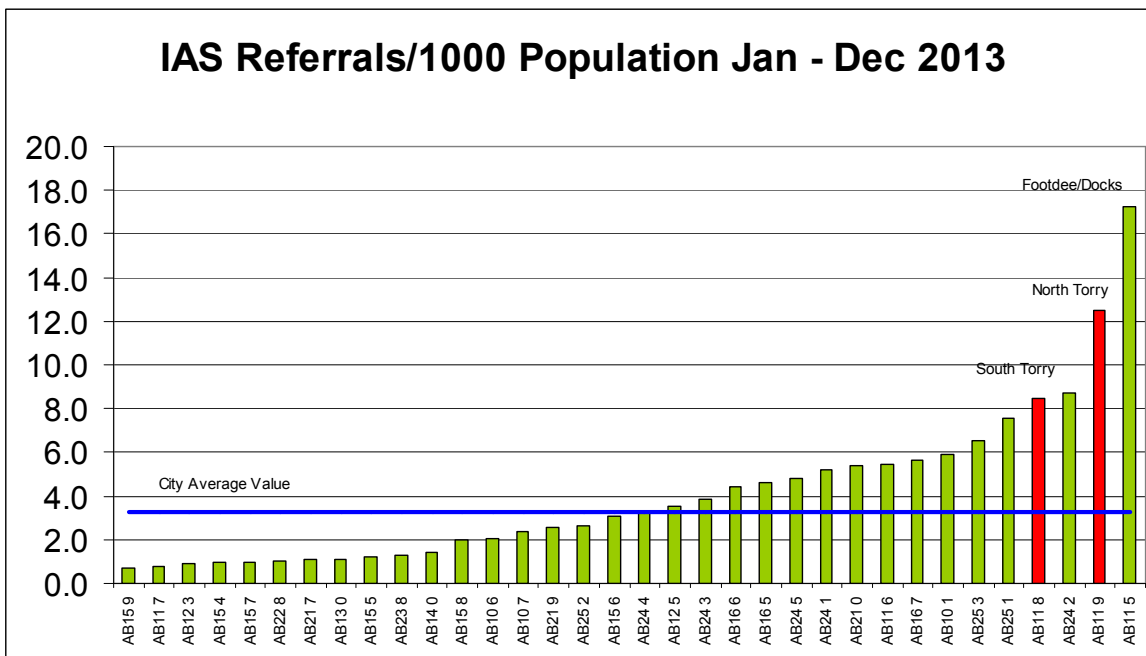
*“The Board, having regard to the number and **capacity** of liquor licensed premises in this locality and, with the supporting evidence provided by consultees, adopted this locality as having an overprovision of liquor licensed premises for off sales”*

“For the avoidance of doubt, the capacity figure stated in the operating plan at Q7 will be used by the Board only for the purpose of assessing overprovision”

There is a strong relationship between the availability of alcohol leading to overconsumption resulting in health harm. We have a specific concern about the request to increase the alcohol display area as this is highly likely to mean an increase in stock held and therefore in alcohol promoted and sold.

2. Referrals to Integrated Alcohol Service

The information shown in the graph below relates to the number of referrals per 1000 population made to the NHS Grampian, Integrated Alcohol Service (IAS), Cornhill Hospital, Aberdeen during 2013. As you can see from the red bars on the graph both post code sectors for the Torry area are showing significantly higher than average numbers of referrals.



3. Hospital admission rates for wholly attributable alcohol-related conditions

In Aberdeen the average alcohol related hospitalisation rate is 31% higher than the Scottish average¹.

Information from the Scottish Public Health Observatory can be broken down to post code sector. The post code sector for the south area in Torry served by this off sales premises record alcohol related deaths and alcohol related or attributable hospital patient admissions to be **more than 5% worse than the Scottish average** and are coded Red in the most recent edition of the Traffic Lights Health & Wellbeing Profiles (2012)².

¹ <http://www.alcohol-focus-scotland.org.uk/media/61723/Outlet-density-and-harm-Aberdeen-City.pdf>

² <http://www.nhsgrampian.org/grampianfoi/files/TrafficLights2012AberdeenCity.pdf>

When there are already higher than average rates for hospital admissions in a local area, NHS Grampian is of the opinion that any increase in display area for alcohol will result in additional availability, increased consumption and resultant health harm. It is recognised that increased marketing and display of products leads to increased purchasing and consumption and we have no reason to believe this is any different for alcohol.

For these reasons, and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian objects to the increased off-sales capacity requested as the granting of it would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Christopher Littlejohn
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drugs)

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE
PREMISES: KEYSTORE EXPRESS, 50 SUMMERFIELD TERRACE

DESCRIPTION

- Change of layout resulting in an increase in capacity from 5.9 to 9.94m²

OBJECTIONS/REPRESENTATIONS

- LSO
- NHS Grampian

LICENSING POLICY STATEMENT

Extract from paragraph 9.8 Overprovision Off Sales

OFF SALES:

The Board realised that the terms of section 7 of the 2005 Act did not support calculating overprovision to cover its entire area. The Board therefore decided to exclude two localities namely a) the Anguston locality (as identified by the Board) and b) the Kirkhill locality (as identified by the Board).

Having excluded these two localities, the Board identified the rest of its area as a locality which has overprovision of off sales premises. The Board, having regard to the number and capacity of liquor licensed premises in this locality and, with the supporting evidence provided by consultees, adopted this locality as having an overprovision of liquor licensed premises for off sales.

The Board realised that there were premises which sold alcohol for off consumption only and other premises which sold alcohol for both off and on consumption. It decided to restrict overprovision to premises that sold alcohol for off consumption only which, according to the information from the Health Board, is where the source of cheap alcohol lies.

The Board also realised that this figure was likely to change in future should any off sales premises close by way of surrender or revocation. The Board was also aware from the Health Board's advice that described their evidence as "the tip of the iceberg" and that there was a lot of under-reporting. The Board therefore considered that this would not automatically lead to a successful application for a new licence on the basis that an existing licence had been surrendered or revoked. Should that occur the Board may consider carrying out a further overprovision assessment before determining such future application.

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MEMO

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
3rd Floor, Marischal College



To	Eric Anderson, Team Leader, Legal & Democratic Services		
From	Tara Erin Gilchrist, Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	14 May 2015
Tel.	Ext. No 2185	Our Ref.	TAE/PAC
Fax.	01224 523887	Your Ref.	Y

Application for Variation of Premises Licence

Address: Park Street Mini Store, 50 Summerfield Terrace, Aberdeen, AB24 5JD
Agent: James & George Collie, 1 East Craibstone Street, Aberdeen, AB11 6YQ

In terms of Section 22 (1) (b), I make the following representation to the Licensing Board.

The overprovision statement, as detailed within the Aberdeen Licensing Board policy (section 9), identifies overprovision of 'off sales' in Aberdeen with the exception of two localities (section 9.8) - neither of which is relevant to this application. Therefore I would highlight that the application falls within an overprovision area of Aberdeen.

This memo is submitted for your attention when considering the application.

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Date 14th May 2015
Enquiries to 01224 557047
Our Ref 20151050
Email: grampian.healthprotection@nhs.net

Eric Anderson
Solicitor
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Mr Anderson

**Licensing (Scotland) Act 2005 – Application for the variation of a Premises Licence
Park Street Mini Store, 50 Summerfield Terrace, Aberdeen, AB24 5JD**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following objection under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to increase the **capacity** of the premises off-sales provision at 50 Summerfield Terrace, Aberdeen, from 5.9m² to 9.94m². This equates to an approximate increase of 68% to the existing off-sales capacity. NHS Grampian wish to make an objection based on the **increased availability** of alcohol in an area of over provision.

The objection will focus on the following points:

1. Evidence with regard to overprovision and capacity of premises
2. Hospital admission rates for wholly attributable alcohol-related conditions

1. Evidence with regard to overprovision and capacity of premises

During the development of the 2013 – 2016 Statement of Licensing Policy, NHS Grampian provided a range of evidence that helped Aberdeen City Licensing Board identify the whole city, with the exclusion of two localities, as being overprovided for in respect of off sales premises.

It is stated in the Statement of Licensing Policy, Paragraph 9.8 that:

*“The Board, having regard to the number and **capacity** of liquor licensed premises in this locality and, with the supporting evidence provided by consultees, adopted this locality as having an overprovision of liquor licensed premises for off sales”*

There is a strong relationship between the availability of alcohol leading to overconsumption resulting in health harm. We have a specific concern about the request to increase the alcohol display area as this is highly likely to mean an increase in stock held and therefore in alcohol promoted and sold.

2. Hospital admission rates for wholly attributable alcohol-related conditions

In Aberdeen the average alcohol related hospitalisation rate is 31% higher than the Scottish average¹.

Information from Scottish Public Health Observatory can be broken down to post code sector. The post code sector AB24 5 record alcohol related / attributable hospital patient admissions to be **more than 5% worse than the Scottish average** and are coded Red in the most recent edition of the Traffic Lights Health & Wellbeing Profiles (2012)².

When there are already higher than average rates for hospital admissions in a local area, NHS Grampian is of the opinion that any increase in display area for alcohol will result in additional availability, increased consumption and resultant health harm. It is recognised that increased marketing and display of products leads to increased purchasing and consumption and we have no reason to believe this is any different for alcohol.

For these reasons, and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian objects to the increased off-sales capacity requested as the granting of it would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Christopher Littlejohn
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Drugs)

¹ <http://www.alcohol-focus-scotland.org.uk/media/61723/Outlet-density-and-harm-Aberdeen-City.pdf>

² <http://www.nhsgrampian.org/grampianfoi/files/TrafficLights2012AberdeenCity.pdf>

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: NUMBER 1, 1 QUEENS TERRACE

DESCRIPTION

- Vary the commencement hour from 11:00 to 10:00 hours Monday to Friday for both on and off sales
- Add on sales on Sunday from 11:00 to 00:00 hours and off sales 11:00 to 22:00 hours.
- Premises will open at 09:00 hours Monday to Friday to enable coffee and breakfasts to be served.

OBJECTIONS/REPRESENTATIONS

- None

LICENSING POLICY STATEMENT

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: O'NEILL'S, 9 BACK WYND

DESCRIPTION

- Vary the operating plan to allow children and young persons aged 0 – 17 years entry to the premises for the purpose of consuming a meal provided they are supervised by a person aged 18 or over.
- Access would be to all public parts of the premises until 20:00 hours.

OBJECTIONS/REPRESENTATIONS

- Police
- LSO

LICENSING POLICY STATEMENT

28 - LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

28.1 - The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families. In determining any such application the risk of harm to children will be paramount.

28.2 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time as recognising that parents and other adults accompanying children also have responsibilities.

28.3 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.

28.4 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
- Appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a

responsible person adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function or event.

- Enforcement of the mandatory Challenge 25 Policy.

9 June 2015

Your Ref:

Our
Ref:AD/DCU/SID41861/9211/15

Mr Eric W J Anderson
Team Leader (Team Three)
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6
Level 1 South
Marischal College
Broad Street
ABERDEEN
AB10 1AB



**POLICE
SCOTLAND**

Keeping people safe

Sir Stephen House QPM
Chief Constable

Aberdeen City Division
Queen Street
Aberdeen
AB10 1ZA

01224 306472

AberdeenCityLicensing@Scotland.pnn.police.uk

Dear Sir

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
O'NEILL'S, GROUND FLOOR, 9-10 BACK WYND, ABERDEEN, AB10 1JP**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of amendments to Question 6 (a) to (e) of the Operating Plan and layout plan to allow access by children and young persons (aged 0 -17 years) to all public parts of the premises, for the purpose of consuming a meal, provided they are supervised by a person aged 18 years or over, from the commencement of core 'on sales' hours until 2000 hours.

In terms of Section 22(1)(a) of the Act, the Chief Constable objects to the granting of the licence for the following reasons.

On Wednesday 3 June 2015, Sergeant Flett of the Divisional Co-ordination Unit, accompanied by a Licensing Standards Officer, visited the premises, the primary purpose of which was to consider whether the premises, or part thereof, may be suitable for children and young persons to be within.

It is the Police's observation that the premises are quite small with maximum capacity set at 131 and it has a very traditional 'public house' ambiance.

The premises management furnished information to the effect that at the end of office working hours, the premises enjoy custom by patrons who are drawn to the

NOT PROTECTIVELY MARKED

traditional pub feel of the premises and who participate more in what can be described as 'vertical' drinking.

There are a number of tables within the premises at which food is served, however it was the view of the Police Officer who visited the premises that only about four tables could be considered far enough removed from the bar as to be considered 'not in close proximity to the bar', and of these, two were high tables situated at either side of the door of the premises, and unsuitable for young children. One other table, whilst enjoying the furthest distance from the bar, is positioned upon a small stage or platform, and also would be a physical hazard for any young child.

In support of the Protecting Children from Harm licensing objective, the Chief Constable objects to the grant of the variation on the basis that, for the reasons stated above in relation to nature, character and layout of the premises, the premises are unsuitable for children.

The Chief Constable acknowledges that the Protecting Children from Harm licensing objective relates only to children, i.e. 0 - 15 year olds, however, with regard to young persons aged 16 and 17 years being within the premises under the terms of the application, the Chief Constable requests that the comments made in relation to the premises be borne in mind when considering the application.

Yours faithfully

Murray Main
Chief Inspector

NOT PROTECTIVELY MARKED

Jacqui Wallace

From: Tara-Erin Gilchrist
Sent: 11 June 2015 16:25
To: LicensingBoard
Cc: Jacqui Wallace
Subject: Application for Variation of Premises Licence - O'Neill's, Ground Floor, 9-10 Back Wynd, Aberdeen

To: Eric Anderson, Team Leader, Legal and Democratic Services

Licensing (Scotland) Act 2005

Application for Variation of Premises Licence

Address: O'Neill's, Ground Floor, 9-10 Back Wynd, Aberdeen

Licence Holder: Mitchells & Butlers Retail Limited, 27 Fleet Street, Birmingham, B3 1JP

The applicant proposes the following changes to their operating plan:

Question 6 (a) Amended to Yes

Question 6 (b) Amended to 'children and young persons will be allowed entry for the purpose of consuming a meal provided they are supervised by a person aged 18 or over.'

Question 6 (c) Amended to 'All ages'

Question 6 (d) Amended to 'From the time that the premises opens until 8pm'

Question 6 (e) Amended to 'All parts'

In response to the above, I visited the premises on the 3rd June 2015 and noted the size of the toilets within the ground floor of O'Neill's. The male and female toilets are small rooms with limited floor space and therefore, at present, the applicant cannot comply with the Mandatory Condition 12 (1) (b) and (c) and 12 (2).

Mandatory Condition 12 (1) (b) and (c) and 12 (2)

Baby Change Facilities

12. (1) The condition specified in this paragraph applies only in the case of the premises – in this instance; (b) on which alcohol is sold for consumption on the premises; and (c) to which children under the age of 5 are to be admitted.

12. (2) There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender.

I am objecting to the application on the grounds that the applicant cannot incorporate a baby change facility, within the toilet areas or elsewhere on the premises, due to the limited space available at this present time.

Kindest regards

Tara-Erin Gilchrist
Licensing Standards Officer

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE
PREMISES: RAINBOW CASINO, 61 SUMMER STREET

DESCRIPTION

- Provision of televised sports and gaming outwith core licensed hours until 07:00 hours Saturdays and Sundays

OBJECTIONS/REPRESENTATIONS

- None

LICENSING POLICY STATEMENT

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE
PREMISES: TGI FRIDAY'S, UNIT 3, QUEEN'S LINKS LEISURE PARK

DESCRIPTION

- Change the terms of access for children and young persons to –
allow them entry unaccompanied by an adult at the discretion of management
allow them access at all times when the premises is open (currently allowed access during core licensed hours)
remove the requirement that they have to consume a meal

OBJECTIONS/REPRESENTATIONS

None

LICENSING POLICY STATEMENT

28 - LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

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- limitations or exclusions by age when certain activities are taking place
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- 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
- Appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a responsible person adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function or event.

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF A PREMISES LICENCE

PREMISES: THE BOBBIN, 500 KING STREET

DESCRIPTION

- Alterations to the layout including removal of toilets on ground floor, relocation of disabled toilet.
- Removal of cleaner's store to allow the creation of an additional 2 stall in first floor female toilets.

OBJECTIONS/REPRESENTATIONS

- None

LICENSING POLICY STATEMENT

N/A

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ABERDEEN CITY COUNCIL

COMMITTEE	ABERDEEN CITY LICENSING BOARD
DATE	23 JUNE 2015
DIRECTOR	ANGELA SCOTT (CHIEF EXECUTIVE AND INTERIM DIRECTOR OF CORPORATE GOVERNANCE)
TITLE OF REPORT	GAMBLING POLICY STATEMENT
REPORT NUMBER	CG/15/87
CHECKLIST COMPLETED	N/A

1. PURPOSE OF REPORT

To advise Members that the three year Statement of Policy in terms of Section 349(1) of the Gambling Act 2005 ('the Act') requires to be reviewed and revised.

2. RECOMMENDATION(S)

To note the contents of the report.

3. FINANCIAL IMPLICATIONS

None.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

- 5.1 Section 349 (1) of the Act requires all licensing authorities to prepare and publish every three years a statement of the principles that they propose to apply in exercising their function under the Act during the three year period to which the policy applies.

The Licensing Authority Statement of Policy will last for a maximum of three years, but can be reviewed at any time. The Board's current policy runs from January 2013 to January 2016. Members are invited

to view the policy on the Board's website at aberdeencity.gov.uk/law/licensing/licences/licensing/lic_gamblingact.asp

The Policy requires to be reviewed, revised and published by 3 January 2016. Officers have carried out a review of the existing Policy and a draft Statement of Policy for 2016-2019 is attached ("appendix 1").

5.2 Section 349 (3) of the Act requires the licensing authority to consult with the following on the Statement of Policy or any subsequent revision:

- Chief Constable
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's function under this Act.

The Gambling Commission's Guidance to Licensing Authorities 4th Edition suggests that licensing authorities may wish to consider consulting with a range of organisations including: faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, medical practices or primary care trusts, and advocacy organisations, other tiers of local government, holders of gambling premises licences and responsible authorities named in the Act.

Officers will conduct a written consultation allowing 12 weeks for responses to the draft Statement of Policy 2016-2019. The results of the consultation will thereafter be reported back to the Board for its consideration.

6. IMPACT

An Equality Impact Assessment will be carried out.

7. MANAGEMENT OF RISK

The Policy Statement will address the management of risk in respect of the regulation of gambling and problem gambling in Aberdeen, specifically through the requirement on holders of premises licences to provide to the Licensing Board risk assessments. The Board may also carry out a Local Area profile of gambling and problem gambling to identify risk. It is advised that such an exercise would be unnecessary at this stage however the Board could decide to undertake a Local Area profile at a later date if issues were to arise. In the meantime

consultation with the various organisations noted in this report should highlight any concerns regarding gambling in Aberdeen.

8. BACKGROUND PAPERS
None

9. REPORT AUTHOR DETAILS

Arlene Dunbar, Registered Paralegal, ardunbar@aberdeencity.gov.uk,
523411

ABERDEEN CITY LICENSING BOARD

GAMBLING ACT 2005

~~STATEMENT OF PRINCIPLES~~ POLICY STATEMENT

FOURTH EDITION

JANUARY ~~2013-2016~~ -2016 2019

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GAMBLING ACT 2005

~~REVISED STATEMENT OF PRINCIPLES~~POLICY STATEMENT

FOURTH EDITION

ABERDEEN LICENSING BOARD

PART A

1 Introduction

This is the ~~Statement of Principles~~Policy Statement (the Policy) that Aberdeen City Licensing Board (the Board) is required to publish in terms of Section 349(1) of the Gambling Act 2005 (the Act)

The Policy has been prepared having regard to the licensing objectives as detailed in Section 1 of the Act, the Guidance to Licensing Authorities ~~3rd~~5th edition ~~May 2009~~March 2015 ('the Guidance') issued by the Gambling Commission ('the Commission') the provisions of the Act itself and subsequent Regulations made under it.

The Policy will come into effect on 31 January ~~2013~~2016 and will remain in place for a maximum period of 3 years to 31 January ~~2016~~2019. The Policy will be reviewed, updated and modified as and when the Board considers it appropriate and at least every three years.

~~2.1.1~~ **Declaration**

In adopting the final Policy the Board has had regard to, the licensing objectives of the Act, the Commission's Guidance and responses from those persons consulted.

~~3.1.2~~ **Geographical Area**

The Board's area covers the same territory as the Aberdeen City Council area. Aberdeen is a thriving, cosmopolitan port in the North-east of Scotland with a population of ~~217,120~~ 228,990 covering an area of 184.47 square kilometres (71.22 square miles). Traditional industries such as fishing and farming still flourish in and around the city which also enjoys two first class universities. Its buoyant modern economy is fuelled by the oil industry, earning the city its epithet 'Global Energy City'.

4.34 Scope – Licensing Functions

This Board will make decisions upon applications or notifications made for:

- premises licences
- temporary use notices
- occasional use notices
- permits as required under the Act and
- registrations as required under the Act

This Policy relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- casinos
- bingo premises
- betting premises
- tracks
- adult gaming centres
- licensed family entertainment centres
- unlicensed family entertainment centres
- club gaming permits
- prize gaming and prize gaming permits
- occasional use notices
- temporary use notices
- registration of small society lotteries

The Board shall not be involved in licensing remote gambling as defined in Section 4 (1) of the Act. Regulation of this function shall be the responsibility of the Commission.

4.45 THE LICENSING OBJECTIVES

In exercising its functions under the Act the Board must have regard to the licensing objectives set out in Section 1 of the Act. These are:

4.4.15.1 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

The Board will, when determining applications, consider whether the grant of a premises licence will constitute a potential source of crime or disorder or result in an increase in crime and disorder.

The Board agrees with the Commission's distinction between disorder and nuisance in its Guidance, being: ~~“disorder is intended to mean activity that is more serious and disruptive than mere nuisance.~~ “licensing authorities should generally consider disorder as activity that is

more serious and disruptive than mere nuisance". Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it."

In considering premises licence applications, the Board shall take into account the following:

- The design and layout of the premises;
- Training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed; Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem occurring if the licence is granted.
- In relation to preventing disorder, the Board have the ability under s.169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in s.178 of the Act.

4.4.25.2 Ensuring that gambling is conducted in a fair and open way

The Board notes that the Commission has stated in its Guidance that it would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the Personal Licence. Both of the foregoing are the responsibility of the Gambling Commission.

However, if the Board suspects that gambling is not being conducted in a fair and open way, the Board notes in particular the Commission's comments in its Guidance that the Board ought to bring this to the attention of the Commission. The Board shall endeavour to do so should said suspicion arise.

4.4.35.3 Protecting children and other vulnerable persons from being harmed or exploited by gambling.

~~In its Guidance, the Commission states that this objective relates to preventing children from taking part in gambling and for there to be~~

~~restrictions on advertising so that gambling products are not aimed at children or advertised in a way that is particularly attractive to them.~~

~~1.4.3.15.3.1~~ 1.4.3.15.3.1 Protecting Children

In accordance with its obligation under Section 157 (h) of the Act, the Board has designated the Integrated Children's Services Partnership as the body competent to advise the Board about the protection of children from harm.

The Board considers this the best body to fulfil this function because the Partnership lead integrated planning, strategy and policy development to improve outcomes for children and young people on behalf of the Aberdeen City Community Planning Partnership. The Chair of the Integrated Children's Services Partnership is ~~Mr Fred McBride~~[Mrs Liz Taylor](#), Director of Social Care and Wellbeing, Aberdeen City Council. The Partnership has senior representation from Aberdeen City Council Social Care and Wellbeing and Education, Culture and Sports Services, NHS Grampian, ~~Grampian Police~~[Police Scotland](#), the Children's Panel, Aberdeen Council of Voluntary Organisations and Aberdeen Youth council.

The Board will consult with the Integrated Children Services Partnership on any application that indicates there may be concerns over access for children or young persons.

The Board will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.

~~1.4.3.25.3.2~~ 1.4.3.25.3.2 Access to Licensed Premises

With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult only environments.

Significant weight will be given to all matters relating to the protection of children and young persons. An applicant for a premises licence must comply explicitly with the Act regarding the permitted access or exclusion of children and young persons. No children or young person must be permitted to have access to, close observation of, or an invitation to participate in any gambling activities. Where the Board determines that there may be a risk of harm to children in relation to particular premises, it may exclude or limit the access of children to the premises at specific times or when certain activities are taking place.

The Board notes the Commission's comments in its Guidance that it should consider whether staff will be able to adequately supervise the gambling premises, as adequate staffing levels is a factor to consider regarding the prevention of underage gambling

It further notes that the Commission expects the Board to work with operators to consider how any impediments to the supervision of premises might be most appropriately remedied. Supervision also applies to premises that are themselves not age-restricted (eg bingo and family entertainment centre (FEC) premises) but which make gambling products and facilities available.

In pursuance of this licensing objective, the Board may consider appropriate conditions to attach to each premises licence on an individual basis. These may include one or more of the following from this non exhaustive list:

- The configuration of the premises;
- The use of floor-walkers
- Installation of CCTV
- Supervision of entrances;
- The display of clear signage both externally and internally indicating that entrance to the premises is restricted to those aged 18 years and over;
- Clear segregation of gambling and non-gambling areas;
- Supervision of access to gambling areas;
- Supervision of gambling machines;

4.4.3.35.3.3 Vulnerable Persons

The Board notes that the term 'vulnerable persons' is not statutorily defined. However, it shall be assumed that this group includes the following:

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, excessive alcohol consumption or drug taking.

Applicants for premises licences, permits and authorisations will be expected to have an awareness that for some people gambling activities can present both potential and actual harm. Applicants will also be required to comply with any Code of Practice and Guidance issued by the Commission in this regard.

The Board shall consider, on a case by case basis, whether any special considerations should apply in relation to particular premises to ensure the protection of vulnerable persons which will need to be balanced against the Board's objective to aim to permit the use of premises for gambling.

4.56 Responsible Authorities

For the purposes of Section 157 of the Act, the following are Responsible Authorities in relation to premises:

- The Gambling Commission, Victoria Square House, Victoria Square, Birmingham B2 4BP
- ~~Grampian Police~~ Police Scotland, The Chief Constable, Force Headquarters, Queen Street, Aberdeen AB10 1ZA
- ~~Grampian Fire and Rescue Service~~, The Scottish Fire & Rescue Service The Chief Fire Officer, Headquarters, 19 North Anderson Drive, Aberdeen AB15 6TP
- Planning and Infrastructure, Building Standards, Aberdeen City Council, Business Hub 4, LGN, Marischal College, Broad Street, Aberdeen, AB10 1AB
- Environmental Health and Trading Standards, Aberdeen City Council, Business Hub 15, LS3, Marischal College, Broad Street, Aberdeen, AB10 1AB
- Aberdeen City Council, Democratic Services, Town House, Broad Street, Aberdeen, AB10 1AQ
- Integrated Children's Services Partnership, Louise Beaton, Principal Planning Officer, Integrated Children's Services, First Floor, Balgownie One, Conference Way, Bridge of Don, Aberdeen, AB3 8AQ
- H M Revenue and Customs, National Registration Unit, Portcullis House, 21 India Street, Glasgow G2 4PZ

4.67 Interested Parties

Interested Parties may make representations in writing about licence applications, or apply for a review of an existing licence. In terms of Section 158 of the Act, an Interested Party is a person who:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph a) or b)

In determining whether a person is an Interested Party in relation to a particular premise, the Board shall consider each case on its own merits. No uniform rule may attach to the Board's decision making in this regard. The Board also notes the examples in the Commission's Guidance with regards to who may constitute an Interested Party, such as people who are democratically elected, bodies such as trade unions and residents' and tenants' associations.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward likely to be affected. Other than these however, this Authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

4.78 Consultation

In terms of section 349(3) of the Act the Board has consulted the following parties in the preparation of this Policy:

- The Chief Constable of ~~Grampian Police~~ [Police Scotland](#)
- Chief Fire Officer, ~~Grampian Fire & Rescue Service~~, [Scottish Fire & Rescue Service](#)
- The Gambling Commission,
- Integrated Children's Services Partnership
- North East of Scotland Child Protection Committee
- Premises Licence Holders
- Community Councils
- Convention Of Scottish Local Authorities (COSLA),
- Licensing Agents
- Aberdeen City Council - Heads of Service
- Aberdeen City Council - Group Leaders
- Aberdeen City Council – Chief Executive
- National Casino Industry Forum
- Association of British Bookmakers Limited
- GamCare.

- Gamble Aware
- Dr Maria K Rossi, Consultant in Public Health, NHS Grampian

29 POLICIES

2.19.1 Relationship between planning permission, building regulations and granting of a premises licence.

In determining applications, the Board should not take into consideration matters that are not related to gambling and the licensing objectives ~~has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters. Irrelevant matters are those not related to gambling and the licensing objectives.~~

The Board notes that, in accordance with Section 210 of the Act, one such ~~irrelevant matter~~ example would be the likelihood of the ~~that it cannot have regard to in determining an application is whether or not a proposal by the applicant~~ obtaining ~~is likely to be permitted in accordance with~~ planning permission or building regulations approval for their proposal ~~or planning law.~~

In accordance with the Commission's Guidance, the Board also notes that, when dealing with a premises licence application for finished buildings, it shall not take into account whether those buildings have complied with necessary planning or building consents. Fire or health and safety risks shall also not form part of the consideration for a premises licence as these issues fall under other statutory regimes.

The Board may, however, consider carefully the impact of planning and/or building control restrictions (if any) on a licence holder's ability to comply with any conditions that may attach to the licence.

29.2 Door Supervision

The Board may consider it appropriate to attach a condition to a premises licence requiring door supervision during opening hours or between specified opening hours.

The Board may also specify the level of door supervision required.

'Door supervision shall have the meaning ascribed to it in Section 178 of the Gambling Act 2005. As per paragraph 33 of the Commission's Guidance, the Board notes that door staff employed by the Operator who are employed at casino or bingo premises do not require to be licensed by the Security Industry Authority

In terms of Section 178 of the Act, the Board notes that if a door supervisor is required by the Private Security Industry Act 2001 to hold a licence under that Act authorising him or her to fulfil their functions under that Act, then that requirement shall be treated as if it were a condition of the premises licence by virtue of Section 178.

9.3 Local Area Profile

Paragraph 6.47 of the Commission's Guidance suggests that a licensing authority may find it useful to complete its own assessment of the local environment as a means of 'mapping out' local areas of concern, which can be reviewed and updated to reflect changes to the local landscape. Such an assessment is referred to in the Guidance as a local area profile.

The Board notes that it is not required to complete a local area profile. The Board takes the view that at present the landscape of gambling in the city of Aberdeen does not necessitate the carrying out of a local area profile. The Board considers that the terms of its Policy provides sufficient clarity for operators as to the relevant factors in its decision making. The position may change in future and the Board may look to amend its policy to include a local area profile. Meantime the Board will continue its engagement with responsible authorities and licensees.

9.4 Risk Assessments

The Board notes Social Responsibility condition 10.1.1 of the Commission's Licence Conditions and Codes of Practice which places an obligation on all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences to carry out local risk assessments. The condition will have effect from 6 April 2016.

The condition requires licensees to "assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks". In carrying out the risk assessments "licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy".

Condition 10.1.1 is supported by an ordinary condition which states that "Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request."

Taking cognisance of the Commission's Guidance at paragraph 6.45 the Board will expect licensees to produce local risk assessments when making application for a new premises licence or variation of a premises licence. In addition, the Board will require provision of a risk assessment where there are concerns prompted by new or existing risks to the licensing objectives and will expect licensees to have clear measures in place to address specific concerns.

3.10

DECISION MAKING

3.10.1

General Principles

~~3.1.4~~10.1.1 Every application received shall be dealt with fairly and shall be seen to be dealt with fairly and shall be considered on its own merits.

~~3.1.2~~10.1.2 In considering an application for a premises licence, no regard shall be had to the expected demand for the facilities proposed to be provided in the premises for which a premises licence is sought.

~~3.1.3~~10.1.3 The Board is aware that considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. A decision by the Board shall not be based on a dislike of gambling by any member, nor of a general notion that it is undesirable to allow gambling premises in an area. This notion may be subject to the invocation of a Section 166 Resolution.

~~3.1.4~~10.1.4 In determining whether the location of proposed gambling premises is acceptable to the Board in light of the licensing objectives, the Board shall consider very carefully the proximity of those proposed premises in relation to the following factors in the following non exhaustive list:

- a) a school or other educational facility;
- b) a centre for gambling addicts or other vulnerable persons;
- c) a centre for children and young persons and
- d) a residential area with a high concentration of families with children.

~~3.1.5~~10.1.5 The Board shall aim to permit the use of premises for gambling in so far as the Board think it:

- a) is in accordance with any relevant Code of Practice issued by the Commission under Section 24 of the Act,
- b) is in accordance with any relevant Guidance issued by the Commission under Section 25 of the Act,

- c) is reasonably consistent with the licensing objectives (subject to paragraphs a) and b) above and
- d) is in accordance with this Policy.

~~3.1.6~~10.1.6 Premises Licences shall be subject to the statutory requirements of the Act and associated Regulations, as well as mandatory conditions. The Board may exclude default conditions and attach additional conditions where appropriate.

~~3.1.7~~10.1.7 Premises Licence holders shall comply with relevant Codes of Practice issued by the Commission and the Commission's Guidance where relevant. The following may also be of assistance: 'The Commission's 'Licence Conditions and Codes of Practice' ('LCCP') consolidated ~~December 2014~~February 2015 for further information. This document may be found on the following link: [Licence conditions and codes of practice - February 2015](http://www.gamblingcommission.gov.uk/February2015)~~www.gamblingcommission.gov.uk~~

~~3.1.8~~10.1.8 The Board shall avoid so far as possible duplication with other regulatory and legislative regimes.

~~3.1.9~~10.1.9 In the Act, 'premises' is defined as including 'any place'. Section 152 of the Act prevents more than one premises licence applying to any place. However, the Board notes that the Commission's Guidance indicates that the proper application of Section 152 means that different premises licences cannot apply in respect of single premises at different times. There is therefore no temporal element to a premises licence. Premises therefore cannot, for example, be licensed as a bingo club on week days and a betting shop at weekends.

~~3.1.10~~10.1.10 The Board also notes that the Commission's Guidance indicates that there is no reason in principle why a single building cannot be subject to more than one premises licence, provided that those licences are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. The Board shall also pay particular attention with regard to the sub-division of a single building or plot to ensure that mandatory conditions relating to access between these premises are adhered to.

~~3.1.11~~10.1.11 The Board takes note of the Commission's Guidance that in most cases the expectation will be that a single building or plot will be the subject of an application

for a licence. This does not, however, mean that the single building or plot cannot be the subject of separate premises licences for example for the basement and ground floor. However, the Board agrees with the Commission that areas of a building that are artificially or temporarily separated (for examples by ropes or moveable partitions) cannot properly be regarded as different premises.

~~3.1.12~~[10.1.12](#) The Board also agrees with the Commission that whilst different configurations may be appropriate under different circumstances in determining whether a single building may be regarded as different premises, the crux of the matter shall be whether the proposed premises may be regarded as being genuinely separate premises that merit having their own licence and are not an artificially created part of what is readily identifiable as a single premises.

~~3.1.13~~[10.1.13](#) Consideration as to whether different parts of a building may be regarded as being different premises shall be one of fact and degree and the Board shall determine each case on an individual, case by case basis.

~~3.1.14~~[10.1.14](#) However, in determining whether two or more proposed premises may be regarded as truly separate, the Board may consider the following factors from the following non exhaustive list:

- a) the location of the premises;
- b) whether there is separate registration for business rates in place for the premises;
- c) whether each of the premises may be accessed from the street or a public passageway
- d) whether the premises may be only accessed from other gambling premises.
- e) whether the premises' neighbouring premises are owned by the same person or someone else.

~~3.1.15~~[10.1.15](#) In considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other non gambling purposes, the Board shall consider the following factors from the following non exhaustive list:

- a) the third licensing objective which seeks to protect children from being harmed by gambling. This means not only preventing children from taking part in

gambling, but also preventing them from being in close proximity to gambling. Premises should therefore be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling where they are prohibited from participating.

- b) Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- c) Customers ought to be able to participate in the activity named on the premises licence.

3.210.2 Scheme of Delegation

In terms of Section 155 of the Act, the Board may arrange for the discharge of some of its functions by:

- (a) any member of the [authorityBoard](#),
- (b) any committee established by the [authorityBoard](#),
- (c) the clerk of the [authorityBoard](#), or
- (d) any member of staff provided under paragraph 8(1)(b) of schedule 1 to the Licensing (Scotland) Act 2005

The Board cannot delegate all of its functions.

Those functions that can be delegated are set out in Appendix 4.

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

3.310.3 Licensing Reviews

Section 200 of the Act provides that the Board may review any matter connected to the use made of the premises if it has reason to suspect that a licensing condition is not being observed, or for any other reason which gives it cause to believe that a review may be appropriate.

The Board may carry out a review of a premises licence in accordance with Section 197 of the Act where it has received a formal application for review

The Board may reject an application for a review under Section 198 if it thinks that the grounds on which the review is sought:

- a) do not raise an issue relevant to the principles to be applied in accordance with Section 153 of the Act;
- b) are frivolous;
- c) are vexatious;
- d) will certainly not cause the authority to wish to take action of a kind specified in Section 202 (1) of the Act;
- e) are substantially the same as the grounds specified in an earlier application under Section 197 of the Act in respect of the premises licence; or
- f) are substantially the same as representations made under Section 161 of the Act in relation to the application for the premises licence.

In terms of action following a review, the Board may:

- a) revoke the licence;
- b) suspend the licence for a specified period not exceeding three months;
- c) exclude a condition attached to the licence under Section 168 of the Act or remove or amend an exclusion;
- d) Add, remove or amend a condition under Section 169 of the Act.

3.4.10.4 Enforcement

In exercising their functions under Part 15 of the Act with regard to the inspection of premises, the Board shall be guided by the Commission's Guidance and their approach shall endeavour to be:

- proportionate – regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised
- accountable – regulators must be able to justify decisions, and be subject to public scrutiny
- consistent – rules and standards must be joined up and implemented fairly
- transparent – regulators should be open, and keep regulations simple and user friendly
- targeted – regulation should be focused on the problem, and minimise side effects.

The Board shall adopt a local risk based approach whereby the main determinant shall be the risk posed to the three licensing objectives by

premises. A risk based inspection programme shall also be implemented whereby premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risk posed by the premises. Those premises considered to pose a greater risk will be subject to more frequent inspections than those that are considered to pose a lower risk.

When determining risk, consideration will be given to: -

- the nature of the gambling activities carried out on the premises
- the location of the premises in relation to schools, vulnerable adult centres or residential areas where there may be high concentrations of families with children.
- the number of complaints received (if any) in relation to particular premises
- the procedures put in place by management of the premises to ensure compliance with the licensing objectives

In determining whether to undertake an inspection of premises, the Board shall determine each case on its own merits.

The Board notes that its main enforcement and compliance role in terms of the Act is to ensure compliance with premises licences and associated conditions and other issues relating to the premises themselves. The Board in particular notes that the enforcement body for personal and operating licences is the Commission.

However, notwithstanding the foregoing, and in accordance with the Commission's Guidance, the Board upholds the view that the Commission, the Board itself and the police are all parties to the enforcement regime created under the Act.

3.5-10.5 Exchange of Information

If so required by the Commission under Section 29 of the Act, the Board shall exchange any information it receives through the application process with the Commission and other regulatory bodies in accordance with its obligations and functions under the Act. The Board notes that said information must form part of its register and must be in its possession prior to disclosure. This obligation is also subject to data protection and freedom of information legislation.

The Board shall maintain a register of all premises licences and permits issued by it and shall ensure that this register is available for public inspection at all reasonable times.

[The Board will act in accordance with the provisions of the Act in its exchange of information with the Commission and other parties listed in Schedule 6 of the Act which includes the provision that the Data Protection Act 1998, will not](#)

be contravened. The Board will also have regard to any Guidance issued by the Gambling Commission to Licensing Authorities on this matter, as well as any relevant regulations issued by the Secretary of State and the Scottish Ministers under the powers provided in the Act. Should any protocols be established as regards information exchange with other bodies then they will be stipulated this Policy.

3.610.6 Complaints against Licensed Premises

The Board may investigate complaints against licensed premises in relation to matters relating to the licensing objectives

Any complaints received in relation to particular premises or a class of premises may affect the general risk rating of those premises. Complaints received by the Board in relation to particular or a class of premises may also initiate the Board's right of review under Section 200 of the Act.

PART B

1. ~~————~~ LICENSABLE PREMISES

1.1 Provisional Statements

In terms of Section 204 of the Act, a person may make an application for a provisional statement in respect of premises that:

- s/he expects to be constructed;
- that s/he expects to be altered, or
- that s/he expects to acquire a right to occupy.

The Board notes the Commission's Guidance which states that:

'Developers may wish to apply for provisional statements before they enter into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence'. It is also possible for an application for a provisional statement to be made for premises that already have a premises licence, either for a different type of gambling or the same type'.

Whilst applicants for a premises licence ~~must fulfil certain criteria, these must hold or have applied for an operating licence from the Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made, these~~ restrictions do not apply to applicants for provisional statements. ~~An applicant for a provisional statement does not require to hold an operating licence nor do they need to have acquired a right to occupy the premises to which the application relates.~~

In its consideration of an application for a provisional statement, the Board shall not speculate on, nor take into account, the likelihood of an operating licence being granted by the Commission.

If a provisional statement is granted by the Board, the Board is aware that it is constrained in the matters it may consider when an application for a premises licence is subsequently made in relation to the same premises. In terms of any representations made in relation to the application for the premises licence, the Board shall disregard said representations unless it thinks that those representations:

- address matters that could not have been addressed in representations in relation to the application for the provisional statement, or
- reflect a change in the applicant's circumstances.

In considering an application for a provisional statement, the Board shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

The Board may refuse the premises licence application (or grant it on terms or conditions not included in the provisional statement), only by reference to matters:

- which could not have been addressed in representations at the provisional statement stage
- which, in the Board's opinion, reflect a change in the operator's circumstances
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application.

In determining whether premises have been constructed in accordance with the plan, the Board notes that the Commission in its Guidance advises that there must be a substantial change to the plan. In this regard, the Board will endeavour to discuss any concerns that it has with the applicant before making a decision.

The Board notes the Commission's Guidance in paragraphs 7.59 – 7.66 inclusive detailing the circumstances in which it is appropriate to grant a full licence for premises that are yet to be constructed.

1.2 Casino Premises

In terms of Section 166 of the Act, currently the Board has resolved not to make a resolution prohibiting the issue of casino licences in the Board's area.

The Board reserves its right to review this determination at any time in the future and shall update this Policy as appropriate.

The Board also notes Part 17 of the Commission's Guidance in relation to casinos.

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory and default conditions, unless excluded by the Board, shall apply. The Board may also attach conditions to a casino premises licence in terms of Section 169 of the Act.

1.3 Bingo Premises

The Board notes that there is no statutory definition of 'bingo' in terms of the Act [although two types of bingo are commonly understood](#):

- [cash bingo, where the stakes paid make up the cash prizes that are won](#)

• prize bingo, where various forms of prizes are won, not directly related to the stakes paid. ~~other than it means 'any version of the game irrespective of by what means it is described'.~~

A bingo premises licence holder may generally be able to offer any type of bingo game, whether it be cash bingo or prize bingo.

The Board notes that it will need to satisfy itself that bingo can be played in any bingo premises for which it issues a premises licence. This shall be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

Section 172(7), as amended of the ~~Act provides~~ Act provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. ~~The holder of bingo premises licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater ; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.~~ Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines.

The Board also notes the Commission's Guidance at paragraph 18.~~8-9~~ with regard to the unusual circumstance whereby an existing bingo premises covered by one premises licence applies to vary the licence to split the premises into one or more separate licensed premises. The Board notes the Commission's position that it is not permissible to locate 16 category B3 gaming machines in one of the resulting premise with none in the other one, as the maximum entitlement of eight gaming machines for that premises would be exceeded. A maximum of eight gaming machines in category B3 or B4 shall therefore be permitted in each resulting premise.

The Board notes that 'Under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity, at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines'

Children and young persons are permitted into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are permitted.

In accordance with the licensing objective 'protecting children and other vulnerable persons from being harmed or exploited by gambling', the Board may require an applicant to prove that sufficient measures are in place to prevent children, young persons and vulnerable persons from having access to Category B and C machines.

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory and default conditions, unless excluded by the Board, shall apply. The Board may also attach conditions to a bingo premises licence in terms of Section 169 of the Act. An example of said conditions may be as follows:

- proof of age scheme;
- the provision of CCTV;
- physical security measures on the premises;
- supervision of entrances;
- measures to ensure the physical separation of gambling areas where category C or above gaming machines are made available for use;
- supervision of age restricted areas of the premises;
- self-exclusion schemes;
- the display of clear notices and signage both externally and internally regarding age restrictions and restricted areas;
- the display of a notice specifying opening hours;
- policy and procedures regarding the employment of young persons
- the display of posters and information leaflets indicating the contact details of relevant organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

1.4 Betting Premises

The Act contains a single class of licence for betting premises. However, within this single class of licence there are different types of premises which require licensing. This part of the Policy alludes to betting that takes place other than at a track (previously known as a licensed betting office).

No children and young persons (those under 18 years of age) shall be allowed entry to premises with a betting premises licence at any time. Special rules apply to tracks. [Children and young persons are not allowed to be employed at premises with a betting premises licence](#)

[The Board notes the Commission's Guidance in respect of Self Service Betting Terminals \(SSBTs\).](#)

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory and default conditions, unless excluded by the Board, shall apply. The Board may also attach conditions to a betting premises licence in terms of Section 169 of the Act. Examples of said conditions may be as follows:

- proof of age scheme;
- the provision of CCTV;
- physical security measures on the premises;
- supervision of entrances;
- measures in place to ensure the physical separation of gambling areas;
- self-exclusion schemes;
- the display of clear notices and signage both externally and internally regarding age restriction;
- the display of a notice specifying opening hours;
- the display of posters and information leaflets indicating the contact details of relevant organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

In considering whether to impose conditions to restrict the number of betting machines in particular premises, the Board may consider the size of the premises and the ability of staff to monitor the use of such machines from the counter.

1.5 Tracks

Tracks are premises which include horse racecourses, dog tracks or other tracks where sporting events may take place. The Act does not define what may constitute a sporting event or race and the Board notes the Commission's comment in its Guidance that the Board may determine what constitutes such on a case by case basis.

A track premises licence permits the premises to be used for the provision of facilities for betting. If the licence holder wishes to provide a casino, bingo or other type of gambling on the track, a separate premises licence will be required. Tracks may therefore be subject to more than one premises licence.

If the Operator wishes to use the premises temporarily for gambling and there is no premises licence in effect, the Board may issue a temporary use notice.

Where there is betting on a track on eight days or less in a calendar year, an occasional use notice may be issued by the Board to permit betting on the premises.

An applicant for a premises licence need not hold an operating licence as the betting that is provided on the track is provided by third party operators. Third party operators require to hold an operating licence issued by the Commission.

However, each individual operator coming onto the track on race days does not require to hold a premises licence as they are covered by the premises licence held by the track premises licence holder.

As children and young persons are allowed to be present on a track whilst betting is taking place, the Board will consider carefully, before issuing additional premises licences for a track, any potential impact an accumulation of premises licences may have on the third licensing objective.

An applicant for a track premises licence requires to submit detailed plans of the premises to the Board. Whilst the Board agrees with the Commission in its Guidance that it is sometimes difficult to define the precise location of betting areas on tracks, the Board shall require the following from an applicant:

a detailed plan defining the site, any area to be used for temporary “on-course” betting facilities and, in the case of dog tracks and horse racecourses, any mobile pool betting facilities as well as any other proposed gambling facilities.

In determining whether a track is fit for the provision of gambling facilities, the Board notes the general principles for consideration as per the Commission’s Guidance. Whilst each application may be considered on a case by case basis, the Board shall require each applicant to demonstrate that they have measures in place to safeguard the achievement of all three licensing objectives.

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory and default conditions, unless excluded by the Board, shall apply. The Board may also attach conditions to a track premises licence in terms of Section 169 of the Act. An example of said conditions may be as follows:

- proof of age scheme;

- the provision of CCTV;
- physical security measures on the premises;
- supervision of entrances;
- measures in place to ensure the physical separation of gambling areas;
- supervision of gambling areas;
- appropriate siting of gaming machines;
- self-exclusion schemes;
- the display of clear notices and signage both internally and externally regarding age restricted areas;
- the display of a notice specifying opening hours;
- the display of gambling rules in prominent positions in or near betting areas;
- the display of posters and information leaflets indicating the contact details of relevant organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

1.6 Adult Gaming Centres

An Adult Gaming Centre premises licence authorises the licence holder to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines.

Premises in existence before 13 July 2011 are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. ~~The holder of an adult gaming centre premises licence granted on or after 13 July 2011 but before 1 April 2014 is entitled to make available a maximum of four category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.~~ Regulations specify that the category B machines should be restricted to sub-category B3 and B4 machines.

For further information on categorisation of machines, see Appendix 3.-

Where two separate Adult Gaming Centres have been created adjacent to each other by splitting pre-existing premises, it is not permissible to locate eight category B3 machines in one of the resulting premises with none in the other one as the gaming machine entitlement for that premises would be exceeded.

No persons under the age of 18 years shall be permitted to enter an Adult Gaming Centre. The Board shall have particular regard to the location of, and entry to, an Adult Gaming Centre to ensure that opportunities for children to have access are minimised. In this regard the Board will expect applicants to offer their own measures to promote, in particular, the third licensing objective.

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory conditions shall apply. There are currently no default conditions specific to Adult Gaming Centres. The Board may also attach conditions to an Adult Gaming Centre licence in terms of Section 169 of the Act. An example of said conditions may be as follows

- proof of age scheme;
- the provision of CCTV;
- supervision of entrances;
- physical security measures on the premises;
- measures in place to ensure the physical separation of areas;
- self-exclusion schemes;
- the display of notices and signage externally stating access to the premises is restricted to persons 18 years of age and over;
- the display of notices both internally and externally stating use of gaming machines is restricted to persons 18 years of age and over.
- the display of a notice specifying opening hours;
- members of staff appropriately trained;
- the display of posters and information leaflets indicating the contact details of relevant organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

1.7 Licensed Family Entertainment Centres

A Licensed Family Entertainment Centre is a premises for which a licence is granted to provide any number of category C and D gaming machines. [A licensed FEC is classified as 'premises' and only premises that are wholly or mainly used for making gaming machines available may hold an FEC premises licence \(s.238 of the Act\). As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.](#)

[FECs are commonly located at seaside resorts, in airports and at motorway service stations, and cater for families, including unaccompanied children and young persons. The Board will take into account this specific risk when considering applications and when inspecting such premises.](#) Whilst persons under 18 years of age are permitted entry to the premises, no persons under 18 years of age may be permitted access to those areas of the premises where category C gaming machines are situated. The Board shall require that category C machines be situated in a separate area to ensure the segregation and supervision of machines that may only be played by those over 18 years of age. For categorisation of gaming machines, see Appendix 3.

In terms of The Gambling Act 2005 (Mandatory and Default Conditions) (Scotland) Regulations 2007 (SSI 2007 No 266), mandatory conditions shall apply. There are currently no default conditions specific to Licensed Family Entertainment Centres. The Board may also attach conditions to a Licensed Family Entertainment Centre licence in terms of Section 169 of the Act. An example of said conditions may be as follows

- proof of age scheme;
- the provision of CCTV;
- supervision of entrances;
- physical security measures on the premises;
- measures in place to ensure the physical separation of areas for category C gaming machines
- self-exclusion schemes;
- the display of clear notices and signage both internally and externally regarding age restricted areas;
- the display of a notice specifying opening hours;
- the display of posters and information leaflets indicating the contact details of relevant organisations set up to assist people wishing to seek help and advice regarding gambling related issues.

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PART C

1. PERMITS

The Act provides that a licensing authority may prepare a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular, this statement may specify matters that the licensing authority proposes to consider in determining the suitability of an applicant for a permit. This power is also mirrored in the Commission's Guidance.

Subject to the above considerations, the Board currently have not adopted any further statement of principles. Should it do so at any time in the future, the Board shall update this Policy as appropriate.

2 1.1 **Unlicensed Family Entertainment Centre Gaming Machine Permits**

Unlicensed Family Entertainment Centres are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, subject to other considerations such as fire regulations and health and safety. Permits cannot be issued in respect of vessels or vehicles. ~~Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Board for a Gaming Machine permit.~~

The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
A permit cannot be granted for an entire shopping centre, airport or bowling alley, for example.

~~Unlicensed Family Entertainment Centres are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, subject to other considerations such as fire regulations and health and safety. Permits cannot be issued in respect of vessels or vehicles.~~

The Board may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given the applicant an opportunity to make representations orally or in writing or both.

The Board may also only grant an application for a permit if it is satisfied that the ~~applicant~~ application has been made by a person who occupies or plans to occupy the premises to be ~~intends to use~~ the premises as an unlicensed family entertainment ~~centre~~ centre, if the applicant is an individual, he or she

[is aged 18 or over](#) and the Board has consulted the Chief Constable on the application.

The Board notes that it may grant or refuse a permit but cannot attach conditions

The Board notes in particular the Commission's suggestion in its Guidance that, given that these premises may appeal to young persons and children in particular, the Board may wish to give weight to matters relating to child protection issues when determining the suitability of an applicant. In this regard, the Board may consider asking applicants to demonstrate:

- the suitability of the applicant;
- that s/he has no relevant offences as per Schedule 7 of the Act;
- the s/he has a full understanding of the maximum stakes and prizes permissible
- evidence that employees are appropriately trained and have a full understanding of the maximum stakes and prizes permissible
- evidence that there are appropriate policy and procedures in place to protect children and young persons from harm;

The Board will give significant weight to all issues relating to the protection of children and young persons in pursuance of the third licensing objective.

1.2 Club Gaming Permit

A Club Gaming Permit authorises Members' Clubs (but not Commercial Clubs as defined in the Act) to provide, subject to certain restrictions, no more than 3 gaming machines of categories B, C or D, equal chance gaming and other games of chance as prescribed in regulations [namely pontoon and chemin de fer](#). (see Appendix 3 for machine categorisation).

The Club Gaming Permit also allows a Club to provide facilities for gambling provided the gambling meets a number of conditions.

The Board may grant or refuse a permit. The Board may refuse an application for a permit only on one or more of the following statutory grounds:

- that the applicant is not, in the case of an application for a club gaming permit, a members' club or a miners' welfare institute, or
- that the applicant is not, in the case of an application for a club machine permit, a members' club, a commercial club or a miners' welfare institute;
- that the applicant's premises are used wholly or mainly by persons under the age of eighteen;

- that an offence or a breach of a condition of a permit has been committed in the course of gaming activities carried on by the applicant;
- that a permit held by the applicant has been cancelled in the last ten years ending with the date of the application; or
- an objection to the application has been made by the Gambling Commission and/or the Chief Constable.

Whilst the Board cannot attach any conditions to a Club Gaming Permit, where a club has gaming machines, it is required to comply with the code of practice issued by the Commission on the location and operation of machines, which can be found on the Commission's website. <http://www.gamblingcommission.gov.uk/Publications-consultations/Sector-specific-extracts-from-LCCP.aspx>

~~The Code of Practice on Gaming Machine Permits (available from www.gamblingcommission.gov.uk) sets out conditions that attach to both gaming permits and club machine permits. This document also contains best practice guidelines that the Commission considers should be implemented by permit holders. The Board shall expect all permit holders to adhere to both the conditions specified in the Code of Practice and to follow the best practice guidelines in that document.~~

By virtue of Section 273 of the Act, a club gaming permit shall be subject to the condition that no child or young person may use a category B or C gaming machine on the club's or institute's premises and the holder shall comply with any relevant provision of a Code of Practice under Section 24 of the Act about the location and operation of a gaming machine.

1.3 Club Machine Permit

If a Members' Club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming, they may apply to the Board for a club machine permit.

A club machine permit allows the holder to have up to 3 gaming machines of categories B3A, B4, C and D) (see Appendix 3 for machine categorisation).

The Board may grant or refuse a permit, but it may not attach any conditions.

However, by virtue of Section 273 of the Act, a club machine permit shall be subject to the condition that no child or young person may use a category B or C gaming machine on the club's or institute's premises and the holder shall comply with any relevant provision of a Code of Practice under Section 24 of the Act about the location and operation of a gaming machine.

The Board shall expect all permit holders to adhere to both the conditions specified in the Code of Practice on Gaming Machine Permits (available from www.gamblingcommission.gov.uk) and to follow the best practice guidelines in that document.

The Board may only refuse an application on the same grounds as a club gaming permit (see paragraph 4.9 above).

1.4 Prize Gaming Permit

Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

A prize gaming permit is a permit issued by the Board authorising a person to provide facilities for gaming with prizes on specified premises.

The Board will specify the form and manner in which an application must be made, and will specify the information and supporting documents required. These may include:

- plans of the proposed building;
- relevant insurance certificates;
- evidence demonstrating the suitability of the applicant;
- confirmation of intended opening hours;
- confirmation of the types of gaming to be offered;
- evidence demonstrating a full understanding both by the applicant and employees of the limits to stakes and prizes that are set out in Regulations;
- confirmation of appropriate levels of management supervision at all times during opening hours;

- confirmation that appropriate levels of security shall be in place at all times during opening hours;
- confirmation that appropriate CCTV will be in place at the premises;
- evidence that members of staff are appropriately trained;
- any other documents or information that the Board may direct

The Board may grant or refuse an application for a permit, but cannot add conditions.

However, Section 293 of the Act sets out four conditions with which permit holders must comply to lawfully offer prize gaming. These are:

- the limits on participation fees, as set out in The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2007
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played
- the prize for which the game is played must not exceed the amount set out in The Gambling Act 2005 (Limits on Prize Gaming) Regulations 2007 (if a money prize), or the prescribed value (if a non-monetary prize)
- participation in the gaming must not entitle the player to take part in any other gambling

The Board may grant a permit only if it has consulted the Chief Constable about the application.

The Board may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given the applicant an opportunity to make representations orally or in writing or both.

1.5 Alcohol Licensed Premises – Gaming Machine Permit

On written notification to the Board, premises licensed to sell alcohol for consumption on the premises and that have a bar at which alcohol is served, without a requirement that alcohol is served only with food have an automatic entitlement to 2 gaming machines of category C or D under Section 282 of the Act. (see appendix 3 for machine categorisation)

The Board has no discretion to consider the notification or refuse it. However, upon the giving of at least 21 days' notice to the licensee, the Board may remove this automatic entitlement if it thinks that:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
- gaming has taken place on the premises that breaches a condition of Section 282 of the Act – for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
- the premises are mainly used for gaming
- an offence under the Gambling Act 2005 has been committed on the premises

An Alcohol Licensed Premises Gaming Machine Permit is required if more than 2 gaming machines are sought. The issue of such a permit will replace and not be in addition to the automatic entitlement to 2 gaming machines. The Board may issue licensed premises gaming machine permits for any number of category C or D machines.

Holders of licensed premises gaming machine permits are required to comply with a code of practice issued by the Commission on the location and operation of machines. ~~The Board shall expect all permit holders to adhere to both the conditions specified in the Code of Practice on Gaming Machine Permits (available from www.gamblingcommission.gov.uk) Code of practice for gaming machines in clubs and premises with an alcohol licence, and to follow the best practice guidelines in that document.~~

The Board will specify the form and manner in which an application must be made, and will specify the information and supporting documents required. ~~These may include~~ The Board will require that the following information is submitted along with the application:

- a plan showing the location and category of gaming machine being sought; and
- evidence of measures in place to prevent persons under the age of eighteen years from using any category of gaming machine

The Board may decide to grant an application with a smaller number of machines and/or a different category of machine but cannot attach any other conditions.

2 Occasional Use Notices

Where there is betting on a track on eight days or less in a calendar year betting may be permitted by an occasional use notice without the need for a full premises licence. The calendar year will commence on 1 January.

In considering an application for an occasional use notice the Board will consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice

A notice must be given in writing to the Board and be copied to the Chief Constable. The notice must be given only by a person who is responsible for the administration of events on the track, or by an occupier of the track.

The notice must specify the day on which it has effect, and may be given in relation to consecutive days providing the overall statutory limit of 8 days is not exceeded in a calendar year

The Board shall maintain a record of the number of notices served in relation to each track in a calendar year to ensure that the statutory limit of 8 days is not exceeded.

73 Temporary Use Notices

Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that may be suitable for a temporary use notice could include hotels, conference centres and sporting venues.

A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence.

A set of premises may not be the subject of a Temporary Use Notice for more than 21 days in a period of 12 months but may be the subject of several notices provided that the total does not exceed 21 days. In determining what may constitute a set of premises for the purposes of a Temporary Use Notice, the Board notes the Commission's Guidance that this will be a question of fact in the particular circumstances of each notice that is given. In considering whether a place falls within the definition of a set of premises, the Board shall look at, amongst other things, the ownership/occupation and control of the premises.

An application for a Temporary Use Notice must be submitted to the Board not less than 3 months and one day before the day on which the gambling event will begin.

In addition a copy of the notice must also be served on:

- The Gambling Commission
- The Chief Constable
- H M Revenue and Customs
- If applicable, any other licensing authority in whose area the premises are situated

(see Appendix 2 for relevant addresses)

The person who is giving the temporary use notice must ensure that the notice and the copies are with the recipients within seven days of the date of the notice.

Each application for the grant of a Temporary Use Notice will be considered and determined on its individual merits.

84 Registration of Small Society Lotteries

Small society lotteries are non-commercial societies which are established and conducted:

- for charitable purposes [as defined in s.2 of the Charities Act 2006](#)
- for the purpose of enabling or participation in, or supporting., sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than private gain.

Small Society Lotteries whose principal office is located within the City of Aberdeen require to register with the Board.

All applications for registration must be made in the form specified by Scottish Ministers, and accompanied by all necessary documents specified by Scottish Ministers or required by the Board.

When considering an application for registration the Board may request further information from an applicant such as:

- evidence that the application is on behalf of a bona fide non-commercial society (e.g.: a copy of the terms and conditions of the non-commercial society's constitution);
- evidence that all persons to be connected with the promotion of the lottery have no relevant convictions or cautions recorded against them;
- details of the purpose of the Society and the purpose of the fund raising;
- confirmation of the appointment of two members of the society who have the authority to sign and complete the required financial returns.
- evidence that an external lottery manager holds an operator's licence issued by the Gambling Commission.

The Board shall record details of the society on a register and this register shall be made available for public inspection at a reasonable time upon request.

If the Board is intending to refuse an application to join the register the applicant will be notified in writing of the reasons why it is considering refusal, and the evidence on which it has based that preliminary conclusion. The

applicant will then be given the opportunity to provide further evidence in support of the application or to make representations regarding these matters.

Travelling Fairs wholly or principally provide amusements and must be on a site that has been used for fairs for no more than 27 days per calendar year.

The Board will consider whether the applicant falls within the statutory definition of a travelling fair and that the facilities for gambling amount to no more than an ancillary amusement. The Board will monitor and keep a record of the number of days a piece of land is used as a fair to ensure the maximum statutory 27 days is not exceeded in a calendar year.

APPENDIX 1

FURTHER INFORMATION

Further information about the Gambling Act 2005, this Statement of Principles and about the application process, including application forms and guidance notes can be obtained from:

The Depute Clerk to the Licensing Board
Legal and Democratic Services,
Corporate Governance,
Aberdeen City Council,
-Business Hub 6,
-First Floor South,
Marischal College,
Broad Street, Aberdeen,
AB10 1AB
Email licensing@aberdeencity.gov.uk
Direct Dial: 01224 522377 Direct Fax: 01224 522491
Tel 01224 522000
www.aberdeencity.gov.uk

Information is also available from the

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP
Tel: 0121 230 6500
Fax: 0121 233 1096
info@gamblingcommission.gov.uk
www.gamblingcommission.gov.uk

APPENDIX 2

RELEVANT ADDRESSES

- Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP
Tel: 0121 230 6500
Fax: 0121 233 1096
info@gamblingcommission.gov.uk
www.gamblingcommission.gov.uk
- Chief Constable
| ~~Grampian Police~~ [Police Scotland](#)
Aberdeen Division
Police Headquarters
Queen Street
Aberdeen
AB10 1ZA
| ~~www.grampian.police.uk~~ [www.scotland.police.uk/forces-welcome](#)
- H M Revenue & Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ
www.hmrc.gov.uk

APPENDIX 3

CATEGORISATION OF GAMING MACHINES

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited - <u>No category A gaming machines are currently permitted</u> Unlimited	
B1	£2-5	£4,000 <u>10,000*</u>
B2	£100 (in multiples of £10)	£500
B3A	£12	£500
B3	£2	£500
B4	£1-2	£250-400
C	£1	£70 <u>100</u>
D – non-money prize	30p	£8
D- none money prize (crane grab machines only)	£1	£50
D money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no More than £5 May be a Money prize)
D – combined money and Non non-money prize (coin Pusher or penny falls Machine)	20p	£15 20 (of which no more Than £8-10 may be a Money prize)

*with option of max £20,000 linked progressive jackpot on premises basis only

Maximum Number of Gaming Machines by Premises Type

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D, (except B3A machines) within the total limit of 80 (subject to machine/table ratio)					
Pre- 2005 Act Casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines) or any number of C or D machines instead					
Betting premises and tracks occupied by Pool Betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo premises 1					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 of B4**	No limit on category C or D machines	
Adult gaming centre 2					Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 of B4**	No limit on category C or D machines	
Family entertainment centre (with premises licence) 3						No limit on category C or D machines	
Family entertainment centre (with permit) 3							No limit on category D machines
Clubs or miners' welfare institutes with permits 4					maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises					1 or 2 machines of category C or D automatic upon notification		
Qualifying alcohol licensed premises with gaming machine permit					Number of category C – D machines as specified on the permit		
Travelling fair	- 42 -						No limit on category D machines

1. Bingo premises licence are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. Where a premises licences was granted before 13 July 2011, they are entitled to make available eight category B gaming machines, or 20% to the total number of gaming machines, whichever is the greater. Category B machines at bingo premises are restricted to sub-category B3 and B4 machines, but not B3A machines.

2 Adult gaming centre are entitled to make available for use a number category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines . Where a premises licence was granted before 13 July 2011 they are entitled to make available four category B gaming machines or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

3.Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FEC's and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. there is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

4.Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

5. Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

~~It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in Categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D~~

~~** Adult gaming centre and bingo premises are entitled to make available a number category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises . Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre) or eight (bingo premises) category~~

~~B gaming machines or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.~~

APPENDIX 4

Scheme of Delegation

Matter to be dealt with	Licensing Board	Sub-Group of Licensing Board	Officers
Final approval of three year licensing policy	✓		
Policy not permit casinos	✓		
Fee Setting (when appropriate)			✓
Application for premises licences		Where representations have been received and not withdrawn	Where no representations have been received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations have been received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations have been received/representations have been withdrawn
Review of a Premises Licence		✓	
Application for a club gaming/club machine permits		Where objections have been made (not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		✓	
Applications for other permit			✓
Cancellation of licensed premises gaming machine permits			✓
Consideration for temporary use notice			✓
Decision to give a counter notice to a temporary use notice		✓	

ABERDEEN CITY COUNCIL

COMMITTEE	LICENSING BOARD
DATE	23 JUNE 2015
DIRECTOR	ANGELA SCOTT (CHIEF EXECUTIVE AND INTERIM DIRECTOR OF CORPORATE GOVERNANCE)
TITLE OF REPORT	RESPONSE TO CONSULTATION ON GAMBLING COMMISSION GUIDANCE FOR LICENSING AUTHORITIES 5 TH EDITION
REPORT NUMBER	CG-15-86
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The purpose of this Report is to inform Members of the recent Gambling Commission Consultation on the fifth edition of its Guidance for Licensing Authorities and approve the response to same.

2. RECOMMENDATION(S)

1. To approve the response to the consultation which forms Appendix 1 to this Report; and
2. To direct officers to submit the response to the Scottish Government no later than 23rd June 2015.

3. FINANCIAL IMPLICATIONS

There are no financial implications.

4. OTHER IMPLICATIONS

There are no other implications.

5. BACKGROUND/MAIN ISSUES

The Gambling Commission has issued a draft of its fifth edition Guidance for Licensing Authorities for consultation. Under the Gambling Act 2005 the Board is the licensing authority for the city of Aberdeen and must have regard to the Commission's Guidance in the exercise of its duties under that Act. A response from the Board is therefore sought.

The deadline for submission of responses is 22nd June 2015 however officers have agreed with the Commission that the Board's response can be sent following its meeting on 23rd June 2015.

A draft response has been prepared by officers and forms Appendix 1 to this report.

6. IMPACT

There will be no disproportionate impact on any of the protected characteristics and an EHRIA form is therefore not required.

7. MANAGEMENT OF RISK

It is important for the Gambling Commission to obtain comments on the revised guidance and equally important for the Aberdeen City Licensing Board to make its views known. If the Board does not respond to the consultation it will miss an opportunity to flag up issues of importance to the Commission that may be taken into account in the 5th edition of the Guidance or in future legislation.

8. BACKGROUND PAPERS

Guidance to Licensing Authorities 5th Edition Consultation – March 2015

<http://www.gamblingcommission.gov.uk/pdf/GLA5-consultation---March-2015.pdf>

Guidance to Licensing Authorities 4th Edition -

<http://www.gamblingcommission.gov.uk/pdf/GLA4.pdf>

9. REPORT AUTHOR DETAILS

Ruth O'Hare
Solicitor

ROHare@aberdeencity.gov.uk

GAMBLING COMMISSION

Guidance to licensing authorities 5th edition

Consultation responses form: March 2015

1.1 Please use this form to record your views on the Commission's review of the Guidance to licensing authorities 5th edition

1.2 All responses should be sent by email to consultation@gamblingcommission.gov.uk by 22 June 2015.

Alternatively, responses can be sent by post to:

Rob Burkitt
Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Name:

Eric Anderson

Organisation:

Aberdeen City Licensing Board

Email address:

Licensing@aberdeencity.gov.uk

1.3 If you are responding on behalf of an organisation, please indicate which type of organisation:

Industry body

Government body

Local authority

Regulatory body

Charity

Help group

Faith group

Academic institution

Other

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please specify:

Licensing Board

1.4 If you are responding as an individual, please indicate your own interest:

Victoria Square House
Victoria Square
Birmingham B2 4BP

T 0121 230 6666
F 0121 230 6720
www.gamblingcommission.gov.uk

Specific minor changes to the Guidance

Q1. Do you have any comments on the changes highlighted in paragraph 2.3?

No. These changes appear to be straightforward.

Specific substantive changes to the Guidance

Part 1: General guidance on the role and responsibilities of licensing authorities in gambling regulation

Q2. Do you consider that the revisions in Part 1 better reflect the role of licensing authorities in the local regulation of gambling? Are there any other observations you wish to make?

Any clarification on the discretion held by local authorities is welcomed. However we would disagree that authorities have a broad discretion as stated in the revised guidance – any discretion is constrained by the terms of the Act and in particular s.153 which requires authorities to aim to permit gambling in their areas. Accordingly, whilst conditions can be imposed on licences, there would only be exceptional cases where a licence could be refused.

We would suggest that the differences between the jurisdictions are reflected in the revisions. Whilst there is reference to authorities regulating locally, this is not the position in Scotland. The issue of authorised persons in Scotland has been highlighted to the Commission on previous occasions. The Licensing Board is the licensing authority in Scotland in terms of the Gambling Act however the Board does not employ staff. Ultimately no matter what is said in the guidance or supporting notes from the Commission the terms of the Gambling Act prohibit Licensing Boards in Scotland from employing effective enforcement.

There is reference to powers held by authorities under the Licensing Act 2003 however this does not apply to Scotland.

Part 3: The Gambling Commission

Q3. Do the revisions to Part 3 clearly set out the relationship between the Commission and licensing authorities? Are further amendments necessary to improve understanding?

The revisions do not reflect our experience in practice and we had no knowledge of the Local Authority Liaison Unit. We have not to date experienced a collaborative approach from the Commission – if this is the intention going forward then we would support that. If the Commission has any initiatives in this regard we would be interested in considering them.

Part 5: Principles to be applied by licensing authorities

Q4. Do the revisions to Part 5 offer greater clarity on the role and responsibilities of licensing authorities in their decision making relating to local gambling regulation? Do you have any other comments or observations on the amendments?

Again we welcome clarification on the roles and responsibilities of licensing authorities. We however do not consider the discretion afforded to licensing authorities to be as significant as suggested when determining licence applications..

Part 6: Licensing Authority Statement of Policy

Q5. Do the revisions to Part 6 give a clear overview of the expectations of licensing authorities' policy statements?

We welcome the revisals to Part 6. It is clear what it expected of licensing authorities' policy statements.

Q6. Are there any further revisions to Part 6 which would improve the effectiveness of policy statements?

We believe the revisions provide sufficient explanation as to what the Commission expects of licensing authorities.

Q7. Are there other areas which the Guidance should detail for inclusion in licensing authority policy statements?

No, we believe the content of the guidance covers the statutory requirements for the policy statement.

Q8. Does Part 6 sufficiently explain the impact of the new code provisions relating to operators' risk assessments, when considering licensing authorities' policy statements?

If it is considered that a local risk assessment is a worthwhile contribution to allow better regulation of the Gambling Industry then we would question why the requirement to provide the Licensing Board with local risk assessments is not mandatory for licence holders. There is nothing the Board can do to compel the licence holder to provide the assessments. This raises questions as to the effectiveness of such documents.

Q9. Does Part 6 offer sufficient clarity on the purpose of assessing the risk profile of specific areas within a locality? Are there any additional benefits, or any drawbacks, in licensing authorities undertaking a local area profile?

We welcome the fact that the completion of a local area profile is not mandatory. We take the view that in areas where gambling does not present serious social problems that the carrying out of such an exercise may be unnecessary and over-burdensome. At this time it may be considered more prudent to refrain from providing a risk profile until the requirements for such a process is better understood and appropriate for the Board's area.

Part 7: Premises licences

Q10. Do the revisions to Part 7 provide sufficient clarity on the meaning of 'premises' and other issues such as access, to facilitate decision making relating to premises licences?

We believe that the revised content and layout of the guidance provides greater clarity as to the various types of premises and will be of greater assistance to licensing authorities.

Part 9: Premises licence conditions

Q11. Do the amendments to Part 9 clearly set out the circumstances in which licensing authorities may attach conditions to premises licences?

We welcome the amendments to Part 9 and note that the circumstances in which conditions can be attached to premises licences are clearly outlined.

Q12. Do you have any comments on the premises licence conditions provided at Appendix F? Do you have any further examples of appropriate premises licence conditions that either have been, or may be adopted?

Appendix F may prove a useful addition to the guidance for licensing authorities and to Licensing Board members.

Part 16: Gaming Machines and Part 26: Premises licensed to sell alcohol

Q13. Do you have any comments or views on the proposed revisions to Part 16 and 26?

Clarification on “multiple activity premises” is welcomed.

With regard to the revisions to Part 26 we would disagree with the statement “where breaches of gambling regulations occur, licensing authorities have a powerful lever in securing compliance, due to their ability to review the alcohol licence”. Any action taken by a Licensing Board in Scotland following a review of an alcohol licence must be necessary or appropriate for the purpose of one or more of the alcohol licensing objectives. There must be a connection with the sale of alcohol. Accordingly there will likely be scenarios where a breach of the gambling regulations has nothing to do with the alcohol licensing objectives and cannot therefore form the basis of an action by the Board following a review of the alcohol licence. We cannot therefore envisage many scenarios where a breach of the gambling regulations would result in a review of the alcohol licence. It is important that the Gambling Commission is aware of the Licensing Board’s responsibilities in respect of liquor licensing and removes such comment from its guidance.

Part 36: Compliance and Enforcement

Q14. Do you have any comments or views on the proposed revisions to Part 36?

The issue of authorised persons in Scotland has been highlighted to the Commission on previous occasions. The Licensing Board is the licensing authority in Scotland in terms of the Gambling Act however the Board does not employ staff. We would again call for the legislation to be amended in order to remedy this by perhaps giving local authorities the duty to provide staff as in paragraph 8 of Schedule 1 of the Licensing (Scotland) Act 2005. Ultimately no matter what is said in the guidance or supporting notes from the

Commission the terms of the Gambling Act prohibit Licensing Boards in Scotland from employing effective enforcement.

Other issues and comments

Q15. Do you have any further opinions, comments or views on the changes we have made to this new edition of the Guidance?

We are disappointed that the timescales in reviewing the guidance has coincided with the triennial review of the Statement of Policy in Scotland. This has resulted in giving us insufficient time to fully implement any changes arising from the guidance in our policy statement.

Q16. Are there any further changes or amendments you would like us to consider?

No we do not believe any further amendments are required at this stage with the exception of the foregoing comments.

Future editions of the Guidance

Q17. What are your views on future improvements to the Guidance, in particular, would you support an approach of more succinct statutory guidance supported by advice notes?

We think it is important that the guidance is kept whole to minimise confusion and ensure the relevant provisions can be easily found.

- 1.5** Please note that responses may be made public or published in a summary of responses to the consultation, unless you state clearly that you wish your response or name to be treated confidentially. Confidential responses will be included in any statistical summary of numbers of comments received. If you are replying by email or via the website, unless you specifically include a request to the contrary in the main text of your submission, the Commission will assume your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system.
- 1.6** Any information or material sent to us and which we record may be subject to the Freedom of Information Act 2000 (FOIA). The Commission's policy on release of information is available on request or by reference to our website at www.gamblingcommission.gov.uk. The Commission will treat information marked confidential accordingly and will only disclose that information to people outside the Commission where it is necessary to do so in order to carry out the Commission's functions or where the Commission is required by law to disclose the information. As a public authority the Commission must comply with the requirements of FOIA and must consider requests for information made under the Act on a case-by-case basis. Therefore when providing information, if you think that certain

information may be exempt from disclosure under FOIA, please annotate the response accordingly so that we may take your comments into account.

- 1.7** All information provided to the Commission will be processed in accordance with the Data Protection Act 1998. However, it may be disclosed to government departments or agencies, local authorities and other bodies when it is necessary to do so in order to carry out the functions of the Commission and where the Commission is legally required to do so.

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**POLICE
SCOTLAND**

Keeping people safe

CHIEF CONSTABLE'S REPORT TO THE
ABERDEEN CITY LICENSING BOARD
FOR THE PERIOD
1 April 2013 to 31 March 2014

FOREWARD

It gives me great pleasure to present my Annual Report for 2013/14, in accordance with Section 12 A Licensing (Scotland) Act 2005.

Since April 2013, Police Scotland has faced and overcome many challenges set against a backdrop of competing demands, budget constraints and organisational change. However, throughout this period we have remained focused on delivering a local service that addresses local issues and needs, balanced against national priorities.

To date our success speaks for itself with crimes of violence now at its lowest recorded level in 38 years, in addition to a reduction in disorder and antisocial related offences. This is welcome news and means that there are now fewer victims of crime living and working in Scotland. However, there is no room for complacency and what is evident is that the link between alcohol misuse with incidents of crime and offending, victimisation and health related harm continues to negatively impact on individuals, families and communities on a daily basis.

Police Scotland can, however, continue to make a difference and working collaboratively with the licensed trade, partners and local communities we will continue to strive towards improved standards and compliance across the licensed trade; address business practices that result in excess alcohol consumption and vulnerability; address the sale and supply of alcohol to children and young people and identify and tackle localities most affected by the misuse of alcohol and related incidents of crime and offending. In addition, Police Scotland will continue to support both our partners, in terms of health promotion and improvement, and legitimate local traders who make a positive contribution to local economies and communities.

Throughout 2013/14 Police Scotland has been working steadily towards harmonising our approach towards licensing, balanced against the need to deliver a local service that reflects and addresses local issues and concerns. Our focus has centred on enforcement activity, complemented and supplemented by a number of supportive prevention and interventions measures, designed to improve licensing standards, reduce violence and positively influence behaviour and cultural attitudes across Scotland.

This report outlines what activity has been undertaken in the Aberdeen City Licensing Board area and what steps we will take in 2015 to ensure we continue to improve on our performance and positively improve the lives of the people of Scotland - keeping people safe.

Sir Stephen House QPM
Chief Constable
Police Scotland

POLICE SCOTLAND LICENSING OVERVIEW

Structure

Following the inception of Police Scotland in 2013; a two tier structure for Licensing was adopted, to support both national and local priorities and service delivery.

A National Licensing Policy Unit (NLPU) which sits within Licensing and Violence Reduction Division has overall responsibility for determining and delivering national licensing strategy and policy. The NLPU also provides advice and support to Divisional Licensing teams as well as other specialist functions.

Dedicated Licensing teams are located in each of the 14 local Divisions and are responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises within their local area.

National Perspective

Licensing and Violence Reduction Division

Licensing and Violence Reduction Division (LVRD) is a specialist division which, as stated, exists to support each of the 14 divisions across Police Scotland. Working with Divisional Licensing teams we shape the policy and strategy around the Police licensing function.

The Licensing Policy Unit provide practical and tactical advice and support to operational Officers, Supervisors, Commanders and Police Licensing Practitioners on actions that can contribute to the safe and legitimate operation of premises licensed to sell alcohol.

We seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across each division and that all opportunities are taken to address the illegal or irresponsible sale, supply or consumption of alcohol. This is with the intention of preventing violent crime and disorder. The application of alcohol legislation continues to evolve through case law and statutory instruments. As such, policing tactics require to be continually developing to keep pace with these changes.

All of this activity is done in support of the National Police Scotland priorities:

National Priorities:

- Reduce violence, disorder and antisocial behaviour;
- Protect the public;
- Increase road safety and reduce road crime;
- Tackle serious and organised crime and terrorism;
- Effectively Police major events and threats;
- Maintain high levels of public confidence in policing;
- Deliver our equality and diversity outcomes.

The Licensing Policy Unit currently has a focus on the following priorities:

Effectively Police Major Events

Events and festivals around the country where alcohol is supplied are placing increasing demands on policing. As we strive to protect the public it is recognised that the management of alcohol consumption is a crucial part of event management.

Experiences from events have informed the view that there should be a move towards agreed alcohol management plans which set out how alcohol sale and supply and alcohol risk are to be controlled.

It is intended that these plans should be made available to the Licensing Board and will form the basis of any enquiry the board make following an application. This will allow the board to set expectations around public safety and reduce the impact some events might have on the wider community.

Reduce Violence, Disorder and Antisocial Behaviour

LVRD will scrutinise the most serious incidents of violence and disorder linked to licensed premises to inform the tactics the Police might develop and use to solve the underlying problems causing these incidents. Engagement with the affected licensed premises whilst attempts are made to identify the solutions to identified problems. This activity is reported to the Chief Constable on a weekly basis.

The NLPU are currently developing partnerships which will assist in a better understanding of the challenges faced by the licensed trade. Where possible there will be engagement with premises and companies which rarely come to the attention of the Police. This is with the intention of identifying good practice and the hope that this can be shared across the trade. This approach will enable Police Scotland to further work together with local communities and key partners preventing alcohol related crime and offences.

Tackle Serious Organised Crime and Terrorism

LVRD identifies opportunities to impact on serious and organised crime groups who may seek to exploit the licensed trade, either by making attempts to become involved in the running of, or ownership of 'legitimate' enterprises, or by seeking to influence or intimidate legitimate operators in furtherance of their criminal enterprises.

The Licensing Policy Unit has identified that there are considerable opportunities to impact on organised crime groups in our communities. There has been a concerted effort made to research and engage key stakeholders involved with the regulation of businesses such as HMRC and the Insolvency Service in order to map out how information gleaned by each agency can be fused together towards a focused joined up disruption against SOCG licensed businesses.

Working in collaboration with the Police Scotland, Organised Crime and Counter Terrorism Interventions Unit, ways to deter serious and organised crime groups from gaining access to legitimate licensed premises have been identified as having methods of disrupting them within or depriving them of already established businesses.

To this end the Licensing Policy Unit has developed staff in terms of Intelligence and Financial Investigation disciplines in order to develop intelligence about organised crime groups involved in licensing, and also to initiate money laundering enquiries where unlawful conduct and recoverable assets are identified through the licensing process. There is close liaison with the Civil Recovery Unit at the Crown Office, where licensed premises have in the process of enquiries been identified as a vehicle for unlawful conduct and fraud.

Strategic Focus 2014-2015

With the intention of harmonising licensing practice across the country, Police Scotland has introduced training and seminars which will ensure there is continuous professional development for staff in licensing departments.

Inn Keeper software has been purchased by Police Scotland and will be available for use across Scotland from late spring in 2015.

The Licensing Policy Unit will continue to support the operational activity of licensing teams across Scotland, as we look to develop a consistent standard in relation to reporting to licensing boards and the application of the Licensing (Scotland) Act 2005.

ABERDEEN CITY LICENSING BOARD AREA

The Licensing Board area is policed by Aberdeen City Division.

Chief Superintendent Adrian Watson is the Local Police Commander who has the responsibility for all day-to-day policing functions.

Local Policing Priorities

Following our public consultation process, the policing priorities for Aberdeen City Division, as set out in our Local Policing Plan are as follows:

- Acquisitive Crime;
- Antisocial Behaviour;
- National Security;
- Protecting People;
- Safer Roads;
- Serious and Organised Crime;
- Violent Crime.

Home to a population of 224,970, 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. Its continuing economic success is benefiting all its citizens and advancing equality in the city. While traditional industries such as education, tourism, farming and fishing are still important, it is the energy technology industry which sets the City apart and is widely recognised as being the oil capital of Europe.

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

Operation of the Licensing (Scotland) Act 2005

In this section we will provide some statistical data relating to applications made under the terms of the Act and other decisions made while considering the five licensing objectives.

For the reporting period, Aberdeen City Division responded to 1157 applications made under the terms of the Act dealt.

This included two premises licence review applications from the Police, which resulted in a variation of the licence and conditions being imposed for one of the premises and a written warning for the other.

Three premises were found to be selling alcohol outwith licensed hours and reported the Procurator Fiscal, with the responsible persons concerned also being reported.

Aberdeen City Division submitted eleven Personal Licence reviews in the time period of which two were revoked, two were suspended, two were endorsed, one had no action taken, one was deferred and two were abandoned due to procedural issues.

In March 2014, Aberdeen City Division made application for a Closure Order in respect of a nightclub within the city centre, which was supported and granted by the Board. This was one of the first uses of powers under Section 97 of the Act by any Board in Scotland.

In the reporting period, Aberdeen City Division recorded the following common licensing offences:

- Disorderly conduct on licenced premises - 148;
- Drunk on licensed premises/attempting to enter whilst drunk - 22;
- Permitting disorderly conduct on licenced premises - 9;
- Refusal to leave licensed premises - 190.

Aberdeen City Division works in partnership with the following groups and organisations to jointly improve local licensing issues:

- Local Licensing Forum;
- Licensing Standards Officers;
- Unight;
- Weekend Partnership;
- Torry Alcohol Action Group;
- Purple Flag;
- Community Safety Partnership;
- Local Pubwatch initiatives;
- Local Security Industry companies.

Police Officers submit an Inspection of Licensed Premises Report via a software system on every occasion they are called to attend an incident at licensed premises, with particular focus upon violence, disorder, antisocial behaviour, drunkenness, drug dealing or misuse, underage drinking, breaches of licensing legislation and any other matter that might impact on the safety of the public. Within the reporting period there were 3990 recorded visits or inspections of licensed premises.

The information obtained may show a causal link between the operation of the premises and the incident. Where necessary, a four stage process may be engaged in order to address any issues or concerns regarding the premises. This can range from low level 'interaction' which may involve a discussion between the Police and premises licence holder, or the premises may become 'monitored' with closer attention being paid to day-to-day operations and incidents occurring. Where necessary, the premises licence holder and management may be asked to attend an 'intervention' meeting with the Police where concerns can be discussed and this may involve an agreed action plan, with set time scales, being put in place for the premises to remedy any matter.

The most serious status premises can attain is that of being considered 'problematic' where it is unlikely that interaction or intervention will resolve the issue and it is likely that the Police would submit a premises licence review application to the Licensing Board.

For problematic, intervention or monitored premises there may be a tasked visiting regime put in place, where Police Officers are tasked to visit the premises and observe their operation with a view to noting improvements, or otherwise.

These tasked visits are assessed by Aberdeen City Division Command Officers on a daily basis.

Preventing the Sale or Supply of Alcohol to Children or Young People

The Police Service of Scotland reserves the capability to carry out test purchases operations on an intelligence led basis. For the reporting period, no operations were carried out in Aberdeen.

Aberdeen Division is committed to continuing to engage with the community, in particular with schools and educational establishments to raise awareness of vulnerability and risk associated with the consumption of alcohol. Initiatives include the use of the 'Who are you?' training material which highlights the dangers and consequences of excessive intoxication, including the heightened vulnerability to sexual assault.

The 'Is it Worth it?' initiative continues to drive home the dangers and consequences of counterfeit, borrowed or stolen identity documents as proof of age to enter licensed premises and purchase alcohol.

Tackling Serious and Organised Crime

Many of the processes and procedures involved in licensing applications are carried out to guard against serious and organised crime groups (SOCG) infiltrating the licensed trade in any way.

If such an SOCG were able to gain a foothold in licensed premises, this would afford the criminal group a seemingly legitimate income stream, which could be no more than a veneer for other criminal activities such as money laundering, tax evasion, drug and people trafficking and other dishonest activities.

Many of the procedures currently carried out by Police licensing departments particularly in relation to new premises licences, the transfer of premises licences and the appointment of premises Managers are done to ensure complete financial transparency and there are no business related irregularities which may be indicative of SOCG involvement.

During the reporting period, Aberdeen City Division identified one SOCG within the Board's area, who were attempting to obtain a premises licence by transfer. This group were known to be involved in the supply of controlled drugs in the northwest of England.

The Police and other partners are utilising all tactical options available to them to disrupt the group, prevent them from obtaining a licence and ultimately displace them from the area.

Proposed Activity For The Year Ahead

Aberdeen City Division will continue to work closely with Aberdeen City Licensing Board and be mindful of their Policy and the legislative framework available.

Specific attention and effort will be given to addressing alcohol related violence and antisocial behaviour throughout the City.

Effectively addressing alcohol related violence includes not only dealing with perpetrators and victims, but also sharing information, and at time intelligence, in order to prevent it. This requires a co-ordinated, partnership approach at both local and national levels incorporating a wide range of agencies, including health, criminal justice, education, local authorities, the local alcohol industry, voluntary organisations, the media and communities.

The Police will continue to raise objections, representations and other concerns when appropriate. In addition, the Police will engage with all partners involved in the licensed trade and work together with them to uphold the five licensing objectives and the spirit of the 2005 Act to ensure the safety and wellbeing of the people of Aberdeen.