

# **The Licensing (Scotland) Act 2005**

## **Aberdeenshire Licensing Boards**

### **Statement of Licensing Policy Central Division**

**30<sup>th</sup> November 2013 -29<sup>th</sup> November 2016**

# LICENSING OBJECTIVES

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

- (a) Preventing crime and disorder**
- (b) Securing public safety**
- (c) Preventing public nuisance**
- (d) Protecting and improving public health**
- (e) 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 other in the exercise of their functions."

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

## **POLICY STRUCTURE**

### **STATEMENT OF LICENSING POLICY**

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## 1. 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 Central 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 Statements will be issued.

### GENERAL PRINCIPLES

- E. In exercising their 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 their 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 Central 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 statement 2 to this Policy. The Board has also reviewed the terms of this policy to set out achievable and measurable outcomes going forward. The policy will establish a baseline in relation to outcomes and this will be supported by annual reports to the Board to continually review the success of the policy or to revisit outcomes which are not achieving the intended effect.

#### **CONTEXT – CENTRAL ABERDEENSHIRE**

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

#### **PREPARATION OF POLICY STATEMENT**

- K. The Board has consulted with a wide variety of persons 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** to this Policy Statement.

#### **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** to this Policy Statement, how they aim 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.

#### **OVERPROVISION**

- P. The Board has published **Supplementary Policy Statement 3** to this Policy Statement, setting out the extent to which they consider there to be overprovision of licensed premises (or licensed premises of a particular description) in any locality within the Board’s area.

#### **OPERATING HOURS**

- Q. 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**

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

## **TRANSPORT**

- T. 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** to this Policy Statement.

## **TOURISM, PLANNING AND BUILDING STANDARDS**

- U. Guidance requires this policy statement to identify any arrangements between Visit Scotland and the Boards, regarding reports on the needs of the local tourist economy. Detailed information is provided in **Supplementary Policy Statement 7** to this Policy Statement.
- V. 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**. [See above paragraph on Relationships with other Regimes].

## **DUPLICATION**

- W. 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**

- X. **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.
- Y. 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 of this Policy Statement as management of licensed premises should fundamentally be about promoting the licensing objectives.

## **LICENSING STANDARDS OFFICERS**

- Z. 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.
- AA. 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. They are also members of the Local Licensing Forum for Central Aberdeenshire.
- BB. 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**

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

## **INFORMATION ON EXCLUDED PREMISES**

- DD. Information relating to excluded premises is set out in **Supplementary Policy Statement 10** to this Policy Statement.

## **HOW TO MAKE COMMENT ON THIS DOCUMENT**

- EE. Consultation on this document took place between August 2013 and December 2013. The Policy was published on 6 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.
- FF. 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 –

Central Aberdeenshire Licensing Board  
Gordon House  
Blackhall Road  
INVERURIE

Email: [licensingpolicyreview@aberdeenshire.gov.uk](mailto:licensingpolicyreview@aberdeenshire.gov.uk)

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

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

Any personal information collected will be held and processed in accordance with the Data Protection Act 1988.

The offices are open to the public between 10.00 am and 4.00 pm Mondays to Fridays.

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.

## APPENDIX 1 TO POLICY STATEMENT

**Aberdeenshire Licensing Boards**  
**Central Aberdeenshire Divisional Licensing Board**  
**Licensing Objectives**  
**30<sup>th</sup> November 2013 – 29<sup>th</sup> November 2016**

1. The Board expects applicants to give consideration to the promotion of the licensing objectives.
2. The Board considers that licence holders and their staff should operate their business in a manner which is consistent with the 5 licensing objectives. There are various aspects of running licensed premises which are of particular concern to the Board.
3. 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.
4. Guidance contained within this Appendix is not exhaustive.

### **Helpful Organisations**

5. Below is a list of helpful organisations. This list is not exhaustive.
  - Aberdeenshire Alcohol and Drugs Partnership
  - Aberdeenshire Community Planning Partnership
  - Aberdeenshire Community Safety Executive
  - Aberdeenshire Trading Standards
  - Alcohol Focus Scotland, including Serवेशive City & Guilds
  - Alcoholics Anonymous
  - British Entertainment & Dance Association
  - British Institute of Innkeeping
  - Grocer's Federation
  - Local Licensing Forum
  - NHS Grampian Public Health Directorate
  - North, Central and South Aberdeenshire Alcohol and Drug Forums
  - Police Scotland
  - Pubwatches
  - Scottish Licensed Trade Association
  - Scottish Fire & Rescue Service
  - Shopwatch
  - Security Industry Authority

## **A: PREVENTING CRIME AND DISORDER**

1. The Board supports a strategy aimed at making each area a safe place to live in and visit. The Board is committed to improving the quality of life for the people in each area by ensuring that licensed premises are run in such a way as not to contribute to crime and disorder.

Applicants must demonstrate that they will address problems such as:-

- (a) Underage drinking
- (b) Drunkenness on premises
- (c) Public drunkenness
- (d) Illegal possession and/or use of drugs
- (e) Violent behaviour
- (f) Anti-social behaviour
- (g) Litter
- (h) Misuse of non regulated psychoactive substances

### **Premises Providing Late Night Entertainment**

2. Nightclubs 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.
3. In light of this and the 5 licensing objectives, the Board may impose conditions on the licence of a premises which in its view provides significant entertainment.
4. Please note that holders of premises licences are encouraged to read the "Safer Clubbing Guide" found by following the link below;  
[www.crimereduction.gov.uk/drugsalcohol/drugsalcohol49.htm](http://www.crimereduction.gov.uk/drugsalcohol/drugsalcohol49.htm)
5. The Board may also impose conditions in relation to the use of CCTV and door supervisors at such premises.

### **Dispersal Policy**

6. Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol. Licence holders must ensure that they and their staff have sufficient measures in place to ensure patrons exit the premises as quickly as possible, in good order and as quietly as possible.
7. Measures may include limiting the amount of alcohol sold just before the terminal hour, e.g. only permitting a group to purchase one round, not two; making sure all patrons know well in advance the latest time for purchasing alcohol is approaching, covering bar taps once the terminal hour has passed; raising the lighting level and inspecting all parts of the premises for patrons.
8. The Board expects all night clubs to have a written dispersal policy in place.

### **Door Supervision**

9. The Board, taking into account the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance, may consider door supervision appropriate. Whether or not door supervisors are to be required and, if so, the number of door supervisors, the occasions they must be present, the hours they must be present, and possible specification of particular duties and functions will be assessed according to the merits of each individual application.
10. 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 what is termed "manned guarding activities", whether or not door supervisors are used, may also have to be registered. Applicants should contact the Security Industry Authority for further information.
11. Additional information can be obtained from the SIA website at:-  
[www.the-sia.org.uk](http://www.the-sia.org.uk)

### **Proof of Age/Underage Drinking**

12. 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.
13. Licence holders are therefore strongly encouraged to practice due diligence to avoid underage sales. Due diligence will include:
  - Having an ID policy, for example to require ID if the customer appears under 25. This should also include clear signage to leave customers in no doubt as to the policy.
  - Training staff in the policy and use of the policy
  - Ensuring that staff and customers comply with the policy
  - Keeping records regarding compliance including refusals.

### **CCTV**

14. 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.

Any CCTV system in a premises offering 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/ApprovedCCTVguidance.pdf>

## **Radiolinks, Pubwatch & Shopwatch**

15. 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 public nuisance. The Board supports the use of such schemes and other initiatives such as Safer Towns initiatives. The Board encourages all licence holders to act responsibly by actively participating in such schemes. The Board also supports the Best Bar None scheme and would encourage all licensed premises to participate. It helps to drive up standards both in facilities and the manner in which licensed premises are operated, which the Board believes directly supports the 5 Licensing Objectives.
16. 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.

## **Glassware and Bottles**

17. Given that glasses and bottles may on occasion be used as weapons, applicants must take reasonable steps to prevent their removal from premises (including authorised pavement seating areas and beer gardens).
  - (a) Generally speaking, Applicants must consider, where appropriate, the use of plastic containers or toughened glassware.
  - (b) Applicants should 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 premises, there is exclusive use of toughened glassware and plastic bottles.
  - (c) The Board considers that the use of glasses or glass bottles may give rise to serious injury to patrons or the public due to the locality of the premises, nature of operations or type of patron likely to frequent the premises. The Board may impose a condition requiring that drinks be served in plastic glasses or bottles.

## **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?***

- Increased awareness of factors contributing to Crime and Disorder.
- Reduction in violent incidents at licensed premises
- Reduction in the number of those who re-offend whilst under the influence of alcohol
- Reduction in anti-social behaviour 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?***

- Increased availability of crime prevention literature for use by the Trade
- 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.
  - 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 Central 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?
  - DRUGS RELATED OFFENCES?
- 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 conditions on licensed premises where appropriate.
- Engage with Pubwatches on a regular basis.

What the Boards will expect of the Trade

- Comply with conditions attached to their licence.
- Participate in awards schemes.
- Participate in Pubwatch and Shopwatch where appropriate.
- Display crime prevention literature within premises.
- Co-operate with our partners in providing evidence in relation to crime and disorder.
- Revise and update Licensing Objectives Risk Assessment regularly

What the Boards will expect of the Forums

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To keep 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 Boards will expect of Partners

- Provide the Statistics to evidence the success or otherwise of the Policy.
- Gauge opinion

## **B. SECURING PUBLIC SAFETY**

1. The Board is committed to ensuring that the safety of any person visiting or working on 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, on safety grounds, following representations on safety grounds.
3. Applicants should demonstrate how they intend to control and maintain the agreed occupancy 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) procedure for dealing with people who fall ill, including those affected by drugs or alcohol
  - g) children and young persons accessing the premises

### **Condition of Premises**

5. Licence holders and their staff are expected to ensure that the premises, both internally and externally, are maintained in a good, clean and tidy condition at all times.

### **Equalities**

6. 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.

## **Fire Safety**

7. The Licence Holders must carry out a Fire Risk Assessment and comply with the Fire (Scotland) 2005 as amended and all other relevant legislation, to the satisfaction of the Chief Officer

## **Relationship with Other Licensing Objectives**

8. 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?***

- Awareness of public safety
- Perceptions around feeling unsafe in our area
- Reduction in violent incidents at licensed premises
- Reduction in the number of those who re-offend whilst under the influence of alcohol
- Reduction in anti-social behaviour 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?***

- 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 Central 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
- Increase in the number places where Street Pastors work.
- 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 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 conditions on licensed premises where appropriate.
- Engage with Pubwatches on a regular basis.

What the Board will expect of the Trade

- Comply with conditions attached to their licence.
- Participate in award schemes.
- Participate in Pubwatch and Shopwatch where appropriate.
- Co-operate with our partner agencies in providing evidence in relation to public safety issues.

What the Board will expect of the Forums

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To keep 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 will expect of Partners

- Provide the Statistics to evidence the success or otherwise of the Policy.
- Provide the Anti-Social Behaviour Strategy and regular updates to the Board
- Gauge opinion

## **C. Preventing Public Nuisance**

1. The Board wish to protect and maintain the amenity of 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 such premises provide.
2. Licence holders must also recognise that they have a responsibility to the amenity of the community they serve.

### **Noise**

3. Licence holders are expected to be aware of the impact on neighbours of noise from their premises and are expected to take reasonable steps to prevent noise nuisance. Steps to be taken may include sound tests, installation of a sound limiter, soundproofing, keeping doors and windows closed, door staff to ensure patrons leave quickly and quietly, timing of outdoor entertainment in beer garden areas; notices at exits asking patrons to leave quietly.
4. Noise from amplified and/or non-amplified music, singing and/or speech sourced from licensed premises should not be audible in any adjoining or neighbouring property after 11.00 p.m.
5. In considering applications from pub, clubs and similar premises and activities the Board expects licence holders to have regards 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>). (Could not be found)

and the Code of Practice on Environmental Noise Control at Concerts published by the Noise Council. Aberdeenshire Council's Environmental Health Service will also provide a Guidance Note on Control of Noise, which is available on the Board's website at:

<http://www.aberdeenshire.gov.uk/environmental/noise/index.asp>

### **Litter and Waste Management**

6. Licence holders should be aware that they have a responsibility to have a suitable litter and waste management programme in place to ensure that any area outside the premises is at all times kept free of litter (which includes cigarette butts etc. and waste, including human waste).

### **Queues**

7. 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**

8. Applicants should consider whether there is sufficient provision for 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.
9. 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 a private hire company.

## **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?***

- Reduction in noise nuisance in and around licensed premises
- Reduction in violent incidents in and around licensed premises
- Reduction in incidents involving litter in and around licensed premises
- Reduction in anti-social behaviour 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 Central 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?
- 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 complaints have been lodged with Environmental Health in connection with:-
  - noise problems in relation to licensed premises this year?

- litter problems in relation to licensed premises this year?
- odour problems in relation to licensed premises this year?

***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 will do

- The Boards will raise awareness of the licensing system.
- Impose conditions on licensed premises where appropriate.
- Engage with Pubwatches on a regular basis.
- Liaise with local Area Committees, Police Scotland and local press regarding the implementation of the alcohol bye-laws.

What the Board will expect of the Trade

- Trade will comply with any local conditions attached to their licence.
- Participate in award schemes.
- Participate in Pubwatch and Shopwatch where appropriate.
- Co-operate with our partner agencies in providing evidence in relation to public safety issues.

What the Board will expect of the Forums

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To keep 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 will expect of Partners

- Provide the Statistics to evidence the success or otherwise of the Policy.
- Provide opportunity for the public to purchase personal safety equipment
- Provide the Anti-Social Behaviour Strategy and regular updates to the Boards
- Gauge opinion

## **D. PROTECTING AND IMPROVING PUBLIC HEALTH**

1. The Board wish to see premises thriving in each area, but this cannot be at the expense of patrons' health and wellbeing. The Board will have regard to the views of, and take advice from the relevant bodies responsible for, and interested in, the protection and improvement of public health in each area. Additionally, NHS Grampian Public Health Directorate is now a statutory consultee, and is consulted on all applications for new licences or major variations.
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 will 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 to small 125ml glasses, or 25ml instead of 35ml
- 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
2. 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).

### **Irresponsible Drinks Promotions**

4. Measures stipulated by the Act include a prohibition on varying prices within a 72-hour period of a prior change and irresponsible promotions such as “happy hours”.
5. The Scottish Government has revised the requirements in relation to irresponsible drinks promotion. Details of the requirements are listed at Condition 13 of the Mandatory Conditions attaching to Premises Licence, which can be accessed at [www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk).
6. 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.
7. 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. 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.
8. However, where the Board feels that further action is appropriate, they will instigate a review hearing to determine what action, if any, needs to be taken against the licence holder concerned.

### **Vertical Drinking**

9. The Board is aware that there is some concern about so called ‘vertical drinking’ establishments. Particular attention will be paid to any applications for a premises licence where large numbers of patrons will be provided with standing accommodation in the premises. The Board expects such premises to provide patrons with seating for at least 25% of the maximum occupancy as assessed by Building Standards of the room in question in the premises.

### **Smoking**

9. The Board refers Licence holders and staff to the following website:- [www.clearingtheairscotland.com](http://www.clearingtheairscotland.com). Licence holders have been effective in ensuring that patrons do not smoke within their premises. However, other issues may 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?***

- Reduction in the harm related to the supply of alcohol from licensed premises
- Reduction in health inequalities due to alcohol consumption

- Greater engagement with the off trade
- Greater partnership working with NHS Grampian Public Health Directorate
- Better 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 Central 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 Central 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 Central 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?
- 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 in relation to nuisance? 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 will 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 will expect of the Trade

- Comply with conditions attached to their licence
- Participate in awards schemes.
- Participating in Pubwatch or Shopwatch.
- Increasing availability of smaller measures of alcohol and alternatives to alcohol.
- Co-operate with partners agencies in increasing customer awareness of sensible drinking.
- Train staff in relation to the effects of alcohol on the body.

What the Board will expect of the Forums

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To keep 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 will expect of Partners

- Provide statistics to the Boards
- Work in conjunction with the Board, Trade and Forums in increasing customer awareness of sensible drinking
- Gauge opinion

## **E. PROTECTING CHILDREN FROM HARM**

1. The Board wish to see family-friendly premises thriving in each area. Where applicants wish to operate such premises, the Board expect 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.
2. The applicant must consider those factors which may particularly impact on children including:-
  - The provision of entertainment or services of an adult or sexual nature.
  - Members of staff, including those who do not have a personal licence, 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 premises.
3. Possible control measures include:-
  - 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.
4. 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. An example of such a check would be the completion of a Disclosure Scotland check to the appropriate standard.
5. The Board has an interest in promoting family friendly premises within Central Aberdeenshire and wish to ensure that premises which seek to accommodate children are run in such a way that they are suitable for children.
6. Applicants will require to demonstrate understanding of the additional responsibilities placed on them when children are on the premises. Specifically, applicants will be expected to demonstrate that suitable and sufficient measures are in place to protect children from harm.
7. Parts of premises to which children and young persons are to be allowed entry will require to have a suitable character and atmosphere. Premises or parts of premises which are very small and enclosed are unlikely to be able to provide the appropriate environment. Also premises which have very few facilities are unlikely to comply with the requirements of the Board. Toilets must be of a reasonable standard and reasonably accessible to the area to which children and young persons are allowed entry. The Board may not grant a premises licence or occasional licence where children would have direct access to those areas of the premises where there are pool tables, darts board or gaming machines.
8. The Board may impose conditions on a premises licence or in granting an occasional licence where children are to be allowed entry.

9. Licence holders are reminded that they and their staff must comply with all other legislation in relation to children and young persons.
10. In the case of 'children only' events, for example, an under 18 disco, production of play, a pantomime or similar event 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. As an example, this would mean at an event where 300 children are expected, taking place on premises which have 2 floors and 4 exits there would need to be 12 supervisors on duty throughout the duration of the event made up of 6 supervisors for the capacity of the premises, plus 2 for the two floors, plus 4 for the exits. Applicants may have higher levels of supervision if they wish.
11. In the case of premises giving film exhibitions 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.

### **Underage Drinking**

12. The Board also takes very seriously the issue of under-age 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.
13. 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 Children from Harm.

### **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?***

- To ensure that no alcohol related harm affects children whilst on licensed premises
- To promote family friendly premises.

#### ***How will we know whether this has changed?***

- Statistics from Police Scotland in relation to:-
  - How many premises in Central 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.
- 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 conditions where appropriate
- Review licences where appropriate

What the Board will expect of the Trade

- Comply with conditions
- Comply with mandatory condition regarding Challenge 25 ID policies
- Keep up to date Refusal Registers

What the Board will expect of the Forums

- To keep under review the operation of the Licensing (Scotland) Act 2005 in their Area
- To keep 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 will expect of Partners

- Police Scotland will provide statistics
- Community Planning assistance