



**ABERDEEN CITY LICENSING BOARD**

**LICENSING (SCOTLAND) ACT 2005**

**STATEMENT OF LICENSING POLICY**

**November 2010 – November 2013**

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## PREAMBLE

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

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

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

by email to: [licensing@aberdeencity.gov.uk](mailto:licensing@aberdeencity.gov.uk)

by fax to: 01224 522491

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

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

You can also access this document on the Council's website at: [www.aberdeencity.gov.uk/licensing](http://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](mailto:commercial@aberdeencity.gov.uk)

by fax: 01224 523887

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

by telephone: 01224 523800

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

Convener.....

Clerk .....

November 2010

## SECTION A – GENERAL

### 1 INTRODUCTION

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

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

in respect of:

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

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

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

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

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

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

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

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

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

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

## **2 CONSULTATION AND LINKS TO OTHER POLICIES, STRATEGIES AND LEGISLATION**

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

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

development.

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

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

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



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

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

### **3 APPLICATIONS FOR LICENCES AND DISPOSAL OF BUSINESS**

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

## **4 DELEGATION OF LICENSING FUNCTIONS**

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

## **5 NOTIFICATION OF APPLICATIONS, OBJECTIONS AND REPRESENTATIONS**

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

## **6 CONDITIONS ATTACHING TO LICENCES**

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

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

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

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

#### CCTV

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

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

#### Adult Entertainment

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

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

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

#### Door Supervisors

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

#### Drugs Policy

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

#### Radio Link

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

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

## **7 NEED FOR LICENSED PREMISES**

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

## **8 CONSIDERATION OF APPLICATIONS BY THE BOARD**

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

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

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

8.3 When considering any application for premises which have been previously

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

## 9 OVERPROVISION

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

9.2 Localities

In order to identify those localities the Board consulted:

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

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

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

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

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

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

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

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

respect of the rest of the city of Aberdeen.

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

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

## 10 REVIEW OF PREMISES LICENCES

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

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

## 11 OCCASIONAL LICENCES AND EXTENDED HOURS APPLICATIONS

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

An occasional licence may be applied for by:

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

to cover a maximum period of 14 days

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

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

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

occasional licence in terms of section 58 of the Act.

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

## 12 ENFORCEMENT AND LICENSING STANDARDS OFFICERS

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

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

### **13 MANAGEMENT OF LICENSED PREMISES**

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

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



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

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

## **15 PERSONAL LICENCES**

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

## **16 ADULT ENTERTAINMENT**

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

Adult Entertainment

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

**17 PREMISES OFFERING ALCOHOL FOR CONSUMPTION OFF THE PREMISES**

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

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

- 17.4 The Board will treat applications for internet sales which include storage of alcohol at domestic premises in the same way as applications at 17.3.
- 17.5 The Board will attach the following local condition to all off consumption premises unless there is cause shown why this should not be the case:

#### **CCTV**

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

## **18 SMOKING AND NUISANCE**

- 18.1 The Board acknowledges that smoking is not a licensing matter and is regulated under other legislation. However the Board will ensure, so far as possible that its policies reflect current good practice on smoking.
- 18.2 The health risks associated with smoking and passive smoking continue to be well publicised. Licence holders should be aware of their own statutory responsibilities, public opinion generally, the expectations of their patrons and the legislation concerning smoking in public places.
- 18.3 The Board expects that licence holders will have regard to good practice. It is their responsibility to ensure that patrons do not create a nuisance or disturbance for residents living nearby. Where appropriate the Board may impose conditions requiring licence holders to provide litter bins and clean up litter in the vicinity of the premises. Licence holders should be aware that the Board will expect LSOs to enforce, from a public nuisance perspective, smoking in licensed premises.
- 18.4 Every business has a duty to ensure that waste is disposed of securely and to keep their premises clear of all litter generated by staff and customers. The Board expects licence holders to be aware of their responsibilities and of the possibility of statutory street litter control notices in the case of non compliance.

## **19 OUTSIDE SEATING AREAS**

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

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

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

## **20 HOURS OF TRADING – GENERAL, OCCASIONAL & EXTENDED**

### **General**

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

different parts of the premises.

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

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

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

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

Monday following the 3<sup>rd</sup> Sunday in April, 1<sup>st</sup> Monday in May, 2<sup>nd</sup> Monday in July, 4<sup>th</sup> 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](http://www.aberdeencity.gov.uk)

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

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

The following issues should be considered:

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

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

### **Occasionals and Extended Hours**

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

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

## 21 UNDER 18 EVENTS

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

## 22 ANNUAL FEES

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

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

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

## 22.7 Confirmation of a Provisional Premises Licence

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

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

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

## SECTION B - LICENSING OBJECTIVES

### 22 Overview

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

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

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

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

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

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



## 23 LICENSING OBJECTIVE - PREVENTING CRIME AND DISORDER

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

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

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

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

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

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

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

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

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

## **24 LICENSING OBJECTIVE – SECURING PUBLIC SAFETY**

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

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

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

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

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

## **25 LICENSING OBJECTIVE - PREVENTING PUBLIC NUISANCE**

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

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

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

## **26 LICENSING OBJECTIVE – PROTECTING AND IMPROVING PUBLIC HEALTH**

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

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

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

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

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

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

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

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

## **27 LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM**

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

These include but are not exhaustive:

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

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

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

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

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

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

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

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

**Bridget Campbell**  
**A member of the staff of**  
**the Scottish Ministers**

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

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

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

**Interpretation and Citation**

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

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

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

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

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

**Application**

2. These byelaws shall not apply:

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

**Offence**

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

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

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



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

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

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

### Presumptions

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

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

(3) A container which is found to contain:

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

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

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

### Public Notices of Effect

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

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

### Revocation of preceding Bye-law

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

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

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## DELEGATION OF LICENSING FUNCTIONS

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

The Board cannot delegate certain of its functions.

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

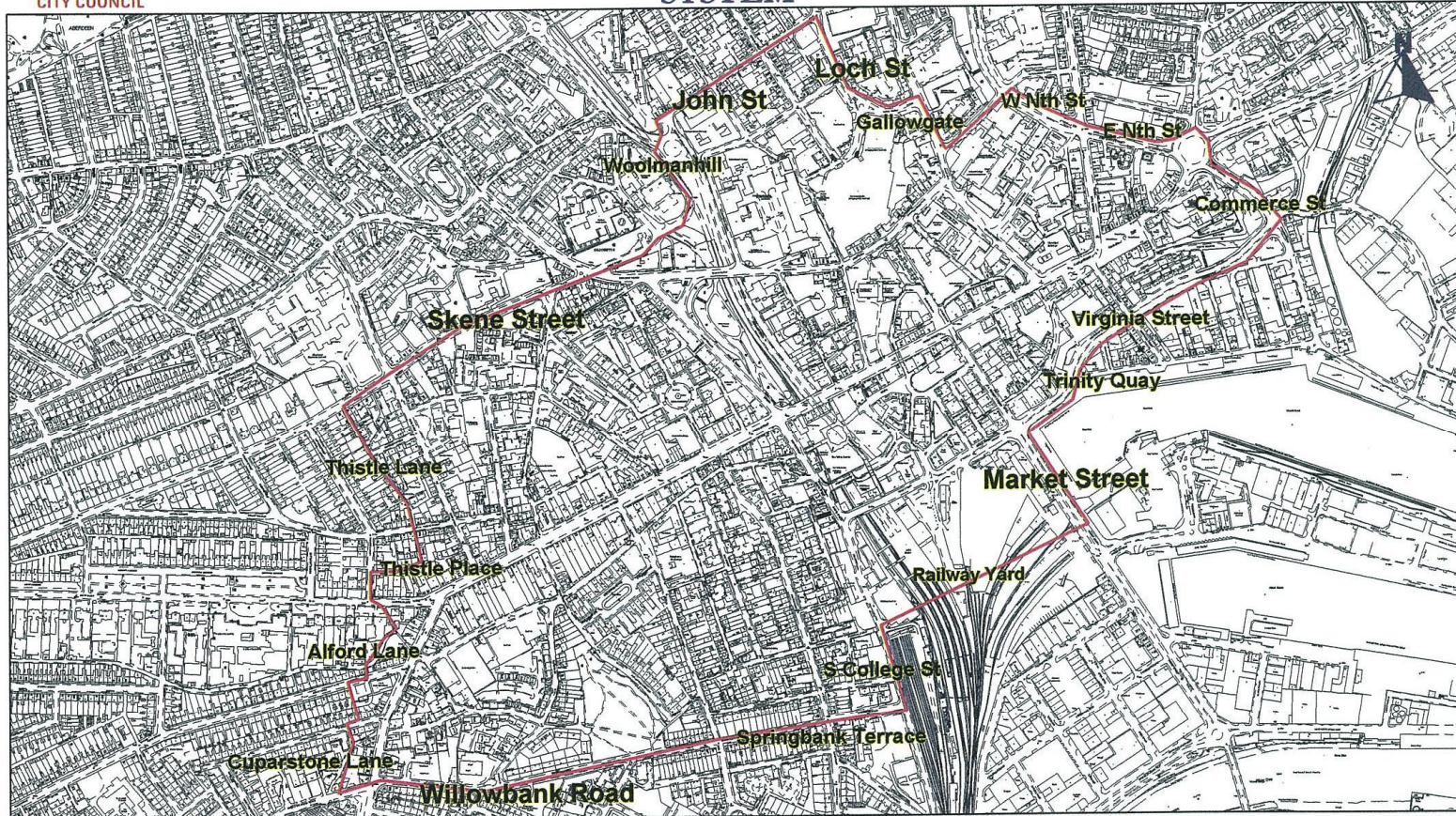
The Board reserves the right, to consider and determine all applications and relevant matters under the Act.


### Scheme of Delegation

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



# GEOGRAPHICAL INFORMATION SYSTEM



<b>Title : Aberdeen City Licensing Board</b>	<b>Scale: 1:9000</b>
<b>City Centre Area for Regular Extensions.</b>	<b>Date:</b>
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## OPERATING HOURS

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

	Centre	hours-06:00 hours	hours-06:00 hours	hours-06:00 hours	hours-06:00 hours	hours-06:00 hours	hours-06:00 hours	hours-06:00 hours
	Non City Centre							
<b>Bingo</b>	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

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

CCTV REPORT 06/06



CCTV AT LICENSED PREMISES - GENERIC FORM

## **ASSESSOR**

Grampian Police.

## **CRITERIA**

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

## **AREA SUBJECT TO CCTV COVERAGE**

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

## **OPERATIONAL REQUIREMENT**

1. Target To Be Observed

Persons and groups of persons.

2. What Activity Is Of Concern

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

3. Purpose Of The Observation

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

4. Picture Quality/Factors Required To Achieve Success

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

5. Other Factors

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

6. Result of Successful Response To The Activity

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



be reduced.

7. The Response

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

8. Timescale Of Response

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

9. When Is The Observation Required

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

10. Conditions Required To Be Effective

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

11. Observer Response

Follow set procedures.

12. Observer Reaction Based On

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

13. Observer - Speed Of Reaction

Immediately.

14. Who Is The Observer?

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

15. Where Will The Observations Take Place?

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

16. Stake Holders

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

17. Priority Assigned

Essential.

18. Activity

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

19. How Effective?

Right first time every time.

20. Benefits

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

## **ADDITIONAL REQUIREMENTS**

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

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

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

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

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

## **ADDITIONAL INFORMATION**

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

## **CONCLUSION**

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

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

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

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

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

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

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