

# Public Document Pack



To: Shamini Omnes (Chairperson), Sarah Wheeler (Vice-Chairperson), Finlay Cran, Ken Eddie, Susan Dunn, Tara-Erin Gilchrist, Derek Gardiner, Adam Grant, Louise Grant, Nicola Jonhston, Inspector Kenny McGeough, Elaine Mottram, Lorcan O'Connor, Emily Queen, Martin Robb, Diane Sande, and Heather Wilson.

Town House,  
ABERDEEN 05 June 2019

## LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in **Committee Room 4 - Town House** on **WEDNESDAY, 12 JUNE 2019 at 2.00 pm.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### BUSINESS

- 1 Minute of Meeting of 13 March 2019 - for approval (Pages 5 - 12)
- 2 Matters Arising
- 3 Local Licensing Forums' Constitution Review (Pages 13 - 16)
- 4 LLF Objectives 2019-20 - Group Discussion
- 5 PC Gary Jobson Aberdeen Local Licensing Forum Development Plan
  - 5.1 Review and Recommendations (Pages 17 - 20)
  - 5.2 Proposal (Pages 21 - 24)
- 6 Licensing Board

Minute of Licensing Board, 12 March 2019

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=151&MIId=6896&Ver=4>

7 Licensing Conference

8 MEMBER UPDATES (TO INFORM THE WORKING GROUP OF THE LICENSING FORUM)

**LICENSING OBJECTIVE 1 : PREVENTING CRIME AND DISORDER**

8.1 Update from Police Scotland

**LICENSING OBJECTIVE 2 : SECURING PUBLIC SAFETY**

8.2 Update from Licensing Standards Officer

**LICENSING OBJECTIVE 3 : PREVENTING PUBLIC NUISANCE**

8.3 Update from Unight Representative

**LICENSING OBJECTIVE 4 : PROTECTING AND IMPROVING PUBLIC HEALTH**

8.4 Update from NHS Grampian and Alcohol and Drugs Partnership

**LICENSING OBJECTIVE 5 : PROTECTING CHILDREN FROM HARM**

8.5 Update from Children's Services Representative

9 Progress Statement

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**DOCUMENTS FOR NOTING**

10 Aberdeen City Council Licensing Board: Statement of Licensing Policy 2018 (Pages 25 - 50)

11 Alcohol Focus Scotland: Community Licensing Toolkit (Pages 51 - 78)

12 Local Outcome Improvement Plan - Alcohol Indicators (Pages 79 - 80)

**- NEXT MEETING**

- Tuesday 10th September 2019, Joint Meeting with the Licensing Board,
- Wednesday 18th September 2019, 2pm – Local Licensing Forum

EHRIA's related to reports on this agenda can be viewed at  
[Equality and Human Rights Impact Assessments](#)

To access the Service Updates for this Committee please use the following link:  
<https://committees.aberdeencity.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13450&path=0>

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

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**LOCAL LICENSING FORUM**  
2pm, Wednesday 13 March 2019  
Town House, Aberdeen

Members present: Shamini Omnes, Chairperson (Aberdeen City Health and Social Care Partnership), Sarah Wheeler, Vice Chairperson (Unight), Heather Wilson (NHS), Susan Dunn (C. J. Laing – Spar), Diane Sande (LSO), Tara-Erin Gilchrist (LSO), Gill Flett (Police Scotland), Lorcan O'Connor (Public), Adam Grant (Public) and Elaine Mottram (Samaritans).

Also present: Garry Watson (Clerk), Shereen Balaban (Committee Assistant), Sandy Munro (ACC), Finlay Cran (License Trade Association), Jonathan Smith (Civic Forum), Derek Gardiner (Castlehill & Pittodrie Community Council), and Gillian Donald (Police Scotland).

Apologies:

	Item	Discussion	Action / Decisions	To be actioned by
1	<b><u>Minute of Meeting of 31 January 2019</u></b>	<p>The Forum had before it the minute of the previous meeting of 31 January 2019.</p> <p>Heather provided clarity on 8.4 - The data referred to children that are known to Social Services due to alcohol related issues.</p> <p>Subject to the foregoing amendments the minute was agreed as a true record.</p>		
2	<b><u>Matters Arising</u></b>	<p>Shamini discussed with the Forum the current approach in dealing with the set objectives. Shamini suggested that a less restrictive approach may be desirable, where all members of the forum can interact and have an input.</p> <p>Garry said he was not aware of any reason why the discussion needed to be restricted under each objective heading.</p>		

	Item	Discussion	Action / Decisions	To be actioned by
		<p>There was a discussion about the importance of ensuring that each objective remains to be covered by the Forum.</p>	<p>All in agreement</p>	
3	<p><b><u>Membership Updates</u></b></p>	<p>Derek Gardiner was welcomed as a member representing Castlehill &amp; Pittodrie Community Council and his membership was endorsed by the Forum.</p> <p>Finlay Cran was welcomed as a member representing the Licensing Trade Association and his membership was endorsed by the Forum.</p> <p>Garry discussed further the membership of the Forum. Garry suggested that as a core member – Jonathan Smith should become the Civil Forum member.</p> <p>Jonathan Smith confirmed that he would fulfil that role in the meantime and that the Civic Forum would nominate a fulltime member in due course.</p>	<p>The forum resolved to endorse the memberships of Derek Gardiner, Finlay Cran and Jonathan Smith.</p>	<p>Shereen</p>
4	<p><b><u>Scottish Government Campaign on the Low Risk Alcohol Guidance – Heather Wilson</u></b></p>	<p>(This item was taken at the end of the meeting, due to the requirement of the projector to be used)</p> <p>Heather presented to the Forum, the newly launched national campaign – Count 14.</p> <p>Heather said that the campaign was designed to raise awareness of the recommended alcohol limit and an attempt to familiarise the public of what is a unit.</p>	<p>Link to the campaign to be circulated.</p>	<p>Shereen</p>

	Item	Discussion	Action / Decisions	To be actioned by
5	<b><u>Licensing Conference</u></b>	<p>Sandy provided an update regarding the scheduling of the forthcoming conference. He said that no date had been confirmed.</p> <p>Licensing Conference content was sought from the Forum. Shamini encouraged members to discuss and consider ideas the Forum is able to present at the Conference.</p> <p>Members agreed for the Forum to have a presence at the conference. It was agreed that the Forum would be represented by members, other than the NHS and Police Member's as they would be present at the conference in their own capacity.</p>	<p>Forum to provide suggestions to the Licensing Board on conference content</p> <p>Members to represent the Forum at the conference</p>	<p>LLF Members</p> <p>LLF new Members</p>
6	<b><u>Objectives for Local Licensing Forum</u></b>	<p>Shamini presented to the Forum the suggestion to revisit the Forums' Constitution.</p> <p>It was felt that aspects of the Constitution may require to be reviewed and updated. Garry confirmed that as long as the Council was given the opportunity to ratify any changes, the Forum could proceed with a review.</p> <p>Shamini circulated copies of a proposal report prepared by PC Gary Jobson, following his visit to the Forum in 2018. The report contained a number of recommendations and Shamini suggested that it should form part of the next agenda so that members would have an opportunity to read it properly and discuss it at the next meeting.</p> <p>Shamini suggested that the Forum should consider its remit and how it interacts with the Licensing Board.</p>	<p>Constitution is to be circulated to the members</p> <p>Report to be circulated to the LLF members</p>	<p>Shereen</p> <p>Shereen</p>

	Item	Discussion	Action / Decisions	To be actioned by
		Elaine said there was a need for clarity on how each member could interact and engage with the Forum, to ensure that the Forum remained proactive.		
7	<b><u>Licensing Board</u></b>	<p>Sandy said that the Licensing Board had acknowledged the Forums contribution to the recent consultation and that Forum may be asked to monitor the Policy in terms of the new licensing hours and preserved impact.</p> <p>Sandy also said that a joint meeting between the Forum and the Licensing Board would take place on 10<sup>th</sup> September 2019 had been identified as the proposed date. The Licensing Board was due to meet that day, and members of the Forum would be welcome to attend and observe and the joint meeting would take place thereafter.</p>		
8.1	<b><u>Member Updates</u></b>	<p><b><u>Police</u></b></p> <p>Gill said that there had been an upturn in personal licence renewals however out of 450, that were due only 75 had been received. It was noted that licence trade has a transient workforce eg students, and that many of the 450 may no longer be employed in the licence trade.</p> <p>Gill provided an overview of the ongoing work. Work continues supporting the various campaigns – Examples provided Ask for Angela and Your Asking for It.</p> <p>Gill confirmed Police Scotland’s attendance at the Licensing Conference.</p> <p>Emily suggested that Unight could be tasked</p>	Unight to perform data capture with regard to	Sarah



	Item	Discussion	Action / Decisions	To be actioned by
		<p>with monitoring the Ask for Angela Campaign, and producing some data.</p> <p><b><u>Licensing Standards</u></b></p> <p>Personal License renewal reminders have been sent. Despite slight upturn in the renewals, concerns continue regarding the lack of response. It remains unknown how many licence holders will apply for the renewal.</p> <p>Diane said that they had conducted several MUP visits, one notice had been served however that premises had since complied.</p> <p><b><u>Off-Trade</u></b></p> <p>Susan advised the Forum that MUP training was up to date.</p> <p><b><u>Samaritans</u></b></p> <p>Elaine pointed out that the local Samaritan office now accepted calls from all over the UK, it was difficult to offer a local perspective to the Forum. She said there was a misconception that you had to be suicidal to contact Samaritans and she added that going forward, the local Samaritans were planning to get out and about and deal with vulnerable people in places that those people frequent.</p> <p><b><u>Health</u></b></p> <p>Shamini advised the Forum that the Scottish Government had allocated £666,404.00 recurring funding to Aberdeen city ADP. A paper from ADP would describe a proposal to</p>	<p>Ask for Angela Campaign.</p> <p>Shamini to share paper from ADP</p>	<p>Shamini</p>

	Item	Discussion	Action / Decisions	To be actioned by
		<p>allocate investment resources to the localities in Aberdeen City to tackle alcohol and drug issues in line with Alcohol and Drug Partnership (ADP) priorities.</p> <p>She said t an 'outcomes menu' to offer guidance as to the use of said funding will also be made available for partners to understand potential impact.</p> <p>Jonathan asked if it was possible for funds to be earmarked for future projects. It has advised there are no immediate timescales for the funding i.e. it will be carried forward into the new financial year.</p>		
9	<b><u>AOCB</u></b>	<p>Finlay Cran introduced himself as a member of the License Trade Association, with 34 years' experience within the Trade.</p> <p>He welcomed the partnership approach which was now taken to licensing in Aberdeen and said he looked forward to contributing to the Forum.</p>		
2	<b><u>Date of Next Meeting</u></b>	<p>The date of the next meeting to be arranged.</p> <p><b><u>SHAMINI OMNES, Chairperson</u></b></p>	Provisional dates to be provided for the year and for the LLF to be made aware of the date of the next meeting.	Shereen

	Item	Discussion	Action / Decisions	To be actioned by
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If you require any further information about this minute, please contact Shereen Balaban, tel. 01224 522497 or email [sbalaban@aberdeencity.gov.uk](mailto:sbalaban@aberdeencity.gov.uk)

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## ABERDEEN LOCAL LICENSING FORUM

### CONSTITUTION

The following sets out the Constitution for the ABERDEEN LOCAL LICENSING FORUM (hereinafter referred as “the Forum”).

#### 1. NAME

The name of the organisation shall be ABERDEEN LOCAL LICENSING FORUM.

#### 2. AGE

In order to be eligible for membership of the forum, a person must be aged 16 years or above.

#### 3. GEOGRAPHICAL BOUNDARY OF THE FORUM

The geographical boundary of matters that the Forum shall deal with shall coincide with the boundaries of Aberdeen City Council.

#### 4. TERMS OF REFERENCE

The terms of reference of the Forum are as follows:-

- (i) to keep the liquor licensing system in Aberdeen under regular review and to respond to consultation exercises undertaken by the Aberdeen City Licensing Board and the Scottish Government as appropriate;
- (ii) to consider the implications of relevant local data and statistics provided by the local police force, the local Health Board and the various Aberdeen Drugs and Alcohol Groups;
- (iii) to meet the Aberdeen City Licensing Board at least once per year; and
- (iv) to give advice and make recommendations to the Aberdeen City Licensing Board in relation to any matters that the Forum considers appropriate, excepting individual licensing applications.

#### 5. MEMBERSHIP

- (1) In meeting with the undernoted terms of the Licensing (Scotland) Act 2005 (“the Act”), requiring that all Local Licensing Forums shall -
  - (i) consist of not fewer than 5 and not more than 21 members;
  - (ii) include a Licensing Standards Officer for the Council’s area;
  - (iii) in appointing members, ensure that, so far as possible, the membership of the Forum is representative of the interests of persons or descriptions of persons who have an interest which is relevant to the Forum’s general functions, including:-
    - Holders of premises licences and personal licences

- The Chief Constable for the police area in which the Forum's area is situated
- Persons having functions relating to health, education and social work
- Young people
- Persons resident in the Forum's area

the Forum shall have a membership of 12, with one duly appointed representative from each of the following categories:-

**Holder of Premises Licence**

1. Representative of Licensed Trade

**The Chief Constable for the Police area**

2. Representative of Police Scotland

**Persons having functions relating to health, education or social work**

3. Scottish Fire and Rescue Service
4. Aberdeen Alcohol and Drugs Partnership
5. NHS Grampian
6. Aberdeen Samaritans
7. Community Safety Partnership
8. Education Services, Aberdeen City Council
9. Children's Services, Aberdeen City Council

**Young people**

10. RGU or Youth Council – *to be confirmed*

**Persons resident within the Forum's area**

11. Aberdeen Civic Forum

**Licensing Standards Officer**

12. Licensing Standards Officer

- (2) Notwithstanding the above, the Forum may invite additional representatives (co-optees) who may have an interest relevant to the Forum's general functions, to attend and participate in meetings of the Forum, but without voting rights. Such representatives will not be included for the purposes of calculating a quorum for meetings of the Forum.
- (3) Members may appoint substitutes to attend meetings of the Forum on their behalf, on the understanding that the substitute is also a duly appointed representative of one of the above 12 categories.
- (4) Members will be appointed at the first meeting of Aberdeen City Council following an election. Members will serve for the term of that Council, after which they will be eligible for re-appointment. This is without prejudice to a member's entitlement at any time to step down from the Forum.
- (5) Any vacancies or changes to membership during this term may be filled by the Forum on behalf of Aberdeen City Council. The names and addresses of applicants for membership shall be submitted in writing to the Clerk to the Forum at least 14 days before the meeting of the Forum at which the vacancy is to be filled.
- (6) If any member of the Forum should miss three meetings consecutively, it will be open to the Forum to exclude that member on a permanent basis.

This will not apply if the said member has arranged for a substitute to be present at the meetings.

## **6. SUB-COMMITTEES**

The Forum may, as it sees necessary, appoint Sub-Committees to carry out any of its functions.

The quorum of all Sub-Committees shall be one half of the total membership, excluding co-optees.

## **7. MEETINGS**

- (i) As laid out in the Licensing (Scotland) Act 2005, there shall be at least four meetings of the Forum per calendar year, including one meeting with the Licensing Board;
- (ii) Notice of the place, time and date of meetings of the Forum will be given to every member not later than seven days prior to the meeting; and
- (iii) Any member unable to attend in person may appoint a substitute to attend on their behalf who can express their views. The Clerk to the Forum must be given prior notification of any substitutions;
- (iv) All meetings of the Forum shall be open to members of the Press and Public.
- (v) The quorum for a meeting of the Forum shall be one-half of the number of members (but in any case not fewer than three). No decisions will be taken at any meeting unless that meeting is quorate.

## **8. CONDUCT OF BUSINESS**

Forum members will elect a Convener, and Vice-Convener at their first meeting in each calendar year.

Meetings of the Forum are to be chaired by the Convener.

If the Office of Convener is vacant or for any other reason the Convener is unable to attend, a meeting of the Forum should be chaired by the Vice-Convener. If this is not possible, a meeting may be chaired by any other member present.

An Office Bearer may be removed from office at any of the Forum meetings or at a Special Meeting convened for this purpose at the requisition of at least half of the membership of the Forum, provided due intimation of such proposed alteration shall have been sent to each member at least seven days before such meeting.

Persons who have not been invited by the Forum to attend, and who wish to speak at a meeting of the Forum must contact the Clerk to the Forum one clear working day (excluding Saturdays and Sundays) prior to the meeting, to state the subject on which they wish to be heard.

## **9. VOTING**

- (i) Each member present at a meeting shall be entitled to one vote. The Convener shall have a casting vote, except in cases of appointment of a member to any particular office, in which case the decision will be by lot;
- (ii) Voting shall be by way of a show of hands, but a roll call can be requested by any member of the Forum should they feel this appropriate.

## **10. POWERS AND DUTIES OF THE CONVENER**

It shall be the duty of the Convener to:-

- (i) preserve order, and to ensure that every member of the Forum shall have a fair hearing;
- (ii) decide all matters of order, competency and relevancy;
- (iii) decide between two or more members of the Forum wishing to speak by calling on the member who has first caught his or her eye; and
- (iv) ensure that due and sufficient opportunity is given to members of the Forum who wish to speak to express their views on the subject under discussion.

The decision of the Convener on all matters within his or her competency shall be final, and shall not be open to question or discussion.

## **11. AGENDAS AND MINUTES**

Any items to be included in the agenda for meetings of the Forum shall first be submitted to the Clerk of the Forum no later than fourteen days prior to the date of any scheduled meeting.

No items may be otherwise included in the agenda for any meeting of the Forum, save at the discretion of the Convener on the grounds of urgency.

A Minute of each meeting will be prepared by the Clerk to the Forum, and the draft Minute circulated with the agenda for the following meeting. Agendas and Minutes will be published on the Aberdeen City Council Website.

## **12. ALTERATIONS TO CONSTITUTION AND POWERS TO MAKE OR AMEND RULES**

The Forum shall have the power to alter the Constitution of the Forum and to make or amend rules relating to the conduct and administration of the Forum at any of its meetings, or at a Special Meeting convened for this purpose at the requisition of at least half of the members of the Forum, the proposed alteration being included on the agenda prior to such meeting.

All such alterations require to be approved by at least half of the members of the Forum present and voting. The Forum shall not be permitted to alter the Constitution if such alteration would conflict with the terms of the Act.



**PC Gary Jobson**

**P.S.I. No.: 1388552**

## **Aberdeen Local Licensing Forum Development Plan**

### **Review and Recommendations**

#### **Introduction**

Firstly I would like to take the opportunity for allowing me to attend your recent meetings as well the warm welcome received whilst there. I am also extremely grateful for the feedback received both via the questionnaire and in discussing the various issues face to face.

As you may be aware, this is an independent partnership working exercise undertaken as part of my submission for the Police Diploma in Leadership and, whilst this was initially for my own progression, through careful examination of the role and impact of the forum, it is my sincere hope that this report can assist in building on some of the excellent work that you bring to the group and provide some small measure of advice for your consideration.

#### **Method**

Primarily, this has been an information gathering exercise and through your feedback via the Questionnaire should be reflective of the consideration that as individual members of the forum, inclusively you are the drivers for change and progression.

The Questionnaire was designed with ascertaining attendance, further partnership working, external communication capabilities, progression with the five licensing objectives and, finally, your thoughts on the way ahead.

On the basis of the responses given, as well as my own information gathering through research and dialogue, I have established the following for your further discussion and consideration, albeit the total number of responses have been somewhat limited. I would advocate that this report should therefore be considered as perhaps interim until any further responses are received or otherwise as a catalyst for you to utilise as you deem fit.

## Background

It has been identified that the forum has lost some impetus over recent years and a number of invested parties have withdrawn their participation. Furthermore, areas for consideration and progress often go unactioned due to a lack of positive communication and engagement. As such, a review has been agreed which will address the areas of concern. This will be done by actively seeking out the opinions and suggestions of all of the partnership agencies with a view to submitting an appraisal and set of recommendations in order to improve the effectiveness of the forum as well as re-engaging with former participants.

### **Questionnaire Results**

Overall, I had ascertained that there was little active dialogue and negotiation with the Licensing Board itself coupled with a general lack of understanding of what the Board do. This has led to some confusion as to how the Forum can be as effective in bringing the board to account. There was little, if any time, allocated at the Forum meetings to discussing the aims and progress of the organisation. Primarily, the meetings were more or less each individual member reporting on what they had done as opposed to contributing directly to the Forum's goals and terms of reference. This, in turn, has led to very little tasking which is compounded by the breakdown in communication between the forum and the Board itself. As such, the team work ethic within the Forum was low with some members pushing hard for it and others not engaging. Each individual partner was, undoubtedly, working hard and providing quality work, but only from within their own field of expertise. Finally, there was little in the way of any Social or traditional media footprint and, likewise, within the internal media footprint of each agency.

## Recommendations

1. Discussion time centred around aims and progress of forum should be allocated to each meeting
2. Enhanced Social Media foot print with: a)Trade b) Individual forum members c) public

3. Stronger engagement with the Licensing Board. Attendance at Board meetings.
4. Awareness sessions (in conjunction with 3) of what the remit of the Licensing Board does as well as the remit of the forum (consistency with terms of reference in constitution)
5. Forum Review publication alongside minutes (a how we are doing and what we are doing overview for general dissemination via social media and within each organisation).
6. Independent cost/benefit analysis by an external body (value for money) this will help in determining if the forum is heading in the right direction.
7. Regular press releases (local/trade/organisational publications as well as the social media aspect).
8. Engagement/Fact Finding exercise with other Local Authority Forums. Ascertain best practice, similar issues throughout Scotland.
9. Clearer and more defined tasking and ownership of responsibilities when providing recommendations and information to the Licensing Board.
10. To enhance closer working and improve internal relationships, consideration for Team Building days.

**Gary Jobson A0634**

Probationer Governance Constable

A Division Wellbeing Champion

Divisional Co-ordination Unit,

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## **PARTNERSHIP PROJECT PLAN PROPOSAL**

**Student Name: PC Gary Jobson**

**P.S.I. No.: 1388552**

**PROJECT TITLE: Aberdeen Local Licensing Forum  
Development Plan**

### **BACKGROUND**

"The Aberdeen Local Licensing Forum was established in 2007, as required by the Licensing (Scotland) Act 2005. The Forum has been set up to keep the operation of the Licensing (Scotland) Act under review, and to give advice and make recommendations to the Licensing Board. The Board must have regard to any advice given, or recommendations made by the Forum, and where the Board decides not to follow the advice or recommendation, it must give the Forum reasons for the decision. The Board and Forum hold a joint meeting on an annual basis". Source:

<https://www.aberdeencity.gov.uk/services/council-and-democracy/get-involved-council/local-licensing-forum>

The forum in its current state is comprised of representatives from Police Scotland, NHS, local Drug and Alcohol Groups, Unight, Aberdeen Inspired, SFRS, Children's Services, Samaritans, Aberdeen City Council, Licensing Standards Officers, SWD plus various trade representatives.

It has been identified that there is a requirement to refresh the focus of the forum and that a number of invested parties have withdrawn their participation. Further areas for consideration lie in relation to enhancement of a positive communication strategy and concerted engagement in order to provide more meaningful support to the likes of the Trade Partners and Licencing Board. As such, a review has been agreed which will address the areas of concern. This will be done by actively seeking out the opinions and suggestions of all of the partnership agencies with a view to submitting an appraisal and set of recommendations in order to increase membership from non-statutory bodies as well as re-engaging with former participants.

### **JUSTIFICATION FOR SELECTION**

The Forum has an active part in the North East Local Policing Plan as it directly addresses the five licencing objectives surrounding Antisocial Behaviour, Violence, Disorder and Protecting People at Risk of Harm. This is also reflective of Police Scotland's national perspective on policing priorities.

The Forum was selected as it incorporates a multi-agency approach and is an absolute core essential in partnership working.

#### **PARTNERSHIP DETAILS**

The Primary partner is the Local Licensing Forum itself, albeit this is made up of the aforementioned agencies, each having their own input into the Improvement Plan. Consideration will need to be given to engaging with previous members (in particular those engaged in the trade).The Forum is a formal partnership, albeit the review will be considered as an independent approach.

#### **ROLES AND RESPONSIBILITIES**

My role will initially to gather information, opinions and facts from all the invested partners and to identify how membership can be increased and how the Forum's delivery can be improved.

Furthermore, I will be tasked to identify other agencies who may have vested interests but are unaware of the Forum and those members that may have withdrawn with a view to recommending a formal approach from the forum itself.

Thereafter, my responsibility will be to compile a review, highlighting areas for development, best practice, recommendations and a starting point for the way forward.

Oversight will be given by Inspector Kenny McGeough who is the current chair of the forum.

#### **ANTICIPATED OUTCOMES**

## SMART

S - To provide an independent review and recommendations on the functions and progress of the Aberdeen Local Licensing Group

M - Active communication and participation from all parties via feedback and engagement leading to a joint overview and assessment report.

A - Through active participation and encouragement a balanced overview, with all invested partners involvement, will lead to a more reflective and accurate report for their determination and progression. The majority of communication being via email/outlook and by attendance at forthcoming meetings.

R - There is current consensus from the Forum that there is a requirement for review and that it can be achieved as there is an openness for improvement and change.

T - From date of submission of proposal up to 09 March 2018

## **SUPERVISOR APPROVAL**

PI K.McGeough

PS Juliet Henderson

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# Aberdeen City Licensing Board

**Statement of Licensing Policy - November 2018**



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# 1. INTRODUCTION

As Convener of Aberdeen Licensing Board, it is my pleasure to introduce the Board's Statement of Licensing Policy.

In order to create a policy that stakeholders could feel they had helped shape, the Board recognised that they would have to rewrite the Policy and not simply amend what had gone before. To that end, the Board carried out extensive consultation which included holding a Licensing Conference. The collaborative approach generated some very interesting feedback from the community and public-sector partners, residents and the trade which helped the Board to understand their needs and wishes. Underpinning the Policy had to be the five licensing objectives which help to ensure that Aberdeen remains a safe place to socialise, that we encourage a healthy relationship with alcohol and create the conditions for a thriving, successful night time economy that all residents and visitors can enjoy.

The new policy is bold and progressive, aligning itself with the intentions of the 2005 Act and the changing licensing landscape. Where once Scotland had pubs or clubs, hybrid premises have emerged. Entertainment is constantly evolving, its primacy within a venue increasingly open to debate. The new policy gives businesses the platform to be entrepreneurial and shape their offering through their operating plan to meet the needs of their clientele.

The new policy has been written in a manner that can be understood by all and gives the Board a solid framework to make the right decisions at the right time, always with the 5 Licensing objectives at forefront of our thinking.

**Marie Boulton**

**Convener**



## 2. PREVENTING CRIME & DISORDER

The Board is committed to improving the quality of life for the people of the city by adopting and enforcing policies designed to increase community safety and reduce the threats of crime and disorder.

In terms of this licensing objective the Board considers there to be a number of factors including, but not limited to:

- Underage drinking
- Drunkenness
- Illegal substances
- Violent behaviour
- Anti-social behaviour
- Vulnerability

In order to combat the risks inherent with the sale of alcohol the Board will seek to operate a partnership approach with licence holders, applicants and partner agencies.

### **What the Board Will Do:**

- Apply appropriate conditions to licences to mitigate the risk of potential crime or disorder, including but not limited to a local condition on duty of care on all on-sales premises.
- Ensure all policies are up to date and fit for purpose.
- Work closely with all stakeholders to ensure all relevant information is kept up to date and accessible.
- Endorse initiatives designed to prevent crime and disorder.
- Consider the review of licences where a breach of the licensing objective cannot be rectified by other means.

### **What the Board Will Expect of Licence Holders**

- Effective and responsible management of premises including evidence of written procedures for managing incidents..
- Up to date training and supervision of staff.
- Provision of effective CCTV in and around premises.
- Provision of external lighting and security measures.
- Employment of SIA registered door supervisors when appropriate.
- Use of radiolink or other such scheme.
- Adherence to the Board's Drugs Policy.
- Enforcement of Challenge 25.

- Adoption of best practice guidance where available.
- Evidence of a relevant dispersal policy where appropriate.
- Co-operation with police and Licensing Standards Officers.

**What the Board Will Expect of Partner Agencies**

- Provision of all relevant up to date information as the Board requires.
- Involvement in mediation/intervention procedures to rectify any problem areas.
- Involvement in Premises Licence Review as a last resort.

**A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.**

### 3. SECURING PUBLIC SAFETY

The Board is committed to ensuring the safety of persons within licensed premises as well as those in the surrounding areas.

When considering this licensing objective, a number of factors should be considered including, but not limited to:

- Capacity – this will be assessed by the Council’s Building Standards department to establish a maximum safe capacity figure in terms of the regulations. Please note the safe maximum operating figure may be smaller than the technical figure.
- Maintenance of premises.
- Fire safety.
- Suitability of glassware or alternatives to glass.
- Disabled access and facilities.
- Nature of activities to be carried out on the premises.
- Vulnerability of patrons.

Again, the Board will look to operate a partnership approach with all stakeholders in order to ensure that public safety is not compromised by the operation of licensed premises.

#### **What the Board Will Do:**

- Promote education and awareness of potential risks.
- Apply additional licence conditions where appropriate for the purposes of this licensing objective.
- Facilitate effective communication between all relevant parties.
- Disseminate relevant information from partner agencies as widely as possible.
- Review licences as a last resort.

#### **What the Board Will Expect of Licence Holders/Applicants:**

- High standards of maintenance of premises.
- Membership of schemes to secure public safety such as radiolink and pubwatch.
- Glassware or alternatives to glassware including toughened or safety glass frequently cleared
- Accurate disability access statements. Although these are only required for new applications the Board would encourage all existing premises to consider the preparation of an appropriate statement for publication.
- Clear and accurate signage in and around premises.

- Fully completed risk assessments where appropriate, for both premises and proposed activities to be carried out.
- Policies on crowd management and dispersal, both in the ordinary course of operation and in an emergency.
- Regular maintenance and testing of security and operating systems.
- Designation of a “safe space” within the premises in which vulnerable persons can be provided with assistance.
- Co-operation with Police Scotland and Licensing Standards Officers including access to all relevant policies and procedures such as dispersal policies and incident management.

**What the Board Will Expect of Partner Agencies:**

- Co-operative approach.
- Effective communication and the sharing of up to date relevant information.
- Involvement in a licence review as a last resort.

**A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.**

## 4. PREVENTING PUBLIC NUISANCE

The Board believes that licensed premises have the potential to have a significant impact on communities. It wishes to maintain and protect the amenity of the surrounding neighbourhoods whilst recognising the valuable cultural and social aspects of such premises.

Whilst licensing powers are not the main statutory mechanism for dealing with public nuisance in general the Board will interpret public nuisance in a wider sense where it relates to the operation of licensed premises, and in particular issues such as noise and litter.

### **Again, a number of factors should be considered including, but not limited to:**

- Location of premises. In particular the proximity to residential or noise sensitive premises such as medical facilities, sheltered housing, schools, places of worship, nurseries and suchlike.
- Hours of operation. Closely related to the location of the premises, the hours of operation should reflect what is appropriate for the surrounding neighbourhood. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Nature of activities. Any activities carried on in the licensed premises should not be detrimental to the ambience of the locality.
- Outdoor areas. The Board will include a Supplementary Policy on this issue, but applicants will require to ensure that the inclusion of an outdoor licensed area in any premises is appropriate and will not contravene the licensing objective of preventing public nuisance.
- Smoking areas. These should be designed to minimise public nuisance and regularly monitored to cut down on noise and litter.
- Noise from patrons entering and exiting the premises.

### **What the Board Will Do:**

- Consider the proximity of proposed licensed premises to noise sensitive premises when considering applications.
- Ensure that licensed hours and activities are appropriate for the type of premises and locality. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Improve communication between the trade, partners and local communities.
- Impose additional licence conditions where appropriate to prevent public nuisance.
- Highlight best practice where available and increase awareness and education on potential areas of risk.

### **What the Board Will Expect of Licence Holders/Applicants:**

- Take a proactive approach to public nuisance with a risk-based approach.
- Be mindful of the location of the premises, hours of operation and activities.



- Comply with all conditions of the premises licence.
- Ensure appropriate control measures are in place and staff training is up to date and relevant.
- Consider public nuisance when establishing the design and layout of the premises.
- Adequate supervision of any outdoor area, smoking area and patrons entering/exiting the premises.
- Sharing of best practice via trade groups.
- Participation in communication to resolve any issues that may arise.

**What the Board Will Expect of Partners:**

- Enforcement of other statutory powers where appropriate.
- Sharing of relevant information.
- Participation in dialogue to resolve potential issues.

A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.

## 5. PROTECTING AND IMPROVING PUBLIC HEALTH

The Board recognise that excessive consumption of alcohol can cause or exacerbate a number of health problems. All applicants will be expected to demonstrate measures to be taken to protect public health, and all licence holders will be expected to maintain those standards and take all necessary steps to prevent excessive consumption.

Whilst licensing is an important tool in the protection of public health it will not be sufficient in isolation and accordingly the Board will be interested in hearing from and working alongside relevant partners and interested parties where appropriate.

Factors to be considered in connection with this particular licensing objective include, but are not limited to:

- Access to alcohol by vulnerable persons
- Excessive consumption
- Irresponsible promotion of alcohol
- Education of unit strength of alcohol

### **What the Board Will Do:**

- Utilise local conditions on licences where appropriate.
- Liaise with public health organisation, the local licensing forum and other relevant parties.
- Monitor the number and capacity of premises, public health data and overprovision policies.
- Contribute to raising awareness of the licensing system.

### **What the Board Will Expect of Licence Holders/Applicants**

- Proactive layout of off-sales premises to discourage impulse buying.
- Adequate staff training, including refusals policy and incident recording.
- Availability of low/non-alcoholic products and soft drinks.
- Licensed hours reflective of operating hours.
- Awareness of irresponsible promotions.

### **What the Board Will Expect of Partner Agencies:**

- Effective communication of relevant trends and information.
- Provision of accurate statistics to assist with Board policy and decision making.
- Participation in efforts to increase public awareness of initiatives to protect and improve public health.

**A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.**

## 6. PROTECTING CHILDREN AND YOUNG PERSONS FROM HARM

The Board recognises that the question of access to licensed premises by children and young persons is not one that can be answered with a one size fits all type of approach. The suitability of premises will depend on a number of factors including layout of the premises, activities or services available, and typical customer demographic.

Applicants and licence holders should also be aware that access for children and young persons will bring with it additional responsibilities and may result in additional conditions being attached to the licence.

### **What the Board Will Do:**

- Assess all applications for suitability of access for children and young persons.
- Impose additional conditions where necessary to protect children and young persons from harm.
- Limit the hours during which children and young persons have access if appropriate.
- Limit activities which may take place on the licensed premises during hours in which children and young persons have access if appropriate.

### **What the Board Will Expect of Licence Holders/Applicants**

- Consider the ambience of premises and what is appropriate in terms of children and young persons' access.
- Ensure facilities are appropriate to the areas of the premises to which children and young persons are to be afforded access.
- Vigilance against underage drinking and proxy purchasing.
- Strict enforcement of Challenge 25.
- Comprehensive and up to date staff training.
- Restrict access for children and young persons to appropriate hours and parts of the premises.

### **What the Board Will Expect of Partner Agencies:**

- Communication of relevant information.
- Sharing of best practice or initiatives designed to improve standards.
- Participation in mediation in the event of issues or licence review hearings as a last resort.

**A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.**

## 7. SUPPLEMENTARY POLICY – LICENSED HOURS

Whilst all applications will be dealt with on their own merits the Board considers it necessary for the promotion of the licensing objectives to set parameters with respect to licensed hours. Any application seeking hours outwith those detailed below will be expected to satisfy the Board that there are legitimate grounds for departing from policy and demonstrate that the granting of such hours would not be contrary to the licensing objectives.

### Off-Sale Premises

Maximum trading hours for off-sale premises are set by statute. The Board have no power to grant off-sales hours prior to 1000 or after 2200 hours. It should be noted that these are the maximum permitted hours and the Board may restrict these hours if it can be shown to be necessary for the promotion of the licensing objectives.

	Earliest Opening Hour	Latest Terminal Hour
All off-sales premises	1000	2200

### On-Sale Premises

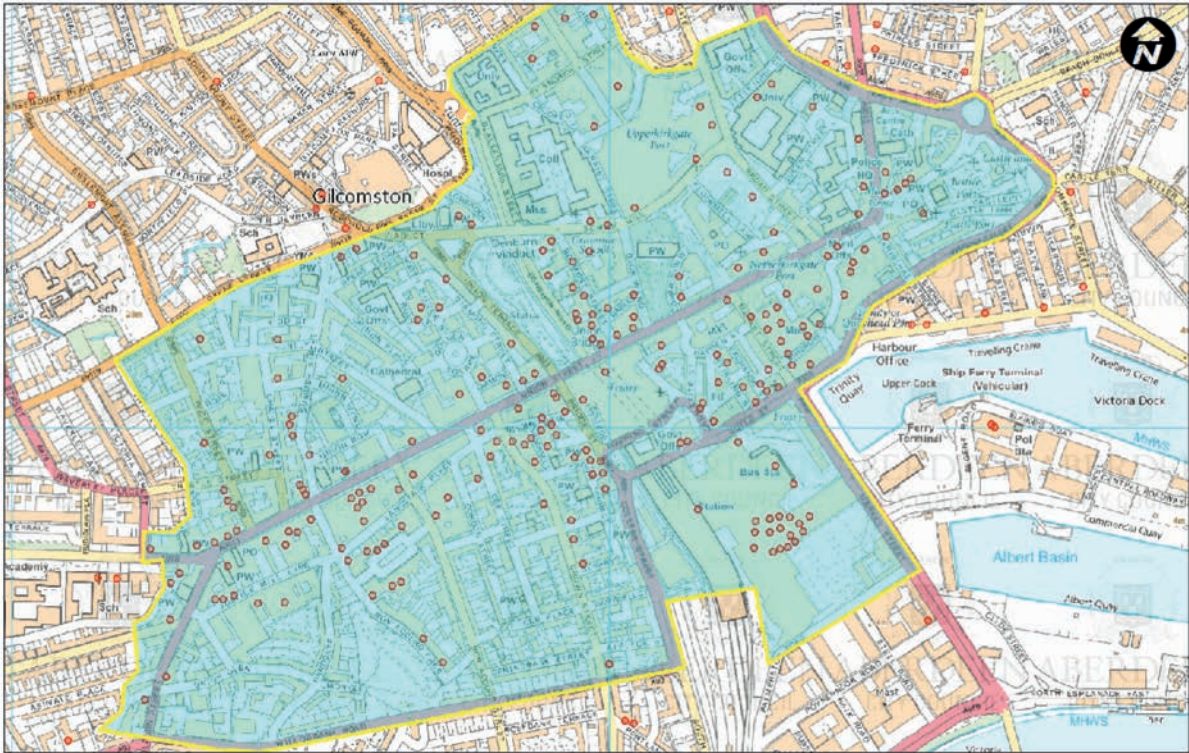
The Board considers it appropriate to distinguish hours within the city centre from outlying areas. The city centre area is that shown delineated on the undernoted map.

The hours stated below are the earliest acceptable opening hour and latest acceptable terminal hour, and not the maximum permissible hours. The terminal hours stated below are the latest permissible and will not be appropriate for all premises. It will be the responsibility of the licence holder or applicant to demonstrate that the premises is suitable for the hours sought. Additional conditions will normally be added to all premises seeking licensed hours after 1am including but not limited to CCTV, door stewards and radiolink. A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.

The Board considers 15 hours continuous trading to be reasonable within any 24-hour period and so the opening or terminal hour should be adjusted accordingly to comply with this requirement.

The opening hours for casinos remains in line with the statutory hours in terms of the Gambling Act 2005, namely 1200 – 0600 daily.

Outwith City Centre	Earliest Opening Hour	Latest Terminal Hour
Sunday to Thursday	1000	0000
Friday & Saturday	1000	0100
City Centre	Earliest Opening Hour	Latest Terminal Hour
Sunday to Thursday	1000	0200
Friday & Saturday	1000	0300



Current City Centre Area

1:5,000



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## 8. SUPPLEMENTARY POLICY – OCCASIONAL LICENCES AND EXTENDED HOURS

### Occasional Licences

In terms of the legislation only a Premises Licence holder, Personal Licence holder or a Voluntary Organisation can apply for an Occasional Licence. The Board consider Occasional Licences should only be used for one-off events and should not be used to circumvent standard licensing procedures.

Accordingly, the Board will not normally grant the following, unless there are exceptional circumstances:

- A series of Occasional Licences for the same premises where an application for a Premises Licence would be more appropriate.
- Occasional Licences for premises holding a Provisional Premises Licence where there are outstanding issues preventing an application for Confirmation from being lodged.
- Occasional Licences for child-focussed events, being events held specifically for children as opposed to family events at which children may be present.

Any application for an Occasional Licence must comply with the Board's Supplementary Policy on licensed hours. Additional conditions may be added to an Occasional Licence to uphold the licensing objectives covering matters including staff training, access for children and young persons, and alternatives to glassware.

Police Scotland and Licensing Standards Officers will have 21 days in which to provide comment upon applications. Applications for Occasional Licences must therefore be submitted at least 4 weeks in advance of the event to allow sufficient time for the applications to be processed. The Board consider that it would be difficult to justify a shorter processing period under s57(4) for any events except for funeral functions.

### Extended Hours Applications

The holder of a Premises Licence may apply for an extension of regular licensed hours in connection with:

- A special event or occasion to be catered for on the premises, or
- A special event of local or national significance.

The Board expect licence holders to anticipate and incorporate recurring events into the Premises Licence and only to apply for Extended Hours for one-off events that could not have reasonably been anticipated. For the avoidance of doubt an Extended Hours application may extend a premises' trading hours beyond the 15-hour period specified in the Supplementary Policy on Licensed Hours on a one-off basis.

Any application must be submitted by the licence holder and not the Designated Premises Manager unless he or she has written authorisation from the licence holder to do so. Applications must be made at least 4 weeks in advance of the event.

### **General Extensions**

The Board will consider annually whether any scheduled events would justify a general direction under s67 and will publish a list of qualifying events and the degree of the extension in January each year to enable the trade and other stakeholders to plan accordingly. Such a list may be added to during the course of the year should the need arise.

Such extensions will only be available to premises whose standard hours conform to the 15 hour maximum trading specified in the Supplementary Policy on Licensed Hours.

## 9. SUPPLEMENTARY POLICY – EXTERNAL DRINKING AREAS

The Board recognises that the incorporation of outdoor areas within the licensed footprint of premises can enhance the operation of such premises but considers that it also attracts additional responsibilities on the part of the licence holder to uphold the licensing objectives.

Before an application to licence an outdoor area will be considered the area in question must benefit from the necessary planning permission and, if required, a pavement permit from the Roads Department of Aberdeen City Council.

All outdoor areas must be delineated on the layout plan forming part of the premises licence and outdoor drinking should be included as an activity within the body of the licence. The Board will expect premises who currently utilise unlicensed outdoor areas to incorporate such areas within the premises licence by way of variation.

Applicants and licence holders must demonstrate that the areas will not contravene the licensing objectives, in particular with regard to noise, litter and antisocial behaviour. The areas must be regularly monitored, and glassware removed.

The Board will routinely attach additional conditions where an outdoor area is licensed including but not restricted to:

- Outdoor area to be clearly demarcated onsite.
- Use of the area to cease at 2200 hours.
- No amplified music or entertainment to take place in the outdoor area.

The terminal hour may be further restricted, and drinks may be required to be decanted into alternatives to glassware if appropriate.

A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.



## 10. OVERPROVISION – ON-SALES PREMISES

The Board recognises that overprovision is a serious consideration that can have important repercussions. In coming to a decision on overprovision of on-sales premises it was considered appropriate to align the locality areas with those identified as appropriate for different opening hours. Accordingly, the Board identified two localities for on-sales overprovision, namely city centre and outwith the city centre. The boundary of the city centre area is that illustrated in the Supplementary Policy on Licensed Hours. The Board then sought evidenced views on overprovision within those two localities and is grateful to all respondents who took the time to submit a viewpoint.

The Board primarily considered the evidence of crime statistics provided by Police Scotland. These related primarily to the licensing objectives of Preventing Crime and Disorder, Securing Public Safety and Preventing Public Nuisance. The Board found it particularly pertinent that Police Scotland believed that whilst evidence of crimes in which alcohol consumption was a significant factor could be provided, it was not felt that there was sufficient evidence to justify a finding of overprovision in either of the identified localities. Police Scotland had identified a smaller area within the city centre locality which could possibly have been considered but accepted that it was for the Board to identify localities for the purposes of overprovision.

The Board also recognised that the other responses received to the consultation were of mixed opinions and there was no consensus for either locality.

In summary, the Board recognises that there are issues relating to the Licensing Objectives that correlate with the operation of licensed premises. However, the Board considers a declaration of overprovision to be a serious undertaking that should only be taken when adequately supported by the available evidence. On balance the Board is currently of the opinion that whilst there is evidence of the correlation mentioned above that evidence falls short of establishing the causal link that is required by the regulatory framework to justify overprovision. Accordingly, the Board has determined that currently there is not overprovision of on-sales premises within either locality.

The Board will continue to assess all applications on their merits and will expect all applicants to demonstrate compliance with the licensing objectives and all relevant parts of the Board's Statement of Licensing Policy. The Board will also work with partner agencies to keep the policy under review and ensure that it remains fit for purpose.

## 11. OVERPROVISION: OFF-SALES

In cognisance of the nature of the evidence received during previous overprovision consultations as well as the specific challenges raised by attempts to attribute meaningful evidence to smaller localised areas, the Board established the whole Board area as one locality for the purposes of off-sales overprovision only. The Board then sought evidenced views on overprovision within that locality and is grateful to all respondents who took the time to submit a viewpoint.

The Board noted the evidence provided by NHS Grampian and Alcohol Focus Scotland primarily relating to the licensing objective of Protecting and Improving Public Health. The Board recognises that there are health issues caused by the consumption of alcohol and note that the majority of alcohol is reportedly sold from off-sales premises. Additionally, the Board is concerned that hospital admissions for alcohol related causes are above the Scottish average. However, it also recognised that the evidence provided by both NHS Grampian and Alcohol Focus Scotland indicated that most people tended to travel larger distances by vehicle to purchase alcohol, and that the rise of home deliveries had also to be taken into consideration. Both agencies accepted that there was no simple method of establishing a numerical formula to assist with the calculation of any saturation point.

The Board also considered the evidence of crime statistics provided by Police Scotland. These related primarily to the licensing objectives of Preventing Crime and Disorder, Securing Public Safety and Preventing Public Nuisance. The Board found it particularly pertinent that Police Scotland believed that whilst evidence of crimes in which alcohol consumption was a significant factor could be provided, it was not able to provide a body of evidence linking crimes specifically to off-sales premises. Police Scotland also suggested it could not support the idea that were there half the number of premises there would be half the number of crimes. Again, it highlighted that there was not a simple numerical answer to this problem. The Board also noted that Police Scotland suggested that the issue may be one of alcohol consumption as opposed to the regulated sale from off-sale premises.

As well as the evidence provided by respondents to the consultation the Board also considered that it had been operating without an overprovision policy for the recent period, and that this did not appear to have resulted in any identifiable increase in the number or capacity of premises, nor indeed harm associated from the operation of those premises.

In summary, the Board recognises that there are issues of harm that correlate with the operation of off-sales premises. However, the Board considers a declaration of overprovision to be a serious undertaking that should only be taken when adequately supported by the available evidence. On balance the Board is currently of the opinion that whilst there is evidence of the correlation mentioned above that evidence falls short of establishing the causal link that is required by the regulatory framework to justify overprovision. Accordingly, the Board has determined that currently there is not overprovision of off-sales premises within the locality.

The Board will continue to assess all applications on their merits and will expect all applicants to demonstrate compliance with the licensing objectives and all relevant parts of the Board's Statement of Licensing Policy. The Board will also work with partner agencies to keep the policy under review and ensure that it remains fit for purpose.

## 12. SCHEME OF DELEGATION

This Scheme of Delegation details the powers of the Licensing Board for Aberdeen City in terms of the Licensing (Scotland) Act 2005. This Scheme of Delegation was approved by the Board on 10 October 2017.

The Board recognises that any application should only be determined by the Board where necessary and any straightforward matters should be considered by the Clerk or any member of the Clerk's staff having authority to do so, to save resources and to create as little inconvenience to applicants as possible.

The Board therefore agrees that only those applications and matters which by statute are required to be considered by the Board will be submitted to them for determination and other applications will be determined by the Clerk (or Depute Clerk or persons appointed to assist them) in accordance with the following Scheme of Delegation.

1. MATTERS RESERVED TO THE LICENSING BOARD			
	Nature of Function/ Application	Relevant Provision in Licensing (Scotland) Act 2005	Function
1.1	Determination of Licensing Board Policy	s.6 and Sch.1 para 10(2)(a)	Determining the Board's policy for the purposes of a Licensing Policy Statement or any Supplementary Licensing Policy Statement;
1.2	Determination of Overprovision of Licensed Premises	s.7 and Sch.1 para 10(2)(b)	Determining, for the purposes of any such statement, whether there is overprovision of licensed premises, or licensed premises of any particular description, in any locality;
1.3	Premises Licence Application	s.23 and Sch.1 para 10(2)(c)	Determining a premises licence application;
1.4	Premises Licence Major Variation Application	s.30 and Sch.1 para 10(2)(d)	Determining a premises licence variation application where the variation sought is not a minor variation;
1.5	Premises Licence Transfer Application (Conviction)	s.33, s.34 and Sch.1 para 10(2)(e)	Determining an application for the transfer of a premises licence where the applicant has been convicted of a relevant or foreign offence;
1.6	Provisional Premises Licence Confirmation (Refusal)	s.46 and Sch.1 para 10(2)(i)	Refusing an application for confirmation of a provisional premises licence;
1.7	Temporary Premises Licence	s.47	Determining a temporary premises licence application;
1.8	Personal Licence (Conviction)	s.74 and Sch.1 para 10(2)(f)	Determining a personal licence application, or a personal licence renewal application where the applicant has been convicted of a relevant or foreign offence;

<b>1.9</b>	Conducting a Hearing	s.39, s83(7) s.84 and Sch.1 para 10(2)(g)	Conducting a hearing under the Act, including taking any of the following steps: At a review hearing in respect of a premises licence where necessary in terms of the licensing objectives flowing from the sale of alcohol: Issuing a written warning to the premises licence holder; Revoking or suspending the premises licence; or Making a variation of the premises licence; or Making an order revoking, suspending or endorsing a personal licence.
<b>1.10</b>	Closure Order	s.97 and Sch.1 para 10(2)(h)	Making a Closure Order;

## 2. MATTERS DELEGATED TO SUB-COMMITTEE

	Nature of Function/ Application	Relevant Provision in Licensing (Scotland) Act 2005	Function
<b>2.1</b>	Occasional Licence (Objection/ Contrary to Policy)	s.59 and Sch.1 para 10(1)	Determining whether or not the Licensing Board will hold a hearing to determine an application for an occasional licence where an objection, representation or a notice recommending refusal from the Chief Constable or Licensing Standards Officer or where the application is contrary to the terms of the Board's Policy;
<b>2.2</b>	Occasional Licence (Objection)	s.59 and Sch.1 para 10(1)	Where a decision has been taken by the Convenor/Sub-Committee not to hold a hearing in terms of section 59(4) of the Act, the determination of the application following an opportunity for the applicant to comment on the representation in terms of section 59(5);
<b>2.3</b>	Extended Hours Application (Objection/ Contrary to Policy)	s.70 and Sch.1 para 10(1)	Determining whether or not the Board will hold a hearing to determine an application for extended hours where an objection, representation or a notice recommending refusal from the Chief Constable or Licensing Standards Officer or where the application is contrary to the terms of the Board's Policy;

<b>2.4</b>	Extended Hours Application (Objection)	s.70 and Sch.1 para 10(1)	Where a decision has been taken by the Convenor/Sub-Committee not to hold a hearing in terms of section 70 (2) of the Act, the determination of the application following an opportunity for the applicant to comment on the representation in terms of section 70(3);
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### 3. MATTERS DELEGATED TO THE CONVENOR

	Nature of Function/ Application	Relevant Provision in Licensing (Scotland) Act 2005	Function
<b>3.1</b>	Notice of Convictions	s44(7A), s83(7A)	Determining whether to hold a licence review hearing or to take no further action upon receipt of a notice from the Chief Constable which does not contain a recommendation to vary, suspend, revoke or endorse the licence in question
<b>3.2</b>	Occasional Licence or Extended Hours ("Fast Track")	ss.57(4) and 69(4) and Sch.1 para 10(1)	Determining whether an application for an occasional licence or occasional extension requires to be dealt with quickly.
<b>3.3</b>	Personal Licence (Licence Previously Surrendered – Hearing)	s.74(7)	Where the applicant has surrendered a personal licence within the period of 3 years prior to an application for a further personal licence being made by that person to decide whether the reasons for surrender of the previous personal licence warrant consideration of the application by the relevant Board;
<b>3.4</b>	Power to Relieve Procedural Errors	s.135 and Sch.1 para 10(1)	To relieve any applicant or other party to proceedings before the Board of any failure to comply with any procedural provision if the failure is due to a mistake, oversight or other excusable cause, and it is considered appropriate in all of the circumstances to relieve the failure.
<b>3.5</b>	Rejection of Frivolous or Vexatious Objections	s.22(4), s.36(6), s.58(3)	Determining whether to reject a notice of objection or representation or request for a premises licence review received by the Board where they consider it to be frivolous or vexatious;
<b>3.6</b>	Premises Licence Review Proposal	s.37 and Sch.1 para 10(1)	Determining whether to make a premises licence review proposal;

<b>4. MATTERS DELEGATED TO THE CLERK OR DEPUTE CLERKS TO THE LICENSING BOARD OR ANY PERSONS APPOINTED TO ASSIST THEM</b>			
	<b>Nature of Function/ Application</b>	<b>Relevant Provision in Licensing (Scotland) Act 2005</b>	<b>Function</b>
<b>4.1</b>	Premises Licence Minor Variation Application	s.29 and Sch.1 para 10(1)	Determining any premises licence variation application where the variation sought is a minor variation, including for the avoidance of doubt a change of Designated Premises Manager;
<b>4.2</b>	Premises Licence Application or Variation Application Hearing Attendance	Sch.1 para 10(1)	Determining whether to request an Applicant to attend a hearing for a premises licence application or a variation application where there are no representations or objections and the application is not contrary to the Board's Policy;
<b>4.3</b>	Premises Licence Transfer Application (No Conviction)	s.33, s.34 and Sch.1 para 10(1)	Determining any application for the transfer of a premises licence where the applicant has not been convicted of a relevant or foreign offence;
<b>4.4</b>	Provisional Premises Licence Confirmation	s.46 and Sch.1 para 10(1)	Determining any application for confirmation of a provisional premises licence – where no variation (other than a minor variation) has been made to the operating plan or layout plan for the premises to which the licence relates since the provisional licence was issued or since a variation of the provisional premises licence was granted;
<b>4.5</b>	Obtaining Further Information for the Purposes of a Review Hearing	s.38(5) and (6), and Sch.1 para 10(1)	To exercise the powers under section 38(5) and (6) for the purposes of a review hearing to obtain further information, request any person to attend to provide information and/or request production of any document at a review hearing;
<b>4.6</b>	Premises Licence (Licence Production)	s.49(3) and Sch.1 para 10(1)	To require a premises licence holder to produce the premises licence;
<b>4.7</b>	Occasional Licence (No Objection)	s.59 and Sch.1 para 10(1)	Determining an application for an occasional licence – where no objections or representations have been received, nor a notice recommending refusal from the Chief Constable or any report from the Licensing Standards officer recommending refusal;

<b>4.8</b>	Occasional Licence Conditions	s.60 and Sch.1 para 10(1)	To impose conditions under section 60 in respect of an occasional licence as necessary or expedient for the purpose of any licensing objective;
<b>4.9</b>	Extended Hours Application (No Objection)	s.70 and Sch.1 para 10(1)	Determining an application for extended hours where no objections or representations have been received nor a notice recommending refusal from the Chief Constable or any report from the Licensing Standards Officer recommending refusal;
<b>4.10</b>	Personal Licence (No Conviction)	s.74 and Sch.1 para 10(1)	Determining a personal licence application, or a personal licence renewal application where the applicant has not been convicted of a relevant or foreign offence;
<b>4.11</b>	Personal Licence (Licence Previously Surrendered)	s.77(6)	To grant personal licences where the applicant has previously surrendered their personal licence under section 77(6) or their licence has been revoked under s.87(3);
<b>4.12</b>	Revocation of Personal Licence	s.87(3) and Sch.1 para 10(1)	The revocation of a personal licence where the licence holder has not complied with the requirements of Section 87(1) of the Act;

## **5. Other Matters**

Any matters which are not the subject of a specific delegation in terms of this Scheme of Delegation and are not prescribed by the Licensing (Scotland) Act 2005 shall be determined by the Clerk (or any person appointed to assist the Clerk) as appropriate unless the nature of such matter is considered to be appropriate to be determined by the Licensing Board at a meeting arranged by the Clerk in consultation with the Convenor of the Licensing Board.

## **6. Exercise of Delegated Power**

The Clerk, Depute Clerk and any other member of staff appointed to assist them may elect not to use their delegated powers in a particular case, in which case the matter will be referred to the Licensing Board.

## **7. Legislation**

These delegations are subject to any necessary alterations arising from amendments to Legislation, Regulations, Codes of Practice or Government Circulars. In the event of a conflict between the terms of this Scheme of Delegation and the relevant legislation, the Scheme of Delegation shall be deemed amended to accord with the provisions of the said relevant legislation.

## 13. SUPPLEMENTARY POLICY – HEARING PROCEDURES

Where an application requires to be determined by a hearing at a meeting of the Licensing Board all parties will be provided with 14 days' notice in writing of the time and location of the hearing. The Board will endeavour to make any reasonable adjustments to cater for any additional requirements of any party to a hearing if made aware of those requirements in advance.

Where the hearing is in respect of an application the following procedure will be followed:

1. The applicant will be invited to address the Board in support of the application and make reference to any representation or objection received.
2. The person(s) making any representation or objection will be invited to address the Board in support of the representation or objection.
3. The applicant will be invited to respond to any points raised by the person(s) making the representation or objection.
4. Members will be invited to address questions to all parties.
5. The person(s) making the representation or objection will be invited to sum up. No new evidence may be introduced at this stage.
6. The applicant will be invited to sum up. No new evidence may be introduced at this stage.
7. The Board may elect to seek legal advice in private if required but must return to the public forum before any decision is made.
8. The Board will come to a decision.

Where the hearing is in respect of a review application as a result of a complaint the following procedure will be followed:

1. The complainer will be invited to address the Board in support of the complaint.
2. The Licensing Standards Officer will be invited to address the Board in support of the report required in terms of s38(4) of the Licensing (Scotland) Act 2005.
3. The licence holder will be invited to address the Board in response to the complaint.
4. The complainer will be invited to respond to any points raised by the licence holder.
5. Members will be invited to address questions to all parties.
6. The licence holder will be invited to sum up. No new evidence may be introduced at this stage.
7. The complainer will be invited to sum up. No new evidence may be introduced at this stage.
8. The Board may elect to seek legal advice in private but must return to the public forum before any decision is made.
9. The Board will come to a decision.



## 14. SUPPLEMENTARY POLICY – GENERAL LICENSING

### Alcohol Deliveries

The Board are aware that a number of premises are keen to offer a delivery service for alcohol, particularly those that offer delivery of food. It is the view of the Board that responsibility lies with the licence holder to ensure that the delivery person has adequate training to safeguard the licensing objectives, and in particular has procedures in place to ensure that no deliveries are made to underage customers.

Additional conditions may be attached to premises licences in such cases, and deliveries of alcohol will generally only be permitted as part of a delivery of food, unless from a dedicated off-sales premises.

### Agent of Change

The Agent of Change principle in planning terms clearly places the responsibility for mitigating any detrimental impact of noise on neighbours with those responsible for any change in the position. For example, where a new residential or commercial property is to be developed within the vicinity of an existing licensed music venue, the responsibility for mitigating any adverse impact should sit with the developer, as the “agent of change”. Conversely, if a new music venue is proposed, or an existing venue is to be varied, that responsibility would be with the licence holder.

The Board considers it appropriate to have regard to the agent of change principle in licensing terms when determining the weight to be given to various arguments.

### Licences Ceasing to Have Effect

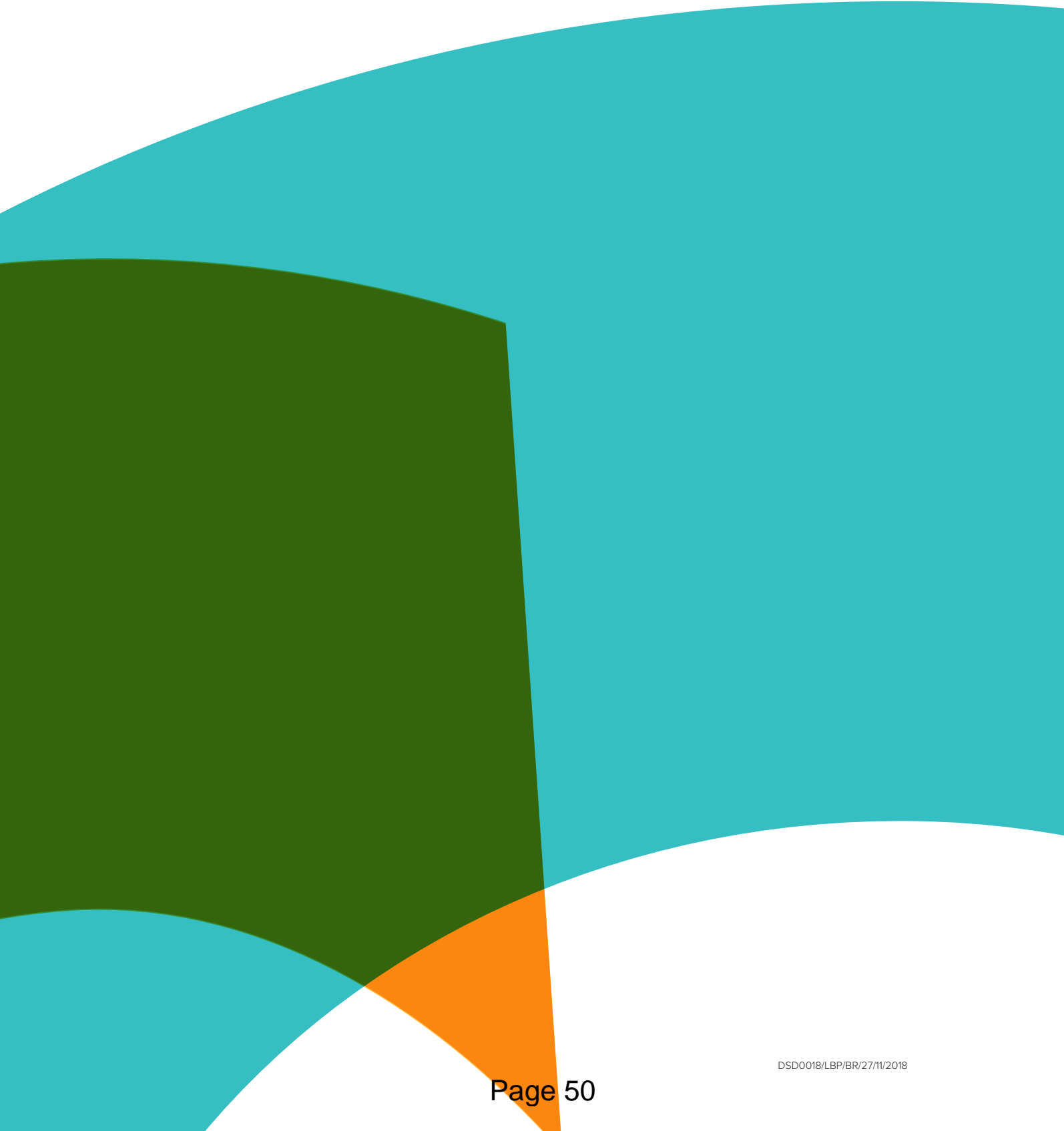
Section 28(5)(b) provides that a licence will cease to have effect where the licensed premises ceases to be used for the sale of alcohol. In order to avoid any misunderstandings, the Board expect any licence holder to notify the licensing department in writing if the premises is going to be closed for any length of time with an explanation of the reason for closure and an expectation of when the premises intends to reopen. If a premises has been closed for 6 months the licence will be referred to the next Board Meeting for review.

### Personal Licences

The Board considers that it is imperative that any training certificate enclosed with an application for a Personal Licence is up to date. As Personal Licence holders require to refresh training every 5 years the Board thinks it is reasonable to require any training certificate submitted with an application for a Personal Licence to be no more than 5 years old. Where a Personal Licence has been surrendered or revoked and a subsequent application is made the Board will accept a training certificate over 5 years old only if it is accompanied by an up to date refresher training certificate.

### Conditions

Examples of the standard local conditions which may be attached to licences can be found here.





# Alcohol licensing in your community

## How you can get involved



### About this toolkit

This toolkit is designed to help anyone who would like to have a say on how alcohol impacts on their community.

It explains how the licensing process works in Scotland, and provides some practical tips to help people who want to get involved.

SECTION

1

Introduction to alcohol licensing.

SECTION

2

Raising concerns about alcohol in your community.

SECTION

3

Raising concerns about an existing alcohol licence.

SECTION

4

Commenting on an alcohol licence application.

SECTION

5

Attending a licensing board hearing.

SECTION

6

Alcohol licensing explained.

# Using this toolkit:

To find out which section of the toolkit is relevant to you, use the chart below:



## Introduction to alcohol licensing

### Why is alcohol licensed?

- Alcohol is not an ordinary product, it is a legal drug that causes a range of harms.
- Alcohol plays a part in many health and social problems - not just to the drinker but also to those around them, including families, neighbours and the wider community.
- Evidence shows that the easier it is to buy alcohol, the more people will drink.
- That is why controls are needed on how, where and when alcohol is sold.

### What is licensed and why?

- Places (for example supermarkets, convenience stores, pubs, restaurants) that sell or serve alcohol must be licensed. These are either permanent licences (premises licences) or temporary licences for specific events (occasional licences).
- People (for example managers or supervisors in licensed premises) that manage the sale of alcohol must have a personal licence.

### What are the licensing objectives?

- There are five licensing objectives, set out in law, that underpin the licensing system in Scotland. These are:
  - Preventing crime and disorder
  - Securing public safety
  - Preventing public nuisance
  - Protecting and improving public health
  - Protecting children from harm

## Who decides who can sell alcohol?

- The local licensing board decides who can sell alcohol, and where and when it can be sold. There are 40 licensing boards across Scotland. Only elected councillors can be members of a licensing board.

## Who else is involved?

Other people who get involved in licensing include:

- Licensing Standards Officers (LSOs)
- Police
- Health board
- Community councils
- Local licensing forum
- Members of the community

## What can I do?

There are a number of things you can do if you have concerns about alcohol in your community.

See “Raising concerns about alcohol in your community” on [page 4](#).

Other sections you may find useful:

SECTION 2 Page 4  
Raising concerns about alcohol in your community.

SECTION 3 Page 8  
Raising concerns about an existing alcohol licence.

SECTION 4 Page 9  
Commenting on an alcohol licence application.

SECTION 5 Page 14  
Attending a licensing board hearing.

# Raising concerns about alcohol in your community

There are a number of ways you can have a say on the impact of alcohol in your local community.

## Get in touch with your local councillors

If you have concerns, for example about alcohol-fuelled noisy house parties or litter or vandalism, then speak to your local councillors. They may be on the licensing board, or can speak to other councillors who are. They can also report the problems in your community to the appropriate departments in the council.

You will be able to get the contact details for your local councillor from the council.

### TOP TIP

If your neighbours also have concerns, suggest they contact their local councillors too. It will be important for councillors to know the scale of concern about problems in the community.

### TOP TIP

If a councillor is a member of the licensing board they are unlikely to be able to talk to you about specific licence applications. However there may be other councillors for that local area that you could speak to.

## Report any problems with a licensed premises to the police and Licensing Standards Officer

If you are concerned about the way a licensed premises is running, the police and Licensing Standards Officer (LSO) may be able to take action to sort out these problems. If things don't get better, you can ask the licensing board to review the licence.

The LSO works for the local council and you will be find their contact details on the council's website or by phoning them.

For more information on action that can be taken if you have concerns about a particular business, see "Raising concerns about an existing alcohol licence" on [page 8](#).

## Comment on alcohol licence applications

When a business is applying for a new alcohol licence, a change to an existing licence, or for an occasional licence, any person has the opportunity to object to this application. You don't have to live nearby to raise concerns about the application.

For more information on objecting to alcohol licence applications, see "Commenting on an alcohol licence application" on [page 9](#) and Top Tips on [page 11](#).

### TOP TIP

An application can only be refused on specific grounds. Your comments should therefore relate to these grounds for objection. The most common grounds for objection are:

- inconsistency with the licensing objectives
- the premises being unsuitable for the sale of alcohol; and
- there being too many premises in that area (overprovision).

## Input to the planning process

New licensed premises that are being built, or that are converting a building that was used for a different purpose, will normally have to apply for planning permission. This will usually happen before it applies for its alcohol licence.

If you have concerns about such a new business opening, you could submit an objection to its planning application.

Your council's website should have information on new planning applications and how to object.



## Contact your local community council

Many areas have a local community council, which represents the views of residents in that community. Community councils must be consulted if a business wants to start selling alcohol, and representatives are sometimes involved in the local licensing forum. Community councils often get involved in other local decisions such as planning or development of local government policies. You might want to highlight your concerns to the community council, or even become a member.

You can find out if your area has a local community council by going to [www.communitycouncils.org.uk](http://www.communitycouncils.org.uk)

## Get involved with the local licensing forum

In every licensing board area there is a local licensing forum. The forum monitors licensing in the local area and can offer advice and recommendations to the licensing board. The licensing forum is made up of different people with an interest in licensing, including community members.

You can take concerns about alcohol in your area to the local licensing forum. The forum cannot comment on individual licensed premises, but they can highlight to the board community issues or concerns, such as the number of licensed premises in the area.

### TOP TIP

Anyone can attend a forum meeting, but check in advance what the rules are for members of the public speaking or raising issues at the meeting.

### TOP TIP

Find out if there is a community representative on your local forum that you can contact to express opinions on your behalf.

### TOP TIP

If you have a particular interest in licensing issues you can apply to join the licensing forum. Forum members are appointed by the local council.

### TOP TIP

Contact your local licensing forum through the council's website or via the LSO.

## Respond to alcohol licensing consultations

Each local licensing board has to develop a statement of licensing policy. This policy sets out how the licensing board will carry out its work including how it will promote the five licensing objectives, how it will make decisions and also if the board thinks there are enough, or too many, licensed premises in any areas.

Currently all licensing boards must update their statement of licensing policy every three years. Under new legislation they will be required to produce these policies every 5 years, within 18 months of local government elections.

A licensing board must consult various groups when it is developing its policy, including the local licensing forum and the local health board. Some will send it to community councils or organisations representing the interests of the licensed trade.

Most licensing boards also put the consultation on the council's website and anyone can respond. Most consultations will begin around six to nine months before the statement is due to be produced.

### TOP TIP

You can contact your local licensing board to find out when it will be updating its policy and how you can give your views.

### TOP TIP

If you are contributing your opinion it can help to speak to your neighbours - the feelings of a large group of people often carry more weight in policy consultations.

### TOP TIP

It helps if contributions reflect the views of the wider community. Think about how you could gather the views of people living in your local area, such as surveys or public meetings. Alternatively, other local groups such as community councils might be gathering evidence and you might be able to take part in their work.

### TOP TIP

Try to include evidence to support your opinions, such as times you've reported noise disturbances to the police or environmental health noise teams. Reporting such problems also means that these incidents will be included in official statistics.

Other sections you may find useful:

**SECTION 3 Page 8**  
Raising concerns about an existing alcohol licence.

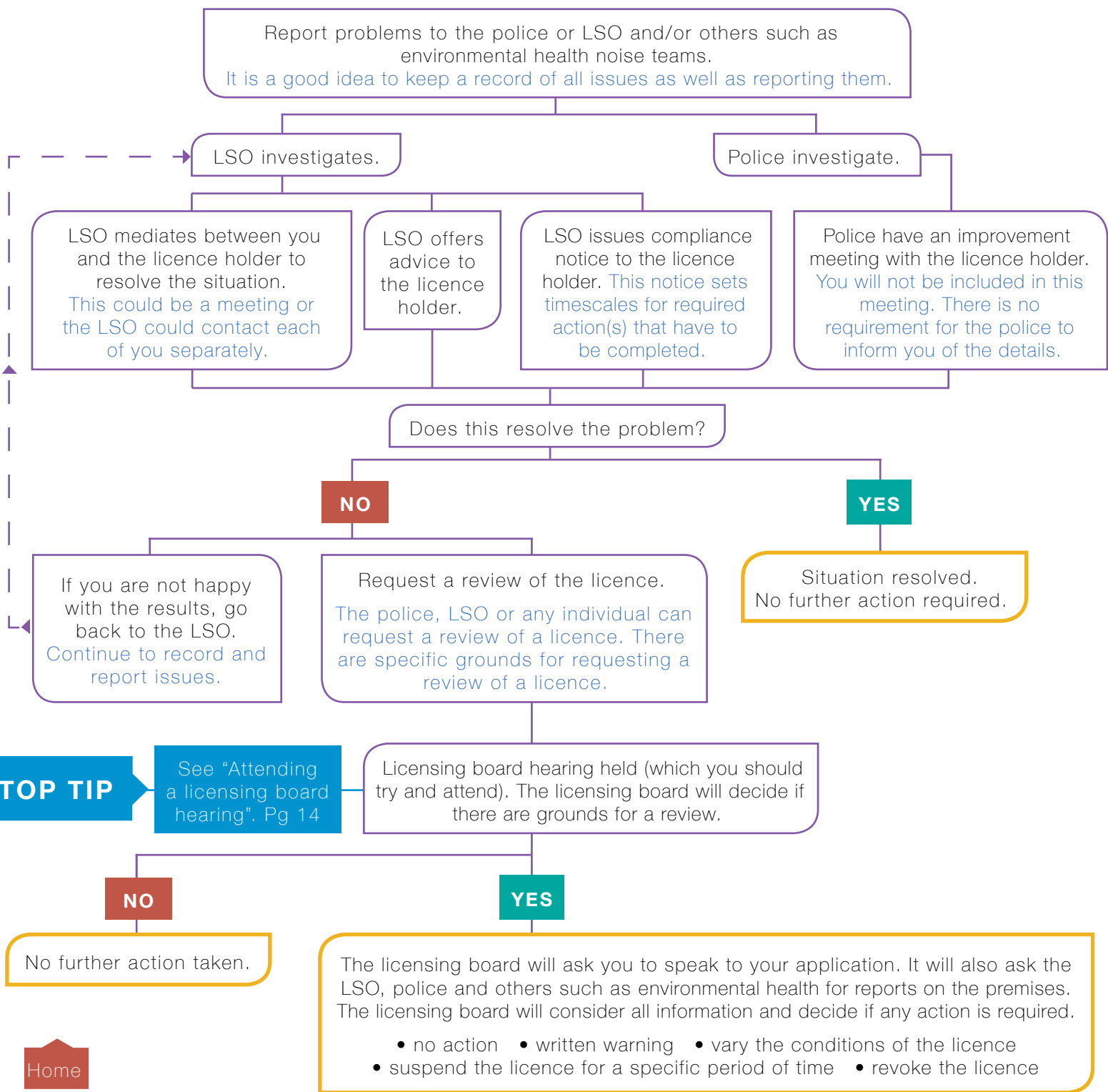
**SECTION 4 Page 9**  
Commenting on an alcohol licence application.

**SECTION 5 Page 14**  
Attending a licensing board hearing.

**SECTION 6 Page 16**  
Alcohol licensing explained.

# Raising concerns about an existing alcohol licence

If you are concerned about how a place that sells alcohol is operating, there are processes you can use to address this (see below). The police or LSO may be able to resolve any problems or the licensing board can review the licence. The licensing board is unlikely to uphold a licence review unless the police or LSO also have concerns so you should contact them as a first step.

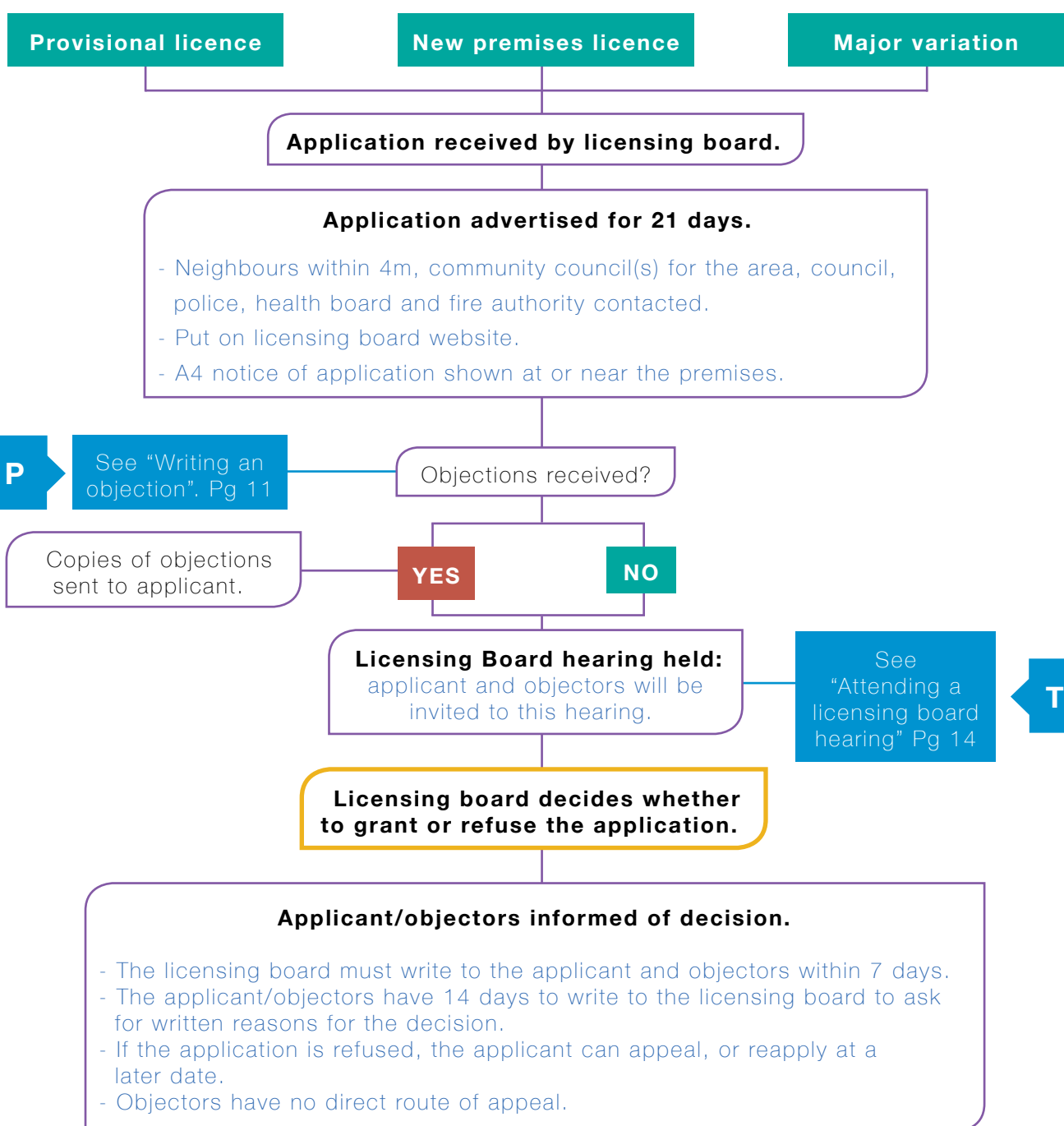


**TOP TIP** See "Attending a licensing board hearing". Pg 14

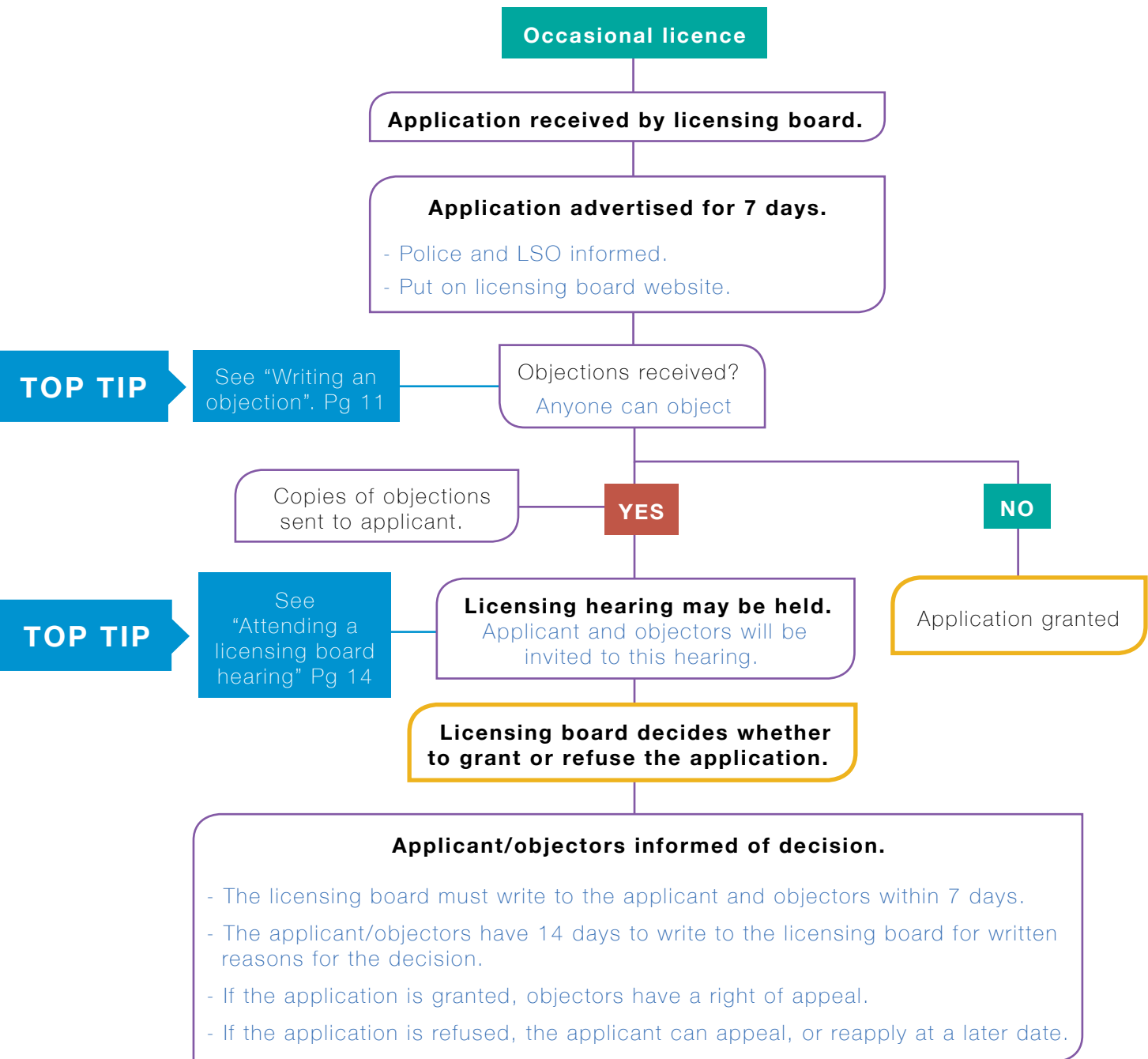
# Commenting on an alcohol licence application

Licensing boards have to follow strict procedures when considering alcohol licence applications. These procedures are different depending on the type of licence application.

The applications that people will most commonly encounter are for provisional licences, new premises licences or major variations of existing licences. The process for these applications is set out below:



There are also opportunities for communities to comment on occasional licence applications. The application procedure is slightly different, with a more limited opportunity for the public to be notified and comment.



Other sections you may find useful:

SECTION 5 **Page 14**  
Attending a licensing board hearing.

SECTION 6 **Page 16**  
Licensing explained

## Writing an objection

Here are some practical tips for commenting on alcohol licence applications. These tips might also be helpful if you are requesting a review of a licence.



### **Look at your licensing board's statement of licensing policy.**

This policy sets out what the licensing board is likely to allow premises to do and what standards they expect. It will also show any areas of concern - such as overprovision - the licensing board has. It can be helpful to refer to what the policy says in your objection / representation.



### **Look at the layout plan and operating plan for the application.**

These plans detail how the premises will be laid out and how it will be run. You will need to contact the licensing board to get copies of these. Some licensing boards will only let you see the plans at their offices. Others may allow you to take copies or might email them to you.



### **Look at useful sources of information.**

The licensing board has a register of all licensed premises in its area and you may be able to access this online or by going to the licensing office. You can also access information about local areas by looking at [www.cresh.org.uk/webmap](http://www.cresh.org.uk/webmap).



### **Refer to the grounds for objecting in your submission.**

A licence can only be refused, or conditions attached, on specific grounds. It is important that your comments make clear:

- on what ground you are objecting/making a representation;
- how the grounds apply to the specific application/premises.

If you are objecting on more than one ground, then address these separately.



### **Check how you should submit your objection.**

Objections must be in writing. Some licensing boards may accept objections by email but you should check this with them. Some licensing boards have a form for objectors to use to help them stick to the relevant grounds for objection. This will usually be on the licensing board's website, so look there or phone and ask whether there is a form for you to use.



### **Be specific with your comments.**

Try and focus your comments on how the application impacts on you, or how the premises impacts on the grounds for objections. Try and avoid making general statements in case they are considered to be irrelevant to the application.

## Writing an objection (continued)



### **Provide any evidence you have.**

If you have evidence to support the points you are making, for example records of phone calls to the police or LSO, you should give details to the licensing board. Evidence will have more weight than speculation. If you report incidents to the police you should ask for an incident number and include this in your objection.



### **Submit the objection in the name of an individual.**

The law states that “any person” may object. To avoid any problems, if you are submitting comments on behalf of an organisation such as a community council, it is better for any letter to be signed by an individual. However, you should make clear that the comments represent the views of the organisation. It is also possible for individual members of an organisation to submit their own comments.



### **Make sure you submit your comments on time.**

The notice of the application will give the deadline for submitting comments to the licensing board. It is important that you send your comments to the licensing board by this date, because late objections may not be taken into account. If you miss the deadline, include reasons why this has happened. Depending on the reason, the licensing board might consider your comments.



### **Include photos if they would add to your point.**

Not all licensing board members will know your particular area. Photographs can help to make your point. (Applicants will bring photographs and other information to a licensing board hearing to illustrate what they are aiming to offer.)



### **Ask the Licensing Standards Officer (LSO) for advice.**

Part of the LSO’s job is to give advice. They can give general guidance about what you need to do to object or make a representation, and explain what happens at the licensing board hearing. Your local council will be able to give you information about how to contact the LSO.



### **Would you support the application if changes were made to it?**

In your written comments you can make suggestions for changes you would like the applicant to make to address your concerns. This gives them the opportunity to consider your ideas in advance of the hearing. Commonly suggested changes are things like a smaller alcohol display area, shorter licensed hours, CCTV to be installed, or restrictions on noise levels.

## Writing an objection: Things to watch out for



The licensing board cannot consider any information about the application that doesn't relate to alcohol licensing (for example traffic, planning.)

- Stick to alcohol licensing.
- Make sure you clearly state which ground for objection you are using.



In an application to change how a business is run, the licensing board does not have the ability to remove the licence, only to agree or refuse the proposed licence variation.

- Your objections must be about the changes proposed in the application.



Some licensing boards may treat identical/similar letters as one objection rather than different objections.

- It would be better for each person to write their own letter of objection, and these should try to avoid being too similar.
- If you object regularly to applications, tailor each objection to the specific application/premises rather than sending in the same letter.



Petitions opposing licences are often not accepted by the licensing board because of basic mistakes. Some common problems with petitions are names not being readable, names or signatures looking like they were written by the same person, problems with the wording of the petition, and it not being clear whether people have meant to sign to each of the relevant points.

- Make sure that all signatories can see exactly what points they are agreeing to - for example, list the points on each page.
- Avoid multiple points in a phrase, for example "it would be a public nuisance and affect vulnerable people." List the points separately and ask people to tick which ones they agree with.
- Ensure each person only puts their own name and that they sign it.



Objections from members of the licensed trade can be given less weight because they are seen as protecting their own business.

- The licensing board has the discretion to attach whatever importance they think appropriate to each piece of information before them.



The onus is on objectors to say why the licence should be refused, rather than on applicants to provide evidence for why their application should be granted.

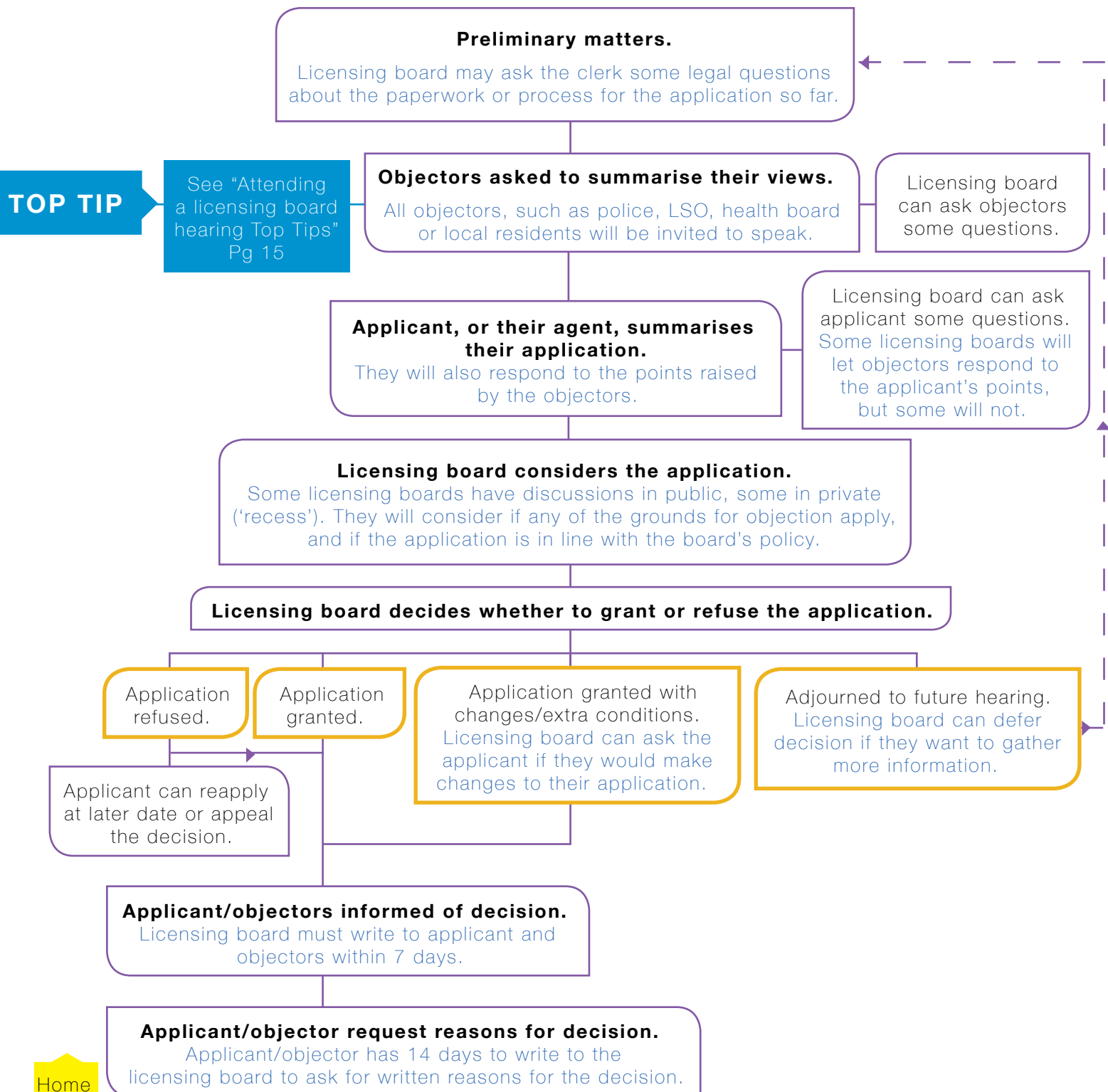
- Think about what the applicant might say about their application. Raise your concerns about the applicant's likely arguments as questions in your submission.
- If you have evidence to back up your concerns - for example from a similar situation somewhere else - then include this in your written objection.



# Attending a licensing board hearing

If you have put in an objection or made representations on an application, the licensing board will invite you to attend the hearing where they will be considering the application.

The diagram below shows the process the hearing is likely to follow. A similar process will be followed in licence review hearings.



## Attending a licensing board hearing



### **Check the website in advance for the agenda.**

Some licensing boards make the papers available up to one week in advance of the hearing. (Many do not, but if you ask a member of council staff on the day, they should be able to give you a copy.) It is difficult to say how long each case will take or when yours will be heard but the agenda will give you an idea of the running order for the hearing.



### **Try and see a licensing board hearing in advance.**

It might help to go along to a licensing board hearing before the one you'll be speaking at. This will let you see the layout of the room, and how the hearings are run.



### **Give another person written authorisation to speak on your behalf if you can't attend.**

If you go to the hearing, licensing boards usually welcome the chance to ask you some questions about your written comments. If you don't go to the hearing, they may give less weight to your objections.

If you are unable to make the hearing, ask someone else to attend on your behalf. You must give them written permission to speak for you, and they should show this to the clerk.



### **Know what you want to say and prepare.**

It is helpful to think about what you want to say - bring notes. At the hearing, you might only get one chance to speak. You may not be given the opportunity to respond to comments made by the applicant, or to raise any new points.

- Try and address your points the first time you are invited to speak.
- If there are points you want to raise outwith the grounds for objection, word them as questions.
- Try and avoid repeating yourself.



### **Ask for any 'promises' made by the applicant to be added as conditions of the licence.**

Applicants often give assurances to the licensing board that they will or will not do certain things, for example that all staff will be trained to personal licence holder level. To make sure this happens you could ask the licensing board to include the applicant's commitments as conditions of the licence.



### **If you are having problems hearing, let council staff know.**

If you are struggling to hear the discussions, let a member of council staff at the hearing know. They might be able to tell you where you can sit that will help you hear better, or they may be able to ask the licensing board to speak up.

**This section gives a more detailed explanation of some of the words and phrases you will find in the toolkit.**

## Who's who in alcohol licensing

### **Agent**

- It is common for a person applying for a premises licence to have someone present their application and respond to any objections. This person is referred to as the applicant's agent. This is normally a solicitor.

### **Applicant**

- This is the person or business applying for a licence.

### **Clerk of the licensing board**

- The job of the clerk of the board, or deputy clerk, is to give legal advice to the licensing board. They are employed by the council and are legally qualified. During hearings, they often sit in front of the licensing board, or beside the convener.

### **Community councils**

- Community councils are voluntary organisations made up of local residents that represent the interests of people living in their community. Community councils must be notified of new licence applications in their local area. The licensing board will often seek their views during the development of the statement of licensing policy. Representatives from community councils are often members of local licensing forums.

### **Convener (or 'Chair') of licensing board**

- The convener of the licensing board is a councillor. He/she is often referred to as the chair of the licensing board as he/she chairs its hearings. He/she will have the casting vote if there is a split decision of the licensing board.

### **Health board**

- The local health board for the area is sent all applications for new premises licences and licence variations, and has the right to object to applications.
- It must be part of the local licensing forum.
- The health board must provide the licensing board with information for the statement of licensing policy. The licensing board must consult them when the licensing board is developing its overprovision policy.

## Licensing board

- Licensing boards decide all applications for licences to sell and serve alcohol in their area.
- There is one licensing board in each local authority. (Exceptions: South Lanarkshire, Dumfries and Galloway and Aberdeenshire have more than one, known as divisional licensing boards.)
- Licensing boards must publish a statement of licensing policy every three years, and must assess overprovision in the area they cover.
- Each licensing board will have between 5 and 10 members. Members are local councillors and must complete a course and exam before sitting on the board.
- Despite being made up of local councillors, the licensing board is separate from the council.

## Licensing Standards Officers (LSOs)

- Licensing Standards Officers (LSOs) are council employees. Each council decides how many LSOs are needed in its area. LSOs have three roles:
  - Guidance – provide guidance on alcohol licensing to the public and licensed trade.
  - Mediation – mediate in low level disputes between the public and the licensed trade.
  - Compliance – check that licensed premises are complying with the law. If problems are not resolved, the LSO can ask the licensing board to review the premises licence.

## Local licensing forum

- The local licensing forum reviews or scrutinises the operation of the Licensing (Scotland) Act 2005 in its area and gives advice and makes recommendations to the licensing board. The licensing board must have regard to this advice and recommendations.
- The licensing forum cannot comment on individual cases.
- There are between 5 and 21 members of each forum. It must include at least one LSO for the area and a representative of the health board. Other members commonly include licence holders; police; health, education or social work; young people; and residents.
- The licensing forum has at least one meeting with the licensing board every year.

## Police

- The police are sent all applications for new licences and licence variations, and have the right to object to applications.
- They enforce the law, have the power of entry to licensed premises and authorise test purchasing of alcohol.
- If the police have concerns about a premises or a personal licence holder, they can ask the licensing board to review the licence.
- The police must provide the licensing board with information for the statement of licensing policy. The licensing board must consult the police when developing its overprovision policy.

## Premises manager

- The premises manager is responsible for the day-to-day running of a licensed premises. They can only be the premises manager for one premises.
- The premises manager must be a personal licence holder.

## Other organisations that might get involved:

### Alcohol and Drug Partnerships (ADPs)

- An ADP includes members of the local health board, local authority, police, prison service and voluntary sector. ADPs are responsible for drawing up joint strategies for tackling alcohol and drug use in their communities.

### Community Planning Partnerships (CPPs)

- CPPs are hosted by the local authority and are made up of representatives from health, police, education, fire, councillors and sometimes council departments. A CPP coordinates services for a particular area.

### Community Safety Partnerships (CSPs)

- CSPs are local authority-led partnerships that bring together representatives from the local authority, police service and fire and rescue services. Health, education and other public sector interests may also be represented. CSPs work to reduce anti-social behaviour and fear of crime and to promote safer, more inclusive and healthier communities.

### Health and Social Care Partnerships (HSCPs)

- A HSCP is a partnership managed by the health board and local authority, and includes voluntary sector and independent sector organisations. It plans the local delivery of integrated health and social care services.

## Types of licences

### **Occasional licence**

- If a premises is not licensed but wishes to sell alcohol for a particular event, an application can be made to the licensing board for an occasional licence.
- Similar national mandatory conditions to those applying to premises licences also apply to occasional licences.
- Premises and personal licence holders can apply for an occasional licence. Voluntary organisations can also apply if the event is linked to their activities. Members clubs need an occasional licence to allow the general public to buy and consume alcohol on their premises.
- There are rules about the number of occasional licences voluntary organisations and members clubs can have in a 12 month period.

### **Personal licence**

- A personal licence allows a person to authorise or supervise the sale of alcohol, and to train staff to the required minimum.
- Personal licence holders must complete a course and exam, and then apply to the licensing board for their licence. They must complete refresher training within five years of gaining their licence.
- Every premises (with the exception of members clubs) must have at least one personal licence holder – the premises manager – but in practice most premises have several. It is common for managers and supervisors to hold personal licences.

### **Premises licence**

- For a place to be allowed to sell alcohol, it must have a premises or occasional licence, or be an exempt premises.
- A premises licence allows alcohol to be sold. Any premises selling alcohol, whether on-sale or off-sale, must have a premises licence. A premises licence is granted by the licensing board of the area where the premises is situated.
- The premises licence includes an operating plan and layout plan and has various conditions attached to it. Breach of a condition will lead to a review of the premises licence.
- Premises licences last indefinitely but can be reviewed in certain circumstances.

## **Provisional licence**

- A provisional licence will allow a business to be granted a premises licence once the premises are built or converted. It lasts for up to four years. It is counted for the purposes of overprovision, even though the premises is not trading.

## Types of premises

### **Exempt premises**

- Some premises do not need to have a licence to sell alcohol.
- Exempt premises are international airports, international ports, and trains, aeroplanes, ships, boats and ferries on journeys.

### **Licensed premises**

- Any place selling alcohol to the general public must have a premises licence and is called a licensed premises. This could be a supermarket, convenience store, pub, club, restaurant, café etc.

### **Members clubs**

- Members clubs are premises that are not open to the general public and can only be used by their members and their members' guests, such as a bowling club. Their business must not be conducted to make a profit.
- Because they do not sell alcohol to the general public, special rules apply to members clubs. While they need to have a premises licence, they do not need to have a premises manager nor for the sale of alcohol to be supervised by a personal licence holder.
- If a members club wanted to sell alcohol to the general public, it must apply for an occasional licence.
- The number of members clubs is not included when a licensing board assesses whether there is overprovision in an area.

### **Off-sales premises (also known as off-licence)**

- This is a shop selling alcohol to be taken away and drunk off the premises. Examples are supermarkets, convenience stores, specialist off-licences and gift shops.

### **On-sales premises (also known as on-licence)**

- These are premises selling alcohol to be drunk within the premises. Examples include pubs, clubs, and restaurants.

## Licensing terms

### Alcohol display area

- Off-sales are only allowed to display alcohol in one or two areas, known as the alcohol display areas. One of these areas must be 'alcohol only.'
- The alcohol display area is shown in the layout plan.

### Conditions

- Certain rules about how alcohol can be sold and how businesses must be run are attached to all premises and occasional licences. These are called 'national mandatory conditions.'
- A licensing board can also attach 'local conditions' to some or all of the premises and occasional licences in their area. These local conditions will usually be listed in the board's statement of licensing policy.

### Delegated powers

- Decision-making powers for certain applications can be delegated to a sub-committee of the licensing board, the convener, the clerk of the board and/or the clerk's staff, rather than being considered by the full licensing board.
- Examples of the types of applications that might be dealt with under delegated powers are the granting of occasional and personal licences and minor variations where there are no concerns or objections.

### Grounds for objections

- An application for a new premises licence or licence variation can only be refused for specific reasons set out in law. These are:
  - Granting the licence/ variation would be inconsistent with one of the five licensing objectives.
  - The premises is 'excluded' in terms of the Licensing (Scotland) Act 2005 (a motorway service station or garage).
  - An application for the same premises was refused within one year.
  - Given the nature of the proposed activities, the likely customers and the premises themselves, the premises are unsuitable for the sale of alcohol.
  - If the application were to be granted it would result in overprovision (too many premises of a particular type in that area).



## Hearing

- A hearing is the licensing board meeting where it undertakes its business, such as deciding on licence applications or reviewing licences.

## Irresponsible promotions

- It is a condition of all premises and occasional licences that businesses must not run irresponsible promotions. Any premises running an irresponsible promotion could have its licence reviewed.
- Examples of irresponsible promotions are given in the Licensing (Scotland) Act 2005. These include deals that encourage, or seek to encourage, a person to buy or drink more alcohol than they had intended, for example 'buy one get one free' offers or 3 bottles for £10.
- In addition to the specific examples given in the 2005 Act, the licensing board may judge a particular promotion to be irresponsible.

## Layout plan

- The layout plan shows how the premises is laid out. For off-sales, this will include the alcohol display area, and for on-sales this includes the bar and seating areas.
- The layout plan must be provided as part of a licence application. It forms part of the premises licence.
- If a licence holder wishes to make changes to the layout plan, they must apply for a 'licence variation.'

## Licence review (premises licence review)

- If there are concerns about how a business is operating, the police, the LSO, the licensing board and any person can apply for a review of a premises licence. There are specified grounds for a review: breach of a licence condition, or something relevant to the licensing objectives.
- If the licensing board decides there are grounds for a review, they must hold a hearing. If the review is upheld, the board has the option of issuing a written warning, varying the licence, suspending the licence or revoking it.

## Licence review (personal licence review)

- The licensing board can review a personal licence under certain circumstances: if the licence holder has acted inconsistently with the licensing objectives or has convictions.
- The licensing board can decide to revoke, suspend or endorse the licence.

## Licence variations: minor and non-minor ('major')

- A variation is where an existing premises applies to the licensing board to change how it operates.
- Certain small changes, as detailed in legislation, are 'minor' variations. Minor variations would include things like reducing opening hours. These are granted automatically, often under delegated powers.
- Non-minor variations are commonly called 'major variations'. An example would be a business wanting to change from a restaurant to an off-sales. The process is very similar to an application for a new licence. The licence already exists and it cannot be taken away, but people can object to the changes.

## Licensed hours

- These are the hours that alcohol can be sold and, for on-sales, when customers can drink it on the premises. The licensing board's approach to licensed hours are detailed in its statement of licensing policy.
- By law, off-sales premises cannot sell alcohol before 10am and after 10pm.
- There are no specific rules for on-sales, but there is a presumption against granting 24 hour licences.

## Licensing objectives

- The Licensing (Scotland) Act 2005 is based on five licensing objectives. All licensing decisions must be made with reference to these five objectives. All five objectives are of equal importance. They are:
  - preventing crime and disorder,
  - securing public safety,
  - preventing public nuisance,
  - protecting and improving public health, and
  - protecting children from harm.
- If an application is felt to be inconsistent with any of the five objectives, the licensing board can refuse the application.
- The licensing board must seek to promote the licensing objectives in its statement of licensing policy.
- If a premises or personal licence holder acts inconsistently with the licensing objectives, they could have their licence reviewed.

## Licensing (Scotland) Act 2005 (the '2005 Act')

- This is the main legislation setting out the rules for the alcohol licensing system in Scotland.

### Notice of application

- An application for a new premises licence must be advertised for 21 days, to give people the opportunity to send comments to the licensing board.
- The premises must display a notice advising that an application has been made. While these notices can be in legal language, they should provide the following information:
  - the name and address of the applicant
  - the date by which objections/representations must be received by the licensing board.
  - information on the nature of the business and proposed licensed hours (in the case of new premises licence applications.)
  - a brief overview of the proposed changes to the licence (in the case of licence variation applications.)
- The licensing board must also contact the following people with details of the application:
  - neighbours living within 4 metres of the premises;
  - the local community council(s) for the area;
  - the council;
  - the health board;
  - the police;
  - the fire authority.

### Objections

- Anybody is able to object to applications for new premises or occasional licences, and to 'major' variations of existing licences. They do not need to live nearby the premises.
- There are strict requirements about timescales and the grounds for objections (see 'grounds for objections.')
- Objectors must be made in writing to the licensing board.
- Objectors can request a statement of reasons from the licensing board for its decision. Objectors have 14 days to write to the licensing boards to ask for written reasons for the decision. The licensing board should provide these reasons within 14 days.
- Objectors can only appeal against the granting of an occasional licence. They have no direct right of appeal against the granting of new premises licences, provisional licences or major variations, though there is the possibility of judicial review. Anyone considering this route may wish to seek independent legal advice.

## Offences

- Licensing law creates a number of offences. Some of these apply to individuals, such as buying or drinking alcohol when drunk in licensed premises or buying alcohol for someone under the age of 18 (there is a small exception with meals). Other offences apply to licence holders, including selling alcohol to a drunk person or an underage person or failing to display certain important notices.

## Operating plan

- The operating plan details how the premises will run. This includes things like licensed hours; whether it's on- or off-sales; if under 18s are allowed; and activities the premises will run, for example karaoke, functions, adult entertainment.
- The operating plan must be provided as part of a licence application and forms part of the premises licence. If a licence holder wishes to make changes to the operating plan, they must apply for a 'licence variation.'

## Overprovision

- Overprovision is where the licensing board determines there are enough/too many premises in a particular locality.
- As part of its statement of licensing policy, a licensing board has to include an assessment of whether there is any overprovision in its area.
- It is for the licensing board to decide what a locality is. Localities can range from small areas such as a street, to larger areas such as towns or the whole local authority area.
- The licensing board can also specify the types of premises it considers to be overprovided in an area. For example, it could decide there are enough supermarkets or pubs in a particular area but that there is not overprovision of other types of premises such as restaurants or hotels.

## Representations

- A representation can be made to the licensing board to either support an application or to ask the licensing board to modify it in some way, for example limit its opening hours. Anybody is able to make a representation to the licensing board.
- Making a representation is the same process as making an objection.

## **Statement of licensing policy (also known as licensing policy statement, licensing policy, board policy)**

- The statement of licensing policy sets out the licensing board's general approach to making licensing decisions and how it will promote the five licensing objectives. Licensing board decisions should be in line with this policy, although they can make exceptions.
- As part of the statement of licensing policy, the licensing board must include a statement of overprovision and should also include the hours that licensed premises will be allowed to sell alcohol.
- The licensing board must gather sufficient information to ensure its policy is well considered. The police, health board and relevant council must provide information and it can be requested from anyone else. Ideally the statement of licensing policy should take account of other local strategies where alcohol is a factor, including crime prevention, community safety and health.
- Currently all licensing boards must update their statement of licensing policy every three years. Under new legislation they will be required to produce these policies every 5 years, within 18 months of local government elections.

## Useful contacts

You should find details of the licensing board, local licensing forum and Licensing Standards Officer on your local council's website. It would be helpful to search using the terms such as 'alcohol licensing,' 'liquor licensing,' 'licensing board,' 'Licensing Standards Officer,' and 'licensing forum'.

Alternatively, a list of licensing contacts can be found on Alcohol Focus Scotland's website [www.alcohol-focus-scotland.org.uk](http://www.alcohol-focus-scotland.org.uk)



Alcohol Focus Scotland, 166 Buchanan Street, Glasgow G1 2LW

Tel: 0141 572 6700

email: [enquiries@alcohol-focus-scotland.org.uk](mailto:enquiries@alcohol-focus-scotland.org.uk)

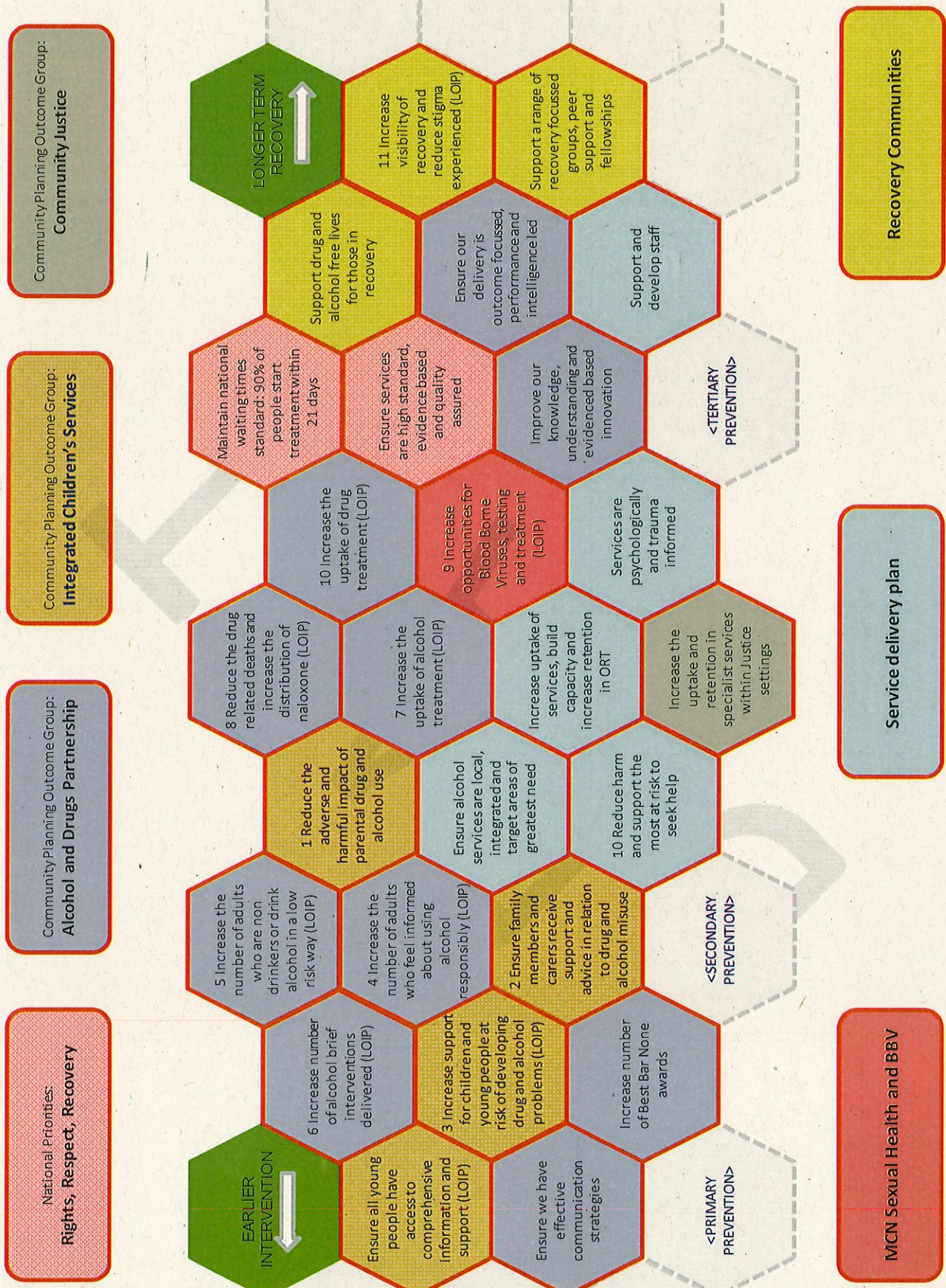
[www.alcohol-focus-scotland.org.uk](http://www.alcohol-focus-scotland.org.uk)



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# Overall map of delivery plan



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