



ABERDEEN CITY LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
STATEMENT OF LICENSING POLICY
November 2013 – November 2016

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PREAMBLE

1. Section 6 of the Licensing (Scotland) Act 2005 (the 2005 Act) requires all Licensing Boards (the Board) to publish every three years a statement of licensing policy (the policy). This Statement fulfils that statutory requirement.
2. In accordance with the requirements of section 6 of the Act, the Board will consult with:
 - the local licensing forum for the Board area
 - such other person or persons who appear to the Board to be representative of holders of licences
 - the Chief Constable
 - persons having functions relating to health, education, social work and young people (if not already represented on the forum)
 - persons resident within the licensing forum's area
 - the relevant Health Board and
 - such other persons as the Board thinks appropriate
3. In preparing the policy, the Board will have due regard to the guidance issued by the Scottish Government in April 2007 in accordance with section 142 of the Licensing (Scotland) Act 2005

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

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

The objectives provide the general framework within which the Policy operates.

4. The Board welcomes the powers given to it by the Act and intends to use those powers in a socially responsible way. In so doing, the Board recognises that the interests of the public, residents, businesses and patrons of licensed premises require to be balanced. The five licensing objectives will provide a starting point.
5. The terms of this policy may require to be updated when further guidance is issued by the Scottish Government.
6. You can contact us:

by email to: licensing@aberdeencity.gov.uk

by fax to: **01224 522937**

in writing to: Litigation and Licensing Team
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South
Marischal College
Broad Street, Aberdeen
AB10 1AB

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

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

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

by email: commercial@aberdeencity.gov.uk

by fax: 01224 523887

in writing: Commercial and Trading Standards Section.
Housing and Environment
Business Hub 15, Level 3 South
Marischal College
Broad Street, Aberdeen
AB10 1AB
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7. This policy will be in force from 30th November 2013. It will be applied during the three year period to November 2016. It will be kept under review and revised, if appropriate, by the issue of supplementary statements, during the three year period.

SECTION A – GENERAL

1 INTRODUCTION

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

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

in respect of:

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

1.2 Home to a population of 224,970, Aberdeen is a thriving, cosmopolitan city in the North East of Scotland, the gateway to Scotland’s castle and whisky country. The City has a buoyant, modern, economy. Its continuing economic success is benefiting all its citizens and advancing equality in the city. While traditional industries such as education, tourism, farming and fishing are still important, it is the energy industry which sets the City apart and has earned it the epithet of “Energy Capital of Europe”.

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

The city centre is a vibrant hub of commercial and cultural activity with easy and safe access for Aberdeen’s communities and tourists.

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

1.3 At the time of review there are 661 licensed premises (including provisional licences) in the city. The Board has also declared the following in respect of overprovision a) on sales - two localities are identified in the City where there is an overprovision of licensed premises. b) off sales the Board consider there is overprovision across the city with the exception of 2 localities (See Section 9 and Appendix 3.)

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

- preventing crime and disorder

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

The pursuit of these five objectives is a principal feature of the Board's policy. The objectives provide a basis for refusal of an application for the grant of a premises licence or of an occasional licence. Their breach may lead to the imposition of sanctions on a personal licence holder, or provide grounds for the review of a premises licence. Conditions attached to a premises or occasional licence may be based on any of the objectives.

- 1.5 The Act further requires that the Board publishes a statement of licensing policy which sets out the criteria the Board will generally apply to promote the licensing objectives when making decisions on applications.
- 1.6 The Board is required to have regard to the guidance issued by the Scottish Government and to consult with :
- the local licensing forum for the Board's area
 - such other person or persons who appear to the Board to be representative of holders of licences
 - the Chief Constable
 - persons having functions relating to health, education, social work and young people (if not represented on the Forum)
 - persons resident within the licensing forum's area
 - the relevant Health Board and
 - such other persons as the Board thinks appropriate.
- 1.7 This statutory review of the policy has been prepared in accordance with the provisions of the Act. It takes effect on 30 November 2013 and will remain in force for a period of not more than 3 years. It will be subject to regular review and further consultation as appropriate. If necessary the Board will prepare and publish supplementary statements of licensing policy.
- 1.8 It should be recognised that this policy covers a wide variety of activities and premises. It cannot provide for every eventuality but seeks to detail those factors which will influence the achievement of the licensing objectives.
- 1.9 This policy does not seek to undermine the right of any individual to apply under the terms of the Act and to have such an application considered on its individual merits. It does not seek to override the right of any person to make representations on an application, or to seek a review of a licence where provision has been made for this in the Act.

2 CONSULTATION AND LINKS TO OTHER POLICIES, STRATEGIES AND LEGISLATION

- 2.1 In developing this policy, the Board has consulted widely and given due

consideration to the views of all those who responded. There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration in the promotion of the licensing objectives.

A detailed list of consultees is attached at Appendix 8.

- 2.2 In administering its responsibilities in respect of licensing the Board believes that it is important that it does not operate in isolation. Due regard will be given to the policies and decisions of Aberdeen City Council where appropriate. Examples of this are the Community Planning Aberdeen Single Outcome Agreement 2013 and the ADP Alcohol Strategy 2009-2019.
- 2.3 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention Right. The Board will have particular regard to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:
- Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of their possessions, including, for example the possession of a licence
 - Article 6: that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law and
 - Article 8: that everyone has the right to respect for their home and private life.
- 2.4 The Equality Act 2010 requires the Licensing Board to have due regard to the general equality duty in the exercise of its functions which includes the need to eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct and advance equality of opportunity between people who share a relevant protected characteristic and those who do not and foster good relations between people who share a protected characteristic and those who do not. This replaces the previous Race, Disability and Gender Equality duties.
- 2.5 The Board recognises its responsibilities under the Equality Act 2010 and the impact of this policy will be monitored through the Board's Equality Mainstreaming Report 2013-17. An Equality and Human Rights Impact Assessment has been completed as part of the review of this policy and such assessments will be carried out as required. The Licensing Board has taken steps to ensure the mainstreaming of the general equality duty. For example, by following best practice to use impact assessments in the exercise of its functions.

The Licensing Boards Equality Outcomes are as follows:-

1. People with protected characteristics are able to participate in meetings and other statutory processes of the Licensing Board.

Publicity - raise awareness among staff and Licensing Board Members.

The elements of the General Duty addressed will be:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations.

The protected characteristics covered are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

2. An increased proportion of Licensing Board communication adheres to Corporate Accessible Information Guidelines.

Publicity - raise awareness among staff and Licensing Board Members.

The elements of the General Duty addressed will be:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations.

The protected characteristics covered are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 2.6 The Board will liaise closely with the Alcohol and Drugs Partnership (ADP) team in Aberdeen. The Board has endorsed the ADP Alcohol Strategy 2009-2019. In particular, the Board recognises the vision statement of The Aberdeen City Alcohol & Drugs Partnership which states “We aim to be a city that promotes a safe, healthy and responsible attitude to alcohol”. The importance of such cooperation is recognised as part of the wider alcohol agenda, especially in relation to the public health and child protection licensing objectives.
- 2.7 The Board will have regard to any strategy of the Scottish Government designed to address the social, health and crime and disorder issues raised by the misuse of alcohol.
- 2.8 The Board will avoid duplication with other regulatory regimes and will not use its powers under the Act to arrive at outcomes that can be achieved under other legislation or by other enforcement agencies. These include:
- planning controls
 - fire safety
 - positive measures to create a safe and clean city environment, in partnership with local businesses, transport operators and various appropriate services of the local authority
 - a positive and robust approach to binge drinking and underage drinking
 - the provision of close circuit television (CCTV) surveillance, ample taxi ranks, provision of public conveniences open late at night, street cleaning

and litter patrols

- powers to designate parts of the local authority area as places where alcohol may not be consumed publicly. Reference is made to Aberdeen City Council (Drinking in Public Places) Byelaws 2009, a copy of which is attached as Appendix 1.
- police enforcement of the general law concerning disorder and anti-social behaviour
- greater use of powers to deal with those who commit offences, such as selling alcohol to people who are drunk.
- control of environmental nuisance
- Community Planning Aberdeen Single Outcome Agreement 2013

2.9 In particular, the Board's licensing functions will be discharged separately from Aberdeen City Council's functions as the local planning authority. The Board recognises that planning and licensing regimes are separate and that the processing of licensing applications should be an exercise distinct from the processing of planning applications. The Board as the licensing authority will not be bound by decisions made by Aberdeen City Council as the local planning authority. Applicants and licence holders are reminded that planning permission may be required for certain uses and that planning consents may carry conditions which can affect the operation of licensed premises.

2.10 It is appropriate that planning permission is obtained first, or alternatively that a certificate of lawful use or development has been obtained in terms of the proposed activities and trading hours.

2.11 In general, planning permissions authorise a broad type of use of premises, whereas licences are granted for a particular type of activity. A planning permission may cover a number of activities that can have a wide range of different impacts in the locality.

2.12 There is a presumption of a common approach in the reasoning behind planning and licensing decisions and conditions attached to planning permissions may relate to one or more of the five licensing objectives.

2.13 The formulation of this policy involved consultation with Aberdeen City Licensing Forum, which will keep under review the operation of the Act in this Board's area and will advise and make recommendations to the Board as appropriate. The Board will have regard to any advice given or recommendation made to it by the Forum. Where the Board decides not to follow that advice or recommendation, it will give reasons for the decision to the Forum

2.14 All premises for which a licence is sought will be expected to comply with the building standards and food hygiene requirements in force at the time of their construction, or at the time of any alteration. This is particularly relevant in respect of the licensing objectives relating to public health and public safety. Where construction work is proposed or completed, the applicant should be able to produce appropriate certificates issued by the local authority.

Other statutory requirements may apply to the provision of activities at premises

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

- 2.15 There is considerable overlap between the licensing regime and the wider health & safety regulatory regimes. Many specific licensing requirements relate to matters potentially affecting public health and public safety, two of the licensing objectives.
- 2.16 The policy has a link to the Single Outcome Agreement. In particular the policy supports the priority of Health and Wellbeing. Its outcome aims to achieve people in Aberdeen who consume alcohol drink responsibly and within sensible weekly drinking guidelines. This can be done by aiming to reduce (a) the number of people attending Accident & Emergency due to alcohol related incidents and (b) the rate of alcohol related hospital admissions per 100,000 population.
- 2.17 The Board notes the terms of the Adult Support and Protection (Scotland) Act 2007(<http://www.legislation.gov.uk/asp/2007/10/contents>). The Board also notes the terms of the United Nations Convention on the Rights of the Child (<http://www.legislation.gov.uk/childrenandyoungpeople/healthandwellbeing/boo74766/uncrc>)

3 APPLICATIONS FOR LICENCES AND DISPOSAL OF BUSINESS

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

as necessary.

4 DELEGATION OF LICENSING FUNCTIONS

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

5 NOTIFICATION OF APPLICATIONS, OBJECTIONS AND REPRESENTATIONS

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

6 CONDITIONS ATTACHING TO LICENCES

- 6.1 The Board acknowledges the mandatory conditions laid down in Schedules 3 and

4 of the Act. In particular, the Board prescribes a minimum standard to which designated first aiders, operating in late opening premises must be trained.

6.2 The Board will adopt a balanced approach which promotes the safety of premises' staff and customers without imposing too stringent a burden on licence holders of this type of premises.

6.3 Licence holders should be aware that first aid cover in the workplace is a legal requirement under the *Health and Safety (First Aid) Regulations 1981* and the *Management of Health and Safety at Work Regulations 1999*. The Board considers that it should adopt the Health and Safety Executive (HSE) Emergency First Aid at Work (EFAW) qualification as its minimum first aid standard, this being the United Kingdom's recognised entry level qualification in workplace first aid. The Board will also accept the advanced HSE qualification, First Aid at Work (FAW). The course is widely available and takes approximately 6 hours to complete.

In respect of existing first aiders the above will not apply retrospectively but the Board expects licence holders to adhere to the standard when refresher training is being undertaken.

6.4 Where relevant representations are made, the Board will consider whether other conditions may need to be attached to a licence in order to achieve the licensing objectives. Any conditions arising as a result of representations will cover matters that are within the control of the licence holder.

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

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

CCTV

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current technical requirements of the Police Service of Scotland as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. (all off-sales are however exempt from 4.2 relating to lip sync capability at entrance and exit doors).

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

Adult Entertainment

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

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

Door Supervisors

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

Drugs Policy

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

Radio Link

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

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

The Board may consider imposing, by condition, a minimum number of door supervisors on premises where the police have evidenced a problem, related to a lack of door supervision at the premises where this will assist in achieving any of the licensing objectives.

7 NEED FOR LICENSED PREMISES

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

8 CONSIDERATION OF APPLICATIONS BY THE BOARD

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

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

- 8.2 The Board will take into account evidence presented to it, in particular, the impact the premises may have on local residents and the measures put into effect by the applicant to mitigate any adverse impact. Where it is possible to take steps to mitigate or prevent any potential impact the Board may still be able to grant a licence subject to conditions. Each case will be considered on its merits and

appropriate advice will be sought by the Board.

8.3

9 OVERPROVISION

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

9.2 In order to identify those localities the Board consulted:

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

9.3 ON SALES: Police Service Scotland identified two localities in the city of Aberdeen in which they consider there to be overprovision of liquor licensed premises and these localities are as follows:

a) **the Belmont Street, Locality** which is that area of Belmont Street bordered by Union Street, Back Wynd and Schoolhill. It includes Belmont Street, Union Street (north side), Back Wynd, Little Belmont Street, Gaelic Lane (both sides) and the south side of Schoolhill between Belmont Street and Back Wynd (see Appendix 3 for map)

b) , the **Langstane Place/ Windmill Brae/ Bridge Place Locality** which includes the licensed premises at 2 Justice Mill Lane, Langstane Place, Bon Accord Terrace, Bon Accord Street, Union Street (south side between Crown Street and Bon Accord Terrace), Crown Street (between Union Street and Crown Terrace), Windmill Brae, bridge Place and the licensed premises at 30 Bridge Street (see Appendix 3 for map)

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

The views of the Police are supported by NHS Grampian, and the Local Licensing Forum.

9.5 The Board, having regard to the number and capacity of liquor licensed premises in both these localities and, with the supporting evidence provided by consultees, adopted these two localities as having an overprovision of liquor licensed premises for on sales in respect of entertainment, public houses and so called hybrid premises types.

9.6 This overprovision statement does not apply to other types of premises including premises in respect of which an occasional licence in terms of section 56 Act has effect or to members' clubs as defined in paragraph 2 of The Licensing (Clubs) (Scotland) Regulations 2007.

9.7 The effect of the identification and adoption by the Board of the two named localities is that there is a presumption against the grant of a premises licence in both these areas in respect of public house and entertainment type premises including the so-called "hybrid" type premises. However, the Board will consider each case on its merits and the presumption may be overturned on cause shown.

9.8

OFF SALES: The Health Board identified the whole of the Board's area as having overprovision of all premises types except restaurants. The Board considers that the Health Board is the best source to advise on matters relating to health and its relationship with alcohol. The Health Board supported its recommendation with a variety of evidence as contained in its response dated 24 September 2013 to the Board's review. The Board had regard to this evidence and in particular noted that Scotland buys 69% of alcohol from supermarkets and shops rather than pubs and clubs. The Aberdeen City Council Citizens Panel has reported that 97.8% of respondents purchased their alcohol from supermarkets. The Board also took cognisance of the high figures of alcohol cirrhosis admissions per 100,000 in Aberdeen, alcohol related hospital admissions and attributable annual alcohol-related admissions. The Board also noted from the Health Board's proposals that 96% of adult residents lived within 1,000 metres of an off sale premises whilst 84% lived within 500 metres of a liquor licensed premises. The Board was of the view that these statistics contributed to the evidence which led the Board to consider there to be an overprovision of off sales premises in its area. The Board also considered that the evidence provided by the police in regard to alcohol related crime figures throughout the city adequately supported its view. The Board realised that the terms of section 7 of the 2005 Act did not support calculating overprovision to cover its entire area. The Board therefore decided to exclude two localities namely a) the Anguston locality (as identified by the Board) and b) the Kirkhill locality (as identified by the Board). Both localities are identified by way of maps which are attached at Appendix 3 to this Policy.

Having excluded these two localities, the Board identified the rest of its area as a locality which has overprovision of off sales premises. The Board, having regard to the number and capacity of liquor licensed premises in this locality and, with the supporting evidence provided by consultees, adopted this locality as having an overprovision of liquor licensed premises for off sales. The Board realised that there were premises which sold alcohol for off consumption only and other premises which sold alcohol for both off and on consumption. It decided to restrict overprovision to premises that sold alcohol for off consumption only which, according to the information from the Health Board, is where the source of cheap alcohol lies.

The Board also realised that this figure was likely to change in future should any

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

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

10 REVIEW OF PREMISES LICENCES

- 10.1 A licence may be reviewed on the application of any person on the grounds specified in section 36 of the Act. At review the Board will consider all the options at its disposal including the decision to take no action.
- 10.2 Because of the tight statutory time frame for holding a review hearing once a complaint has been received, the Board has delegated the decision on whether to hold a hearing to the Convener and the Clerk. If a premises licence review application does not disclose any matter relevant to any ground for review, or if it is vexatious or frivolous the Convener and the Clerk will reject it.

There may be occasions when the decision whether or not to hold a review hearing will be taken by the full Board. The Convener will make this decision as appropriate.

11 OCCASIONAL LICENCES

- 11.1 An occasional licence allows for the sale of alcohol on unlicensed premises. The Board will generally look for the applicant to demonstrate that it is for a specific event. The Board will not normally consider an application for an Occasional licence which relates to any premises in respect of which a Provisional or Premises licence application is in existence unless exceptional circumstances can be evidenced. The Board has noted the terms of the Scottish Government Guidance under the 2005 Act and the 2005 Act itself and notes that although Section 56 of the Act states that the holder of a personal or premises licence may apply for an occasional licence for any premises (other than licensed premises) authorising the sale of alcohol the guidance advises that an example of where occasional licences might arise would be for the sale of alcohol at a wedding reception or other social event held outwith their licensed premises.
- 11.2 The Board accepts many fundraising and community events benefit from the granting of an Occasional Licence but would expect any organisation considering applying to take into account whether or not it is appropriate to have the sale of

alcohol forming a normal part of the event with particular regard to the Protecting Children from Harm objective. This should be particularly considered for events related to school, youth or children's sporting organisations.

11.3

The Board expects any licensee or organisation catering for an event to have written policies in place, with an understanding to abide by them, which show how the licensing objectives will be met. These policies should relate to and be appropriate to the particular event as follows:

- (a) Adequate and appropriate stewarding to be in place.
- (b) The use of toughened glass or plastic drinking vessels, where appropriate.
- (c) How the Challenge 25 mandatory condition will be met.
- (d) An undertaking that there will be full compliance with any guidance or advice from the Licensing Standards Officer, the Police, The Fire and Rescue Service and any other appropriate authority.
- (e) Details of measures put in place or steps taken to lessen the chance of noise nuisance from any entertainment should be detailed.
- (f) Any further policies relating to the event should be shown under the appropriate licensing objective heading. If children are to be present in licensed areas then particular attention and detail should be given to showing how they will be protected from harm.

11.4

The Board considers that there is a presumption against granting a series of occasional applications to one premises in particular where an application for a new grant/provisional grant is due to be considered by the Board or after the application for provisional grant has been determined and confirmation awaited. The Board wish to emphasise that such applications will be seen as circumventing procedures laid down in the Act for those situations and may consider that therefore such applications be determined by the Board at one of its scheduled meetings.

11.5

The Board recognise the concerns expressed by the Health Board regarding occasional licence applications where children are involved. Applicants for occasional licences for an event held in educational establishments for children will have to justify such application in terms of the Protecting Children from Harm objective as such application prima facie pervades a culture of consuming alcohol within a child environment.

12 ENFORCEMENT AND LICENSING STANDARDS OFFICERS

12.1

Aberdeen City Council will employ licensing standards officers (LSOs) to investigate allegations of unlicensed activities, to ensure that licence conditions are

complied with, and to provide information and guidance and a mediation service.

- 12.2 Resources will be targeted towards high-risk premises and activities that require greater attention.
- 12.3 Aberdeen City Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community. The enforcement of the licensing regime is one of these services. The Council is committed to the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 12.4 The Board recognises the interests of both citizens and businesses and will work closely with its partners, to assist licence holders to comply with the law and the five licensing objectives. Proportionate but firm action will be taken against those who commit offences.
- 12.5 The Board expects enforcement agencies to adopt a similar approach and will seek to work actively with them to enforce the licensing legislation. In particular the Board anticipates cooperation with the police and to sharing information where appropriate in order to enhance the promotion of the five licensing objectives.
- 12.6 The Board will enforce its policy by appropriately acting upon any report and/or application it may receive. It is expected that the main source of such applications and reports will be from the LSO and the Police .

13 MANAGEMENT OF LICENSED PREMISES

- 13.1 A premises manager must be specified in the operating plan (unless the licence holder is a Members Club). The Board will expect the premises manager to have the day to day responsibility for running the premises and to be present on the premises on a regular basis when alcohol is being sold. The board considers that it is good practice that the premises manager has experience commensurate with the size, capacity, nature and style of the premises.
- 13.2 The premises manager must hold a personal licence.
- 13.3 Within all licensed premises, whether or not alcohol is to be sold, the Board will expect there to be proper management arrangements in place. These should ensure that there is an appropriate number of responsible, trained persons on the premises and that compliance with all statutory responsibilities and the terms and conditions of the premises licence is maintained.
- 13.4 The Board prescribes a standard to be achieved for first aid qualifications for designated employees in premises subject to the late opening conditions. See section 6.

- 13.5 The Board recognises that certain sectors of the licensed trade have organised themselves into professional interest groups with the aims of fostering mutual interests and to provide significant levels of self help in setting and maintaining suitable standards to ensure adherence to the terms of the licensing objectives. The Board encourages the work of such groups as a valuable contribution to maintaining and improving standards in the city and also encourages licence holders to participate in these groups.

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

- 14.1 Section 28 details the period of effect of a premises licence. A premises licence ceases to have effect on the occurrence of certain events. This section of the policy deals with the situation when the licence has ceased to have effect in terms of section 28(5)(b) – that is when the premises in respect of which the licence was issued, cease to be used for the sale of alcohol and that reason is NOT the surrender or revocation of the licence.
- 14.2 The Board will consider the individual circumstances in each case before finding that a licence has ceased to have effect. Where the Board does make such a finding, the only way to reinstate a licence will be to apply for a new premises licence.
- 14.3 There is no statutory definition of “cease to have effect” or of “ceases to be used for the sale of alcohol”. It is therefore necessary for the Board to set out how it proposes to deal with this situation.
- 14.4 Because of this provision the Board must be made aware when premises are about to, or have, closed to the public. The Board recognises that there may be a wide variety of reasons why premises might close and that closure does not necessarily mean that the premises have ceased to be used for the sale of alcohol. However, should it be the case that premises are to close for a period of more than 30 days, the Board will expect the licence holder to advise it in writing, within a further 14 days, of the closure, giving the reasons for doing so and the estimated length of closure. If the closure is temporary, the Board will also expect the licence holder to advise it when the premises have reopened.

The Board considers it reasonable to presume that where premises have been closed for a period of 6 months, without a reason having been given for the closure, the Board will instigate a review of the premises licence to ascertain that reason.

Where the premises are closed and the premises licence holder fails to pay the annual fee **on time**, this will automatically be deemed to be a situation where the premises have ceased trading and the licence has ceased to have effect.

15 PERSONAL LICENCES

- 15.1 Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence, subject to the provisions in 15.2.

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

16 ADULT ENTERTAINMENT

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

Adult Entertainment

A register of performers must be maintained and kept up to date. The register will (a) include (i) the name, address, date and place of birth, nationality and a current passport sized photograph (ii) in the case of foreign nationals, the passport number

and country of origin and (b) be made available for inspection by the Police and/or the Licensing Standards Officers.

17 PREMISES OFFERING ALCOHOL FOR CONSUMPTION OFF THE PREMISES

17.1 The Board will monitor developments in the area of test purchasing and will take enforcement action where necessary.

On cause shown the Board may consider restricting the terminal hours of off sales premises taking into account all the licensing objectives. Reference is made also to paragraph 25 of this policy, relating to public nuisance.

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

17.3

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

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

CCTV

17.5

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current technical requirements of Police Service of Scotland as detailed in Appendix 6 of Aberdeen City Licensing Board's Statement of Licensing Policy (all off-sales are however exempt from point 4.2 relating to lip sync capability at entrance and exit doors).

18 SMOKING AND NUISANCE

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

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

18.3 The Board expects that licence holders will have regard to good practice. It is their responsibility to ensure that patrons do not create a nuisance or disturbance for residents living nearby. Licence holders should be aware that the Board will expect LSOs to enforce, from a public nuisance perspective, smoking in licensed premises.

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

19 OUTSIDE SEATING AREAS

- 19.1 The Board recognises a growing trend for outside seating areas in licensed premises. The Act allows the consumption of alcohol off the premises in these areas. However Aberdeen City Council has a byelaw prohibiting the consumption of alcohol in designated public places. This is part of the overall strategy to make safe all the public areas within the city. The text of the byelaw is available at Appendix 1 and on Aberdeen City Council website at: www.aberdeencity.gov.uk/licensing
- 19.2 The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence. Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.
- 19.3 Aberdeen City Council operates a scheme whereby a permit may be applied for to occupy the footway with tables and chairs. This scheme is operated under the Roads (Scotland) Act 1984. The Board expects that licence holders will not only comply with any conditions attached to such a permit but will also put into place effective management controls, supervision and other measures to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity.

20 HOURS OF TRADING – GENERAL, OCCASIONAL & EXTENDED

General

- 20.1 The Board expects that all applicants for licensed premises will consider hours of trading to be an important issue when preparing their operating plans. Applicants should not overestimate their trading hours just in case they may be required, as this may precipitate a review of the licence. Should licence holders wish to reduce their operating hours this can be done by way a minor variation which can be granted using delegated powers.
- 20.2 In its approach to hours of trading the Board will distinguish the city centre from all other areas of the city. The Board will define the city centre as that area shown on the map at Appendix 3.

- 20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours.

The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

- 20.4 The Board further considers that it would be extremely difficult for any applicant to justify the sale of alcohol prior to 10:00 hours and after 03:00 hours unless there are exceptional circumstances. The Board considers there is sufficient evidence from the Health Board and Police Scotland to suggest that such extensions of hours for the sale of alcohol could have detrimental effects on both the health of the City's population and levels of criminal and violent offending, particularly in the City Centre. Evidence produced by Police Scotland shows in particular significant levels of alcohol related offences such as assault, breach of the peace, vandalism and urinating in public, the hotspots for which are those areas with a high density of licensed premises. Although there is seen to be a reduction in some of these offences others such as night time breach of the peace, serious assaults and urinating in public have in fact increased in the year to 2012/13. The Health Board and Forum propose that when access to alcohol is reduced through restricting and/or granting shorter opening hours people drink less and consequently less harm is derived. The Board considers therefore that there should be a presumption against the supply of alcohol and the granting therefore of any extended hours after 0300 and before 1000. Such a presumption would not apply retrospectively and would not apply to Casinos or premises at Aberdeen International Airport. Such a presumption would promote the licensing objectives in particular those of Protecting and Promoting Public Health and Preventing Crime and Disorder by aiming to reduce associated alcohol related harm.

With reference to 20.3 above, where the Board have stated that a maximum of 14 hours continuous trading in any 24 hour period is reasonable, this requires to be further qualified in respect of this presumption. This is because if premises are granted hours from or before 10.00 they will then be expected to close at 01.00 or earlier. This proviso would ensure that the 14 hour maximum trading period is not exceeded in order to help reduce alcohol related crime and health harm which could be associated with the increased availability from longer trading hours, The Health Board advise that it has been shown in studies that even by reducing closing time by 1-2 hours can lead to reductions in crime and other alcohol related

harm. The Health Board also submits that reducing access to alcohol in mornings can also influence reshaping and reforming drinking culture in Scotland. The 14 hour maximum opening period should not result in the terminal hour increasing due to a premises having/seeking a later opening hour. Premises may have different terminal hours for different parts of the premises.

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

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

a) an extra hour of trading for those premises adhering to the maximum of 14 hours continuous trading in any 24 hour period as per the Boards policy at 20.3 above* all premises on 24th and 31st December annually. This extra hour of trading will not apply to casinos and

b) an extra hour of trading for those premises adhering to the maximum of 14 hours continuous trading in any 24 hour period as per the Boards policy at 20.3 above* all premises that wish to trade late on the Sunday night preceding a Monday local holiday. This extra hour of trading will not apply to casinos. For the avoidance of doubt the 4 local holidays referred to are :-

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

c) an extra hour of trading, for those premises adhering to the maximum of 14 hours continuous trading in any 24 hour period as per the Boards policy at 20.3 above*, on St Patricks Day, 17 March, and Halloween, 31 October, annually.

*to take effect from 2 January 2014.

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

- Premises in the City that provide significant entertainment (to the satisfaction of the Board) may apply and be granted hours until 02.00 Sunday – Thursday and 03.00 on Fridays and Saturdays .The Board regards significant entertainment to be entertainment .which is of such a nature to be the principal attraction for patrons to attend the premises and where alcohol is served to patrons only as an ancillary accompaniment to their attendance and /or participation in the entertainment provided.– The Board considers in these cases that the entertainment is the principal

reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs, snooker, adult entertainment, and live music for concerts, cabaret and theatrical plays. Some examples where the Board does not consider there to be significant entertainment are pool, darts, dominoes, leisure facilities and background music. The Board are entitled to distinguish between premises of different descriptions offering different facilities or activities. e.g. Section 27(9) of the 2005 Act allows the Board to impose conditions in relation to the sale of alcohol on a premises to which a licence relates or any other activity carried on in such premises. In light of the evidence before the Board on the levels of alcohol consumption in the city and the levels of alcohol related crime the Board wish to promote in terms of the objectives the types of premises which can operate where the service and sale of alcohol is not the primary objective thus contributing to the positive night time economy in the City but not adding to the health or crime related harms associated with are premises which focus wholly or mainly on alcohol consumption.

- The Board has taken heed of the advice of the Police and the Health Board and no longer considers snooker as an entertainment that warrants a later terminal hour (2am or 3am). This change to the Policy is not to apply retrospectively and will not therefore affect current licensed premises where the principal activity is snooker.

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

The following issues should be considered **in relation to the promotion of the licensing objectives:**

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

20.9 The Board believes that there may be merit in promoting the licensing objectives

whereby applicants give consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, thereby creating a calmer ambience, patrons leaving the premises may be inclined to behave less boisterously after they have left the premises. In addition patrons may be inclined to leave the premises in small groups on a gradual basis rather than all at once.

- 20.10 Restricted licensing hours may be appropriate in cases where licensed premises are situated in the vicinity of residential property, or have external areas, or where business hours in the vicinity are likely to lead to undue pressure on public transport, public nuisance, disorder or anti social behaviour. The Board may impose different restrictions on hours for different premises and for different days of the week in order to promote the licensing objectives. Where applicants intend to apply for any core on sale hours outwith those detailed in paragraph 20.3 above, they will be expected to show how any such activity to be carried out on the premises is consistent with the licensing objectives.
- 20.11 Consideration will always be given to an applicant's individual case and the Board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder caused or exacerbated by customers departing from the premises or the rise of alcohol related crime or disorder in the vicinity of the premises.

Extended Hours Applications

- 20.12 The Board will normally only permit extended hours applications in connection with (i) a special event or occasion to be catered for on the premises, or (ii) a special event of local, national or international significance. The grant of an extension of licensed hours will normally last for the period of the special event only and in any case will not exceed one month. The Board considers that there is a presumption against granting a series of occasional extension applications to one premises in particular where an application for a variation would be more appropriate or is due to be considered by the Board. The Board wish to emphasise that an application should relate to a specific event or occasion.

- 20.13 The Government guidance in relation to Applications for Extended Hours states that "the application must relate to a special event or occasion to be catered for on the premises, for example a wedding." In respect of extended hours applications in particular the guidance states that "no extension can be granted for a period of more than one month and such an extension cannot be further extended. If a Licensing Board receives continual requests for applications consideration should be given to whether a premises licence should look to vary its operating plan." The Licensing Board considers this guidance to be relevant.

- 20.14 The Board will observe the statutory presumption against 24 hour opening. The exception will be events of high local or national importance.
- 20.15 The Board expects applicants for occasional extensions to apply for and operate within the maximum trading hours as outlined at 20.3 above. Where the hours sought fall outwith the hours specified in this statement, the applicant will have to demonstrate the hours requested are appropriate in the circumstances. The applicant shall provide the Board with sufficient information to enable a decision to be made. This will include –
- the hours sought
 - the description of the special event or occasion
 - what activities are proposed to take place during those hours
 - when each activity will take place
 - why the event or occasion is considered to be special
 - why the event or occasion cannot take place within the usual hours
 - how the request complies with the licensing objectives.

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

21 UNDER 18 EVENTS

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

22 ANNUAL FEES

- 22.1 Where a premises licence is in effect or is suspended, the holder of that licence must make payment of an annual fee.
- 22.2 First annual fees are due 30 days after the date on which the licence takes effect. Subsequent annual fees are due on the 1st October each year. Where that date falls on a Saturday or Sunday the fee is due the following Monday.
- 22.3 The annual fee payable is determined by reference to the rateable value of the premises. A first annual fee is not to exceed A multiplied by B divided by 365, where A is the full annual fee and B is the number of days between the date on which the first annual fee is due and the next 1 October.

- 22.4 In accordance with the Licensing (Fees) (Scotland) Regulations 2007, the Licensing Board will give notice to premises licence holders of the amount of fee payable not later than 30 days before the date on which the fee is due.
- 22.5 The Licensing Board will **not** issue invoices and the premises licence holder is responsible for ensuring that payment is made by cheque, cash, credit or debit card.
- 22.6 Payment of the annual fee is a mandatory condition attached to the premises licence and therefore non payment is a breach of that condition.

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

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

22.7 Confirmation of a Provisional Premises Licence

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

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

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

SECTION B - LICENSING OBJECTIVES

23 Overview

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

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

23.2 In each section, the Board has defined its intended outcome **and how the**

objectives can be promoted. Each section lists the influencing factors for achieving the objective. Because of the wide variety of premises and activities to which this policy applies, the lists are not exhaustive. Applicants and licence holders will know their premises best and will be expected to address all relevant considerations.

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

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

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

The Board expects applicants and licence holders to adopt best practice in order to promote the licensing objectives. The Board expects the LSO to provide an annual report providing information on any issues encountered during the previous year which affect the promotion of the licensing objectives and to what extent these issues have occurred as a result of the licence holder not following the control measures as suggested by the Board in the policy. The Board will also pay particular attention to the terms of the annual report which the Chief Constable is obliged to provide in terms of Section 12 of the Alcohol etc (Scotland) Act 2010. That report sets out the chief constable's views about matters relating to policing in connection with the operation of the 2005 Act. It also sets out any steps taken in the previous year, or to be taken in the current year, to prevent the sale or supply of alcohol to those under 18. It is hoped that the terms of the report will assist the Board in its monitoring of the promotion of the licensing objectives.

24 LICENSING OBJECTIVE - PREVENTING CRIME AND DISORDER

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

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

- underage drinking

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

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

- effective and responsible management of premises
- training and supervision of staff
- adoption of best practice guidance where available, including that relating to drinks promotions and safe drinking guidance.
- provision of effective CCTV in and around the premises, which complies with all relevant legislative provisions
- provision of external lighting and other security measures
- employment of Security Industry Authority licensed door supervisors
- provision of litterbins outside premises
- membership of Radiolink
- adherence to Aberdeen City Licensing Board Drugs Policy
- responsible advertising
- Enforcement of mandatory Challenge 25 Policy

24.4 Consideration of membership of local Pubwatch or similar schemes intended to improve standards in the licensed trade.

Consideration of membership of Best Bar None or similar accreditation schemes

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

24.6 In order to ensure the greatest possible degree of protection for the public the Board will add a condition to licences for off consumption only, prescribing CCTV of a minimum standard to be installed in and around off sales premises. Reference is made to paragraph 17 and Appendix 5 of this policy in this connection.

Aberdeen City Council has a byelaw prohibiting the consumption of alcohol in designated public places. This is part of the overall strategy to make safe all the public areas within the city. The text of the byelaw is available at Appendix 1 and on Aberdeen City Council website at: [to be updated]

25 LICENSING OBJECTIVE – SECURING PUBLIC SAFETY

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

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

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

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

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

26 LICENSING OBJECTIVE - PREVENTING PUBLIC NUISANCE

26.1 The Board believes that licensed premises have the potential to have a significant adverse impact on communities. It wishes to maintain and protect the amenity of occupiers of other businesses and residents from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.

26.2 The Board will interpret public nuisance in its widest sense and will take it to include such issues as noise, light, odour, litter and anti-social behaviour. In particular the Board will consider that flyposting is both a public nuisance (litter) and anti-social behaviour in terms of its impact on the community.

26.3 Applicants should be aware that the Board may apply stricter conditions, including restrictions on licensed hours, where the activities may impact on residents or

other business premises and where relevant representations have been received.

26.4 The Board believes that the impact of licensed premises on a neighbourhood is significantly influenced by the times when those premises are open. The Board may restrict hours of opening when considering a premises licence application, if it considers this to be appropriate. The Board will consider each case on its merits.

26.5 Applicants will be expected to consider the following

- when addressing the prevention of public nuisance:- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes, schools, nurseries and places of worship
- the [licensed hours], especially late at night
- the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
- the design and layout of premises and in particular the presence of noise limiting features and a functioning CCTV system (to a prescribed standard) , which complies with relevant legislative requirements
- the occupancy capacity of the premises
- the availability of public transport
- the wind down period
- the last admission time

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

- effective and responsible management of premises
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, for instance to ensure that customers leave quietly
- control of operating hours for all or parts of the premises, for instance garden areas
- adoption of best practice guidance
- installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices and other mitigation measures
- management of people, including staff, vehicular traffic, queues, and patrons arriving and leaving premises
- liaison with public transport providers
- siting of external lighting, including security lighting and installation of an effective CCTV system (to a prescribed standard) which complies with relevant legislative requirements
- management arrangements for collection and disposal of waste and empty bottles
- effective ventilation systems to prevent nuisance from odour.

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

27 LICENSING OBJECTIVE – PROTECTING AND IMPROVING PUBLIC HEALTH

- 27.1 The Board supports the Health and Wellbeing Outcome in the Community Planning Aberdeen Single Outcome Agreement 2013 that people in Aberdeen who consume alcohol drink responsibly and within sensible drinking guidelines and negative outcomes are reduced. The Board will have particular regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in Aberdeen. It will take advice from those relevant bodies represented on Aberdeen City Licensing Forum.
- 27.2 Applicants will be expected to consider measures designed to protect public health such as making available information with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance is required with problem drinking.
- 27.3 The Board will expect door supervisors to be particularly vigilant about numbers entering the premises, denying entry to those who are drunk or disorderly on arrival, and ensuring an adequate supervision of the premises at all times.
- 27.4 The Health Board states that increased access and availability to alcohol through increased numbers of premises and/or opening hours or decreased pricing is linked to increased consumption, which in turn potentially leads to increased harm. Even small reductions in the availability of alcohol can contribute to health gain and reduce violence and harm to the population generally, as well as to the drinker themselves. Alcohol availability is affected by outlet density, outlet distance, opening hours and price. The Board acknowledges this statement and recognises that the Health Board is in the best position to advise on the detrimental effects of alcohol on health.

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

- 27.5 The measures identified by an applicant may depend on the individual characteristics of the premises. The Board will be receptive to conditions which are proposed by individual applicants in respect of the promotion of this licensing objective. This might include the use of drink mats with sensible drinking messages and the use of posters on areas of circulation and in the toilet areas.
- 27.6 The Board is very aware of the risk of harm to children's health and this will be of paramount consideration when determining applications. Children may be adequately protected from harm by the action taken to protect adults but they also may need special consideration. It is recognised that no policy can anticipate

every situation but applicants will be expected to consider measures designed to protect children's health while in or around their premises.

- 27.7 Licence holders and their staff must remain vigilant at all times to the risks of excessive consumption of alcohol. There should be established practice within the premises to ensure that a standard approach is taken where patrons' demeanour demonstrates an excessive consumption of alcohol. There should also be a clear understanding of the offences committed in connection with the service of alcohol to children or drunk persons.
- 27.8 In terms of Schedule 3 of the Act applicants must provide a wide selection of reasonably priced non alcoholic beverages during the whole period the premises are open (including free potable tap water). Applicants are encouraged to provide food on the premises, so that, if they wish, patrons may eat at the same time as consuming alcohol. It is also good practice that licensees ensure that 125 ml glasses for wine are made available as a "harm reduction initiative".

28 LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

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

These include but are not exhaustive:

- the provision of entertainment or services of an adult or sexual nature are provided
 - employment of members of staff who have convictions for serving alcohol to children , or convictions against children in premises where families are encouraged.
 -
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided there
- 28.4 The following examples of control measures are given to assist applicants.
- effective and responsible premises management
 - adoption of best practice guidance

- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder
- Appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a responsible person adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function or event.
- Enforcement of the mandatory Challenge 25 Policy.

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

APPENDIX 1

ABERDEEN CITY COUNCIL (DRINKING IN PUBLIC PLACES) BYELAWS 2009

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

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

Bridget Campbell
A member of the staff of
the Scottish Ministers

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

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

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

Interpretation and Citation

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

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

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

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

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

Application

2. These byelaws shall not apply:

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

Offence

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

(2) It shall not be an offence against these bye-laws to do anything in any

designated place which is a licensed premises.

(3) It shall not be an offence against these byelaws to do anything in any designated place in respect of which there is in operation an occasional licence in terms of Section 56 of the Licensing (Scotland) Act 2005 during any period when alcoholic drink may be sold there by virtue of that licence and for fifteen minutes after the expiry of such period.

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

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

Presumptions

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

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

(3) A container which is found to contain:

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

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

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

Public Notices of Effect

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

(2) It shall be no defence in proceedings against a person for an offence under

these byelaws that the Council failed to comply with paragraph (1) of this byelaw.

Revocation of preceding Bye-law

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

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

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APPENDIX 2

DELEGATION OF LICENSING FUNCTIONS

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

	are objections/representations			
14	Determination in terms of s 67 - General extensions of licensed hours	✓		
15	Determination of decision to hold a review hearing	Convener		✓

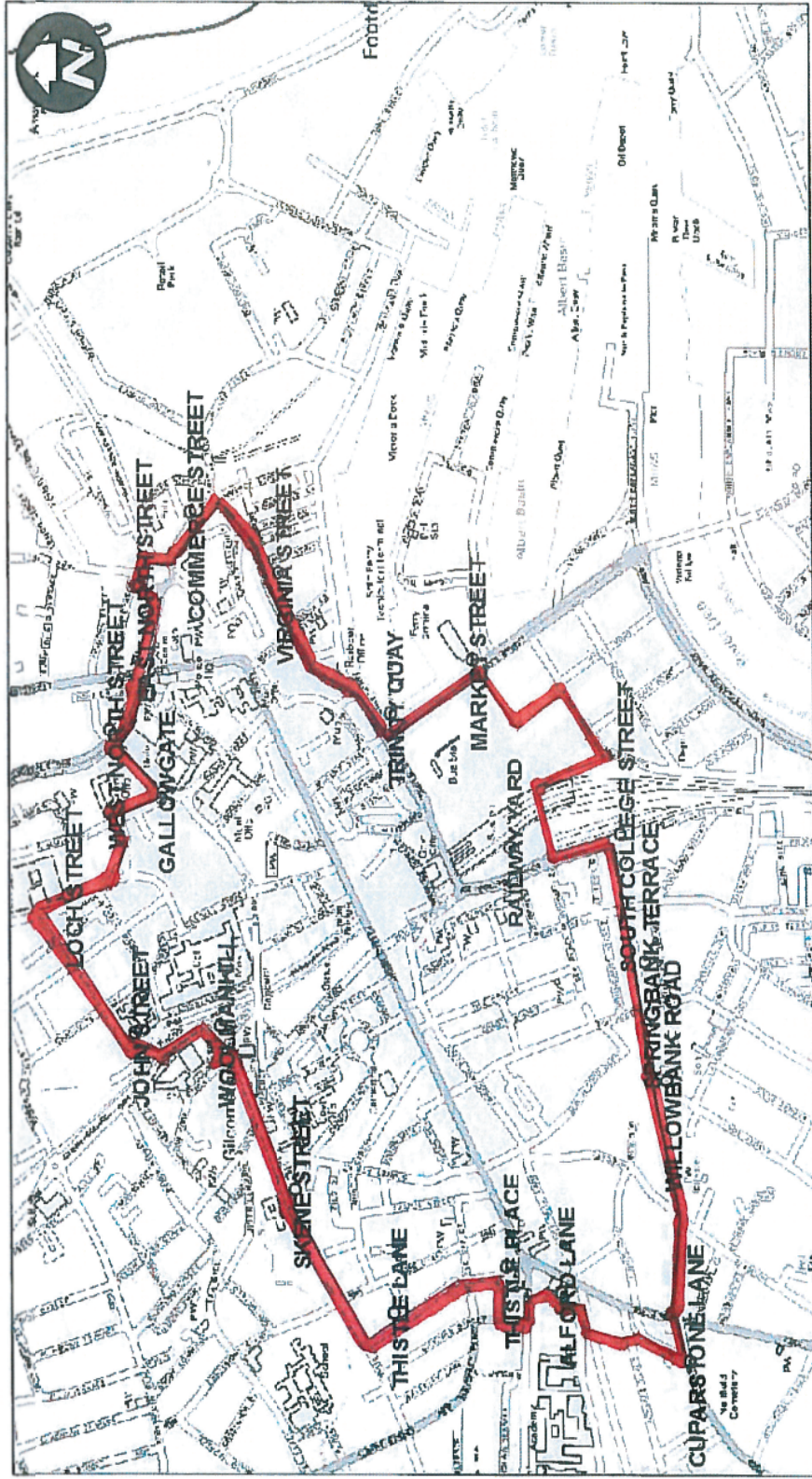
In terms of Schedule 1 paragraph 10 of the Act, the Board may arrange for the discharge of some of its functions by any Member of the Board, a Committee of the Board, or the Clerk to the Board or any person appointed to assist the Clerk.

The Board cannot delegate certain of its functions.

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

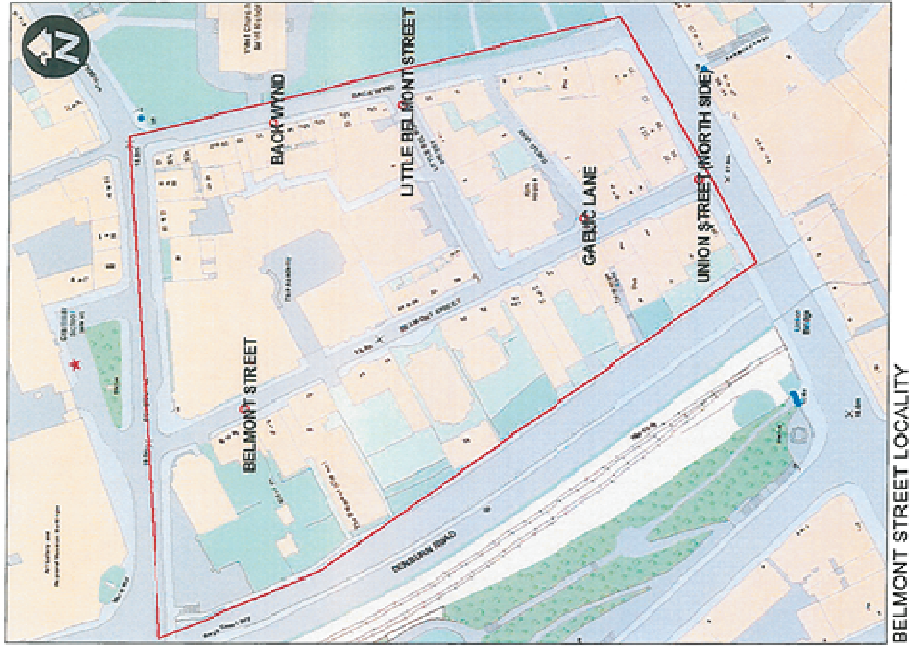
The Board reserves the right, to consider and determine all applications and relevant matters under the Act.

Scheme of Delegation



ABERDEEN CITY LICENSING BOARD
CITY CENTRE AREA

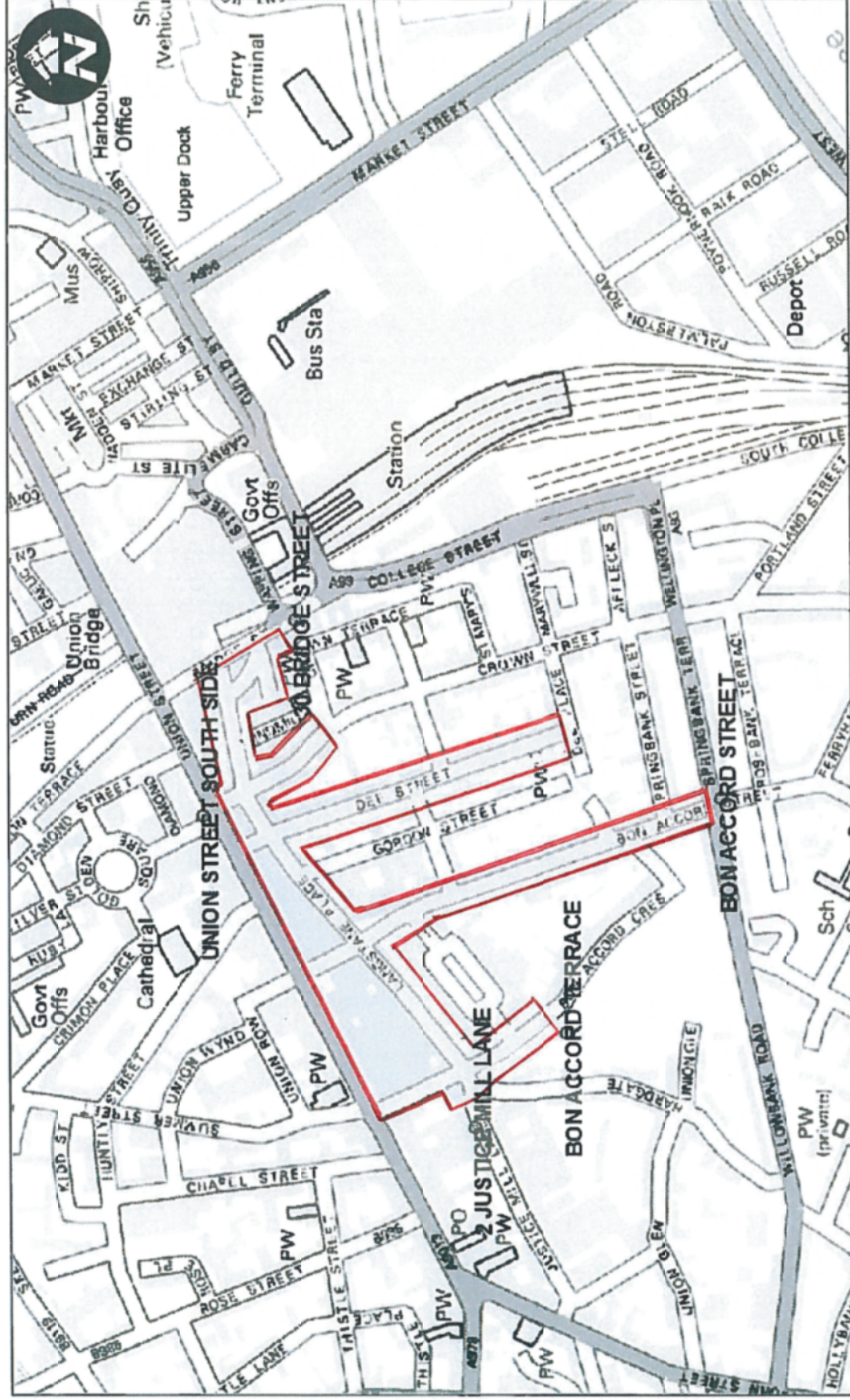
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© Crown Copyright. Aberdeen City Council 100023401 (2013)



(b)

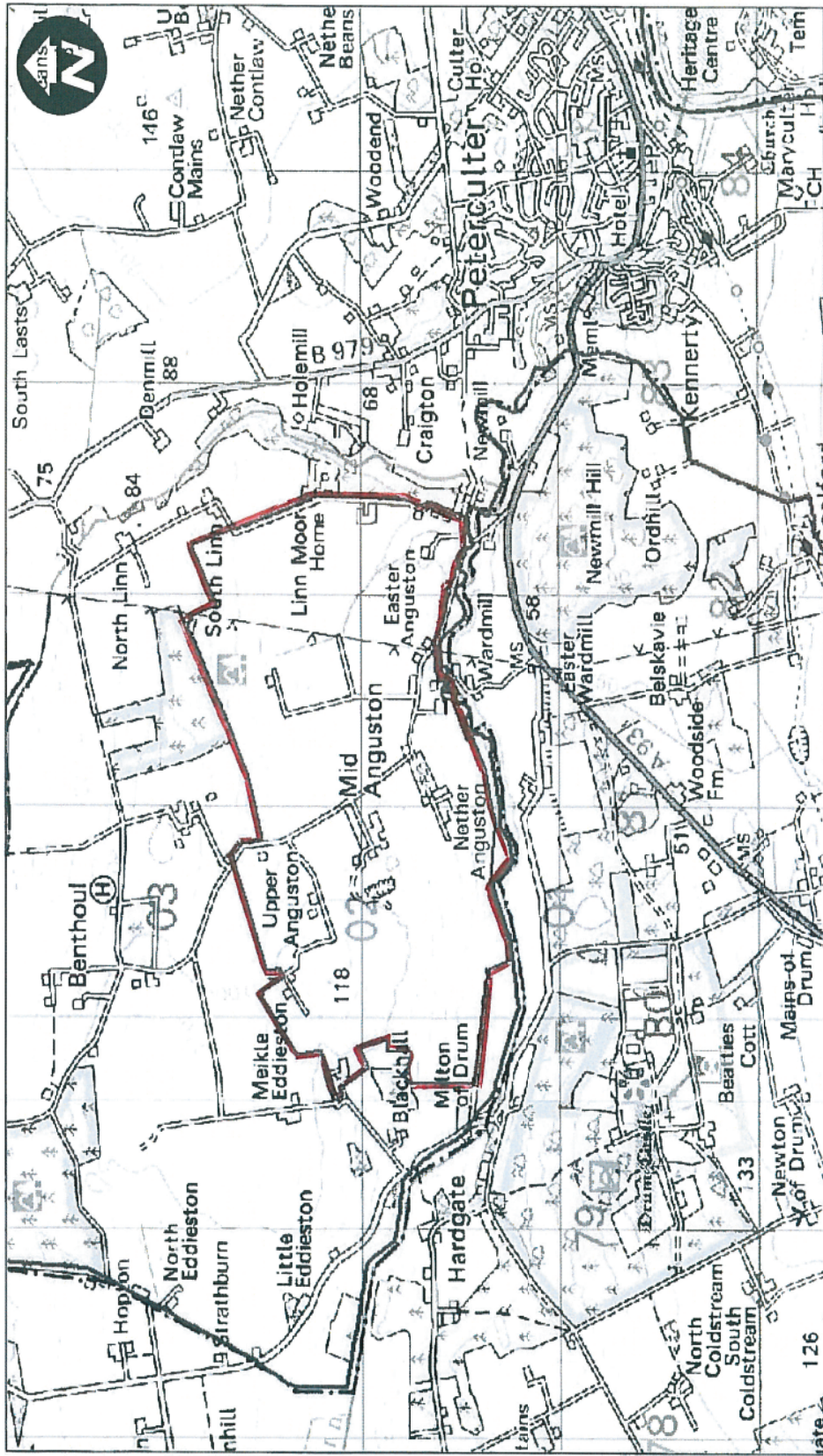
© Crown Copyright, Aberdeen City Council 100 03340-1 (2013)

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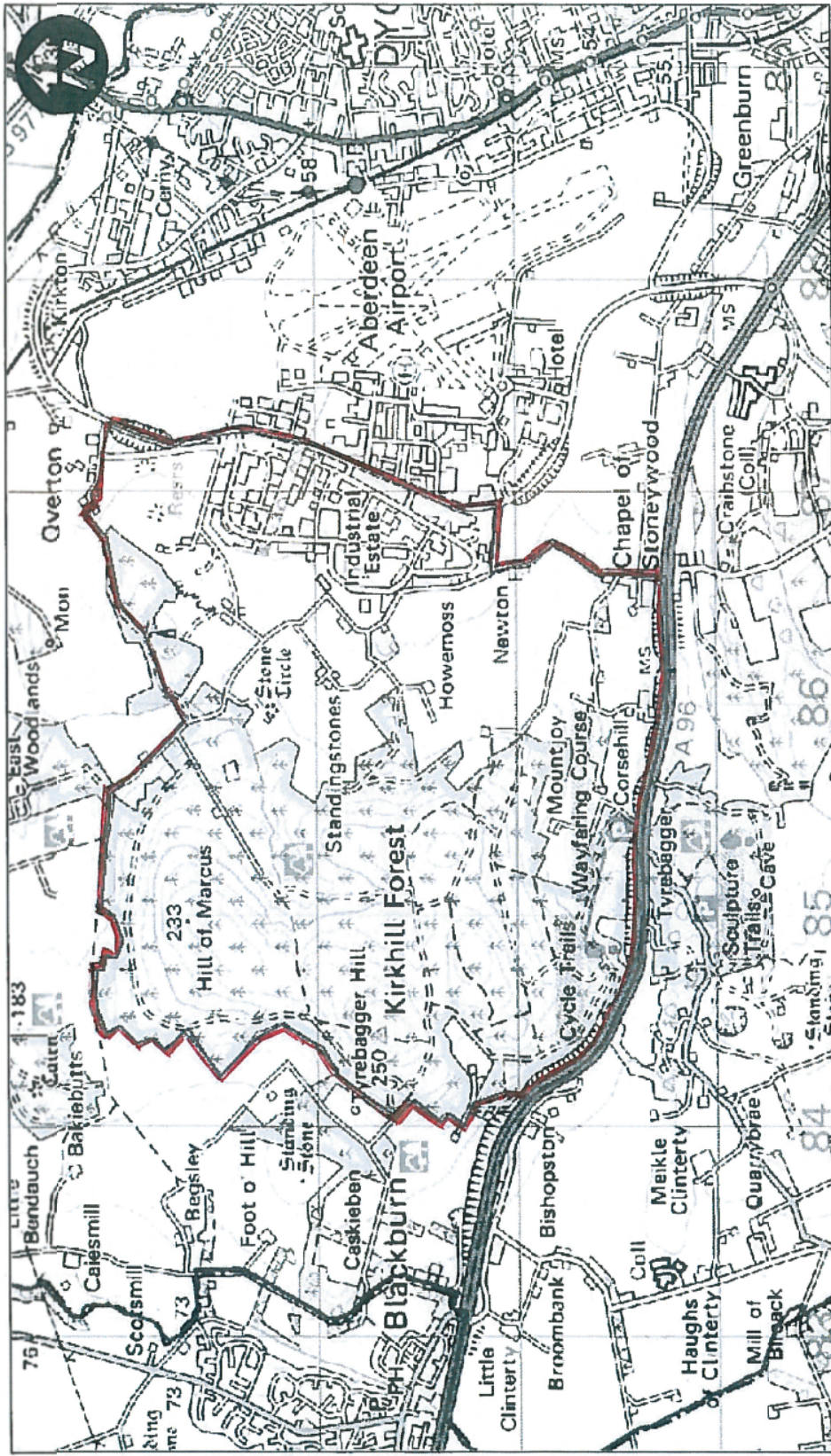
ABERDEEN CITY LICENSING BOARD
 LANGSTANEY PLACE/WINDMILL BRAE/BRIDGE PLACE LOCALITY

0 112.5 225 450 Metres
 1:5,000
 © Crown Copyright Aberdeen City Council 100023401 (2013)



Aberdeen City Licensing Board
Anguston Area

© Crown Copyright. Aberdeen City Council 100023401 (2013)



Aberdeen City Licensing Board
 Kirkhill & Hill Of Dyce Area
 1:25,000
 © Crown Copyright Aberdeen City Council 100023401 (2013)

OPERATING HOURS

Facility	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Significant Entertainment The Board considers that the entertainment is the principal reason for patrons attending the licensed premises and that the consumption of alcohol would therefore be ancillary to such entertainment.in order to be consistent with the licensing objectives. This would apply to premises such as nightclubs (with dance floor areas/facilities included in their operating plan and detailed in their layout plan) where recorded or live music for dancing is provided. Other examples of where significant entertainment may apply are discos, DJs., adult entertainment, and live music for concerts, cabaret and theatrical plays.	City Centre 02:00 hours	02:00 hours	02:00 hours	02:00 hours	02:00 hours	03:00 hours	03:00 hours
	Non City Centre 02:00 hours	02:00 hours	02:00 hours	02:00 hours	02:00 hours	03:00 hours	03:00 hours
Not Significant Entertainment For example karaoke, billiards, pool, snooker, darts, dominoes, leisure facilities, background live or recorded music,	City Centre 00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	01:00 hours	01:00 hours
	Non City Centre 00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours
Restaurants	City Centre 01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours

Table meals generally consisting of a meal eaten sitting at a table, counter or other structure which serves the purpose of a table. The meal must be eaten with utensils. Snacks, sandwiches and crisps are not considered to constitute table meals.	Non City Centre	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours
	Members' Clubs	City Centre	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	01:00 hours
		Non City Centre	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours	00:00 hours
		City Centre	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours
Casinos Statutory hours Gambling Act 2005	Non City Centre	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	
	Non City Centre	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	12:00 hours-06:00 hours	
	Non City Centre								
Bingo	City Centre	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	
	Non City Centre	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	
	City Centre	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	10:00 hours-00:00 hours	
Function Rooms A private function is one which is prebooked,	City Centre	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	01:00 hours	

<p>at least 24 hours in advance, & where those attending are related/have a degree of relationship with others attending, or a function which is prebooked &/or pre-paid & tickets are sold at least 24 hrs before, for a finite number of individuals, who may/may not have a degree of relationship with each other.</p>	<p>Non City Centre</p>	<p>01:00 hours</p>	<p>01:00 hours</p>	<p>01:00 hours</p>	<p>01:00 hours</p>	<p>01:00 hours</p>	<p>01:00 hours</p>	<p>01:00 hours</p>
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LICENSING (LIQUOR) CCTV GUIDANCE

Author	Richard Fergusson
Date	21 August 2013
Version	3.0

1.0 Introduction

Amendments to the liquor licensing act in Scotland came into force in February 2008. A condition of regular extended hours beyond 0100Hrs now includes mandatory CCTV provision to the satisfaction of the Chief Constable in certain, defined late night opening premises.

This specification documents the minimum requirements for qualifying Licensed Premise CCTV systems to meet in Scotland. Additional cameras or features may be added to the CCTV system as the management of the premises sees fit as long as these additional features comply with relevant legislation.

Items referred as “Required” are mandatory, those referred to as “Advised” are not but should be considered as “Good Practice”.

2.0 References

This specification makes reference to Home Office and Information Commissioner Documents these should be read in conjunction with this specification (see section 11). Where camera performance is given in italic parenthesis reference should be made to the “Home Office CCTV Operational Requirements Manual”

3.0 Data Protection Act 1998

Notwithstanding any of the requirements contained in this document, systems MUST comply with the requirements of the Data Protection Act (DPA). It is the responsibility of the premises management to ensure this requirement is complied with. The capture of Audio with images in areas which are considered public spaces is not permitted by the DPA. However in private areas within premises lip synchronised audio capture is advised where a high interaction between staff and patrons is envisaged.

4 Camera Positions

4.1 Required: All points of entry to or exit from the premises must be captured by at least 1 fixed CCTV camera. (A “Fixed CCTV Camera” has a set view, set at installation and cannot be altered other than by a physical means.) The cameras field of view should capture the **“identity”** of patrons as they enter or exit the premises. Dome cameras should not be used external to premises as their performance can be adversely affected by extreme weather conditions.

4.2 Required: Cameras must be either tamper resistant or mounted in a way that makes them tamper resistant. Dome cameras by their design are considered as tamper resistant.

4.3 Advised: CCTV cameras are installed to **“recognise”** patrons where they may be required to wait in line or congregate adjacent to points of entry to the premises.

4.4 Advised: CCTV cameras are installed to **“observe”** internal areas of high footfall and low supervision including customer/staff interaction areas i.e. bar, counters etc Audio capture should be considered where needs dictate.

4.5 Information: All cameras covering areas of high footfall or customer staff interaction areas should give clear **“Recognisable”** images of all persons as defined in the “Home Office CCTV Operational Requirements Manual”.

5 Lighting

5.1 Required: Lighting of sufficient luminance must be installed to fully support CCTV cameras at all points of entry/exit.

5.2 Required: At points of entry or exit the lighting must be sufficient so that the perception of colour is relatively accurate (a minimum value of 60 on the Colour Rendition Index is advised.)

5.3 Advised: Flat consistent illumination at points of entry/exit to reduce shadowing.

5.4 Information: CCTV camera performance is adversely affected in low ambient or quick changing light levels. The performance of systems working under low light conditions may not provide sufficient resolvable images for the purpose of evidence.

6 Recording

6.1 Required: All CCTV cameras images must be recorded on a digital video CCTV recorder.

6.2 Required: A minimum image capture rate of 6.25 frames per second is required, preferably 25fps.

6.3 Required: Good quality CCTV images must be captured at a minimum of 4 CIF.

6.4 Required: The recorder must be capable of continued recording when replay of images takes place.

6.5 Required: Images **must be retained** on the digital recorder for a period of 7 days or more.

6.6 Advised: If a greater retention period is chosen it should reflect the organisations own purposes and should be the shortest possible based on experience (Reference: The Information Commissioners CCTV Code of Practice).

7 Image Retrieval

7.1 Required: Retrieval of images from the digital video recorder must meet the following requirements.

- 1. The evidence must be able to be exported from the digital video recorder to one or more of the following media:*

- *USB2 hard drive*
 - *DVD*
 - *CD*
 - *USB Memory Stick*
 - *CF/SD Flash memory*
2. *The evidential image file must be accompanied on the export media by its native playing software to be viewed in the format in which it was originally recorded.*
 3. *The playing software must be licence free.*
 4. *The playing software must be playable on the Windows XP operating system.*
 5. *The playing software and evidence must be playable from the media on which it is recorded and must not require installing, or any component part, on the PC on which it is played.*
 6. *The playing software must not require access to the registry of the computer on which it is played.*
 7. *The evidence must be saved without encryption or password protection.*

7.2 Advised: The Crown Office & the Procurators Fiscal Service (COPFS) has adopted for presentation of digital evidence in court MPEG2 for video and MP3 for audio. It is recommended that systems are also able to output directly to this format.

8 Image Viewing

8.1 Required: The CCTV system must include a method for viewing and reviewing images. This should be a 17inch CCTV monitor or better which can be switched to view each CCTV camera individually.

8.2 Required: The set up and performance of each entry/exit camera must be easily confirmed.

8.3 Required: All point of entry or exit cameras must give clear “Identifiable” images of all persons as defined in the “Home Office CCTV Operational Requirements Manual”.

8.4 Required: All images captured must be clear, easily viewed and of sufficient quality to be used as evidence in court.

8.5 Required: All images must be accompanied by date and time stamps. (Correct date and time settings must be confirmed or offsets noted when an evidential copy of evidence is taken from the CCTV system.)

8.6 Advised: That the layout of the door entry arrangements should provide Pinch Points that will assist the CCTV system achieving consistent “identifiable” images. These pinch points must **not** be achieved at the expense of health and safety considerations.

9 Training

9.1 Required: Sufficient staff must be trained in the operation of the CCTV system, and at least one member of staff who is able to retrieve images for evidential purposes should be on duty at all times.

10 Maintenance

10.1 Required: All faults must be rectified within a maximum of 7 days.

10.2 Required: A maintenance log must be kept reporting faults, their rectification and the systems maintenance schedule.

10.3 Required: The system must be tested on all business days to verify that all cameras are working satisfactorily. The result of the test must be logged daily and any faults found reported for repair.

10.4 Required: Reference manuals for all parts of the CCTV system must be held locally.

11 References:

1. Home Office CCTV Operational Requirements Manual:

http://scienceandresearch.homeoffice.gov.uk/hosdb/publications/cctv-publications/55-06_-_CCTV_Operational_Re2.pdf?view=Binary

2. The office of the Information Commissioner's CCTV code of practice:

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.pdf

DRUGS POLICY FOR LICENSED PREMISES WITHIN ABERDEEN CITY

Everyone in every community has a part to play in tackling drug misuse. It is important to tackle the 'drug problem' and to ensure that licensed premises within Aberdeen remain 'drug free'. Illegal substance must not be allowed to be supplied or consumed within licensed premises.

The contents of this Drug Policy should allow all staff employed in licensed premises to have a better understanding of the law in relation to drugs and drug related incidents. It will provide systems and procedures to ensure that all drugs related incidents are dealt with consistently and safely.

We will work towards achieving this through:

- communication with our customers;
- providing our employees with guidance, information, training and procedures to assist them in identifying drugs, the effects of taking them and appropriate action;
- complying with our legal responsibilities;
- working closely with local authorities and Police Scotland.

Classes of Drugs

The Misuse of Drugs Act 1971, classifies drugs as follows:

Class 'A'

Includes Cocaine, Crack Cocaine, Heroin, Ecstasy, Cannabis Oil and LSD.

Class 'B'

Includes Cannabis, Cannabis resin and Amphetamine.

Class 'C'

Generally tend to be prescribed drugs which are abused, the most popular include Temazepam, Diazepam and Steroids.

The Law

The Misuse of Drugs Act 1971 creates a number of offences to control the misuse of illegal drugs.

Common Offences

Possession

It is an offence for a person to have a controlled drug in his/her possession.

Possession with Intent to Supply

It is an offence for a person to have a controlled drug in his/her possession whether lawfully or not with intent to supply it to another.

Supply

It is an offence for a person to supply or offer to supply a controlled drug to another person.

Concerned in the Supply

It is an offence for a person to be concerned in the supply of a controlled drug to another person.

Section 8 of the Misuse of Drugs Act 1971

It is the responsibility of the licensee and staff of licensed premises to prevent drug dealing and the abuse of controlled drugs within licensed premises.

To knowingly permit or suffer any drug related activity on the premises is an offence.

Searching

All licensees should introduce the use of searches as a condition of entry to their premises.

Signs required to be clearly displayed regarding this and a 'Zero Tolerance' Policy in relation to drugs within licensed premises.

Power of Search

Only the Police have power to search people without their consent.

Can a customer wishing to enter the premises be searched?

Yes, if it is clearly advertised as a condition of entry that customers are required to allow a search of their person.

Searches can only take place with the permission of the person concerned. A witness should always be present during any search to provide corroboration and prevent any allegations. If they decline to be searched, entry can be refused.

Always remember your rights to refuse entry or to ask someone to leave your licensed premises. If an individual refuses, the Police should be contacted for assistance.

What can be searched?

The search should be restricted to outer clothing or pockets and should include bags etc. Great care must be taken whenever you are searching a person in relation to drugs. Never put your hand straight into someone's pocket without first asking the person if they have any sharp objects and patting the outside of the pocket. It may be preferable to ask the person to empty their own pockets and show you the contents. You should then ask if the pocket is empty and pat it from the outside. This may be sufficient to establish if there is anything in the pocket. Great care must be taken so that an exposed needle for example, does not cause injury. You should also ask the individual to empty any bags and watch carefully whilst this is done. Again this may be sufficient to establish whether any drugs are present. Obviously if the premises in which you are, are particularly busy, you do not want to take too long to carry out your search. Thoroughness should not however be sacrificed for speed. You should attempt to put your customer at ease and make them as comfortable as possible in these circumstances.

Can a customer within the premises be searched?

Yes, however, it is not recommended. If a customer is searched prior to entry, there should be no need to do a further search. However, if it is still felt necessary to carry out a further search once on your premises, a sign should be clearly displayed setting out the Search Policy. It is of vital importance that licensees and staff are aware of the limitations on their power of search. Searches can only take place with the permission of the person concerned to be searched. The search should not take place in a public area of the premises. Again, corroboration during searches is essential.

If the individual does not agree to a search, you have no legal powers to do it. If a subject withdraws consent during a search, you have no legal powers to continue, you must stop immediately and consider contacting the Police. Again you also have the right to ask someone to leave your licensed premises.

Can a male search a female?

No. A male should only search a male and a female should only search a female to prevent allegations of indecency/sexual assault. A witness should always be present to provide corroboration and help to prevent any allegations. The witness can be either male or female. If possible, carry out the search within the range of CCTV cameras if you have them.

What to do if drugs are found whilst searching a customer?

The person who has agreed to being searched and who has agreed to remain with you must be handed over to the Police as soon as possible. However, you have no power to force them to remain with you. If you find something which you think is a controlled substance, you should keep this safe and contact the Police immediately.

Can force be used to search a customer?

No. The customer must always grant permission to be searched. There are no circumstances in which force may be used to carry out the search.

Power of Detention

You have no power to detain a person for offences under the Misuse of Drugs Act 1971. The person(s) must agree to remain with you and must be handed over to the Police as soon as possible. If a person commits a Common Law offence such as an assault on a customer or member of staff, or is committing a Breach of the Peace on the premises, then he/she can be detained but only for the Common Law offence. Again the Police should be notified as soon as possible.

Drugs Seized or Found on the Premises

If you find anything that appears to be an illegal drug, put it in a plastic bag or envelope and seal it: This must be signed by the finder and witnessed by another member of staff; Enter the details of the drugs found in the appropriate drugs register; If any member of staff or management finds drugs on the premises, they must immediately inform the most Senior Manager on duty.

Drugs Information

Do not automatically think that because you know, the Police will know too. The Police can only act if they have information/intelligence to act upon. YOUR information may be the key to success. If you have any information about drug activities you should notify the Police immediately.

LIST OF INFORMATION / EVIDENCE / STATISTICS THE BOARD MAY CONSIDER WHEN PROMOTING THE LICENSING OBJECTIVES

In addressing the promotion of the licensing objectives, the Board will consider a range of information / evidence / statistics. The items listed below may provide assistance. It should be stressed that this list is not exhaustive and may be changed throughout the duration of the policy. This may be particularly the case in respect of any relevant evidence (from whatever source) which becomes available at any time and which may assist the Board in the promotion of the licensing objectives.

The following sources of evidence assist the Board in the support and promotion of the five licensing objectives. The sources have been listed in relation to the objective to which they are most strongly linked. It should be noted that the sources as listed may not be exclusively related to the objective(s) under which they noted.

PREVENTING CRIME AND DISORDER

Aberdeen City Alcohol & Drugs Partnership ADP Strategy 2009-2019 – A safer, healthier & and more responsible attitude to alcohol in Aberdeen

(Launched in December 2009 and updated in May 2012) –

www.aberdeencityadp.org.uk

Aberdeen City Community Safety Partnership Strategic Assessment 2010-2013.

(Community Safety Partnership works closely with Alcohol and Drugs Partnership to deliver measurable improvements in the quality of life for the people of Aberdeen relating to alcohol issues. Assessment also contains statistics on alcohol related assaults, antisocial behaviour, drink driving, fires and underage drinking. www.communityplanningaberdeen.org.uk/InternetChallengesandChallengeForum/Safety/S_intro.asp

Aberdeen City Voice Questionnaire 26 – June 2012- Alcohol Purchase and Promotion – produced by The Aberdeen City Alcohol and Drugs Partnership (ADP)

Aberdeen City Voice Newsletter and Full Results of Questionnaire 26 – published October 2012.

(An Aberdeen City Voice Questionnaire is produced 3 times a year on a variety of subjects affecting the City. Responses to the questionnaire are provided by members of the Aberdeen Citizen's Panel)

www.communityplanningaberdeen.org.uk/Internet/CityVoice/ACVArchive.asp

Alcohol Statistics Scotland 2011 – February 2011 – produced by NHS Scotland.
(Report includes Statistics relating to the cost, affordability and volume of alcohol sold; alcohol consumption; health matters such as alcohol related hospital discharges, GP consultations and deaths; and the social harm relating to alcohol such as drunkenness offences, road traffic offences, violent crime, and alcohol and the prison population. Report is produced biannually. Some data on national level, some on Grampian level and some on Aberdeen City level)

www.isdscotland.org/Health-Topics/Drugs-and-Alcohol-Misuse/Publications/

[Information to be received]

Statistics on the number of serious and common assaults occurring on Licensed Premises in Aberdeen City – Report by Divisional Co-ordination Unit, Aberdeen City Division, Police Scotland – June 2013

Statistics on Serious Violent Crime, Common Assault, Domestic Abuse where the accused/suspect or victim has been marked as drunk / been drinking - Report by Divisional Co-ordination Unit, Aberdeen City Division, Police Scotland – June 2013

(Annual Report)

Statistics on drink driving cases for Aberdeen (contraventions of the Road Traffic Act 1988 sections 4,5,6&7) - Report by Divisional Co-ordination Unit, Aberdeen City Division, Police Scotland – June 2013

(Annual Report)

PREVENTING PUBLIC NUISANCE

Aberdeen City Community Safety Partnership Strategic Assessment 2010-2013.

www.communityplanningaberdeen.org.uk/InternetChallengesandChallengeForum/Safety/S_intro.asp

Alcohol Statistics Scotland 2011 – February 2011 – produced by NHS Scotland.
(Report includes Statistics relating to the cost, affordability and volume of alcohol sold; alcohol consumption; health matters such as alcohol related hospital discharges, GP consultations and deaths; and the social harm relating to alcohol such as drunkenness offences, road traffic offences, violent crime, and alcohol and the prison population. Report is produced biannually. Some data on national level, some on Grampian level and some on Aberdeen City level.

www.isdscotland.org/Health-Topics/Drugs-and-Alcohol-Misuse/Publications/

Aberdeen City Voice Questionnaire 26 – June 2012- Alcohol Purchase and Promotion – produced by The Aberdeen City Alcohol and Drugs Partnership (ADP)

Aberdeen City Voice Newsletter and Full Results of Questionnaire 26 – published October 2012.

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www.communityplanningaberdeen.org.uk/Internet/CityVoice/ACVArchive.asp

PROTECTING AND IMPROVING PUBLIC HEALTH

Community Planning Aberdeen Single Outcome Agreement 2009-10 (soon to be updated by 2013 Agreement currently, pending. The aim of the single outcome agreement between the Scottish Government and Community Planning Aberdeen sets out a vision for 2022 which will deliver better outcomes for the people in Aberdeen City, it also sets out the role which Community Planning Aberdeen will play in that vision becoming reality, e.g. reducing the number of alcohol related hospital admissions.)

www.communityplanningaberdeen.org.uk/SOAPerformance/SOAPerformance.asp

MESAS (Monitoring and Evaluating Scotland's Alcohol Strategy) 2nd Annual Report – December 2012 – produced by NHS Scotland as tasked by the Scottish Government

(This Report provides an update of Scotland's alcohol strategy, the evaluation plan and the analysis of price, consumption, affordability and alcohol related harms detailed in the baseline report. Report produced annually, first annual report published March 2011 is the baseline report. Data on national Scottish level with comparisons to England and Wales)

www.healthscotland.com/scotlands-health/evaluation/planning/MESAS/Publications.aspx

MESAS (Monitoring and Evaluating Scotland's Alcohol Strategy) – An evaluation of the implementation of, and compliance with, the objectives of the Licensing (Scotland) Act 2005 – May 2013 – produced by NHS Scotland

(Part of 3 year evaluation of the implementation of and compliance with, the 2005 Act commissioned in 2010. This is the final report. Deals with evaluation and effectiveness of The Act in respect of Boards, LSO's, Forum's and enforcement etc. across Scotland and data is not specific to individual Board areas.)

www.healthscotland.com/scotlands-health/evaluation/planning/MESAS/Publications.aspx

Alcohol Statistics Scotland 2011 – February 2011 – produced by NHS Scotland.

(Report includes Statistics relating to the cost, affordability and volume of alcohol sold; alcohol consumption; health matters such as alcohol related hospital discharges, GP consultations and deaths; and the social harm relating to alcohol such as drunkenness offences, road traffic offences, violent crime, and alcohol and the prison population. Report is produced biannually. Some data on national level, some on Grampian level and some on Aberdeen City level)

www.isdscotland.org/Health-Topics/Drugs-and-Alcohol-Misuse/Publications/

Alcohol related Hospital Statistics Scotland 2011/2012 – 28 May 2013 – produced by Information Services Division (ISD) of NHS Scotland.

(The statistics are produced annually by ISD in two different publications released in alternate years. This report is published every two years however the statistics also form part of the Alcohol Statistics Scotland release, above, in the alternate years to this publication. Data in this report is generally given as the number of discharges from hospital or number of patients with an alcohol related diagnosis. Some data is recorded at a Scottish, NHS Board and/or at a Aberdeen City level.)

www.isdscotland.org/Health-Topics/Drugs-and-Alcohol-Misuse/Publications/

Aberdeen City Voice Questionnaire 26 – June 2012- Alcohol Purchase and Promotion – produced by The Aberdeen City Alcohol and Drugs Partnership (ADP)

Aberdeen City Voice Newsletter and Full Results of Questionnaire 26 – published October 2012.

(An Aberdeen City Voice Questionnaire is produced 3 times a year on a variety of subjects affecting the City. Responses to the questionnaire are provided by members of the Aberdeen Citizen's Panel)

www.communityplanningaberdeen.org.uk/Internet/CityVoice/ACVArchive.asp

The Impact of The Alcohol Act on off trade alcohol sales in Scotland – produced by NHS Scotland – 21 May 2013

(This report assesses whether there have been any changes in off trade alcohol sales after the introduction of the 2010 Act.

www.healthscotland.com/documents/21101.aspx

Statistics from Scottish Ambulance Service relating to call outs at or near licensed premises or elsewhere patients with alcohol related conditions / injuries etc. – See NHS Grampian Response to Policy Consultation October 2013

(Annual Report)

Alcohol related attendances at Aberdeen Royal Infirmary (ARI) Accident and Emergency – Report by NHS Grampian Response to Policy Consultation October 2013

Alcohol related hospital admissions in Aberdeen City – Report by NHS Grampian Response to Policy Consultation October 2013

(Annual Report)

Alcohol related deaths/mortality in Aberdeen City – Report by NHS Grampian Response to Policy Consultation October 2013

(Annual Report)

Statistics relating to the Average monthly referral rate to the Aberdeen City Integrated Alcohol Service (IAS) – Report by NHS Grampian Response to Policy Consultation October 2013

(Annual Report)

SECURING PUBLIC SAFETY

Aberdeen City Community Safety Partnership Strategic Assessment 2010-2013.

www.communityplanningaberdeen.org.uk/InternetChallengesandChallengeForum/Safety/S_intro.asp

Alcohol Statistics Scotland 2011 – February 2011 – produced by NHS Scotland.

(Report includes Statistics relating to the cost, affordability and volume of alcohol sold; alcohol consumption; health matters such as alcohol related hospital discharges, GP consultations and deaths; and the social harm relating to alcohol such as drunkenness offences, road traffic offences, violent crime, and alcohol and the prison population. Report is produced biannually. Some data on national level, some on Grampian level and some on Aberdeen City level)

www.isdscotland.org/Health-Topics/Drugs-and-Alcohol-Misuse/Publications/

Fire Statistics Scotland 2011-2012 – 2 October 2012 – produced by the The Scottish Government Statistical Bulletin, Crime and Justice Series.

(Published annually, information on national Scottish basis and by former service area e.g. Grampian. Provides data on dwelling fires where suspected alcohol/drugs was a contributory factor for both Scotland nationally and per previous Fire Board Areas.

www.scotland.gov.uk/Publications/2012/10/3628/0

Statistics on number of fire incidents in Aberdeen City attended by the Scottish Fire and Rescue Service where alcohol/drugs may have been a factor – Report produced by Scottish Fire and Rescue Service and/or NHS Grampian – June 2013

Aberdeen City Voice Questionnaire 26 – June 2012- Alcohol Purchase and Promotion – produced by The Aberdeen City Alcohol and Drugs Partnership (ADP)

Aberdeen City Voice Newsletter and Full Results of Questionnaire 26 – published October 2012.

(An Aberdeen City Voice Questionnaire is produced 3 times a year on a variety of subjects affecting the City. Responses to the questionnaire are provided by members of the Aberdeen Citizen's Panel)

www.communityplanningaberdeen.org.uk/Internet/CityVoice/ACVArchive.asp

PROTECTING CHILDREN FROM HARM

Aberdeen City Integrated Children's Services Plan 2011-2015 – produced by the Integrated Children's Service Partnership. (Updated mid 2012-2013. The Partnership represents all the key public and other agencies that deliver services for

children and young people in the city. The partnership are committed to improving the outcomes for children and, young people)

www.aberdeencity.gov.uk/social_care_health/social_work/children_services/integrated_childrens_services_plan.asp

Children and Young Persons Audit 2012-2013. (Includes range of relevant matters including antisocial behaviour drinking in public; parental alcohol use affecting registered children; family support because of alcohol abuse).

www.aberdeencity.gov.uk/social_care_health/social_work/children_services/integrated_childrens_services_plan.asp

Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) National Report 2010 (Pub. Dec 2011) – Bi-Annual report. (looks at smoking, drinking and drugs use among 13 – 15 year olds in Scotland.

www.isdscotland.org/Health-Topics/Drugs-and-Alcohol-Misuse/Publications/

Scottish Health Action on Alcohol Problems (SHAAP) and Childline Scotland Untold Damage Children's Accounts of Living with Harmful Parental Drinking (pub. Nov. 2009)

www.shaap.org.uk/pages/84,Reports_%26_briefing_papers.html

APPENDIX 8 – LIST OF CONSULTEES

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AC&S LTS
Aberdeen City Local Licensing Forum
Aberdeen Community Safety Partnership
Aileen Malone
Alan Donnelly
Alcohol Support Ltd
Alexander Kelman
Andrew Finlayson
Andrew May
Angela Taylor
Andrew Thomson
Barney Crockett
Belhaven
Best Bar None
Bill Cormie
British Hospitality Association – Scotland
Brodies
Brunton Miller
Callum McCraig
Chair (Jnt), Aberdeen Civic Forum
Chief Superintendent Adrian Watson
Christine McKay
Community councils
David Cameron
Dawn Schultz
Deborah Campbell
Dr S Gail Davidson
First Aberdeen
Fraser Forsyth
Gill Samarai
Gordon Graham
Gordon Scott Townson
Gosschalks
Grace Ball
Graeme Lawrence
Graham Dickson
Hill Brown
Ian Yuill
J G Collie
Jackie Dunbar
James Kiddie
James Noble
Janet Hood
Jean Morrison
Jennifer Laing
Jennifer Stewart
John Corall

Kirsty Blackman
Ledingham Chalmers
Len Ironside
Lesley Dunbar
Lindsays
Lord Provost
Lynne Smith, Central Taxis
M. Tauqeer Malik
Macdonald Licensing
Maria Rossi
Marie Boulton
Martin Greig
Muriel Jaffrey
Nathan Morrison
Neil Cooney
Neil MacGregor
Peterkins
Pinsent Masons
Police Scotland
Raeburn Christie Clark & Wallace
Ramsay Galloway Milne
Ross Grant
Ross Thomson
Ruary Campbel
Russell McLeod Rainbow Taxis
Sandy Reid, Aberdeen City Council/Aberdeen CHP
Sandy Stuart
Scott Carle
Scottish Beer and Pub Association
Scottish Grocers Federation
Scottish Tourism Alliance
Steven Delaney
Stronachs
Theresa Hunt
Victim Support
Vikki Cuthbert
Willie Young
Winckworth Sherwood
Wine and Spirit Trade Association
Yvonne Allan

Equality and Human Rights Impact Assessment - the Form



There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **proposal** should be understood broadly to include the full range of our activities and could refer to a decision, policy, strategy, plan, procedure, report or business case, embracing a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Essentially everything we do!

STEP 1: Identify essential information

1. Committee Report No.

2. Name of proposal.

3. Officer(s) completing this form.

Name	Designation	Service	Directorate
Eric Anderson	Senior Solicitor	Legal and Democratic Services	Corporate Governance

4. Date of Impact Assessment.

5. When is the proposal next due for review?

6. Committee Name.

7. Date the Committee is due to meet.

8. Identify the Lead Council Service and who else is involved in delivering this proposal (for example other Council services or partner agencies).

The lead service is Aberdeen City Licensing Board supported by Legal and Democratic Services of Aberdeen City Council who provide administrative and legal support to the Licensing Board; Also Environmental Health Services, including specifically the Licensing Standards Officers, and Building Control Services of the City Council; Police Scotland; Scottish Fire and Rescue Service; Aberdeen Licensing Forum

9. Please summarise this Equality and Human Rights Impact Assessment (EHRIA). This must include any practical actions you intend to take or have taken to reduce, justify or remove any adverse negative impacts. This must also include a summary of how this proposal complies with the public sector equality duty for people with protected characteristics - see Step 2. **Please return to this question after completing the EHRIA.**

The Licensing Board's Statement of Licensing Policy 2013 – 2016 will have varying impacts on different groups in the community but it intends to be of benefit to the majority and to the life of the City.

The Policy contains a statement of overprovision(which is under review) this policy would have a negative impact on potential applicants for premises licences seeking new premises in the localities identified as being overprovided as this is a ground of refusal available to the Board. However this would have a neutral effect on equality groups as it would be the number and/or particular description of licensed premises in a locality which would be relevant not the protected characteristics of the applicant. There would be a positive effect on the community as a whole as there would not be an overprovision of licensed premises which could have negative effects such as anti-social behaviour, crime and disorder and possibly on the health of the local population etc.

In promoting the five licensing objectives the policy should have a positive effect on the community as a whole by making the city a safer place by preventing crime and disorder and securing public safety; reducing anti-social behaviour by preventing public nuisance, protecting and improving public health, and protecting children from harm which is of particular benefit to young people and families as well as the wider community.

The policy will have a positive effect on applicants, licence holders and agents as it states openly the criteria the Board will use in determining licence applications, what conditions they think will be appropriate to attach to licences and what they consider to be good practice and management.

Public and staff safety are assisted by the requirements for premises to have e.g. first aid requirements, CCTV, Radiolink, Door Supervisors and a Drugs Policy

10. Where will you publish the results of the Equality and Human Rights Impact Assessment? Tick which applies.

- Para 9 of EHRIA will be published in committee report in Section 6 “Impact”
- ✓ Full EHRIA will be attached to the committee report as an appendix
- ✓ Copied to Equalities Team to publish on the Council website

STEP 2: Outline the aims of the proposal

11. What are the main aims of the proposal?

The Licensing (Scotland) Act 2005 Section 6 requires a Licensing Board to produce and publish a Statement of Licensing Policy every three years with respect to the exercise of their functions under the Act during that period. Licensing Policies must be published before the board carries out any function in respect of individual applications made under the terms of the Act. During each three year period the policy must be kept under review and the Licensing Board may make such revisions to it as it considers appropriate.

The legislative purpose is to ensure good and fair governance of the Licensing Board, to give applicants the opportunity to consider the criteria upon which the Board will consider licence applications, which will enable them to assess the likelihood of an application being granted e.g. the Boards overprovision statement. It will also give applicants and licence holders and those with interest in the operation of these premises information regarding how the Board will promote the five licensing objectives, a duty in terms of Section 4 of the Act.:-

Preventing crime and disorder
Securing public safety
Preventing public nuisance
Protecting and improving public health and
Protecting children from harm

and how they as licensees should comply with and discharge these and their other legislative duties.

12. Who will benefit most from the proposal?

Aberdeen City Council, Stakeholders in the licensing process, Applicants for licences, Licence holders, and the local and wider community will benefit from having a clearly defined accessible Statement of Licensing Policy which demonstrates (1) how the Board will promote the licensing objectives, and (2) that the general equality duty is an integral part in the Licensing Board’s functions giving equality of opportunity to all with applications by law requiring to be considered on their merits.

13. You should assess the impact of your proposal on equality groups and tell us how implementing this proposal will impact on the needs of the public sector equality duty to: eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations.

The Licensing Board has taken steps to ensure the mainstreaming of the general equality duty as an integral part of the exercise of its functions. The Statement of Licensing Policy sets out the policies that assist in the exercise of its functions under the Licensing (Scotland) Act 2005. People with protected characteristics are and will be able to participate in meetings and other statutory processes of the Licensing Board with no discrimination, harassment or victimisation and the Board will ensure that it will advance equality of opportunity for all. The Board seeks to foster good relations by open communication with applicants, licence holders, objectors, statutory consultees and other interested parties etc. through being accessible, the Board's meetings being held in public, applications being advertised on the Council's website and meeting with stakeholders at the Licensing Forum. An increased proportion of Licensing Board communication adheres to the Corporate Accessible Information Guidelines. The Statement of Licensing Policy in promoting the Licensing Objectives aims to make the City a safe place to live work and play for all, and therefore their implementation of the objectives should result in less crime, anti-social behaviour, underage drinking, drunkenness, alcohol related health/emergency hospital admissions and more accessible, well managed and safe licensed premises, thereby creating a safe, healthier and more secure community for everyone.

As stated above the general equality duty is an integral part in the Licensing Board's functions giving equality of opportunity to all with applications by law requiring to be considered on their merits. This further demonstrates that the Board does not discriminate in its processes or determinations on the basis of the protected characteristics.

The Board can consider applications for review of a premises licence from anyone, section 36 of the 2005 Act. However in order to protect licence holders from harassment or victimisation the Board, as detailed in its scheme of delegation in its policy, they can reject a review application where they consider it to be vexatious or frivolous. The Board also have similar powers in terms of vexatious and frivolous objections to applications in terms of section 22 of the Act.

The Board through its policy encourage good management of licensed premises and the use of suitable control measures to promote the general equality duty. In order to reduce discrimination victimisation and harassment of patrons at licensed premises who have protected characteristics the Board can impose conditions requiring the use of CCTV at premises and the use of trained and registered Door Stewards to maintain order and prevent crime and disorder and ensure public safety. The Board encourages licence holders to form themselves into professional interest groups in order to ensure good management and public safety and meet themselves with these bodies e.g. the Door Stewards Working Group.

STEP 3: Gather and consider evidence

15. What **evidence** is there to identify any potential positive or negative impacts in terms of involvement, consultation, research, officer knowledge and experience, equality monitoring data, user feedback and other? You must consider relevant evidence, including evidence from equality groups.

The Board has consulted with the Aberdeen Licensing Forum who include representatives from all stakeholders in licensing in the City including NHS Grampian, Aberdeen City Alcohol and Drugs Partnership and Police Scotland. The Board has compiled, based on the forums recommendations a collection of relevant evidence which is detailed in Appendix 7 to this report. The draft policy to which this is attached will be consulted on more widely for example with the licensed trade, their agents, trade bodies community councils and the general public.

STEP 4: Assess likely impacts on people with Protected Characteristics

16. Which, if any, people with protected characteristics and others could be affected positively or negatively by this proposal? Place the symbol in the relevant box. Be aware of cross-cutting issues, such as older women with a disability experiencing poverty and isolation.

(Positive +, neutral 0, - negative)

Protected Characteristics					
Age - Younger Older	+	Disability	+	Gender Reassignment*	0
Marriage or Civil Partnership	0	Pregnancy and Maternity	+	Race**	0
Religion or Belief	0	Sex (gender)***	+	Sexual orientation****	0
Others e.g. poverty	+				

Notes:

* Gender Reassignment includes Transsexual

** Race includes Gypsy/Travellers

*** Sex (gender) i.e. men, women

**** Sexual orientation includes LGB: Lesbian, Gay and Bisexual

17. Please detail the potential positive and/or negative impacts on those with protected characteristics you have highlighted above.

In making the assessment you must consider relevant evidence, including evidence received from individuals and equality groups. Having considered all of these elements, you must take account of the results of such assessments. This requires you to consider taking action to address any issues identified, such as removing or mitigating any negative impacts, where possible, and exploiting any potential for positive impact. If any adverse impact amounts to **unlawful discrimination**, the policy must be amended to avert this. Detail the impacts and describe those affected.

Positive impacts (describe protected characteristics affected)	Negative Impacts (describe protected characteristics affected)
<p>Age – Younger – the Board has a duty to promote the objective protecting children from harm</p> <p>The Board sets out its policy for children and young persons to have access to licensed premises in the City</p> <p>The board requires applicants/licence holders to consider the issues of underage drinking and therefore reinforcing the use of suitable control measures e.g. challenge 25</p> <p>Age – Older – the Board has a duty to promote the objective protecting and improving public health. The Board has considered evidence in reviewing its policy that in Scotland there has been an increase in alcohol related deaths and alcohol related disease and in its policy seeks to assist in Scotland's Alcohol Strategy to reduce alcohol related harm.</p> <p>Disability – New licensed premises are required to provide disabled facilities, existing premises also require to provide disabled facilities unless due to its particular circumstances it is unreasonable to do so. The Board is required to promote the objective of Securing Public Safety, it's policy states that applicant's must consider the profile of it's customers with regard to addressing safety e.g. disability</p> <p>The policy states that the Board is mindful that it must be accessible to all and on request any special arrangements can be made e.g. to access information,</p>	

make applications or attend meetings etc.

Gender – Sex – the Boards policy addresses the matter of adult entertainment and the possible exploitation of those employed in these licensed premises and therefore proposes to add local conditions to premises licences who offer such entertainment e.g. that a register of performers be kept of these performers which is to be made available to the Police and Licensing Standards Officers on request. This also addresses the objectives of preventing crime and disorder and securing public safety.

Pregnancy and Maternity – The Board has a duty to promote the objective protecting and improving public health. There are negative health effects to fetuses from mothers drinking alcohol. The board are also required to promote the objective of protecting children from harm. The Board has considered evidence on the negative effects on children and young persons from harmful parental drinking

Other – Poverty - the Boards consideration of the evidence in relation to the protecting and promoting public health objective suggests increased levels of alcohol related harm in areas of social deprivation. The policy together with the Act and as part of Scotland's Alcohol Strategy intend to address this together with alcohol related crime and disorder, antisocial behaviour, public safety concerns and the protection of children in this regard.

The Board by promoting the five licensing objectives seeks to make the City a safe place to live, work and play for all groups.

STEP 5: Human Rights - Apply the three key assessment tests for compliance assurance

18. Does this proposal/policy/procedure have the potential to interfere with an individual's rights as set out in the Human Rights Act 1998? State which rights might be affected by ticking the appropriate box(es) and saying how. **If you answer "no", go straight to question 22.**

- Article 3 – Right not to be subjected to torture, inhumane or degrading treatment or punishment
- Article 6 – Right to a fair and public hearing
- Article 8 – Right to respect for private and family life, home and correspondence
- Article 10 – freedom of expression
- Other article not listed above

How?

NO

Legality

19. Where there is a potential negative impact is there a legal basis in the relevant domestic law?

Not applicable (see 18 above)

Legitimate aim

20. Is the aim of the policy identified in Steps 1 and 2 a legitimate aim being served in terms of the relevant equality legislation or the Human Rights Act?

Not applicable (see 18 above)

Proportionality

21. Is the impact of the policy proportionate to the legitimate aim being pursued? Is it the minimum necessary interference to achieve the legitimate aim?

Not applicable (see 18 above)

STEP 6: Monitor and review

22. How will you monitor the implementation of the proposal? (For example, customer satisfaction questionnaires)

The Boards Policy in terms of the 2005 Act must be kept under review and is required to publish a statement of licensing policy after consultation every 3 years. Also in the interim, as stated in the policy the Board will request annual reports from the Chief Constable, the Licensing Standards Officer and NHS Grampian in order to assess and monitor the performance of the policy and their requirements to promote the licensing objectives. The Board will also undertake regular surveys of the citizens of Aberdeen through use of The City Voice Questionnaire.

23. How will the results of this impact assessment and any further monitoring be used to develop the proposal?

The Board in the process of monitoring and reviewing its policy has the ability, during the 3 year term of the policy, to introduce supplementary policy statements to amend or expand it's policy as required. The Board will undertake a further consultation before introducing any supplementary policy statement.

STEP 7 SIGN OFF

The final stage of the EHRIA is formally to sign off the document as being a complete, rigorous and robust assessment.

Person(s) completing the impact assessment.

Name	Date	Signature
Eric Anderson Senior Solicitor	June 2013	

Quality check: document has been checked by

Name	Date	Signature

Head of Service (Sign-off)

Name	Date	Signature

Now –

Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal to:

Equalities Team
Customer Service and Performance
Corporate Governance
Aberdeen City Council
Business Hub 13
Second Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk