

The Licensing (Scotland) Act 2005

Aberdeenshire Licensing Boards

North Divisional Licensing Board

Statement of Licensing Policy

30th November 2013 -29th November 2016

LICENSING OBJECTIVES

The 5 core objectives underpinning the Licensing (Scotland) Act 2005 are:-

- 1. Preventing crime and disorder**
- 2. Securing public safety**
- 3. Preventing public nuisance**
- 4. Protecting and improving public health**
- 5. Protecting children from harm**

"We wish to propose that certain principles should be specifically enshrined in statute as principles which should at all times guide the Licensing Boards and others in the exercise of their functions."

The Nicholson Committee: Review of Liquor Licensing Law in Scotland, Paragraph 2.23

A. Statement of Board's Licensing Policy

Appendix – The Five Licensing Objectives

- 1. Supplementary Policy Statement 1 – Profile of North Aberdeenshire**
- 2. Supplementary Policy Statement 2 – Preparation of Policy Statement**
- 3. Supplementary Policy Statement 3 – Overprovision Statement**
- 4. Supplementary Policy Statement 4 – Operating Hours**
- 5. Supplementary Policy Statement 5 – Relationship with Other Regimes**
- 6. Supplementary Policy Statement 6 – Transport**
- 7. Supplementary Policy Statement 7 – Tourism**
- 8. Supplementary Policy Statement 8 – Licence Types, Procedures, Enforcement and Serious Matters**
- 9. Supplementary Policy Statement 9 - Members Clubs**
- 10. Supplementary Policy Statement 10 – Excluded Premises**

LICENSING POLICY STATEMENT

INTRODUCTION

- A. Section 6 of the Licensing (Scotland) Act 2005 (“the Act”) requires every Licensing Board to prepare and publish a statement of their policy to assist in the implementation and administration of the licensing of the sale and supply of alcohol within their area and to outline the way they intend to exercise their functions under the Act.
- B. The primary purpose of the Policy Statement is to ensure that, in exercising its functions, the Board promotes the licensing objectives, as shown on the previous page. Scottish Government Guidance further provides that Policy Statements should provide local communities with a clear indication of the Board’s policy as well as being consistent with the licensing objectives.
- C. To that end, this Policy Statement sets out the North Aberdeenshire Divisional Licensing Board’s (“the Board”) general approach to decision-making under the Act.
- D. Where it is necessary to provide more detailed guidance, Supplementary Policy Statements will be issued.

GENERAL PRINCIPLES

- E. In exercising its functions under the Act the Board is required to have regard to this Policy Statement.
- F. **The Board will consider all applications on their merits within the context of this Policy Statement. In particular, the Board will give due consideration to an application whether or not it conforms to any requirements set out in this Policy Statement. However, applicants wishing to persuade the Board to depart from this Policy Statement will need to demonstrate, by means of evidence, good reason for so doing, and in particular, evidence how a departure will comply with, and promote, any or all of the five licensing objectives.**
- G. The Board expects all applicants to show how they will conform to the licensing objectives and, in particular, how they will do so in the context of the circumstances pertaining to the locality of the applicant premises.
- H. The Board acknowledges that its licensing powers are not the main statutory mechanism for dealing with anti-social behaviour and nuisance but will work in partnership with organisations that deal with such issues to assist in delivering shared outcomes.
- I. The Board is adopting a partnership approach to alcohol and alcohol issues within North Aberdeenshire in order to work more pro-actively at local level and, to demonstrate on a more practical level how the Board will adhere to and promote the licensing objectives. In doing this, the Board has carried out extensive consultation, as outlined in Supplementary Policy Statement 2. The Board has also reviewed the terms of this Policy to set out achievable and measurable outcomes going forward. This Policy will establish a baseline in relation to the licensing objectives and this will be supported by annual reports to the Board to continually review the success of this Policy or to revisit actions which are not achieving the intended effect.

CONTEXT – NORTH ABERDEENSHIRE

- J. A profile of the Board's area is contained in **Supplementary Policy Statement 1**.

PREPARATION OF POLICY STATEMENT

- K. The Board has consulted with a wide variety of people and partnership organisations in preparing this Policy Statement. The Board has also reviewed this Policy Statement having regard to a wide range of documents and evidence.
- L. These are outlined in **Supplementary Policy Statement 2**.

THE LICENSING OBJECTIVES

- M. The primary purpose of this Policy Statement is to ensure that the Board promotes the licensing objectives in exercising its functions.
- N. This being of primary importance, the Board has set out at **Appendix 1**, how it aims to achieve this, what actions will be taken to deliver these aims, what outcomes are expected, how these will be measured, and any local conditions required to assist compliance with the licensing objectives.
- O. The Board has discretion to apply conditions to a premises licence. In doing so, the Board must have regard to how additional conditions relate to the mandatory conditions set out in the Act, Regulations, Orders, and any other Instruments set out in terms of the Act.
- P. The local conditions have been reviewed to reflect the licensing objectives that they promote. The Board has therefore made reference to the relevant local conditions under each licensing objective heading set out in Appendix 1. The local conditions can be found at <http://www.aberdeenshire.gov.uk/licensing/boards.asp>.

OVERPROVISION

- Q. The Board has published **Supplementary Policy Statement 3** setting out the extent to which it considers there to be overprovision of licensed premises (or licensed premises of a particular description) in any locality within the Board's area.

OPERATING HOURS

- R. The Board considers that the operating hours set out in **Supplementary Policy Statement 4** meet the needs of businesses to routinely trade, while, at the same time, not impacting on the needs of the community in such a way that would be detrimental to compliance with the five licensing objectives.

RELATIONSHIP WITH OTHER REGIMES

- S. Guidance indicates that the Board should provide clear indications of how the Board will take into account other matters relating to alcohol.
- T. Detailed guidance is provided in **Supplementary Policy Statement 5** to this Policy Statement.

TRANSPORT

- U. Guidance requires this Policy Statement to identify any arrangements between the Licensing Standards Officer and the Police for reporting views/concerns to the local Transport Committee, which in Aberdeenshire is the Infrastructure Services Committee. Detailed information is provided in **Supplementary Policy Statement 6**.

TOURISM, PLANNING AND BUILDING STANDARDS

- V. Guidance requires this Policy Statement to identify any arrangements between Visit Scotland and the Board regarding reports on the needs of the local tourist economy. Detailed information is provided in **Supplementary Policy Statement 7**.
- W. Guidance also indicates that planning, building standards and licensing regimes will be properly managed to avoid duplication and inefficiency. This has been covered in **Supplementary Policy Statement 5**.

DUPLICATION

- X. The Board is committed to avoiding duplication with other regulatory regimes in so far as it is reasonably practicable for them to do so.

LICENCE TYPES, PROCEDURES, ENFORCEMENT AND SERIOUS MATTERS

- Y. **Supplementary Policy Statement 8** sets out information on licence types, Board's procedures and decision-making powers, enforcement action, and the matters the Board consider to be serious in determining applications.
- Z. Information previously outlined in this Supplementary Policy Statement relating to the management of licensed premises has been removed. This has, instead, been incorporated into Appendix 1 as the management of licensed premises should fundamentally be about promoting the licensing objectives.

LICENSING STANDARDS OFFICERS

- AA. Licensing Standards Officers ("LSOs") are employed by Aberdeenshire Council and have the functions set out in the Act. Their role is threefold – guidance, mediation and compliance. They are also members of the local Licensing Forum for North Aberdeenshire.
- BB. Licensing Standards Officers work with the Public, the Council's partners and the business community in seeking to promote the licensing objectives and ensuring compliance with the law.
- CC. Four Licensing Standards Officers are employed within Aberdeenshire. They are based in Banff, Peterhead, Inverurie and Stonehaven and are authorised to work in all Board areas.

INFORMATION ON MEMBERS CLUBS

- DD. Information relating to Members Clubs is set out in **Supplementary Policy Statement 9**.

INFORMATION ON EXCLUDED PREMISES

EE. Information relating to excluded premises is set out in **Supplementary Policy Statement 10**.

HOW TO MAKE COMMENT ON THIS DOCUMENT

FF. Consultation on this document took place between March 2013 and January 2014. The Policy was published on 2nd June 2014 and will be applied during the 3-year period until November 2016. It will be kept under review and revised, if appropriate, by the issue of Supplementary Policy Statements that will apply to the end of the 3-year period.

GG. Please see **Supplementary Policy Statement 2** for details on how to make comments.

PUBLICATION

Copies of this Policy Statement will be available for public inspection, during normal office hours, free of charge at –

**St. Leonards
Sandyhill Road
Banff
AB45 1BH**

The office is open to the public between 10.00a.m. and 4.00p.m. Monday to Friday.

Copies of this Policy Statement will also be available in .pdf format on Aberdeenshire Council's website at –

<http://www.aberdeenshire.gov.uk/licensing/boards.asp>

Any personal information collected will be held and processed in accordance with the Data Protection Act 1998.

Electronic copies are also available by contacting the Depute Clerk to the Board whose details are given in **Supplementary Policy Statement 2**.

Paper copies will be posted, free of charge, on request.

Aberdeenshire Licensing Boards
North Aberdeenshire Divisional Licensing Board
Licensing Objectives
30th November 2013 – 29th November 2016

The Board expects applicants to demonstrate compliance with the licensing objectives.

The Board considers that licence holders and their staff should operate their business in a manner which is consistent with the five licensing objectives. There are various aspects of running licensed premises which are of particular interest to the Board.

Applicants should consider certain areas of operation in assessing how to comply with the licensing objectives. The Board wish to offer some guidance to applicants in relation to how to achieve this in practice. This Appendix sets out that guidance, under the heading of each of the five licensing objectives. Applicants should note that information listed under one objective may be relevant under other objectives. The Board has cross referenced this information under each appropriate objective heading.

Guidance contained within this Appendix is not exhaustive.

Applicants should refer to Local Conditions 1 - 3

Helpful Organisations

Below is a list of helpful organisations. This list is not exhaustive.

- Aberdeenshire Alcohol and Drugs Partnership
- Aberdeenshire Community Planning Partnership
- Aberdeenshire Trading Standards
- Alcohol Focus Scotland, including Servewise City & Guilds
- Alcoholics Anonymous
- British Institute of Innkeeping
- British Entertainment & Dance Association
- Grocer's Federation
- Local Licensing Forum
- NHS Grampian Public Health Directorate
- North, Central and South Aberdeenshire Alcohol and Drug Forums
- Police Scotland
- Pubwatches at Peterhead, Central Buchan, Fraserburgh, Banff and Turriff
- Scottish Licensed Trade Association
- Scottish Fire & Rescue Service
- Shopwatch at Peterhead and Banff
- Security Industry Authority (SIA)

A: PREVENTING CRIME AND DISORDER

1. The Board supports a strategy aimed at making North Aberdeenshire a safe place to live in and to visit. The Board is committed to improving the quality of life for the people in the area by ensuring that licensed premises are run in such a way that they do not contribute to crime and disorder. Applicants should be able to demonstrate how they will minimise the impact of: –
 - a) Underage Drinking
 - b) Drunkenness on premises
 - c) Public Drunkenness
 - d) Illegal possession and/or use of drugs/"legal highs"
 - e) Violent behaviour
 - f) Anti-social behaviour
 - g) Litter

Premises Providing Late Night Entertainment

2. Night-clubs are an important contributor to the night-time economy and involve a substantial investment in both facilities and entertainment. They tend to be places where patrons arrive from other licensed premises and stay until the terminal hour.
3. Applicants should also discourage the use of illegal substances or weapons by displaying notices in, and at entrances to, licensed venues which clearly define the policy of the venue and should state that criminal offences will be reported to Police Scotland.
4. Please note that premises licences holders are encouraged to read the "Safer Clubbing Guide", as an example of good practice, found by following the link below:

www.crimereduction.gov.uk/drugsalcohol/drugsalcohol49.htm

Dispersal of Patrons

5. Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol, particularly at weekends. Licence holders shall ensure that they and their staff have sufficient measures in place to ensure patrons exit, and leave the vicinity of the premises, in good order and as quickly and quietly as possible. Measures may include:-
 - a) limiting the amount of alcohol sold just before the terminal hour, e.g. only permitting a group to purchase one round, not two;
 - b) making sure all patrons know well in advance the last time for purchasing alcohol is approaching;
 - c) covering bar taps once the terminal hour has passed;
 - d) raising the lighting level and inspecting all parts of the premises for patrons;
 - e) linking with local bus and taxi companies to provide safe means of transport home for patrons at the end of the evening;
 - f) having stewards patrol the vicinity of the premises to encourage patrons to disperse.
6. Nightclubs must have a written dispersal policy to ensure patrons are not put in vulnerable situations after leaving e.g. allowing the phoning of a taxi and waiting in a specific area within the premises. Licence Holders must ensure that all staff members understand and implement the policy and that, where appropriate, it is made clear to customers. Dispersal policies must be kept available for inspection, be reviewed regularly and there should be a detailed record of reviews maintained.

7. All other licensed premises should consider carefully whether a dispersal policy is appropriate to the operation of their premises in complying with this licensing objective. Detailed reasons as to why it should not apply should also be provided, if requested.
8. If such a policy is adopted by the venue it should be agreed with the Board, LSOs and Police Scotland and steps should be taken to ensure that all staff (including door staff) are familiar with the policy. Further, if any such policy is subsequently updated or revised, the revisions must be agreed similarly.

Applicants should refer to Local Conditions 13-17.

Door Supervision

9. The Board may consider door supervision appropriate. Licence holders must assess:-
 - a) whether or not door supervisors are required;
 - b) when they must be present;
 - c) the hours they should work; and
 - d) possible specification of particular duties and functions
10. It will be the responsibility of the licence holder to ensure that there are sufficient numbers of door supervisors engaged at the premises in all circumstances.
11. In the event that door supervisors are used within premises:
 - a) They must be easily identifiable as such to persons present, display the appropriate identification, and should be made aware of their duties, policies and practices, by the premises licence holder.
 - b) They must be responsible, capable, aware of their duties and not drink alcohol for the duration of their active employment.
 - c) Applicants should make appropriate arrangements for a daily register and the recording of incidents in an approved incident log.
 - d) The daily register and incident log should be open to inspection by authorised officers being the LSO and Police Scotland, on request.
12. Applicants should consider whether measures should be put in place to prevent the use or supply of illegal drugs, "legal highs" or weapons, such as the searching of customers for offensive weapons or drugs on entering the premises.
13. Where such measures are in place applicants will also be expected to make arrangements to record the search of individuals and the seizure of any property which may be required for evidence. Applicants will also be expected to provide a suitable receptacle for the safe retention of illegal substances and to inform Police Scotland so that appropriate disposal can be arranged.
14. Applicants are reminded that all door supervisors must be registered with the Security Industry Authority under the Private Security Act 2001. To employ a door supervisor who is not registered is a criminal offence. Licence holders involved in manned guarding activities, whether or not door supervisors are used, may also have to be registered.
15. Licence Holders who undertake door supervisor duties may require to obtain a front-line licence themselves. Additionally, where Licence Holders employ door supervisors directly, they may require to obtain a non-front-line licence. Applicants should contact the Security Industry

Authority (or any relevant successor) for further information. Additional information can be obtained from the SIA website at

www.the-sia.org.uk

Applicants should refer to Local Condition 18

CCTV

16. The use of CCTV on premises can be an important measure in complying with the licensing objectives, particularly in (a) preventing crime and disorder and (b) preventing public nuisance. Digital CCTV systems are readily available which may include both internal and external camera coverage of the premises. The Board supports the use of such systems and encourages licence holders to make use of these. Where used, such systems must be kept in proper working order at all times, all licence holders and staff must be able to operate the system, and images shall be kept for at least seven days and made available to Police Scotland on request. CCTV systems not kept in working order may result in the Board calling for a review of the premises licence for the particular premises.
17. Any CCTV system installed in premises providing late night entertainment must be installed to the satisfaction of the Chief Constable. Information on the standards of system acceptable can be found on the Board's website at:-

<http://www.aberdeenshire.gov.uk/licensing/boards.asp>

Applicants should refer to Local Condition 19

Radiolinks, Pubwatch & Shopwatch

18. In those areas where it is available, Radiolink, Pubwatch and Shopwatch can be of assistance to licence holders and their staff in preventing crime and disorder and undue public nuisance. The Board supports the use of such schemes and expects all licence holders to actively participate in them.
19. The Board also supports Award Schemes such as the Best Bar None scheme and Safer Towns Initiatives and encourages all licensed premises to participate in such schemes. Such schemes help to drive up standards both in the facilities of the premises and in the management and the manner that licensed premises are operated which the Board believes directly supports the five licensing objectives.
20. Applicants should consider whether a means of communication with other premises and the police is required. This is likely to be particularly relevant in town centres. The Board recommends the existing Pubwatch schemes as examples of good practice and expects licence holders to **actively participate in such schemes.**
21. Applicants should also note the advantages of consultation with the police particularly when organising events of a character that are not usually held in that particular venue. Minimising any risk of disorder in this way is an example of good practice and is likely to lead to fewer requests to review licences.
22. Applicants must consider excluding known troublemakers from their premises to minimise the risk of disorder. In certain cases organisations of licensees must consider the operation of an exclusion, or banning, scheme so that known troublemakers are refused entry to all licensed premises in a particular vicinity. If such a scheme is in force locally, applicants should consider whether to become part of it. In exceptional cases applicants may seek to refer a particular case

to the Board for review or to the police for consideration of an Anti Social Behaviour Order (ASBO) to enforce an exclusion.

Proof of Age/Underage Drinking

23. The Board strongly supports the use of any ID card bearing the Proof of Age Standards Scheme logo (PASS logo) available to all young persons under 26. To protect children and young persons and avoid crime, it is now a mandatory condition attaching to all premises licences that there must be an age verification policy in relation to the sale of alcohol within the premises.
24. Licence holders must practice due diligence to avoid underage sales. Due diligence will include:
 - a) requiring ID (Proof of Age) if the customer appears under 25. This should also include clear signage to leave customers in no doubt as to the policy;
 - b) Training staff in the use of the policy;
 - c) Ensuring that staff and customers comply with the policy;
 - d) **Keeping records regarding compliance including refusals.**

Glass and Bottles

25. Glasses and bottles may on occasion be used as weapons in and near licensed premises and can and do cause serious injury.
26. Applicants are expected to take reasonable steps to prevent the removal of glasses and opened bottles from premises (including authorised pavement seating areas and beer gardens). The Board will consider the use of plastic containers or beakers in outdoor areas on a case-by-case basis.
27. Applicants should also consider policies which provide that, on appropriate occasions, all drinks are dispensed into plastic containers and that at certain times during late hours of operation and/or when significant numbers of people are on the premises there is exclusive use of toughened glassware and plastic bottles.

Bye-laws on Alcohol in Designated Places

28. Aberdeenshire Council has introduced bye-laws prohibiting the consumption of alcohol in designated public places.
29. The effect of the bye-laws are that any person who consumes alcoholic beverages in a designated public place shall be guilty of an offence. Licensed canteens, licensed premises and Registered Clubs are exempt from these bye-laws. The bye-laws also state that they shall not have effect on 31st December from 6.00p.m. until the end of that day on 1 January until 6.00a.m.
30. As licensed premises are exempt, applicants should take care to clearly mark on layout plans where external areas such as beer gardens are to be counted as part of the licensed premises.
31. Where such orders are in force applicants should take reasonable steps to inform customers of the existence and effect of such an order. This may include the display of a notice to that effect at exit points from the building.

Lockfast Stores

32. The Board expects all alcohol not on display within the premises to be kept in a designated lockfast store within the premises. This greatly reduces the risk of premises being the subject of theft, particularly in a rural area such as North Aberdeenshire.
33. The location of the lockfast store should also be shown on the layout plans attached to premises licences.

Applicants should refer to Local Condition 6

Relationship With Other Licensing Objectives

Please see also Section B on Securing Public Safety and Section C on Prevention of Public Nuisance.

ACTIONS

Prevention of Crime and Disorder

To work in partnership with relevant bodies to address crime and disorder in our communities and to promote the reduction of alcohol-related crime and anti-social behaviour.

What needs to change?

- Enforcement of the alcohol bye-laws
- Number of violent incidents at licensed premises
- Number of common assaults at licensed premises
- Number of licensing offences
- Number of anti-social behaviour offences at licensed premises
- Number of reviews relating to this objective brought before the Board

How will we know whether this has changed?

- Increased availability of crime prevention literature for use by the Trade
- Statistics from Police Scotland in relation to:-
 - How many people have been issued with a warning under the Peterhead Alcohol Bye-law? Of those how many failed to desist when asked to do so?
 - Recorded breaches of the Fraserburgh Alcohol Bye-Law.
 - Recorded serious violent crime at or near to licensed premises.
 - Detected serious violent crime at or near to licensed premises.
 - Recorded common assault at or near to licensed premises.
 - Detected common assault at or near to licensed premises.
 - Recorded licensing offences under the Licensing (Scotland) Act 2005.
 - Detected licensing offences under the Licensing (Scotland) Act 2005.
 - Recorded anti-social behaviour crimes at or near to licensed premises.
 - Detected anti-social behaviour crimes at or near to licensed premises.
 - How many premises in North Aberdeenshire are subject to a Formal Licensing Intervention?
 - How many Formal Licensing Interventions were satisfactorily resolved?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective after a Formal Licensing Intervention have been brought to the Board this year?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective were so severe that they were brought straight to the Board without going through the Formal Licensing Intervention process?
- How many reviews led by the LSO in connection with breaches of this licensing objective have been brought to the Board this year?

- How many premises are actively participating in Pubwatches and Shopwatches?
- How many customers have been banned by Pubwatches/Shopwatches on grounds of crime and disorder in the last year?

What Partners do we need to work with to make this happen?

- Area Committees
- Citizen's Panel
- Community Planning Board
- Licensing Forum
- Licensing Standards Officers
- Licensed Trade
- Local Community Planning Partnership
- Northern Community Justice Authority
- Police Scotland
- Pubwatch
- Shopwatch

How will we go about doing this?

What the Board will do

- Raise awareness of the licensing system.
- Impose local conditions on licensed premises where appropriate.
- Engage with Pubwatches on a regular basis.
- Meet with the Trade once a year to discuss areas of concern.
- Liaise with local Area Committees, Police Scotland and local press regarding the implementation of the alcohol bye-laws.

What the Board expect of the Trade

- Compliance with any local conditions attached to their licence.
- Participation in Award Schemes.
- Participation in Pubwatch and Shopwatch where appropriate.
- The display crime prevention literature within premises.
- Co-operation with our partner agencies in providing evidence in relating to crime and disorder.
- To revise and update Licensing Objectives Risk Assessments regularly.

What the Board expect of the Forum

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To review of the functions exercised by the Board
- To provide evidence of consultation with the community that they represent in all dealings with the Board.

What the Board expect of other Partners

- Enforcement of the alcohol bye-Laws where appropriate
- Provision of the Statistics to evidence the success or otherwise of the Policy.
- To gauge opinion

B: SECURING PUBLIC SAFETY

1. The Board is committed to ensuring that the safety of any person visiting or working in, or in the vicinity of, licensed premises is not compromised.

Capacity

2. Capacity limits will be included in all operating plans attached to premises licences. These limits will be set by the Board, in conjunction with Building Standards, and with the agreement of the licence holder. Applicants should note that the Board might seek to impose capacity conditions where there are no such limits following representations on safety grounds.
3. Applicants should demonstrate how they intend to control and maintain the agreed capacity levels within the venue.

Good Housekeeping

4. Applicants should consider risks associated with:
 - a) preparation of food and drink
 - b) risk of burns and scalding
 - c) first aid provision
 - d) use of special effects e.g strobe lighting, smoke machine, pyrotechnics
 - e) evacuation procedures
 - f) procedures for dealing with people who fall ill, including those affected by drugs or alcohol
 - g) children and young persons accessing the premises

Applicants should refer to Local Conditions 1- 3, 7-12

Equalities

5. Consideration should be given to equalities issues when completing an application and related risk assessment. This section may be revised following the implementation of the provisions of the Criminal Justice (Scotland) Act 2010 and the Alcohol (Scotland) Act 2010 relating to the provision of disability access statements, which is being considered by the Scottish Parliament this term as part of the Regulatory Reform Bill.

Condition of Premises

6. Licence holders and their staff are expected to ensure that premises, both internally and externally, are maintained in good, clean and tidy condition at all times.
7. The Board will carry out spot checks of premises from time to time.

Applicants should refer to Local Conditions 1-3

Relationship With Other Licensing Objectives

Please see also Section A on Prevention of Crime and Disorder and Section C on Prevention of Public Nuisance.

ACTIONS

Securing Public Safety

To work in partnership with relevant bodies to address issues of public safety in our communities and to promote the reduction of alcohol-related crimes and anti-social behaviour.

What needs to change?

- Increased awareness of public safety
- Perceptions around feeling unsafe in our area
- Numbers of violent incidents at licensed premises
- Number of reviews relating to this objective brought before the Board

How will we know whether this has changed?

- Increased availability of personal safety equipment through local Community Safety Groups
- Statistics from Police Scotland in relation to:-
 - Recorded serious violent crime at or near to licensed premises.
 - Detected serious violent crime at or near to licensed premises.
 - How many reviews led by the Police in connection with breaches of this licensing objective have been brought to the Board this year?
 - How many premises in North Aberdeenshire are subject to a Formal Licensing Intervention?
 - How many Formal Licensing Interventions were satisfactorily resolved?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective after a Formal Licensing Intervention have been brought to the Board this year?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective were so severe that they were brought straight to the Board without going through the Formal Licensing Intervention process
- Sustaining the work of the Street Pastors.
- How many reviews led by the LSO in connection with breaches of this licensing objective have been brought to the Board this year?
- How many premises are represented on Pubwatches and Shopwatches?
- How many customers have been banned by Pubwatches and Shopwatches on grounds of securing public safety in the last year?
- Promotion of Scottish Fire and Rescue Service Fire safety checks in on and off-sale premises.
- How many of our licensed premises have specific Drug Policies?
- How many of our licensed premises have Written Dispersal Policies?

What Partners do we need to work with to make this happen?

- Area Committees
- Citizen's Panel
- Community Planning Board
- Licensing Forum
- Licensing Standards Officers
- Licensed Trade
- Local Community Planning Partnership
- Police Scotland
- Pubwatches
- Scottish Fire and Rescue Service
- Shopwatches

How will we go about doing this?

What the Board will do

- Raise awareness of the licensing system.

- Impose local conditions on licensed premises where appropriate.
- Engage with Pubwatches on a regular basis.
- Meet with the Trade once a year to discuss areas of concern.
- Liaise with Partners and local press regarding the implementation of the alcohol byelaws.

What the Board expect of the Trade

- Compliance with any local conditions attached to their licence.
- Participation in the Award Schemes.
- Participation in Pubwatch and Shopwatch where appropriate.
- Co-operation with our partner agencies in providing evidence in relation to public safety issues.

What the Board expect of the Forum

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To review the functions exercised by the Board
- To provide evidence of consultation with the community that they represent in all dealings with the Board.

What the Board expect of other Partners

- Provision of statistics to evidence the success or otherwise of the Policy
- Provisions of opportunity for the public to purchase personal safety equipment by local Community Safety Groups
- Provision of the Anti-Social Behaviour Strategy and regular updates to the Board
- To gauge opinion

C: PREVENTING PUBLIC NUISANCE

1. The Board wishes to protect and maintain the amenity of neighbouring residents and occupiers of other businesses from any adverse consequences of the operation of licensed premises whilst at the same time recognising the valuable, cultural, social and business importance that licensed premises provide.
2. Licence holders must also recognise that they have a responsibility to the amenity of the communities they serve.

Applicants should refer to Local Conditions: 1-3, 13-17

Noise

3. No noise from amplified and non-amplified music, singing and speech sourced from licensed premises shall be audible in any adjoining property after 11.00p.m.
4. Applicants should consider the steps to be taken to ensure patrons and staff leave the premises safely and quietly. This will be of greater importance between 11 p.m. and 7 a.m. than at other times of the day.
5. Applicants should consider the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents including the slamming of vehicle doors, vehicle horns, vehicle stereos, noise from engines idling, and vehicle exhaust fumes.
6. In considering applications from pubs, clubs and similar premises and activities the Board expects licence holders to have regard to any guidance published such as the Good Practice Guide on the control of noise from pubs and clubs published by the Institute of Acoustics (available to purchase) at:

<http://www.ioa.org.uk/publications.asp>.

7. The Board also expects licence holders to have regard to the Code of Practice on Environmental Noise Control at Concerts published by the Noise Council. Aberdeenshire Council's Environmental Health Service has provided a Guidance Note on Control of Noise, which is available on the Board's website at:

www.aberdeenshire.gov.uk

8. Particular care must be taken where the noise source is in the open air, e.g. beer gardens, play areas, car parks, access roads, temporary structures or queues.
9. Applicants should consider any special measures that should be adopted in premises located near to sensitive premises such as nursing homes, hospitals or places of worship.

Applicants should refer to Local Condition 4.

Litter

10. The provision of hot food after 11.00p.m. is often associated with the problem of litter affecting the streets and properties surrounding licensed premises. Applicants should determine and implement steps to prevent additional litter (e.g. food waste and food packaging, cans, bottles) in the vicinity of their premises. Such steps may include an agreed cleaning schedule. A late hours catering licence may also be required for provision of food outwith operating hours. Further guidance on late hours catering licences is available from the Depute Clerk.

Applicants should refer to Local Conditions 1-3, 10

Queues

11. Applicants should consider the steps to be taken to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be formed away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction, for example, making provision for queuing inside the premises.

Transport

12. Applicants should consider whether there is sufficient provision of transport for patrons. Failure to do so may result in nuisance due to patrons loitering in the vicinity of the premises, particularly after closing, and this will be considered a serious failure.
13. Applicants should consider whether the service of the premises by licensed taxi or private hire vehicles is likely to disturb local residents and take reasonable steps to prevent disturbance from this source. Examples of actions that can be taken include arrangements for door staff to advise customers that their transport has arrived and phones in entrance lobbies perhaps linked directly to licensed taxi or private hire companies. Licence holders have also made arrangements with taxi operators and the police to have taxis wait in public car parks near licensed premises and have stewards direct customers to the public car park at close of business. This reduces nuisance to nearby residents from engines running in idling taxis and aids dispersal of patrons from the premises.

Relationship with other licensing objectives

Please see also Section A on Prevention of Crime and Disorder and Section B on Securing Public Safety.

ACTIONS

Prevention of Public Nuisance

To work in partnership with relevant bodies to address issues of public nuisance in our communities.

What needs to change?

- Numbers of noise, odour and litter problems in and around licensed premises
- Reduction in the number of reviews relating to this objective brought before the Board

How will we know whether this has changed?

- Statistics from Police Scotland in relation to:-
 - Anti-social behaviour at and near to licensed premises.
 - How many reviews led by the Police in connection with breaches of this licensing objective have been brought to the Board this year?
 - How many premises in North Aberdeenshire are subject to a Formal Licensing Intervention?
 - How many Formal Licensing Interventions were satisfactorily resolved?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective after a Formal Licensing Intervention have been brought to the Board this year?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective were so severe that they were brought straight to the Board without going through the Formal Licensing Intervention process?
- How many reviews led by the LSO in connection with breaches of this licensing

objective have been brought to the Board this year?

- How many mediations have taken place with LSO in relation to nuisance? How many of these have been successful?
- How many of the following types of complaints have been lodged with Environmental Health in connection with and in relation to licensed premises:-
 - noise
 - litter
 - odour
 - Of these how many have been successfully resolved?

What Partners do we need to work with to make this happen?

- Area Committees
- Citizen's Panel
- Community Planning Board
- Environmental Health
- Licensing Forum
- Licensing Standards Officers
- Licensed Trade
- Local Community Planning Partnership
- Local interest groups
- Police Scotland

How will we go about doing this?

What the Board can do

- Raise awareness of the licensing system.
- Impose local conditions on licensed premises where appropriate.
- Engage with Pubwatches on a regular basis.
- Meet with the Trade once a year to discuss areas of concern.
- Liaise with Partner Agencies and local press regarding the implementation of the alcohol bye-laws.

What the Board expect of the Trade

- Compliance with any local conditions attached to their licence.
- Participation in the Award Schemes.
- Participation in Pubwatch and Shopwatch where appropriate.
- Co-operation with our partner agencies in providing evidence in relation to public safety issues.

What the Board expect of the Forum

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To review the functions exercised by the Board
- To provide evidence of consultation with the community that they represent in all dealings with the Board.

What the Board expect of other Partners

- Provision of statistics to evidence the success or otherwise of the Policy
- Provision the Anti-Social Behaviour Strategy and regular updates to the Board
- To gauge opinion

D: PROTECTING AND IMPROVING PUBLIC HEALTH

1. The Board wishes to see premises thriving in North Aberdeenshire but this cannot be at the expense of patrons' health and wellbeing. The Board will have regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in North Aberdeenshire. It will take advice from those relevant bodies. Additionally, NHS Grampian Public Health Directorate is now a statutory consultee and is consulted on all applications for grant of premises licences and major variations of premises licences.
2. Applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect patrons' health. Such measures may include:-

For On Sale Premises

- a) Making available information with regard to sensible drinking,
- b) Contact points where assistance can be obtained for problem drinking
- c) Promotion of designated driver schemes
- d) Easy availability of small 125ml glasses, or 25ml measures instead of 35ml measures
- e) Support customers in increasing awareness of the number of units of alcohol they are consuming to be aware of the drink-driving limits
- f) Additional training of bar staff, beyond the statutory minimum requirements, particularly in relation to the effects of alcohol on the body
- g) The use of plastic or toughened glassware
- h) Prevention of overcrowding
- i) Robust refusal system and recording of refusals procedures
- j) Calling last orders in plenty of time
- k) Reduce vertical drinking
- l) Providing a good range of reasonably priced soft drinks and/or driver's shelves
- m) Stock a reasonable range of lower ABV and alcohol free beers and wines
- n) Inviting Public Health agencies to Shows/Games to deliver public health promotional messages in relation to alcohol and drugs.

For Off Sale Premises

- o) Making available information with regard to sensible drinking
 - p) Stock a reasonable range of lower ABV and alcohol free beers and wines
 - q) Additional training of staff, beyond the statutory minimum requirements, particularly in relation to the effects of alcohol on the body
 - r) Robust refusals system and recording of refusals procedure
 - s) Context of alcohol displays in relation to other permitted products
3. The Board expects applicants to promote sensible drinking. The Board also expects applicants to apply an appropriate drug policy such as "Drugs on Licensed Premises" Published by Scottish Business Crime Centre (now re-named Business Resilience Centre).

Applicants should refer to Local Conditions 1, 17, 21-25

Vertical Drinking

4. The Board is concerned about so-called vertical drinking establishments. Particular attention will be paid to any applications for a premises licence with a disproportionate amount of standing accommodation. The Board expects all such premises to accommodate patrons with a minimum of 25% seating space.

Premises with Restricted Sale of Alcohol

5. Some businesses only supply restricted types of alcohol, restricted volumes and restricted containers, e.g. florists only supplying champagne, Kilt makers and woollen mills only supplying whisky miniatures or High street stores only supplying alcohol in gift sets. These premises do require a premises licence.
6. Some businesses also restrict the places they display alcohol to particular parts of their premises or restrict the provision of alcohol to a percentage of their floor space.
7. The Board may consider, where necessary, on a case-by-case basis, imposing conditions to ensure these restrictions are adhered to.

Alcohol Displays

8. For information on alcohol displays please see the Guidance on Applying for a Premises Licence document at www.aberdeenshire.gov.uk.

Irresponsible Drinks Promotions

9. Measures stipulated by the Act include a prohibition on varying prices within a 72-hour period of a prior change and the need to tackle irresponsible promotions such as "happy hours".
10. The Scottish Government has revised the requirements in relation to irresponsible drinks promotions. Details of the requirements are listed at condition 13 of the mandatory conditions attaching to all premises licences, which can be accessed at www.aberdeenshire.gov.uk.
11. The Board requires clear evidence linking the sale of alcohol to an inducement to the consumer to immediately drink to excess before a promotion will be considered as possibly irresponsible.
12. Initially, complaints will be dealt with at a local level by the LSO, who will mediate between the Licence holder and the Board to agree whether or not any promotion breached the mandatory licence conditions. In most cases, it is hoped that these cases can be resolved in discussion between the LSO and the Licence holder without any sanctions being applied by the Board.
13. However, where the Board feels that further action is appropriate, it will instigate a review hearing to determine what action, if any, needs to be taken against the licence holder concerned.
14. The Board will view actions that encourage binge drinking as a serious matter.

Smoking

15. The Board refers licence holders and staff to the following website:- <http://www.clearingtheairscotland.com/> and the Board's guidance note on smoking, copies of which can be found on the Board's website at www.aberdeenshire.gov.uk. Licence holders have been effective in ensuring that patrons do not smoke within their premises, however, other issues can arise in the area around the premises such as noise nuisance, litter disorder, and smoke drift into neighbouring residences or back into the licensed premises. Licence holders and staff are expected to have sufficient measures in place to prevent such problems arising.

Relationship with Other Licensing Objectives

Please see also Section B on Securing Public Safety, Section C on Prevention of Public Nuisance and Section D on Protecting Children from Harm.

ACTIONS

Protecting and Improving Public Health

To work in partnership with relevant bodies to promote public health in our communities

What needs to change?

- Harm related to the supply of alcohol from licensed premises
- Health inequalities due to alcohol consumption
- Engagement with the off-trade
- Greater partnership working with NHS Grampian Public Health Directorate
- Understanding of the scope of licensing and what can be delivered

How will we know whether this has changed?

- How many premises are displaying healthy living posters?
- How many premises are using small 125ml measures?
- What proportion of premises are using 25ml measures as opposed to 35ml measures?
- What is the on sales capacity in North Aberdeenshire?
- How many variations has there been to increase on sales capacity?
- How many variations has there been to decrease on sales capacity?
- What is the off sales capacity in North Aberdeenshire?
- How many variations has there been to increase off sales capacity?
- How many variations has there been to decrease off sales capacity?
- Statistics from NHS Grampian Public Health Directorate in relation to local health issues related to the consumption of alcohol.
- Statistics from Police Scotland in relation to:-
 - How many reviews in connection with breaches of this licensing objective have been brought to the Board by Police Scotland this year?
 - How many premises in North Aberdeenshire are subject to a Formal Licensing Intervention?
 - How many Formal Licensing Interventions were satisfactorily resolved?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective after a Formal Licensing Intervention have been brought to the Board this year?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective were so severe that they were brought straight to the Board without going through the Formal Licensing Intervention process?
- How many reviews in connection with breaches of this licensing objective have been brought to the Board by LSO this year?
- How many reviews in connection with breaches of this licensing objective have been brought to the Board by other bodies this year?
- How many mediations have taken place with LSO? How many of these have been successful?

What Partners do we need to work with to make this happen?

- Area Committees
- Citizen's Panel
- Community Planning Board
- Environmental Health
- Licensing Forum
- Licensing Standards Officers
- Licensed Trade
- Local Community Planning Partnership
- NHS Grampian Public Health Directorate

How will we go about doing this?

What the Board can do

- Impose local conditions on licences

- Raise awareness of the licensing system
- Work with Pubwatches to encourage the use of smaller measures in licensed premises
- Monitor any sudden increases or decreases in capacity in licensed premises
- Engage more meaningfully with the off trade and representative groups of that sector

What the Board expect of the Trade

- Compliance with local conditions
- Participation in Awards Scheme
- Participation in Pubwatch or Shopwatch
- Availability of smaller measures of alcohol and alternatives to alcohol
- Co-operation with partner agencies in increasing customer awareness of sensible drinking
- Training staff in relation to the effects of alcohol on the body.

What the Board expect of the Forum

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To review the functions exercised by the Board
- To provide evidence of consultation with the community that they represent in all dealings with the Board.

What the Board expect of other Partners

- Provision of statistics to evidence the success or otherwise of the Policy
- Work in conjunction with the Board, Trade and Forum in increasing customer awareness of sensible drinking
- To gauge opinion

E: PROTECTING CHILDREN FROM HARM

Children and Young Persons on Licensed Premises

1. The Board has an interest in promoting family-friendly premises within North Aberdeenshire and wishes to ensure that premises which seek to accommodate children are run in such a way that they are suitable for children.
2. In determining any application where the operating plan indicates that children are to have access, the Board will consider the need to protect children from harm as its paramount concern.
3. Applicants will require to demonstrate that suitable and sufficient measures are in place to protect children from harm.
4. The Board will not normally grant a premises licence or occasional licence where:-
 - a) children under the age of twelve would have direct access to pool tables, dart boards or gaming machines.
 - b) There is an unsuitable character or atmosphere
 - c) Where parts of the premises are very small, enclosed and unable to provide a family-friendly environment
 - d) Premises which have very few suitable facilities, inclusive of toilets
5. The Board may impose conditions on a premises licence or in granting an occasional licence where children are to be allowed entry, such as –
 - a) Provision of safe high chairs to the current British Standard
 - b) Provision for heating of children's food at no cost
 - c) Safe and clean nappy-changing facilities (covered in Regulations)
 - d) Containers for the disposal of soiled nappies
 - e) Heating sources to be adequately protected
 - f) Electrical sockets to be covered.

This list is not exhaustive

Applicants should refer to Local Conditions 8-12 and also the Pool Occasional Licence Conditions

6. Licence holders are reminded that they and their staff must comply with all other legislation in relation to children and young persons.
7. The Board expects that employers will make careful checks where premises or entertainment is specifically targeted towards children to ensure all persons employed or involved with the supervision or management are deemed appropriate persons to be engaged in the activity, such as Disclosure Checks.
8. The Board commends the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks. Where applicants intend children to be present on licensed premises or where the sale of alcohol takes place the Board will expect the Code of Practice to be fully implemented.

The code can be found at: <http://www.portmangroup.co.uk/?pid=1&level=1>

9. In the case of 'children only' events, for example, an under 18 disco, production of play, a pantomime or similar event to which the sale of alcohol is ancillary, the Board will usually recommend a specific ratio of adult supervisors to children that can be reasonably expected, on

the premises for the activity. The normal ratio will be one supervisor per 50 children plus one supervisor for each floor and one supervisor for each exit. This would mean at an event where 300 children are expected, which takes place on premises which have 2 floors and 4 exits there would need to be 6 supervisors for the capacity of the premises, plus 2 for the two floors, plus 4 for the number of exits giving a total of 12 supervisors on duty throughout the duration of the event. Applicants may have higher levels of supervision if they wish.

10. In the case of premises giving film exhibitions, to which the sale of alcohol is ancillary, the Board will expect licence holders or clubs to include in their operating schedule arrangements for restricting children from viewing age restricted films, classified according to the recommendation of the British Board of Film Classification or the licensing authority itself. The Licence holder may also require to obtain a Cinema Licence from Aberdeenshire Council.

Underage Drinking

11. The Board also takes very seriously the issue of underage drinking and wishes to remind licensees that they and their staff must not sell, or allow the sale of alcohol to children and young persons. This is a criminal offence.
12. It is also a criminal offence to sell or supply alcohol to a person over the age of 18 where it is suspected that the person will then supply that alcohol to a child or young person.

Relationship with other licensing objectives

Please see also Section A on Prevention of Crime and Disorder, Section B on Securing Public Safety, Section C on Prevention of Public Nuisance and Section D on Protecting and Improving Public Health.

ACTIONS

Protection of Children from Harm

To work in partnership with relevant bodies to protect children from harm whilst within licensed premises

What needs to change?

- Alcohol related harm affecting children whilst on licensed premises
- Promotion of family-friendly premises.

How will we know whether this has changed?

- Statistics from Police Scotland in relation to:-
 - How many premises in North Aberdeenshire are subject to a Formal Licensing Intervention?
 - How many Formal Licensing Interventions were satisfactorily resolved?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective after a Formal Licensing Intervention have been brought to the Board this year?
 - How many reviews led by Police Scotland in connection with breaches of this licensing objective that were so severe that they were brought straight to the Board without going through the Formal Licensing Intervention process?
 - Recorded licensing offences in relation to children and young persons.
 - detected licensing offences in relation to children and young persons.
- Implementation of a family-friendly accreditation scheme
- How many premises have been accredited as being family-friendly?
- How many representations to a new premises licence application were made in respect of children and young persons' access to licensed premises?
- How many representations were made in respect of major variations to a premises licence were made in respect of children and young persons' access to licensed

premises?

What Partners do we need to work with to make this happen?

- Area Committees
- Citizen's Panel
- Community Planning Board
- Environmental Health
- Licensing Forum
- Licensing Standards Officers
- Licensed Trade
- Local Community Planning Partnership
- NHS Grampian Public Health Directorate
- Pubwatches
- Trade Association

How will we go about doing this?

What the Board will do

- Impose local conditions
- Review licences where appropriate
- Work in conjunction with the Forum to finalise the Family-Friendly Accreditation Scheme
- Meet with the Trade once a year to discuss any areas of concern

What the Board expect of the Trade

- Compliance with the local conditions
- Compliance with mandatory condition regarding Challenge 25 ID policies
- To keep up to date Refusal Registers
- To work with the Board and the Forum on Family-Friendly Accreditation Schemes

What the Board expect of the Forum

- Completion of the work on Family-Friendly Accreditation Schemes
- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To review functions exercised by the Board
- To provide evidence of consultation with the community that they represent in all dealings with the Board.

What the Board expect of other Partners

- Provision of statistics to evidence the success or otherwise of the Policy
- Community Planning assistance
- To gauge opinion.