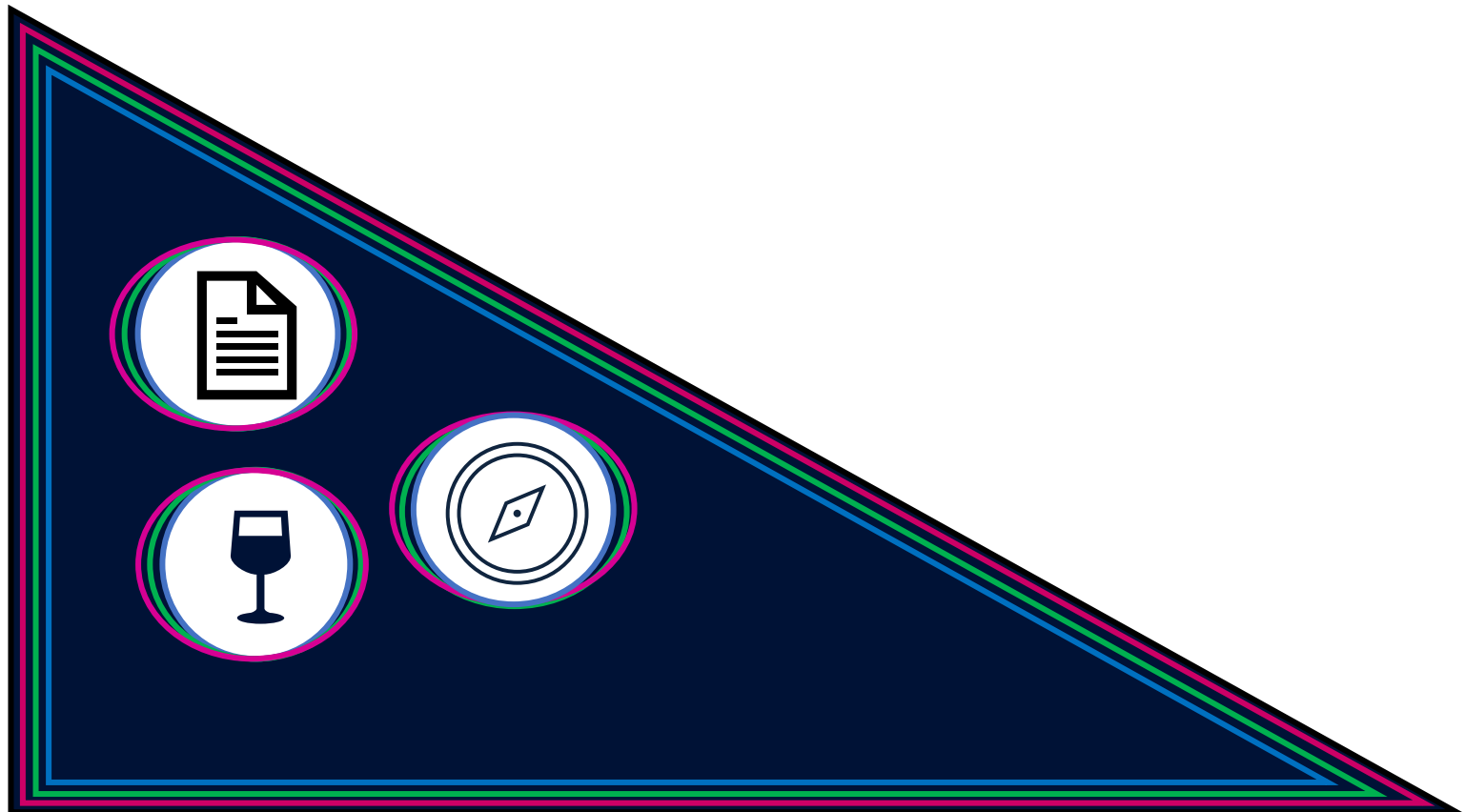


THE ABERDEENSHIRE LICENSING BOARD

Licensing (Scotland) Act 2005

STATEMENT OF LICENSING POLICY

2023-2028



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COMMUNITY PLANNING - LOCAL OUTCOME IMPROVEMENT PLAN PRIORITIES

Connected and Cohesive Communities	
Changing Aberdeenshire's Relationship with Alcohol	
Reducing Child Poverty	
Health & Wellbeing	

WORKING WITH ABERDEENSHIRE COUNCIL – DEVELOPMENT OF PLACE STRATEGY – RESILIENT COMMUNITIES - AIMS

Support communities to help themselves and encourage and assist in the delivery of community priorities	
Promote greater participation by communities in decisions that impact them	
Improve the life chances of people at risk of falling into poverty, or already living in poverty	

EQUALITIES – PROTECTED CHARACTERISTICS

Age	
Disability	
Gender Reassignment	
Pregnancy and Maternity	
Race (Includes: ethnic origin, national origin, colour and nationality)	
Religion or Belief (Includes: a lack of any belief)	
Sex	
Sexual Orientation	
Marriage and Civil Partnerships (But only in respect of the duty to consciously consider the need to eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act).	

CONTENTS PAGE

FOREWORD.....	1
PART ONE: The Licensing Objectives.....	2
The Licensing Objectives.....	3
PART TWO: Licensing Policy Statement.....	4
Licensing Policy Statement	5
1. Introduction	5
2. General Principles.....	5
3. Context – Aberdeenshire.....	6
4. Preparation of Policy Statement.....	6
5. The Licensing Objectives.....	6
6. Overprovision.....	7
7. Operating Hours.....	7
8. Relationship With Other Regimes and Transport, Tourism, Planning & Building Standards .	7
9. Duplication.....	8
10. Licence Types, Procedures, Enforcement and Serious Matters	8
11. Licensing Standards Officers	8
12. Information on Members Clubs	8
13. Information on Excluded Premises	8
14. How to Comment on this Document	8
15. Publication.....	9
Appendices.....	10
APPENDIX 1: Licensing Objectives.....	11
Board Measures	11
<i>A. Preventing Crime and Disorder</i>	<i>11</i>
<i>B. Securing Public Safety</i>	<i>11</i>
<i>C. Preventing Public Nuisance</i>	<i>11</i>
<i>D. Protecting and Improving Public Health</i>	<i>12</i>
<i>E. Protecting Children and Young Persons from Harm</i>	<i>12</i>
Measures for Applicants and Licence Holders	12
A. Preventing Crime and Disorder	13
General.....	13
Late night entertainment	14
Dispersal Policy	14
Safety of Workers and Employees within Licensed Premises	15

<i>Vulnerability Policy</i>	16
<i>Domestic Violence</i>	16
<i>Door Supervision</i>	17
<i>CCTV</i>	18
<i>Radiolinks, Pubwatch & Shopwatch</i>	19
<i>Proof of Age/Underage Drinking</i>	20
<i>Glassware and Bottles</i>	20
<i>Byelaws on Alcohol in Designated Places</i>	21
<i>Lockfast Stores</i>	22
<i>The Terrorism (Protection of Premises) Bill – The Protect Duty / Martyn’s Law</i>	22
B. Securing Public Safety	24
<i>General</i>	24
<i>Capacity</i>	24
<i>Good Housekeeping</i>	24
<i>Equalities</i>	25
<i>Disability Access and Facilities Statement</i>	25
<i>Condition of Premises</i>	26
<i>Fire Safety</i>	27
C. Preventing Public Nuisance	27
<i>General</i>	27
<i>Beer Gardens, Street Cafes and Outside Drinking Areas</i>	28
<i>Street or Pavement Cafes</i>	28
<i>Noise</i>	29
<i>Litter and Waste Management</i>	30
<i>Queues</i>	30
<i>Transport</i>	30
D. Protecting and Improving Public Health	31
<i>General</i>	31
<i>Vertical Drinking</i>	33
<i>Minimum Unit Pricing (“MUP”)</i>	33
<i>Irresponsible Drinks Promotions</i>	34
<i>The Local Outcomes Improvement Plan (“LOIP”)</i>	34
<i>Aberdeenshire’s Development of Place Strategy</i>	35
<i>Smoking</i>	35
E. Protecting Children and Young Persons from Harm	35
<i>Children and Young Persons on Licensed Premises</i>	35
<i>Alcohol Deliveries, Click and Collect, and Internet Sales</i>	38
APPENDIX 2: Local Conditions – Premises Licences	40
APPENDIX 3: Local Conditions – Occasional Licences	49
PART THREE: Supplementary Policies	58
Supplementary Policy 1: Context & Profile	59
<i>Map of Aberdeenshire</i>	59
<i>Profile of Aberdeenshire</i>	59
<i>Aberdeenshire’s Six Administrative Areas</i>	60
<i>What is the role of the Board?</i>	62

<i>The Local Licensing Forum</i>	<i>65</i>
Supplementary Policy 2: Consultation & Documentation.....	67
<i>Pre-Formal Consultation Stage</i>	<i>67</i>
<i>Consultation</i>	<i>67</i>
<i>Post Consultation Stage.....</i>	<i>69</i>
<i>Preparation of Final Policy Statement and Supplementary Policy Statements</i>	<i>69</i>
<i>Evidence</i>	<i>70</i>
<i>How to make a comment on this document during the lifetime of the Policy</i>	<i>70</i>
Supplementary Policy 3: Overprovision Policy	71
<i>General.....</i>	<i>71</i>
<i>Assessing Overprovision.....</i>	<i>71</i>
<i>Purpose.....</i>	<i>73</i>
<i>Consultation</i>	<i>74</i>
<i>Assessment.....</i>	<i>74</i>
<i>Evidence Considered</i>	<i>74</i>
<i>Setting of localities and the formation of the draft policy:</i>	<i>74</i>
<i>Formulation of the final Overprovision Statement:</i>	<i>75</i>
<i>Analysis of the Evidence.....</i>	<i>75</i>
<i>Ongoing Considerations</i>	<i>75</i>
<i>Localities</i>	<i>75</i>
<i>Consideration.....</i>	<i>75</i>
<i>Key Factors Identified</i>	<i>76</i>
<i>Findings.....</i>	<i>76</i>
<i>Duty 1: Analysis of Overprovision Within Aberdeenshire</i>	<i>76</i>
<i>Considerations.....</i>	<i>76</i>
<i>Availability of Alcohol</i>	<i>77</i>
<i>Key Factors Identified</i>	<i>77</i>
<i>Conclusion</i>	<i>77</i>
<i>Risk of Potential Harm.....</i>	<i>78</i>
<i>Key Factors Identified</i>	<i>78</i>
<i>Areas of Deprivation.....</i>	<i>78</i>
<i>Breakdown of Population</i>	<i>78</i>
<i>Conclusion</i>	<i>78</i>
<i>Areas of Deprivation.....</i>	<i>78</i>
<i>Breakdown of Population</i>	<i>79</i>
<i>Evidence of Harm.....</i>	<i>79</i>
<i>Key Factors Identified</i>	<i>79</i>
<i>Conclusion</i>	<i>80</i>
<i>Development of Scoring Matrix</i>	<i>80</i>
<i>Findings.....</i>	<i>80</i>
<i>On Sales</i>	<i>81</i>
<i>Premises Selling Both.....</i>	<i>81</i>
<i>Off Sales</i>	<i>81</i>
<i>Analysis of Settlements</i>	<i>81</i>
<i>Consideration of Overprovision in Determining Applications for Premises Licences, Provisional Premises Licences or Variation of Premises Licences.....</i>	<i>83</i>
<i>Rebuttable Presumption</i>	<i>83</i>
Appendix 1: Summary of Evidence Used to Determine Draft Overprovision Policy for Aberdeenshire	85
<i>Setting of Localities</i>	<i>85</i>
<i>Settlements.....</i>	<i>85</i>

Consideration of Overprovision	86
Scoring Matrix	86
Draft Overprovision Statement.....	86
Final Overprovision Statement.....	86
Changes:	87
Criteria	88
Settlements within Aberdeenshire	88
Largest by population	88
Suggested settlements	88
Settlements meeting specific triggers.....	89
Drinking Habits Within Aberdeenshire	89
Where do people tend to drink?.....	89
Where are people buying their alcohol from and how regularly?.....	90
How much are people drinking?	92
Findings:.....	95
Views on Overprovision within Aberdeenshire.....	95
Findings:.....	98
Future Work Required:.....	99
Potential Risk of Harm.....	99
Areas of Deprivation within Aberdeenshire	99
Multiple Deprivation	100
Income Deprivation	101
Health Deprivation.....	102
Deprivation as a result of crime	102
Breakdown of Population.....	103
Conclusion	103
Availability of Alcohol	104
Number of Premises	104
Findings:.....	105
Density of Premises.....	106
Findings:.....	107
Capacity and Operating Hours	107
Capacity.....	107
Operating Hours	107
Findings:.....	108
Conclusion	108
Evidence of Harm.....	109
Preventing Crime and Disorder	109
Deprivation as a result of Crime.....	109
Police Scotland and Consultation Information.....	111
Balance of Concerns	114
Securing Public Safety.....	114
Balance of Concerns	114
Preventing Public Nuisance.....	115
Balance of Concerns	115
Protecting and Improving Public Health.....	115
Aberdeenshire Wide Statistics	115
Health Deprivation.....	120
Protecting Children and Young Persons from Harm.....	122
Balance of Concerns	123
Conclusion	123
Overprovision Assessment	123
On Sales.....	124
Premises Selling Both	124
Off Sales:	124
Assessment of overprovision in terms of the identified settlements.....	124

Supplementary Policy 4: Operating Hours	127
<i>Operating Hours.....</i>	<i>127</i>
<i>Off-Sales</i>	<i>127</i>
<i>On-Sales</i>	<i>127</i>
<i>Opening Hours</i>	<i>128</i>
<i>Terminal Hour.....</i>	<i>128</i>
<i>Festive Hours</i>	<i>129</i>
<i>Occasional Extensions.....</i>	<i>129</i>
<i>Occasional Licences</i>	<i>130</i>
<i>Occasional Licence Hours</i>	<i>132</i>
<i>Occasional Licence Conditions.....</i>	<i>132</i>
<i>Repeated Occasional Licence Applications.....</i>	<i>133</i>
<i>Lack of Demand and Flexible Trading Hours</i>	<i>134</i>
<i>Drinking Up Time</i>	<i>134</i>
<i>British Summer Time and Winter Time.....</i>	<i>134</i>
<i>Additional Considerations</i>	<i>135</i>
 Supplementary Policy 5: Relationship with other regimes & Transport, Tourism, Planning and Building Standards	 136
<i>Relationship with other regimes.....</i>	<i>136</i>
<i>Transport</i>	<i>137</i>
<i>Tourism.....</i>	<i>138</i>
 Supplementary Policy 6: Licences & Board Procedures	 139
<i>Types of Licence.....</i>	<i>139</i>
<i>Personal Licence</i>	<i>139</i>
<i>Premises Licence.....</i>	<i>140</i>
<i>Provisional Premises Licence</i>	<i>141</i>
 DOCUMENTS WHICH FORM PART OF AN APPLICATION FOR A PREMISES LICENCE OR PROVISIONAL PREMISES LICENCE	 142
<i>A: Application Form.....</i>	<i>142</i>
<i>B: Section 50 Certificates.....</i>	<i>142</i>
<i>C: Operating Plans.....</i>	<i>142</i>
<i>Short Term Lets</i>	<i>143</i>
<i>Adult Entertainment</i>	<i>143</i>
<i>D: Layout Plans.....</i>	<i>144</i>
<i>E: Licensing Objectives Risk Assessment.....</i>	<i>145</i>
<i>F: Disability Access and Facilities Statement.....</i>	<i>146</i>
<i>Confirmation of a Provisional Premises Licence</i>	<i>147</i>
<i>Temporary Premises Licence</i>	<i>148</i>
<i>Licensing of Vehicles, Vessels and Moveable Structures</i>	<i>148</i>
<i>Application to Vary a Premises Licence.....</i>	<i>150</i>
<i>Applications for a Variation of a Premises Licence (Major Variation)</i>	<i>151</i>
<i>Applications for Minor Variation of Premises Licence.....</i>	<i>151</i>
<i>Applications to Transfer a Premises Licence</i>	<i>154</i>
<i>Section 33 Transfers.....</i>	<i>154</i>
<i>Section 34 Transfers.....</i>	<i>154</i>
<i>Occasional Extensions.....</i>	<i>155</i>
<i>Occasional Licences</i>	<i>155</i>
<i>Further Guidance and Fees</i>	<i>156</i>
<i>Data Protection and GDPR Compliance</i>	<i>156</i>
<i>Format of Application Forms.....</i>	<i>156</i>
<i>Consultation</i>	<i>157</i>

<i>Notification of New Premises Licence and Major Variation Applications</i>	<i>157</i>
<i>Notification of Transfer of Premises Licence and of Personal Licence Applications...</i>	<i>157</i>
<i>Notification of Occasional Licence and Occasional Extension Applications</i>	<i>157</i>
<i>Objections and Representations</i>	<i>157</i>
<i>Determination of Applications</i>	<i>158</i>
<i>Applications reserved to the Board</i>	<i>158</i>
<i>Applications not reserved to the Board which have attracted no objections or adverse representations and are within the terms of the Board's Statement of Licensing Policy</i>	<i>159</i>
<i>Applications not reserved to the Board which have attracted objections or adverse representations and/or are outwith the terms of the Board's Statement of Licensing Policy</i>	<i>159</i>
<i>Board Decision Making</i>	<i>159</i>
<i>Openness and Accessibility</i>	<i>159</i>
<i>Scheme of Delegation</i>	<i>160</i>
<i>Format of Licences</i>	<i>160</i>
<i>Licence Conditions</i>	<i>160</i>
<i>Complaints and Enforcement</i>	<i>161</i>
<i>Licensing Standards Officers</i>	<i>161</i>
<i>Police Scotland</i>	<i>162</i>
<i>The Board</i>	<i>162</i>
<i>Board Performance and Compliance with the Licensing Objectives</i>	<i>162</i>
Appendix 1: List of Serious Matters	164
Appendix 2: Licensing Application Flowchart	165
Appendix 3: Statutory Timelines for Determining Applications	167
<i>Premises Licences.....</i>	<i>167</i>
<i>Personal Licences</i>	<i>167</i>
Supplementary Policy 7 – Members Clubs.....	168
<i>Members Clubs</i>	<i>168</i>
Supplementary Policy 8 – Excluded Premises	171
<i>Excluded Premises - Garages</i>	<i>171</i>
GLOSSARY	172

FOREWORD

This Licensing Policy Statement sets out the Aberdeenshire Licensing Board's Policies on the sale and supply of alcohol in accordance with the Licensing (Scotland) Act 2005 from **1st November 2023**.

This Policy Statement was approved by the Board at their meeting on 25th October 2023.

The policy was developed and refined through a collaborative process involving public consultation and direct consultation with the Licensed Trade including Members Clubs, Police Scotland, NHS Grampian, Aberdeenshire Alcohol and Drug Partnership (as well as members of the public) and Community Councils. The Board is very grateful for the excellent demonstration of partnership working that has culminated in this Policy.

The Policy has also been developed and updated to reflect the provisions of the revised Statutory Guidance for Licensing Authorities published by the Scottish Government in November 2022.

The main changes included in this Statement of Licensing Policy are as follows:

- 1. Harmonised operating hours for on sale premises across Aberdeenshire**
- 2. A finding of overprovision in certain settlements in Aberdeenshire in relation to off sale premises for the first time since the Licensing (Scotland) Act 2005 took effect on 1st September 2009.**
- 3. A review of local conditions for premises licences and occasional licences**
- 4. Clear specification of what documents are required to ensure applications for licences are competent and capable of being processed.**

The Licensing Board aims for a consistent approach across Aberdeenshire. Our aim will be to promote the Licensing Objectives as set out in the legislation through compliance with the terms of the legal tests set in the 2005 Act and by adhering to and promoting the terms of this Policy Statement, as set out in Appendix 1 to the Main Policy Statement.

All decisions that we make will be based firmly upon reliable evidence and on individual merit in compliance with the Legal Tests set out in the 2005 Act.



**Marion Ewenson,
Convener**



**Dawn Black,
Vice Convener**

PART ONE: The Licensing Objectives



The Licensing Objectives

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

	Preventing crime and disorder.
	Securing public safety.
	Preventing public nuisance.
	Protecting and improving public health.
	Protecting children and young persons 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 2.2

PART TWO: Licensing Policy Statement



Licensing Policy Statement

1. Introduction

- 1.1 **Section 6 of the Licensing (Scotland) Act 2005** (“the Act”) requires every Licensing Board in **Scotland** 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.
- 1.2 The primary purpose of the Policy Statement is to ensure that, in exercising their functions, Boards promote the licensing objectives, as shown on the previous page. [Scottish Government Guidance](#)¹ 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.
- 1.3 To that end, this Policy Statement sets out the Aberdeenshire Licensing Board's (“the Board”) general approach to decision-making under the Act.
- 1.4 Where it is necessary to provide more detailed guidance, Supplementary Policy Statements will be issued.

2. General Principles

- 2.1 In exercising its functions under the Act the Board is required to have regard to this Policy Statement.
- 2.2 Alcohol is not an ordinary commodity due to its well-recognised hazardous properties. As a result, permission to sell alcohol is not a right but an entitlement awarded where the Board deems an application not to prejudice the goals of the five licensing objectives either in its own right or as a consequence of cumulative impact across the licensing area in question.
- 2.3 **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 whether or not an application conforms to any requirements set out in this Policy Statement.**

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.

¹ <https://www.gov.scot/publications/licensing-scotland-act-2005-section-142-guidance-licensing-boards/pages/2/>

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 is not inconsistent with any or all of the five licensing objectives.

- 2.4 The Board has adopted a partnership approach to alcohol and alcohol issues within 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 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.
- 2.5 The Board's Action Plan published online and can be accessed [here](#)².

3. Context – Aberdeenshire

- 3.1 A profile of Aberdeenshire is contained in **Supplementary Policy Statement 1**.

4. Preparation of Policy Statement

- 4.1 The Board 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.
- 4.2 These are outlined in **Supplementary Policy Statement 2**.

5. The Licensing Objectives

- 5.1 The primary purpose of this Policy Statement is to ensure that the Board promotes the licensing objectives in exercising its functions.
- 5.2 This being of primary importance, the Board has set out at **Appendix 1**, the measures the Board will take in respect of each licensing objective.

The Board has also set out in **Appendix 1** the measures it expects Applicants for licences and Licence Holders to take in complying with and promoting the licensing objectives. This includes **local conditions** that may be attached to licences to assist compliance with the licensing objectives.

- 5.3 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. The local conditions for premises licences to assist in compliance with the licensing objectives are set out in **Appendix 2**.
- 5.4 The Board also has discretion to apply conditions to occasional licences. In doing

² <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

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. The local conditions for occasional licences to assist in compliance with the licensing objectives are set out in **Appendix 3**.

The **local conditions** have been reviewed to reflect the licensing objectives that they promote. Reference to the relevant **local conditions** under each licensing objective heading **are** set out in **Appendix 1**.

The local conditions **for Premises Licences** can be found in **Appendix 2**.

The local conditions for **Occasional Licences** can be found in **Appendix 3**.

6. Overprovision

- 6.1 The Board has published **Supplementary Policy Statement 3** setting out the extent to which the Board considers there to be overprovision of licensed premises (or licensed premises of a particular description) in any locality within the Board area.
- 6.2 The Overprovision Policy is underpinned and supported by a document outlining the evidence used to formulate the Policy and the analysis of the evidence and the statistics ingathered. This document is available online [here](#)³.

7. Operating Hours

- 7.1 The Board considers that the operating hours set out in **Supplementary Policy Statement 4** meet the needs of businesses to routinely trade within the Board Area, 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.

8. Relationship With Other Regimes and Transport, Tourism, Planning and Building Standards

- 8.1 Statutory Guidance indicates that the Board should:
- provide clear indications of how the Board will take into account other matters relating to alcohol.
 - Identify any arrangements between the Licensing Standards Officers and the Police for reporting views/concerns to the local Transport Committee, which in Aberdeenshire is the Infrastructure Services Committee;
 - Identify any arrangements to receive, when appropriate, reports on the local tourist economy.

Detailed guidance in respect of each of these elements is provided in

³ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

Supplementary Policy Statement 5 to this Policy Statement.

9. Duplication

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

10. Licence Types, Procedures, Enforcement and Serious Matters

- 10.1 **Supplementary Policy Statement 6** sets out information on licence types, Board procedures and decision-making powers, enforcement action, and the matters the Board considers to be serious in determining applications.
- 10.2 Information relating to the management of licensed premises is set out at **Appendix 1 to this Policy Statement**, as management of licensed premises should fundamentally be about promoting the licensing objectives. This information is supported by local conditions to ensure that Applicants cover these matters in preparing their licensing objectives risk assessments and that Licence Holders ensure adherence to these matters in the operation of their premises.

11. Licensing Standards Officers

- 11.1 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. Chapter 7⁴ of the Statutory Guidance provides further information on the general functions of the LSO.

12. Information on Members Clubs

- 12.1 Information relating to Members Clubs is set out in **Supplementary Policy Statement 7**.

13. Information on Excluded Premises

- 13.1 Information relating to excluded premises is set out in **Supplementary Policy Statement 8**.

14. How to Comment on this Document

- 14.1 Formal consultation on this document took place between **10th July and 30th September 2023**. The Policy was approved on 25th October 2023, published on 1st November 2023 and will be applied during the period of the policy i.e. 2023-2028, until 31 October 2028. 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 policy period.

⁴ <https://www.gov.scot/publications/licensing-scotland-act-2005-section-142-guidance-licensing-boards/pages/2/>

14.2. Please see **Supplementary Policy Statement 2** for details on how to make comments during the lifetime of the Policy.

15. Publication

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

- **The Town House, 34 Low Street, Banff, AB45 1AN**
- **Gordon House, Blackhall Road, Inverurie, AB51 3WA**
- **Viewmount, Arduthie Road, Stonehaven, AB39 2DQ**

Please contact us in advance via licapps@aberdeenshire.gov.uk so that we can arrange a copy to be available and a suitable time for you to attend the relevant licensing office to view the Policy Statement.

15.2 Copies of this Policy Statement will also be available in .pdf format on Aberdeenshire [Council's website](#)⁵.

15.3 Any personal information collected will be held and processed in accordance with the requirements of the Data Protection legislation and GDPR.

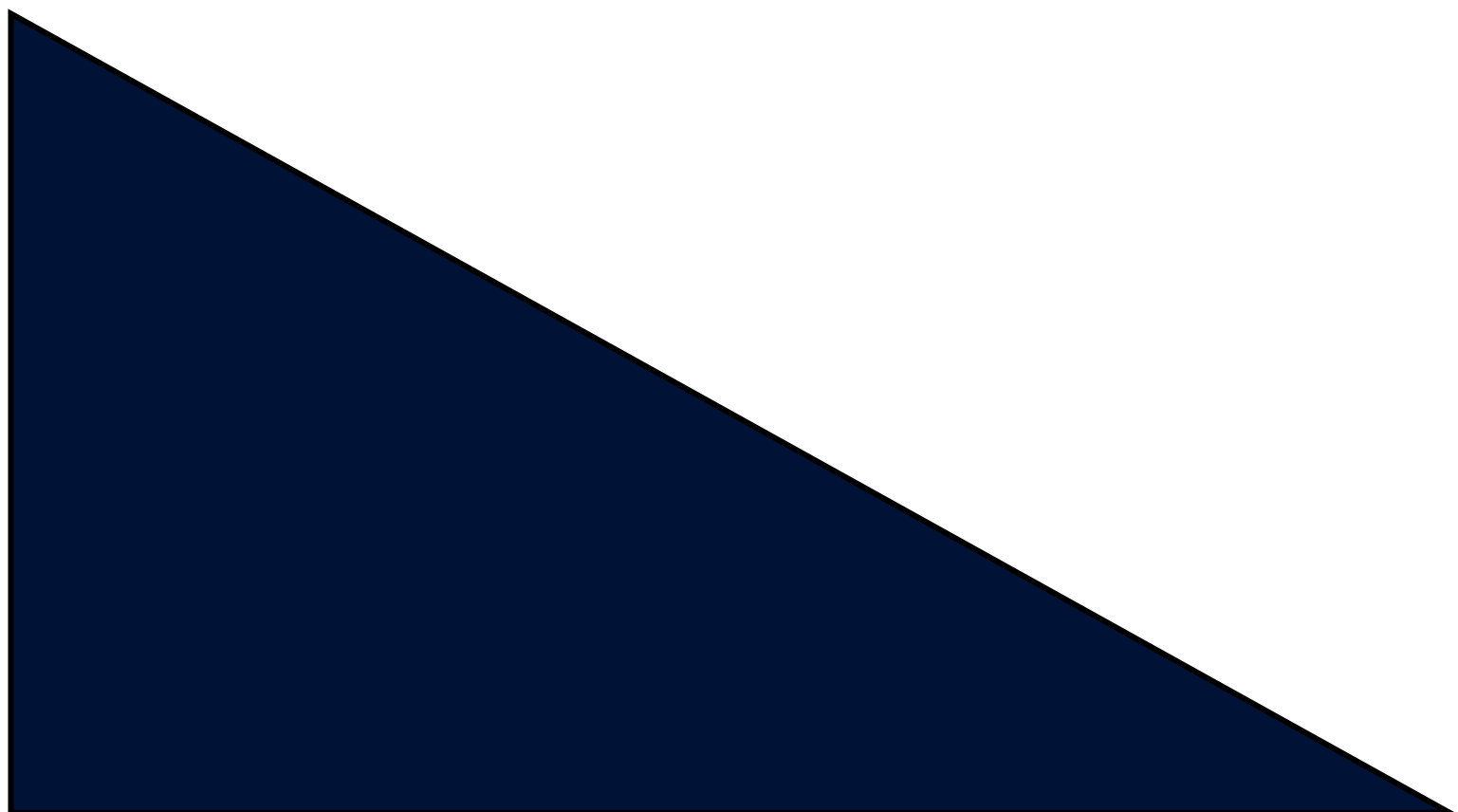
15.4 Electronic copies are also available by contacting the Clerk to the Board, whose details are given in **Supplementary Policy Statement 2**,

15.5 Paper copies will be posted, free of charge, on request as provided for in the [Board's Publication Scheme](#)⁶.

⁵ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>.

⁶ <http://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-board-publication-schemes/>.

Appendices



APPENDIX 1: Licensing Objectives

Board Measures

The primary purpose of this Policy Statement is to ensure that the Board promotes the licensing objectives in exercising its functions.

To that end, the Board will undertake the following actions:

A. Preventing Crime and Disorder



Preventing Crime and Disorder

The Board will:

Apply appropriate conditions to licences that mitigate the risk of potential crime or disorder.
Endorse initiatives designed to prevent crime and disorder.
Encourage licensed premises to participate in award schemes.
As a last resort, conduct reviews where licence holders fail to implement control measures.

B. Securing Public Safety



Securing Public Safety

The Board will:

Promote education and awareness of potential risks.
Apply additional licence conditions for the purpose of this licensing objective.
Facilitate effective communication between all relevant parties.
Disseminate relevant information from partner agencies as widely as possible.
Liaise with key partners to ensure that appropriate standards are applied and maintained, especially when consulting on applications or considering reviews.
As a last resort, conduct reviews of licences.

C. Preventing Public Nuisance



Preventing Public Nuisance

The Board will:

Consider the proximity of proposed licensed premises to noise sensitive premises when considering applications.
Ensure licensed hours and activities are appropriate for the type of premises and the locality.
Improve communication between the trade, partners and local communities.
Impose additional licence conditions where appropriate to prevent public nuisance.
Highlight best practice where available.
Increase awareness and education on potential areas of risk.

Restrict trading/operating hours, where appropriate to do so, particularly in residential areas.
As a last resort, conduct reviews of licences.

D. Protecting and Improving Public Health



Protecting and Improving Public Health

The Board will:

Apply local conditions on licences as appropriate.
Liaise with public health organisations, the local licensing forum and other relevant parties.
Monitor the number and capacity of premises and public health data through the use of area profiles for identified settlements.
Develop and review the Board's Overprovision Policy.
Raise awareness of public health in the licensed sector.
Encourage applicants and licence holders to join with health initiatives.
Encourage Applicants and Licence holders to demonstrate in their Operating Plans, risk assessments and every day practice, the measures which will be put into place to protect public health.
As a last resort, conduct reviews of licences.

E. Protecting Children and Young Persons from Harm



Protecting Children and Young Persons from Harm

The Board will:

Assess all applications for suitability of access for children and young persons.
Apply local conditions where necessary.
Limit the hours during which children and young persons have access to licensed premises, where appropriate to do so.
Limit activities which may take place on licensed premises during the hours in which children and young persons have access, where appropriate to do so.
As a last resort, conduct reviews of licences.

The actions of the Board will be assessed in the approval and publication of their Annual Functions and Finance Report which can be accessed [here](#)⁷.

Measures for Applicants and Licence Holders

The Board expects Applicants for Licences and Licence Holders ("Licence Holders") 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 and promotes the five licensing objectives. There are

⁷ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

various aspects of running licensed premises which are of particular interest to the Board.

Licence Holders should consider certain areas of operation in assessing how to comply with the licensing objectives. The Board wishes to offer some guidance to Licence Holders 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.

The contents of this Appendix should inform the licensing objectives risk assessments that the Board requires applicants and Licence Holders to prepare and submit with licence applications and comply with in operating their licensed premises or occasional Licence application. [See **Supplementary Policy 6** for further information]

Licence Holders should note that information listed under one objective may be relevant under other objectives. See the following table for guidance on this:

Licensing Objectives			Relationship with Other Objectives
A		Preventing Crime and Disorder.	B and C
B		Securing Public Safety.	A and C
C		Preventing Public Nuisance.	A and B
D		Protecting and Improving Public Health.	B, C and E
E		Protecting Children and Young Persons from Harm.	A, B, C and D

Premises Licences	Applicants should refer to Appendix 2 - Local Conditions 1 to 46.
Occasional Licences	Applicants should refer to Appendix 3 – Local Conditions 1 to 43.

A. Preventing Crime and Disorder

	Preventing Crime and Disorder
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General

- A.1 The Board supports a strategy aimed at making 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. Licence Holders should be able to demonstrate measures within their Licensing Objective Risk Assessment to minimise the impact of:

Underage drinking.
Drunkenness on premises.
Drunk and disorderly conduct.
Illegal possession and/or use of drugs.
Violent behaviour.
Anti-social behaviour and breaches of the peace.

Litter. (see Section C.15 below for information on Litter and Waste Management systems)
Management of Incidents.

Steps could include:

A violence reduction strategy covering matters such as glassware, anti-violence patrols, litter patrols, toilet supervision.
Keep an incident book and daily register listing incidents and actions taken by staff and management.
Ensure all staff receive proper training and refresher training on relevant issues, policies and procedures.
Consider external lighting and security measures.
Contact and co-operate with Police and LSOs when incidents of violence, anti-social behaviour or of a criminal nature occur.
Participate in anti-violence and abuse strategies such as Ask for Angela.

Late night entertainment

- A.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 and stay until the terminal hour.
- A.3 Licence Holders must take all reasonable measures to prevent 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.
- A.4 To ensure compliance with the five licensing objectives, the Board may impose conditions on the licence of a premises which is viewed to provide significant entertainment. Significant entertainment will include performance of live music on a regular basis, recorded music actively presented by DJs, cabaret acts and similar activities.
- A.5 Please note that premises Licences Holders are encouraged to read the "[Safer Clubbing Guide](http://www.csdp.org/research/safer_clubbing_txt.pdf)"⁸, as an example of good practice.

Dispersal Policy

- A.6 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:

⁸ http://www.csdp.org/research/safer_clubbing_txt.pdf

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 last 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.
Linking with local bus and taxi companies to provide safe means of transport home for patrons and staff at the end of the evening.
Having stewards patrol the vicinity of the premises to encourage patrons to disperse.

- A.7 Nightclubs must have a written dispersal policy to ensure patrons are not put into vulnerable situations after leaving e.g. allowing the phoning of a taxi and waiting in a specific area within the premises. Consideration should also be given to making sure that staff have access to safe modes of transport to get home at the end of their shift.

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 detailed records of reviews maintained.

- A.8 All other 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 by the Board, Police Scotland or Licensing Standards Officers.

Premises Licences	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 Appendix 2 - Local Conditions 12 to 17.
Occasional Licences	Applicants should refer to Appendix 3 – Local Condition 31.

Safety of Workers and Employees within Licensed Premises

- A.9 The Licensing Board acknowledges that it has no specific remit in relation to health and safety issues involving staff working in licensed premises. There may, however, be occasions where the safety of staff may be compromised by customers who are intoxicated, particularly where they have been refused service or access to the premises.
- A.10 The Board considers that licence holders have an added responsibility towards their staff flowing from issues directly relating to the sale of alcohol and the specific provisions of their licence. Licence Holders, particularly those operating for or applying for later licensed hours, are therefore expected to consider whether any arrangements are required to ensure staff can get home safely, particularly where

transportation options are limited and there is evidence that staff may be at risk. Schemes such as the “[Safe Home Initiative](#)⁹” and similar options may be of interest in relation to this issue.

- A.11 The Board expects Licence Holders to ensure that all staff working within licensed premises (including click and collect staff and delivery drivers) are adequately trained to support them in relation to any risks associated with the sale of alcohol in or from licensed premises and any other permitted activities taking place on the premises. In particular, Door Stewards must be appropriately trained, by persons qualified to do so, in how to deal with patrons or situations arising, that put staff and workers at risk.

Vulnerability Policy

- A.12 All Licence Holders **must** have in place a vulnerability policy to ensure a standard approach is taken when any patron or potential patron appears to be displaying signs of excessive intoxication or distress. The purpose of this policy is to reduce vulnerability through intoxication, however attained.
- A.13 Licence Holders should ensure that all staff are made aware of the issues surrounding vulnerability through intoxication and are able to spot the signs of excessive intoxication or distress. This may be done by providing additional training in this regard using material such as the ['Who are you?' Video](#) ([whoareyou.nz](#))¹⁰ or similar. It would also be beneficial for any related training in this respect to be recorded.
- A.14 All related training should be recorded and such records available for inspection by Police Scotland and LSOs.
- A.15 Further guidance in this regard is available an example of which is available [here](#)¹¹.

Premises Licences	Applicants should refer to Appendix 2 - Local Condition 19.
Occasional Licences	Applicants should refer to Appendix 3 - Local Condition 16.

Domestic Violence

- A.16 The Board recognises that gender-based violence issues have strong associations with alcohol consumption (domestic abuse, sexual violence, human trafficking, commercial sexual exploitation and exploitation of vulnerable persons). While Licensing alone cannot directly address these, they are, nonetheless, significant issues within the prevention of crime and disorder Licensing Objective.

⁹ <https://www.generationequal.scot/get-home-safe-safe-home-campaign/>

¹⁰ <https://www.youtube.com/watch?v=9zr1oxEbdsw>

¹¹ <https://www.bbnsotland.co.uk/media/2319/good-practice-guide-2017.pdf>

- A.17 The Board, in partnership with Police Scotland and other local agencies, is committed to playing its part in helping to reduce alcohol related crime and disorder, with particular regard to this issue.
- A.18 Licence Holders are encouraged to have regard to this issue within their Licensing Objectives Risk Assessment and in their Vulnerability Policy [see Sections A.9 – A.15 above].

Door Supervision

- A.19 LSOs are authorised to enforce Security Industry Authority (“SIA”) powers under s.19 (2) of the Private Security Industry Act 2001 in relation to Door Supervisors both at licensed premises and events.
- A.20 The Board **may** consider door supervision appropriate and as such attach specific conditions in this regard to a premises licence. Licence Holders **must** assess:-

Whether or not door supervisors are required.
When they must be present.
The hours they should work and
Possible specification of particular duties and functions.

- A.21 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.
- A.22 In the event that door supervisors are used within the premises:

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.
They must be responsible, capable, aware of their duties and not drink alcohol or be under the influence of any substances for the duration of their active employment.
Applicants should make appropriate arrangements for a daily register and the recording of incidents in an approved incident log.
The daily register and incident log should be open to inspection by authorised officers, being the LSOs and Police Scotland, on request.

- A.23 Door Supervision Duties while on duty at licensed premises or events are:

Supervise entrance doors/access points at all times.
Identify and refuse entry to drunken persons.
Be aware of the fire safety precautions and procedures.
Be made aware of the drug prevention policy.
Ensure that no fire or other exits are blocked.
Be easily identifiable to those present at the event as an SIA registered steward and display the appropriate identification.
Not drink alcohol whilst on duty.
Ensure that no patron removes glasses, or open or closed vessels from the premises when exiting for any reason.
Be responsible, capable and aware of their duties.
Remain on the premises until the end of permitted hours and all patrons have vacated the

premises.

The above list is not exhaustive.

- A.24 Licence Holders should take all reasonable steps to prevent the use or supply of illegal drugs, or weapons, such as the searching of customers for offensive weapons or drugs on entering the premises. These searches and, where applicable the seizure of items, **must** be conducted by an SIA licensed door steward.
- A.25 Where such measures are in place Licence Holders 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. Licence Holders 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.
- A.26 Licence Holders 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.
- A.27 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 themselves require to obtain a non-front-line licence. Licence Holders should contact the Security Industry Authority (or any relevant successor) for further information. Additional information can be obtained from the SIA website¹².

Premises Licences	Applicants should refer to Appendix 2 - Local Condition 20.
Occasional Licences	Applicants should refer to Appendix 3 - Local Conditions 34 and 35

CCTV

- A.28 The use of CCTV on premises can be an important measure in complying with the licensing objectives, particularly in:

	Preventing crime and disorder.
	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

¹² <https://www.gov.uk/government/organisations/security-industry-authority>

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.

- A.29 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](#)¹³.
- A.30 It should be noted that all CCTV users must register with the Information Commissioners Office ("ICO") and follow the correct guidelines for the use of CCTV, for example, appropriate signage in place and the maintaining of records. Further guidance in this regard is available on the [ICO website](#)¹⁴.

Premises Licences

Applicants should refer to Appendix 2 - Local Condition 21.

Radiolinks, Pubwatch & Shopwatch

- A.31 Licence Holders 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. 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 as examples of good practice and expects all licence holders to actively participate in these where such schemes operate within their area.**
- A.32 Licence Holders **must** consider excluding known troublemakers from their premises to minimise the risk of disorder. In certain cases, organisations of Licence Holders, such as Pubwatch, **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. In exceptional cases Licence Holders may seek to refer a particular case to the Board for review or to the local authority through their Community Safety Team for consideration of an Anti-Social Behaviour Order ("ASBO") to enforce an exclusion.
- A.33 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.
- A.34 Licence Holders 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

¹³ <https://www.aberdeenshire.gov.uk/media/7388/policescotlandcctvspec.pdf>

¹⁴ <https://ico.org.uk/>

practice and is likely to lead to fewer requests to review licences.

Proof of Age/Underage Drinking

- A.35 The Board strongly supports the use of any of the six approved forms of ID as outlined in the Age Verification policy ('AV Policy'). To protect children and young persons and avoid crime, it is now a mandatory condition attaching to all premises licences that there **must** be a written age verification policy in relation to the sale of alcohol within the premises attached to all premises licences.
- A.36 Licence holders **must** practice due diligence to avoid underage sales. Due diligence will include:

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.

Training staff in the use of the AV policy.

Ensuring that staff and customers comply with the policy.

Keeping records regarding compliance including refusals.
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- A.37 Licence holders can access the AV Policy and Age Verification Staff Declaration [here](#)¹⁵.
- A.38 An example of further guidance in this regard accessible [here](#)¹⁶.

Occasional Licences

Applicants should refer to Appendix 3 - Local Conditions 11 to 15 and 26.
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Glassware and Bottles

- A.39 Given that glasses and bottles may on occasion be used as weapons, Licence Holders **must** take reasonable steps to prevent their removal from premises (including authorised pavement seating areas and beer gardens). Licence Holders:
- (a) **Must** consider, where appropriate, the use of polycarbonate containers, toughened glassware or other suitable alternatives ("safe alternatives");
 - (b) Should consider policies which provide that, on appropriate occasions, all drinks are dispensed into containers which provide a safe alternative and that at certain times during later hours of operation and/or when significant numbers of people are on premises, there is exclusive use of safe alternatives.
 - (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

¹⁵ <http://www.challenge25.co.uk/>

¹⁶ <https://youngscot.net/what-we-do/young-scot-card/pass-is-proof/>

Board may impose a condition requiring that drinks be served in safer alternatives to glass.

Licence Holders are reminded that all containers used including safe alternatives must comply with the relevant weights and measures legislation.

Premises Licences	Applicants should refer to Appendix 2 - Local Condition 33.
Occasional Licences	Applicants should refer to Appendix 3 - Local Condition 5.

Byelaws on Alcohol in Designated Places

- A.40 Aberdeenshire Council has introduced byelaws prohibiting the consumption of alcohol in certain designated public places. This currently applies in Fraserburgh¹⁷ and Peterhead¹⁸.
- A.41 The effect of the byelaws is that any person who consumes alcoholic beverages in a designated public place **shall** be guilty of an offence. Licensed canteens, licensed premises (including events which have an occasional licence in place), and Members Clubs are exempt from these byelaws. The byelaws also state that they **shall** not have effect on 31st December from 6.00p.m. until the end of that day on 1st January until 6.00a.m.
- A.42 As licensed premises are exempt, Licence Holders **must** 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.
- A.43 Where such orders are in force premises licence holders and occasional licence holders 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. Recommended wording for the Notices¹⁹ is as follows:

PROHIBITION OF CONSUMPTION OF ALCOHOL IN DESIGNATED PUBLIC PLACES (INSERT NAME OF TOWN) BYELAW INSERT YEAR Alcohol may only be consumed within the licensed parts of the premises and should not be removed. It is an offence to consume alcohol in public places in (insert name of Town)	
Premises Licences	Applicants should refer to Appendix 2 - Local Conditions 45 and 46.
Occasional Licences	Applicants should refer to Appendix 3 - Local Conditions 9 and 10.

¹⁷ Link will be added once the Byelaw has been approved and published online.

¹⁸ Link will be added once the Byelaw has been approved and published online.

¹⁹ Prohibition of Consumption of Alcohol in Designated Public Places (Fraserburgh) Byelaw 2018 and Prohibition of Consumption of Alcohol in Designated Public Places (Peterhead) Byelaw 2018.

Lockfast Stores

- A.44 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 rural areas.
- A.45 **The location of the lockfast store should also be shown on the layout plans attached to premises licences.**

Occasional Licences

Applicants should refer to Appendix 3 - Local Condition 6.

The Terrorism (Protection of Premises) Bill – The Protect Duty / Martyn’s Law

- A.46 The implementation of the duties under the above legislation, once enacted, may be an important measure in complying with the licensing objectives, particularly in:

	Preventing crime and disorder.
	Preventing public nuisance.

- A.47 The aim of this UK-wide legislation is to improve protective security and ensure robust, proportionate and consistent measures are in place at public venues across the UK to better prepare and improve public security in light of possible future attacks. It will be known as “Martyn’s Law”. A factsheet providing further information can be accessed [here](#)²⁰.
- A.48 Those responsible for certain public premises, which will include licensed premises, will be required to consider the threat from terrorism and implement reasonably practical mitigation measures. It will also establish an associate inspection and enforcement regime, which will seek to educate, advise and ensure compliance with the requirements of the legislation, once enacted.
- A.49 Qualifying premises will be separated into two tiers, with particular requirements applying to premises in each tier:

1.	STANDARD DUTY PREMISES Premises with a capacity of 100 – 799 persons
2.	ENHANCED DUTY PREMISES Premises with a capacity of 800 persons or over.

Further – some Events will also be required to comply with requirements under the Act:

3.	QUALIFYING EVENTS Temporary events with a capacity of 800 or over will broadly be subject to the same
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²⁰ <https://homeofficemedia.blog.gov.uk/2022/12/19/martyns-law-factsheet/>

	requirements as enhanced duty events. This may impact on events which operate under Public Entertainment Licences and there may be implications for Occasional Licence Holders.
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Licensed Premises are likely to fall into Category 1 above. Both on and off sale premises may be affected depending on their capacity.

A.50 There will be different requirements for each type of premises. At the moment, these are set out in the draft Bill as follows:

1.	STANDARD DUTY PREMISES REQUIREMENTS
	Persons responsible for standard duty premises will be required to undertake low-cost and effective activities which seek to improve protective security and preparedness. This includes: • Ensuring that relevant workers are given appropriate terrorism protection training; and • Undertaking a standard terrorism evaluation in which they consider how best their premises can respond in the event of a terrorist event.

2.	ENHANCED DUTY PREMISES AND QUALIFYING EVENT REQUIREMENTS
	Persons responsible for enhanced duty premises and qualifying events will be required to ensure that: • An enhanced terrorism risk assessment is completed (enhanced duty premises must ensure the terrorism risk assessment is reviewed) • Terrorism protection training is provided to relevant workers • Reasonably practicable security measures are put in places • A security plan is kept and maintained and • That an individual is appointed as the designated senior officer for the premises (who will be responsible for co-ordinating completion of the terrorism risk assessment, for example).

3.	QUALIFYING EVENTS
	Temporary events with a capacity of 800 or over will broadly be subject to the same requirements as enhanced duty premises.

A.51 More information and guidance on the Bill, as currently drafted can be accessed [here](#).

A.52 A draft Standard Terrorism Evaluation Template can be accessed [here](#)²¹.

Please note that the above legislation and related guidance is still under development and is not yet in force and the requirements, as set out above, have yet to be ratified and therefore may change. This information has been included in the Policy to raise awareness within the Licensed Trade in Aberdeenshire only and

²¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1162686/DRAFT_Standard_Terrorism_Evaluation.pdf

provides basic information at this stage.

Licence Holders are recommended to make themselves aware of the requirements of the legislation as it continues to evolve and how it may impact their business/events once brought into force. The Board will endeavour to update this section of the Policy as the law develops, is approved and brought into force.

B. Securing Public Safety



Securing Public Safety

General

- B.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

- B.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. Licence Holders should note that the Board might seek to impose capacity conditions where there are no such limits, following representations on safety grounds.
- B.3 Licence Holders may be required to demonstrate how they intend to control and maintain the agreed capacity levels within the venue.

Good Housekeeping

- B.4 Licence Holders should consider risks associated with:

Preparation of food and drink.
Risks of burns and scalding.
First aid provision.
Use of special effects e.g. strobe lighting, smoke machine, pyrotechnics.
Evacuation procedures.
Procedures for dealing with people who fall ill, including those affected by drugs or alcohol.
Children and young persons accessing the premises.
Use of defibrillators within the premises and associated training.

Actions to consider may include the following (list not exhaustive)

Membership of Pubwatch.
Ensuring glassware or safe alternatives are cleared away frequently.
Having accurate disability access statements.
Ensuring there is clear and accurate signage in and around the premises.

Ensuring the licensing objective risk assessment covers both the premises and the proposed activities to be carried out.
Developing policies on crowd management and dispersal both for ordinary operation and emergencies.
Regular maintenance and testing of procedures, and security and safety systems.
Designating a “safe space” within the premises where vulnerable persons can be provided with assistance.
Co-operation with Police and LSOS including allowing access to all relevant policies and procedures.
Suitable litter and waste management programmes including provision for recycling.
Limit the amount of alcohol sold just before the terminal hour and cover bar taps once terminal hour has passed.
Ensure there is sufficient staff employed to secure the safety of the premises and patrons.
Ensure appropriate training, instruction and supervision of staff.
Conduct regular testing and certification of appliances.
Conduct regular toilet checks with documented check lists and, if appropriate, employ toilet attendants.
Ensure frequent monitoring of beer gardens, street cafes, pavement areas and other outside areas to check for broken glass and litter.
Discourage vertical drinking.
Have defibrillators available with staff trained how to use them or make staff aware where such facilities can be located locally.
Inform the Police and LSO of any special events occurring that may have issues relating to public safety.
Review the terms of the operating plan and risk assessment regularly and apply for variations where required.
Ensure there is adequate access for emergency service vehicles in the case of a potential emergency at or near the premises.
Provide first aid facilities where anyone incapacitated can be placed pending attendance of emergency services (can be the same as the safe space).
Make sure staff are aware of campaigns such as “Ask for Angela.”

Premises Licences	Applicants should refer to Appendix 2 - Local Conditions 1 to 4, 7 to 11, 31 and 36.
Occasional Licences	Applicants should refer to Appendix 3 - Local Conditions 1 to 8, 11 to 15 and 18 to 31.

Equalities

B.5 Consideration should be given to equalities issues when completing an application and related risk assessment.

B.6 A copy of the Board's Equality Policy and Action Plan can be accessed [here](#)²².

Disability Access and Facilities Statement

B.7 Licence Holders applying for a premises or provisional premises licence ~~now~~ require to complete a Disabled Access and Facilities Statement in respect of the premises and provide a copy of this to the Board with their application. Failure to provide this statement means that the application is incomplete and cannot be considered by the Board.

²² <http://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-equalities/>

- B.8 The purpose of the statement is to ensure that disabled people can access information about the accessibility of a venue before visiting it. It is good business practice to ensure that premises are accessible and welcoming to all customers. The process of writing a statement should also raise awareness amongst Licence Holders of the accessibility of their premises and action they could take to improve access to their premises.
- B.9 The Disabled Access and Facilities Statement does not compel the premises to provide any specific aids/access for disabled people nor does it interfere with the existing duty under equality law to make reasonable adjustments to ensure that a disabled person can use a service as close as it is reasonably possible to get the standard usually offered to non-disabled people. Licence Holders should however be aware that failure to comply with their existing duty may leave the premises open to a complaint under the Equality Act 2010.
- B.10 Non-Statutory Guidance for Completing a Disabled Access and Facilities Statement was published by the Scottish Government on 8th March 2018. The Guidance is primarily to assist Licence Holders in completing the required statement. The Guidance can be accessed [here](#)²³. The statement should contain clear information about how accessible the venue is for disabled people. It should also describe the facilities and/or any other provision made on (or in connection with) the premises for disabled people.
- B.11 Licence Holders will not be required to submit a variation when these details change, nor will it be an offence if the originally submitted arrangements are not subsequently complied with.

Please note that the Board does not accept any responsibility for your Disabled Access and Facilities Statement. You are advised to consider these matters carefully and if in doubt seek appropriate advice on these matters. The Board reserves the right to comment on the content of your Disabled Access and Facilities Statement and ask for more or different information as may be required.

Condition of Premises

- B.12 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.
- B.13 The Board may carry out spot checks of premises from time to time.

Premises Licences	Applicants should refer to Appendix 2 - Local Conditions 1 to 4, 32 and 36.
Occasional Licences	Applicants should refer to Appendix 3 - Local Conditions 1 to 8, 18 to 31 and 37.

²³ <https://www.gov.scot/publications/licensing-scotland-act-2005-guidance-completing-disabled-access-facilities-statement/>

Fire Safety

- B.14 The Fire (Scotland) Act 2005 'as amended' requires any person who has control to any extent of the premises to carry out a fire risk assessment of the premises for the purpose of identifying any risks to the safety of all relevant persons in respect of harm caused by fire. The risk assessment should also ensure all reasonable steps are taken to ensure suitable fire safety measures are implemented to protect relevant persons from harm caused by fire.
- B.15 The process of risk assessment should be ongoing and hereafter where there is reason to suspect that the current fire risk assessment is:-
- (a) No longer valid; or
 - (b) There has been a significant change in the matters to which it relates;
- the assessment should be reviewed, and any required changes **must** be made to ensure continued compliance with the fire safety legislation.
- B.16 Failure to ensure suitable fire safety measures are in place as necessary, may place relevant persons at risk in the event of fire.
- B.17 Further information can be found [here](#)²⁴.

C. Preventing Public Nuisance



Preventing Public Nuisance

General

- C.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.
- C.2 Licence holders must also recognise that they have a responsibility to the amenity of the communities they serve. Areas to consider include:

Be mindful of the location of the premises, hours of operation and activities.
Comply with the conditions attached to the licence.
Ensure appropriate control measures are in place and staff training is up to date and relevant.
Consider public nuisance when establishing the design and layout of the premises.
Ensure adequate supervision of outdoor areas, smoking areas and patrons entering/existing the premises.

²⁴ <https://www.gov.scot/firelawC>

Share best practice through trade associations and groups such as Pubwatch.
Participate in communication to resolve any issues that may arise.
Take steps to prevent queueing at the premise - pedestrians and vehicles.
Liaise with public transport providers.
Carefully manage arrangements for collection and disposal of waste and empty bottles.
Have a good neighbour policy – engage with your local community council.
Take positive actions, such as prompt removal of graffiti.
Consider providing transport in more remote areas.

Premises Licences	Applicants should refer to Local Conditions 1 to 4, 5, 12 to 17, 20, 21, 31 to 34, 36 and 37 to 42.
Occasional Licences	Applicants should refer to Appendix 3 - Local Conditions 1 to 8, 11 to 15, 17, 28, 29, 30, 31, 36 to 40 and 41.

Beer Gardens, Street Cafes and Outside Drinking Areas

- C.3 Beer gardens and outside drinking areas are high risk areas for being the source of complaints from local neighbours and residents in relation to noise and litter nuisance.

Licence holders must ensure:

That all beer gardens and outside drinking areas are included in the areas that are covered in their premises licence.
The operating plan includes reference to these areas at Question 5.
A capacity is provided for each outside area at Question 7 of the operating plan.
The extent of such areas is included on the layout plan, together with an indication of any tables, chairs etc. laid out in these areas.

Premises Licences	Applicants should refer to Appendix 2 - Local Conditions 31 to 35.
Occasional Licences	Applicants should refer to Appendix 3 - Local Conditions 36 to 41.

Street or Pavement Cafes

- C.4 Licence holders should ensure that they have obtained the necessary permit from Aberdeenshire Council prior to operating a street or pavement café as part of their premises licence. Care should also be taken to ensure that any such area is included on the premises licence where an Alcohol Byelaw is in place. Local conditions will apply relating to the use of these areas.
- C.5 Licence Holders should consult **Supplementary Policy 6** in respect of the requirements when it comes to including such areas in operating and layout plans and also consider the impact of any byelaws which may be in place.

Premises Licences	Applicants should refer to Appendix 2 - Local Condition 35.
Occasional Licences	Applicants should refer to Appendix 3 - Local Condition 41.

Noise

- C.6 Noise from amplified and non-amplified music, singing and speech sourced from licensed premises **shall not be audible in any adjoining property after 11.00 p.m.**
- C.7 In considering applications from pubs, clubs and similar premises and activities the Boards expect 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 [here](#)²⁵)
- C.8 The Board also expects Licence Holders to have regard to the [Code of Practice](#)²⁶ on Environmental Noise Control at Concerts published by the Noise Council. The Board has also provided a general note on Control of Noise, which is available on the Board's [website](#)²⁷.
- C.9 Licence Holders should consider the steps to be taken to ensure patrons and staff leave the premises safely and quietly.
- C.10 Licence Holders 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.
- C.11 Particular care **must** be taken where the noise source is in the open air, e.g. beer gardens, street cafes, play areas, car parks, access roads, temporary structures or queues.
- C.12 Licence Holders should consider any special measures that should be adopted in premises located near to sensitive premises such as residential homes, nursing homes, hospitals, schools or places of worship or within residential areas.
- C.13 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.
Appropriate timing outdoor entertainment.
Notices at exits asking patrons to leave quietly.

²⁵ <http://www.ioa.org.uk/publications.asp>

²⁶ <https://www.gov.je/SiteCollectionDocuments/Leisure%20and%20entertainment/ID%20Code%20of%20Practice%20on%20Environmental%20Noise%2020110517%20RWJ.pdf>

²⁷ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

Premises Licences	Applicants should refer to Appendix 2 - Local Condition 5.
Occasional Licences	Applicants should refer to Appendix 3 - Local Condition 17.

Litter and Waste Management

- C.14 Licence Holders should be aware that they have a responsibility to have a suitable litter and waste management programme including provisions for recycling 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). In recognition of increased public awareness of the misuse of plastics, Licence Holders are encouraged to consider using safe alternatives. 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. Such steps may include an agreed cleaning schedule.
- C.15 A late hours catering licence may also be required for provision of food out with operating hours. Further guidance on late hours catering licences is available [here](#)²⁸.

Premises Licences	Applicants should refer to Appendix 2 - Local Conditions 1, 2, 10 and 32.
Occasional Licences	Applicants should refer to Appendix 3 - Local Conditions 1, 25 and 33.

Queues

- C.16 Licence Holders 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

- C.17 Licence Holders 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.
- C.18 Licence Holders 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 may also make arrangements with taxi

²⁸ <http://www.aberdeenshire.gov.uk/licensing/licences-and-permits/late-hours-catering-licence/>

operators to have taxis wait in public car parks near licensed premises and have steward's 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.

D. Protecting and Improving Public Health



Protecting and Improving Public Health

General

- D.1 The Board wishes to see premises thriving in Aberdeenshire, but this cannot be at the expense of communities' 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 Aberdeenshire. The Board will take advice from those relevant bodies. Additionally, NHS Grampian Public Health Directorate is a statutory consultee and is consulted on all applications for grant of premises licences and major variations of premises licences.
- D.2 Licence Holders will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect communities' health. Such measures may include:-

For On-Sales Premises	
	Making available information with regard to lower risk drinking.
	Contact points where assistance can be obtained for problem drinking.
	Promotion of designated driver schemes, National Alcohol Awareness Week and similar programmes.
	Easy availability of small 125ml glasses, or 25ml measures instead of 35ml measures.
	Support customers in increasing awareness of the number of units of alcohol they are consuming to be aware of the drink-driving limits.
	Additional training to bar staff, beyond the statutory minimum requirements, particularly in relation to the effects of alcohol on the body.
	The use of polycarbonate glasses or toughened glassware (safe alternatives).
	Prevention of overcrowding.
	Robust refusal system and recording of refusals procedures.
	Calling last orders in plenty of time.
	Reduce vertical drinking.
	Providing a good range of reasonably priced soft drinks and / or driver's shelves.
	Stock a reasonable range of lower ABV and alcohol-free beers and wines.
	Inviting Public Health agencies to shows / games to deliver public health promotional messages in relation to alcohol and drugs.
	Ban or discourage the purchase of rounds of shots which encourage rapid consumption of alcohol in a short space of time in order to promote and

	encourage lower risk drinking practices and protect vulnerable patrons.
	Ensure licensed hours are reflective of operating hours.
	Be aware of the law on pricing and irresponsible promotions.
	Participating in measures to inform the public of drinking guidelines and the number of units in particular drinks.
	Provide food on the premises so patrons may eat at the same time as consuming alcohol if they wish.
	Show the number of units of drinks in price lists and menus.
	Withdraw non-premium extra strength alcoholic products.
	Ensure staff are briefed regularly on health hazards involved with drinking above the recommended levels, including the potential impact on family members.
	Have a workplace alcohol policy which raises awareness about alcohol and its potential for negative impacts on health.
	Participate in schemes that recognise the availability of healthy choices such as Best Bar None.
	Ensure staff are able to access support for their own alcohol use (without fear of job loss) should they need it.
	Reduce the volume of amplified music and entertainment.
	Be aware of the burden on emergency and other services of dealing with the effects of excessive alcohol consumption within communities.

For Off-Sales Premises

	Participating in measures to inform the public of drinking guidelines and the number of units in particular drinks.
	Withdraw non-premium extra strength alcoholic products.
	Ensure staff are briefed regularly on health hazards involved with drinking above the recommended levels, including the potential impact on family members.
	Have a workplace alcohol policy which raises awareness about alcohol and its potential for negative impacts on health.
	Participate in schemes that recognise the availability of healthy choices such as Best Bar None.
	Ensure staff are able to access support for their own alcohol use (without fear of job loss) should they need it.
	Reduce the volume of amplified music and entertainment.
	Be aware of the burden on emergency and other services of dealing with the effects of excessive alcohol consumption within communities.
	Ensure all staff are aware of the MUP requirements and include as part of mandatory staff training.
	Be aware of the law on pricing and irresponsible promotions.
	Ensure trading hours are reflective of operating hours.
	Making available information with regard to lower risk drinking.
	Stock a reasonable range of lower ABV and alcohol-free beers and wines.
	Additional training of staff, beyond the statutory minimum requirements, particularly in relation to the effects of alcohol on the body.
	Robust refusals system and recording of refusals procedures.



	Having regard to the health objective in the layout of display areas:	For all premises this will include having dedicated shelves or section devoted exclusively to low alcohol products (with an ABV of between 0.5% and 1.2%).
		In the cases of premises selling other goods as well as alcohol this will mean: • Not displaying alcohol alongside confectionary or other goods likely to be of interest to children. • Not having alcohol promotions displayed at places within the premises where it is likely to trigger impulse purchases by customers who would have otherwise not have purchased alcohol, for example at the end of an aisle.

- D.3 The Board expects Licence Holders to promote lower risk drinking. The Board also expects Licence Holders to apply an appropriate drug policy such as “Drugs and Pubs”²⁹: A Guide to Keeping a Drug Free Pub” published by the British Beer & Pub Association.

Premises Licences	Applicants should refer to Appendix 2 - Local Conditions 1, 3, 19 and 22 to 36.
Occasional Licences	Applicants should refer to Appendix 3 - Local Conditions 1, 16, 26, 27, 30 and 32.

Vertical Drinking

- D.4 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.

Minimum Unit Pricing (“MUP”)

- D.5 As of 1 May 2018, no alcoholic drink can be sold at a cost of less than 50p per unit. This is in accordance with Scottish Government policy which targets high strength alcohol sold at low prices. The MUP may be varied from time to time by the Scottish Government.
- D.6 Licence Holders should ensure that all staff are aware of the MUP requirements,

²⁹ <https://www.nationalpubwatch.org.uk/wp-content/uploads/2017/07/bbpa-drugs-and-pubs-guidance.pdf>

what the current MUP is set at, and may wish to include this as part of their mandatory staff training.

- D.7 As with all licensing conditions, MUP will be enforced by our Licensing Standards Officers. They will seek to provide assistance to any Licence Holder looking for guidance regarding implementation of MUP. Licence Holders should be aware however, that they are ultimately responsible for compliance with their conditions and may be subject to enforcement action in the event of non-compliance.
- D.8 Detailed information and guidance on MUP can be found [here](#)³⁰

Irresponsible Drinks Promotions

- D.9 The 2005 Act prohibits the variation of prices within a 72-hour period of a prior change and includes mandatory conditions to tackle irresponsible promotions such as “happy hours”. These are contained within the mandatory conditions attaching to all premises.
- D.10 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.
- D.11 Initially, complaints will be dealt with at a local level by the LSO. 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.
- D.12 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.

The Local Outcomes Improvement Plan (“LOIP”)

- D.13 The Community Empowerment (Scotland) Act 2015 aims to support communities to have a stronger voice in planning and delivering services. It focuses on addressing inequality and empowering communities to improve outcomes in their areas.
- D.14 The Act required all Community Planning Partnerships (“CPP”) in Scotland to publish a LOIP by 1st October 2017.
- D.15 The Aberdeenshire CPP has approved a LOIP for Aberdeenshire for the period 2017 – 2027. One of the three main priorities of the LOIP is **Changing Aberdeenshire’s relationship with Alcohol**.
- D.16 The Board will endeavour to take appropriate action in delivering any actions that they can take directly to promote the actions to comply with this main priority and will

³⁰ <http://www.minimumunitpricing.scot/>

support any actions taken by their CPP partners where it promotes the Licensing Objectives.

- D.17 Licence Holders should familiarise themselves with this part of the LOIP. Further information on the LOIP can be accessed [here](#)³¹.

Aberdeenshire's Development of Place Strategy

- D.18 One of Aberdeenshire Council's key priorities underpinning their Action Plan 2022 – 2027 is that of Resilient Communities. The Council is developing Place Strategies to enable communities to help themselves, participate more in decisions that impact them, such as the Board's Licensing Policy, and to improve the life chances of people at risk of falling into poverty or who are living in poverty.
- D.19 The Board will endeavour to take appropriate measures to deliver any actions that they can take directly to promote the actions to comply with this main priority and will support any actions taken by Aberdeenshire Council where it promotes the Licensing Objectives.
- D.20 Licence Holders should familiarise themselves with the development of the Council's Place Strategy. Information on the Strategy can be accessed [here](#)³².

Smoking

- D.21 The Board refers Licence Holders and staff to the following website:-

<http://www.clearingtheairscotland.com>

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.

E. Protecting Children and Young Persons from Harm



Protecting Children and Young Persons from Harm

Children and Young Persons on Licensed Premises

- E.1 The Board wishes to see family-friendly premises thriving in each area. Where Licence Holders wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them, at the same time recognising that parents and other adults accompanying children or young persons

³¹ <http://www.ouraberdeenshire.org.uk/our-priorities/local-outcomes-improvement-plan/>

³² <https://www.aberdeenshire.gov.uk/council-and-democracy/council-plan/council-plan/resilient-communities/>

also have responsibilities.

- E.2 In determining any application where the operating plan indicates that children and young persons are to have access, the Board will consider the need to protect children and young persons from harm as its paramount concern.
- E3. Evidence indicates that children and young persons are influenced by the behaviour of adults they observe, including parental drinking, and applicants should take this into consideration when demonstrating how premises will comply and promote this licensing objective as part of their Licensing Objective Risk Assessment.
- E.4 Licence Holders **must** consider those factors which may particularly impact on children and young persons 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.
Parental drinking and associated behaviours.

- E.5 Possible control measures include: -

Limitations on the hours when children or young persons 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 or young persons do not purchase, acquire or consume alcohol.
Bringing to the attention any concerns they have about the wellbeing of a child according to Aberdeenshire's Getting It Right for Every Child Policy ("GIRFEC") by contacting the local school, health visitor, police or social work officer.
No person under the age of 18 will be permitted to attend an event involving adult entertainment.
Ensuring facilities are appropriate to the areas of the premises to which children and young persons will have access.
Ensuring vigilance against underage drinking and proxy purchasing.
Using till prompts so all till users are prompted to ask for ID when an age restricted product is scanned.
Using an electronic refusal register so all sales are automatically recorded within the till system.
Conduct regular in-house test purchase exercises and develop a staff policy of what to be done in the event of underage patrons or adults attempting to purchase alcohol on their behalf.
Train staff to recognise fake ID.
Ensure comprehensive and up to date staff training.
Require children to be accompanied by an adult – and/or young persons depending on circumstances.
Contacting relevant services such as schools, police, social services if there are concerns about the wellbeing of a child relating to alcohol.
Consider the impact of parental drinking and associated behaviours.

Consider using the Portman Code of Practice on naming packaging and promotion of alcoholic drinks.
Consider use of additional safety measures such as Disclosure Certificates for staff or stewards.
Adopt a policy of limiting the amount of drinks available to adults in charge of children or young persons.
Ensure children and young persons are not exposed to strong language, violence or disorder.
Ensure that children and young persons are not waiting or seated in the bar area.
Ensure there are clear reasons for children and young persons being present within the premises.
Provide a separate servery for use by children and young persons for the sale and supply of soft drinks and food.
Ensure safe alternative drinks containers are available for children on request and children's food and drinks are served in suitable and safe containers.
Provide highchair facilities for use by young children.
Ensure children's menus are provided where food is provided on the premises.
Ensure that accompanying adults are able to take responsibility for and supervise children at all times.
Make it possible for women to comfortably breast feed their babies on the premises if they wish.
Ensure any stairs are risk assessed and adequately guarded by a gate or other suitable means.
Provide adequate, clean and safe baby changing facilities accessible to both genders to comply with the mandatory conditions.
Ensure staff are aware of any restrictions on access for children and young persons and of any supervision requirements.
Ensure doors to which children have access are either kept open/shut or fitted with hinge area protection devices.

The above list is not exhaustive.

- E.6 The Board expects that employers will make careful checks where premises or entertainment is specifically targeted towards children or young persons 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.
- E.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 decide not to 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.
- E.8 The Board will give careful consideration to the section of the Operating Plan detailing the terms of entry, the times of access and the parts of the premises suitable for access by children and young persons on a case-by-case basis and **may** impose conditions on a premises licence or in granting an occasional licence where children and young persons are to be allowed entry.

- E.9 Licence Holders are reminded that they and their staff **must** comply with all other legislation in relation to children and young persons.
- E.10 The Board commends the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks. Where Applicants intend children or young persons to be present on licensed premises the Board expects the Code of Practice to be fully implemented. The Code can be found [here](#)³³.

The following rules are particularly relevant:-

- “The alcoholic nature of a drink should be communicated with absolute clarity”.
- “A drink, its packaging and any promotional material should not in any direct or indirect way have a particular appeal to under-18s”.

Premises Licences	Applicants should refer to Appendix 2 – Local Conditions 7 to 11, 18, 19, 35, 37, 43 and 44.
Occasional Licences	Applicants should refer to Appendix 3 - Local Conditions 11 to 15, 16, 32 , 40, 42 and 43.

Alcohol Deliveries, Click and Collect, and Internet Sales

- E.11 The Board has a general concern about the increasing trend in such activities and the lack of information available about how such businesses operate within Aberdeenshire. It is essential that Premises have such activities recorded on their Operating Plans prior to such activities taking place. The Board is therefore of the view that all five licensing objectives are applicable to such businesses.
- E.12 The Board has a particular concern about the impact of such business on children and young persons. Licence Holders should therefore consider incorporating the following control measures into their Licensing Objectives Risk Assessment where appropriate to the operation of their business:

Age Verification policies for delivery drivers where the recipient of alcohol is believed to be under the age of 25.
Training for delivery drivers.
Requirement for the customer to sign on receipt of delivery of alcohol.
Delivery drivers to keep refusal registers.
Arrangements to ensure that orders are not left in nominated safe places.
Training for staff delivering alcohol to be at the same level as staff who sell or supply alcohol within licensed premises.

This list is not exhaustive.

³³ <https://www.portmangroup.org.uk/codes-of-practice/>

Premises Licences	Applicants should refer to Appendix 2 – Local Conditions 43 and 44.
Occasional Licences	Applicants should refer to Appendix 3 - Local Conditions 42 and 43.

APPENDIX 2: Local Conditions – Premises Licences

The Aberdeenshire Licensing Board

Local Conditions - Premises Licences

Licensing Objectives		
	Preventing Crime and Disorder	PCD
	Securing Public Safety	SPS
	Preventing Public Nuisance	PPN
	Protecting and Improving Public Health	PIPH
	Protecting Children and Young Persons from Harm	PCYPFH

General Management - All Premises		
Number	Condition	Licensing Objectives
1	The provisions relating to the management of licensed premises contained within the Board's current Policy Statement, particularly Appendix 1 thereto, must be complied with.	PCD, SPS, PPN, PIPH, PCYPFH
2	Premises Licence Holders must ensure that the premises internally and externally, are maintained in good, clean and tidy conditions at all times.	SPS, PPN
3	Premises Licence Holders must ensure that Refusal Registers and Daily Incident Logs are accessible for inspection by Police Scotland and Licensing Standards Officers on request.	PCD, SPS
4	The Licence Holder must ensure that any general authorisation for the sale of alcohol required within the premises is – (i) in writing, (ii) available for inspection by Police Scotland and Licensing Standards Officers on request, (iii) brought to the attention of and signed by all parties and (iv) enforced by the Premises Manager.	PCD, SPS, PPN, PIPH. PCYPFH

Noise – All Premises		
Number	Condition	Licensing Objectives
5	Noise from amplified and non-amplified music, singing and speech sourced from licensed premises shall not be audible in adjoining properties after 11.00 p.m.	PPN

Lockfast Store – All Premises		
Number	Condition	Licensing Objectives
6	All alcohol not on display within the premises must be kept within a designated lockfast store on the premises, and shown on the layout plan attached to	PCD, SPS

	the premises licence.	
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Children and Young Persons – On-Sales Premises		
Number	Condition	Licensing Objectives
7	Children under the age of twelve years, shall not have direct access to pool tables, darts boards or gaming machines in any part of the premises to which they have access or are allowed entry.	SPS, PCYPFH
8	The Licence Holder shall provide safe high chairs for the use of young children.	SPS, PCYPFH
9	The Licence Holder shall provide heating facilities for baby/toddler's food at no cost to the customer.	SPS, PCYPFH
10	The Licence Holder shall provide containers for the disposal of soiled nappies.	SPS, PPN, PCYPFH
11	The Licence Holder shall ensure that heating sources are adequately protected.	SPS, PCYPFH

Premises Providing Late Night Entertainment – On-Sales Premises		
Number	Condition	Licensing Objectives
12	Alcohol shall be provided for consumption on the premises only.	PCD, SPS, PPN
13	The entertainment to be provided shall be XXX (to be defined by the Board on a case-by-case basis).	PCD, SPS, PPN
14	The entertainment provided shall be on a continuous basis with breaks of not more than 15 minutes in any one hour.	PCD, SPS, PPN
15	All public notices of advertisements including social media shall contain the following information: (a) The name and address of the premises; (b) The entertainment to be provided on the premises; (c) The commencement time of the entertainment; (d) The price of entry; (e) The terminal hour for the premises and (f) The time of the curfew, where operated, must be advertised.	PCD, SPS, PPN
16	The Licence Holder shall display a notice at the entrances to the venue clearly defining the policy of the venue relating to the use of illegal substances and weapons within the venue and stating that criminal offences will be reported to Police Scotland.	PCD, SPS, PPN, PIPH
17	The premises shall have a dispersal policy to ensure patrons are not put in vulnerable situations after leaving the premises. The policy must be in writing. All members of staff shall be informed of the policy. The policy shall be made available to customers, and for inspection by Police Scotland	PCD, SPS, PPN, PIPH

	and the LSOs on request. The policy shall be reviewed regularly, and a detailed record of reviews kept.	
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Adult Entertainment – On-Sales Premises

Number	Condition	Licensing Objectives
18	Children and young persons are not permitted to attend any event involving adult entertainment.	PCYPFH

Vulnerability - All Premises

Number	Condition	Licensing Objectives
19	The Licence Holder must have in place a Duty of Care policy to ensure a standard approach is taken when any patron appears to be displaying signs of excessive intoxication or distress. The Licence Holder must ensure that all staff, volunteers and stewards have additional training in identifying signs of excessive intoxication and an enhanced awareness of vulnerability through intoxication. The Licence Holder shall ensure that staff training records are made accessible for inspection by Police Scotland and Licensing Standards Officers.	PCD, SPS, PPN, PIPH, PCYPFH

Door Supervisors – On-Sales Premises

Number	Condition	Licensing Objectives
20	The Premises Licence Holder must ensure that sufficient numbers of Security Industry Authority licensed stewards are on duty to ensure a safe and responsibly run premises. Such persons 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. They must be responsible, capable, aware of their duties and not drink alcoholic liquor for the duration of their active employment. Their duties are to: (a) Confirm that persons who seek access to the premises have paid for admission or have appropriate passes/invitations; (b) Identify and refuse entry to drunken persons; (c) Identify and refuse entry to any persons	PCD, SPS, PPN, PIPH

	banned through pubwatch or by any other means; (d) Actively police the premises and to perform all activities in line with their role under the Private Security Act 2001; (e) Supervise entrance doors/access points at all times to ensure that no fire or other exits are blocked; (f) Be aware of the fire safety precautions and procedures and all other policies and practices; (g) Be aware of the premise's drug prevention policy; (h) Provide assistance to patrons, including customer care, directions to facilities and health and safety; (i) Ensure that no patron removes glasses, or open or closed vessels from the premises when exiting for any reason; (j) Remain on the premises until the end of permitted hours and all patrons have vacated the premises, including patrolling the vicinity outside the premises to assist dispersal from the premises after the premises close; (k) Be aware of the provisions of the Licensing (Scotland) Act 2005 which impact on the running of the premises (l) All SIA Stewards must wear radios to allow for clear communication with one another and the reporting of any incidents with the Head Steward and, in respect of the licence, the responsible persons on duty. (m) Stewards shall report all criminal and relevant matters to Police Scotland.	
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CCTV – All Premises		
Number	Condition	Licensing Objectives
21	Where a CCTV system is installed, this must comply with the required standard and be maintained in working order and staff must be able to operate the system. Images recorded on CCTV must be kept for at least seven days and must be made available to Police	PCD, SPS, PPN

	Scotland on request.	
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Members Clubs		
Number	Condition	Licensing Objectives
22	Members Clubs must comply with the provisions of Supplementary Policy Statement 7 of the Board's current policy statement.	PCD, SPS, PPN, PIPH, PCYPFH
23	Members Clubs shall adhere to the terms of the Club's constitution or rules attached to their premises licence.	PCD, SPS, PPN, PIPH, PCYPFH
24	Where the Club has submitted draft constitution or rules with their application for a premises licence, they shall submit a copy of the approved constitution or rules to the Clerk to the Board within 28 calendar days of the draft constitution/rules being approved by the Club's governing body.	PCD, SPS, PPN, PIPH, PCYPFH
25	Where the Club revises its constitution or rules in the future, the Club must submit a copy of the proposed revisions to the Board for approval and thereafter submit a copy of the approved revised constitution or rules to the Clerk to the Board, within 28 calendar days of the draft constitution/rules being approved by the Club's governing body.	PCD, SPS, PPN, PIPH, PCYPFH
26	Where there are any changes to the list of connected persons in relation to the Club, the Club must submit details of the names, addresses, postcodes, dates and places of birth of the new connected persons and an updated list of all connected persons, to the Clerk to the Board, within 28 calendar days of the changes to connected persons being approved by the Club's governing body.	PCD, SPS, PPN, PIPH, PCYPFH
27	The Club must ensure that at all times, there at least two members of staff, or Committee Members, or volunteers involved in the management of the Club who are trained to the standard of a Personal Licence Holder. If the persons trained change at any time, evidence of an up-to-date training certificate must be submitted to the Clerk within two months of change in personnel.	PCD, SPS, PPN, PIPH, PCYPFH
28	Any person requiring to hold a training certificate for the purposes of condition 26 above, must complete a refresher training course within a period of 3 months of the 5-year anniversary of the date of the initial training certificate and submit a copy of the refresher training certificate to the Clerk within 28 calendar days of receipt of the updated certificate. Further refresher training will be completed at 5 yearly intervals thereafter in line with this condition.	PCD, SPS, PPN, PIPH, PCYPFH
29	That up to 5 visitors per member shall be permitted	SPS, PPN

	in the club premises provided they are signed into the club by that member into a book kept for that purpose by the club. Such visitors must be bona-fide guests of the member signing them in.	
30	All promotional materials, including the use of social media, must specify that events are open to Members and Guests only, unless an Occasional Licence is in place. Events must be advertised in the press as for "Members and Guests only"	SPS, PPN

Beer Gardens and Outside Drinking Areas		
Number	Condition	Licensing Objectives
31	Beer Gardens and outside drinking areas must not be used for activities linked to the sale or consumption of alcohol after 10.00pm. These areas may be used after 10.00pm for the purposes of smoking only.	PCD, SPS, PPN, PIPH, PCYPFH
32	The Licence Holder must take reasonable steps to ensure that litter and, where used, glass and bottles are removed from street cafes, beer gardens and outside drinking areas on a regular basis.	SPS, PPN, PIPH, PCYPFH
33	The Licence Holder shall consider the use of safe alternatives to glass containers and bottles in street cafes, beer gardens and outside drinking areas.	PCD, SPS, PPN, PIPH, PCYPFH
34	The Licence Holder shall ensure that: - (a) No amplified music or noise emitted from the use of microphones, speakers or other forms of music entertainment shall be played within the area; (b) The area is delineated by a physical barrier; (c) Signage is displayed indicating that alcohol is not to be removed from the area.	PCD, SPS, PPN, PIPH, PCYPFH
35	Children and Young Persons may be present in the street café, beer garden or outside drinking area for the purpose of the consumption of food.	PCYPFH

Street Cafes and Licensed Pavement Areas		
Number	Condition	Licensing Objectives
36	The Licence Holder shall ensure that there is a Street Café consent in place and shall comply with the street café consent conditions including (but not limited to) the following conditions:	PCD, SPS, PPN, PIPH, PCYPFH

	(a) Barriers, Tables and Chairs are only allowed on the pavement/road between 0900 hrs and 2100hrs and must be removed from the area promptly at 2100 hrs, and (b) Alcohol may only be consumed within the street café when it accompanies food* served at the premises. *"Food" is defined as being an item that needs a plate and implements to be used to prepare an item for consumption such as scones, cakes etc, or an item that requires to be delivered on a plate and requires utensils for consumption. It does not include snack items such as crisps or nuts.	
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Hybrid Premises

Number	Condition	Licensing Objectives
37	Premises operating as "other premises" during the day and wishing to operate as Nightclubs thereafter must ensure that the premises are closed down and cleared of patrons, particularly children and young persons, for at least one hour prior to the commencement of operating as a nightclub at the premises.	PCD, SPS, PPN, PCYPFH

Festive Season Conditions for Premises Opening After 1.00 a.m.

Number	Condition	Licensing Objectives
38	A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1.00a.m. (on any day when the premises are open at that time) until the time at which the premises next close .	SPS, PIPH, PCYPFH
39	A designated person who is the holder of a personal licence must be present on the premises from 1.00a.m. (on any day when the premises are open at that time) until the time at which the premises next close.	PCD, SPS, PPN, PIPH, PCYPFH
40	There must be written policies in existence concerning – • The evacuation of the premises; and • The prevention of the misuse of drugs on the premises. • Duty of care ('Vulnerability through Intoxication')	PCD, SPS, PPN, PIPH, PCYPFH

41	There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.	PCD, SPS, PPN, PIPH, PCYPFH
42	A person who holds a licence granted under Section 8 of the Private Security Industry Act 2001 must be positioned at every entrance to the premises from 1.00a.m. (on any day when the premises are open at that time) until the time at which the premises next close.	PCD, SPS, PPN, PIPH, PCYPFH

Alcohol Deliveries, Click and Collect and Internet Sales		
Number	Condition	Licensing Objectives
43	The Licence Holder shall ensure that: (a) There is an age verification policy for delivery drivers and at click and collect locations where the recipient of the alcohol is believed to be under the age of 25.; (b) Delivery drivers and click and collect staff are trained to the same level as staff who sell or supply alcohol within licensed premises. (c) That the customer signs on receipt of delivery of alcohol. (d) Delivery drivers and click and collect staff keep refusal registers. (e) That orders are not left in nominated places.	SPS, PIPH, PCYPFH
44	The Licence Holder shall ensure compliance with Section 119 of the 2005 Act which requires the following in relation to delivery of alcohol from vehicles – (a) A daybook kept on the premises from which the alcohol is dispatched, and (b) A delivery book or invoice carried by the person delivering the alcohol. Information referred to above must include – (i) The quantity, description, and price of the alcohol, and (ii) The name and address of the person to whom it is to be delivered to.	SPS, PIPH, PCYPFH

Byelaws Prohibiting the Consumption of Alcohol in Designated Places

Number	Condition	Licensing Objectives
45	The Licence Holder must take care to clearly mark on the plans for the event the boundary of the venue to be included in the occasional licence.	PCD, PPN, PIPH
46	The Licence Holder shall take reasonable steps to inform customers of the existence and effect of the Byelaw. The Licence holder must display visible signage to this effect, at exit points from the licensed area, the minimum size of which will be A4.	PCD, PPN, PIPH

Note:

Additional Conditions specific to individual licensed premises may be attached by the Board to premises licences depending on the circumstances of the particular application, over and above the pool conditions listed in this document.

APPENDIX 3: Local Conditions – Occasional Licences

The Aberdeenshire Licensing Board

Local Conditions - Occasional Licences

Licensing Objectives		
	Preventing Crime and Disorder	PCD
	Securing Public Safety	SPS
	Preventing Public Nuisance	PPN
	Protecting and Improving Public Health	PIPH
	Protecting Children and Young Persons from Harm	PCYPFH

General Management - All Occasional Licences		
Number	Condition	Licensing Objectives
1	The Licence Holder or a Responsible Person must be present at the event and must ensure that all staff, volunteers and stewards comply with the requirements of the Licensing (Scotland) Act 2005. This includes awareness of policies and procedures relating to the event and the contents of Appendix 1 to the Licensing Board's current Policy Statement.	PCD, SPS, PPN
2(a) OR	Where the Licence Holder is not in attendance at the event, the Licence Holder must ensure there is a person in charge of the bar at the event who has completed training to the same standard as that required to obtain a personal licence under the 2005 Act. Evidence of this must be available for inspection by Police Scotland and the LSOs on request.	PCD, SPS, PPN
2(b)	The Licence Holder shall ensure there is a person in charge of the bar and on duty at the event for the duration of the event who has a personal licence under the 2005 Act. The Full personal Licence (including Annexes A, B and C) must be available for inspection by Policy Scotland and the LSOs on request.	PCD, SPS, PPN
3	The Licence Holder must ensure that all staff employed in the sale or supply of alcohol have received staff training to the standard provided for in Paragraph 3 of Schedule 3 to the 2005 Act. Evidence of this must be available for inspection by Police Scotland and the LSOs on request. Training must be delivered by a person who holds a personal licence or who is an accredited trainer only.	PCD, SPS, PPN
4	Alcohol shall only be displayed and sold in accordance with the layout plan submitted with the	SPS, PPN, PIPH, PCYPFH

	application for a licence and consulted on.	
5	All refreshments shall be decanted into safe alternatives to glass at the point of sale.	SPS
6	Bar Staff must be able to identify and refuse service of alcohol to intoxicated/drunken persons.	PCD, PIPH
7	The Licensed area must be delineated, and signs erected to say that alcohol is not to be removed from the licensed area.	PCD, SPS, PPN
8	The Licence Holder must ensure that any general authorisation for the sale of alcohol, as required by Schedule 4 to the Licensing (Scotland) Act 2005, required within the area covered by the Occasional Licence is – (i) in writing, (ii) available for inspection by Police Scotland and Licensing Standards Officers on request, (iii) brought to the attention of and signed by all parties and (iv) enforced by a Personal Licence Holder.	PCD, SPS, PPN, PIPH. PCYPFH

Byelaws Prohibiting the Consumption of Alcohol in Designated Places

Number	Condition	Licensing Objectives
9	The Licence Holder must take care to clearly mark on the plans for the event the boundary of the venue to be included in the occasional licence.	PCD, PPN, PIPH
10	The Licence Holder shall take reasonable steps to inform customers of the existence and effect of the Byelaw. The Licence holder must display visible signage to this effect, at exit points from the licensed area, the minimum size of which will be A4.	PCD, PPN, PIPH

Children and Young Persons

Number	Condition	Licensing Objectives
11	The Licence Holder shall ensure that Children (0 – 15 years) are accompanied by a responsible person over the age of 18.	SPS, PPN, PCYPFH
12	The Licence Holder shall ensure that Young Persons (16 & 17 years) are accompanied by a responsible person over the age of 18.	SPS, PPN, PCYPFH
13	The Licence Holder must employ a system to identify and distinguish between those attending the event who are under or over 18 years of age from the six approved forms of ID. The Licence Holder shall consider the use of wrist bands to distinguish those under and over 18 years, identifying different age demographics.	PCD, SPS, PCYPFH
14	The Licence Holder shall make alternative provisions for those under 18 to purchase non-alcoholic refreshments. This should include the provision of	PIPH, PCD, PCYPFH

	free water as set out in the mandatory conditions attaching to occasional licences.	
15	No under 18s are permitted in the main bar area. The Licence holder must display visible signage to this effect, the minimum size of which will be A4.	PCD, PCYPFH

Vulnerability - All Occasional Licences

Number	Condition	Licensing Objectives
	The Licence Holder must have in place a Duty of Care policy to ensure a standard approach is taken when any patron appears to be displaying signs of excessive intoxication or distress.	
16	The Licence Holder must ensure that all staff, volunteers and stewards have additional training in identifying signs of excessive intoxication and an enhanced awareness of vulnerability through intoxication. The Licence Holder shall ensure that staff training records are made accessible for inspection by Police Scotland and LSOs on request.	PCD, SPS, PPN, PIPH, PCYPFH

Noise

Number	Condition	Licensing Objectives
17	Noise from amplified and non-amplified music, singing and speech sourced from licensed premises shall not be audible in adjoining properties after 11.00 p.m.	PPN

Off Sales Stalls in Markets or at Events

Number	Condition	Licensing Objectives
18(a) or	Tastings of alcohol are permitted in a quantity commensurate with a reasonable sample of product on offer. All samples must be served in safe alternatives to glass.	PCD, SPS
18(b)	Tastings of alcohol are permitted in a quantity commensurate with a reasonable sample of product on offer.	PCD, SPS
19	The Licence Holder must display a notice in a prominent position at the point of sale indicating that alcohol purchased must not be consumed within the venue.	PCD, SPS

Occasional Licences - Events		
Number	Condition	Licensing Objectives
20	No tickets for the event are to be sold within any structure erected on the site. All tickets are to be sold outside at the entrance to the site where the sobriety of the patrons must be established before they are permitted entry to the event.	SPS
21(a) or	Entry to the event must be ticket only, purchased prior to the day of the event.	SPS
21(b)	Entry to the event must be by ticket only purchased by XXX hours on the day of the event.	SPS
22	The Licence Holder must provide an appropriate counting method to ascertain the number of attendees within the event at any particular time.	SPS
23	The main bar must be situated in a suitable place separate from the dance floor at the event OR must be partitioned off from the dance floor.	PCD, SPS
24	The Licence Holder shall ensure that alcohol is only consumed within a designated bar area.	PCD, SPS, PPN, PCYPFH
25	The Licence Holder shall ensure that no glass, cans or other containers are taken into the licensed areas of the event by attendees. The Licence Holder must provide suitable receptacles for these items at the entrance to the licensed area.	PCD, SPS
26	The Licence Holder shall ensure that there is no re-entry to the event if a person is removed and shall ensure any wrist band worn by that person is removed on ejection as appropriate.	PCD, SPS, PPN
27	The Licence Holder must ensure there is a close down period between day time and evening events being held in the licensed area, where the licensed area must be cleared of all patrons.	PPN, SPS
28	The Licence Holder must ensure that a zero drugs policy is in place and that all staff, volunteers and stewards are aware of this Policy.	SPS, PCYPFH, PIPH
29	The Licence Holder must ensure that an evacuation procedure, policy and briefings are in place and ensure that all staff, volunteers and stewards are aware of this policy.	SPS
30	The Licence Holder must ensure that there is a procedure in place to conduct toilet checks and ensure that all staff, volunteers and stewards are aware of this policy and that the necessary checks are undertaken.	SPS, PPN, PCYPFH
31	The Licence Holder must ensure that a dispersal policy is in place, that all staff, volunteers and stewards are briefed and aware of this Policy and assist with a swift, safe and quiet dispersal of patrons at the end of the event.	SPS PCD, PPN

Adult Entertainment		
Number	Condition	Licensing Objectives
32	Children and young persons are not permitted to attend any event involving adult entertainment.	PCYPFH

Catering and Additional Activities		
Number	Condition	Licensing Objectives
33	The Licence Holder shall ensure that any additional activities, such as catering, must cease trading at least 30 minutes prior to the terminal hour stated on the occasional licence.	PCD, PPN, SPS

Stewards, Staff and Volunteers		
Number	Condition	Licensing Objectives
34	The Licence Holder must ensure that sufficient numbers of Staff and Volunteers are on duty to ensure a safe and responsibly run event. Such persons 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 Licence Holder. They must be responsible, capable, aware of their duties and not drink alcoholic liquor for the duration of their active employment. Their duties are to: (a) Confirm that persons who seek access to the premises have paid for admission or have appropriate passes/invitations; (b) Supervise entrance doors/access points at all times to ensure that no fire or other exits are blocked. (c) Be aware of fire safety precautions and procedures and all other policies and practices appropriate to the event. (d) Provide assistance to patrons, including customer care, directions to facilities and health and safety. (e) Remain on the premises until the end of the permitted hours and all patrons have vacated the premises. (f) Be aware of the provisions of the Licensing (Scotland) Act 2005 which impact on the running of the event. (g) An adequate number of staff, volunteers or	PCD, SPS, PPN, PIPH, PCYPFH

	stewards shall have knowledge of first aid procedure	
35	The Licence Holder must ensure that sufficient numbers of Security Industry Authority licensed stewards must be present to address the identified needs/risks of the event. They shall be responsible for controlling the licensed area of the event during licensed hours and until attendees have dispersed from the area at the end of the event. Such persons 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 Licence Holder. They must be responsible, capable, aware of their duties and not drink alcoholic liquor for the duration of their active employment. SIA stewards must: (a) Actively police the premises including fenced area if applicable, to perform all “manned guarding” activity as directed by the event organiser which are in line with their role under the Private Security Act 2001; (b) Supervise entrance doors/access points at all times to ensure that no fire or other exits are blocked; (c) Identify and refuse entry to drunken persons. (d) Identify and refuse entry to any persons banned through pubwatch or by any other means; (e) Be aware of the fire safety precautions and procedures and all other policies and practices; (f) Be aware of the drug prevention policy; (g) Provide assistance to patrons, including customer care, directions to facilities and health and safety; (h) Ensure that no patron removes glasses, or open or closed vessels from the premises when exiting for any reason; (i) Remain on the premises until the end of permitted hours and all patrons have vacated the premises, including patrolling the vicinity outside the premises to assist dispersal from the premises after the premises close;	PCD, SPS, PPN, PIPH, PCYPFH

	(j) Be aware of the provisions of the Licensing (Scotland) Act 2005 which impact on the running of the event. (k) An adequate number of stewards shall have knowledge of first aid procedure (l) All SIA Stewards must wear radios to allow for clear communication with one another and the reporting of any incidents with the Head Steward and, in respect of the licence, the responsible persons on duty. (m) Stewards shall report all criminal and relevant matters to Police Scotland	
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Beer Gardens, Street Cafes and Outside Drinking Areas		
Number	Condition	Licensing Objectives
36	Beer Gardens and outside drinking areas must not be used for activities linked to the sale or consumption of alcohol after 10.00pm. These areas may be used after 10.00pm for the purposes of smoking only.	PCD, SPS, PPN, PIPH, PCYPFH
37	The Licence Holder must take reasonable steps to ensure that litter and, where used, glass and bottles are removed from street cafes, beer gardens and outside drinking areas on a regular basis.	SPS, PPN, PIPH, PCYPFH
38	The Licence Holder shall consider the use of safe alternatives to glass containers and bottles in street cafes, beer gardens and outside drinking areas.	PCD, SPS, PPN, PIPH, PCYPFH
39	The Licence Holder shall ensure that: - (a) No amplified music or noise emitted from the use of microphones, speakers or other forms of music entertainment shall be played within the area; (b) The area is delineated by a physical barrier; (c) Signage is displayed indicating that alcohol is not to be removed from the area.	PCD, SPS, PPN, PIPH, PCYPFH
40	Children and Young Persons may be present in the street café, beer garden or the outside drinking area for the purpose of consumption of food.	PCYPFH

Street Cafes and Licensed Pavement Areas forming part of a Market or Licensed Event		
Number	Condition	Licensing Objectives
41	The Licence Holder shall ensure that there is a Street Café consent in place and shall comply with	PCD, SPS, PPN, PIPH, PCYPFH

	the street café consent conditions including (but not limited to) the following conditions: (a) Barriers, Tables and Chairs are only allowed on the pavement/road between 0900 hrs and 2100hrs and must be removed from the area promptly at 2100 hrs, and (b) Alcohol may only be consumed within the street café when it accompanies food* served at the premises. *"Food" is defined as being an item that needs a plate and implements to be used to prepare an item for consumption such as scones, cakes etc, or an item that requires to be delivered on a plate and requires utensils for consumption. It does not include snack items such as crisps or nuts.	
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Alcohol Deliveries, Click and Collect and Internet Sales forming part of a Market or Licensed Event		
Number	Condition	Licensing Objectives
42	The Licence Holder shall ensure that, in respect of non-trade sales: (a) There is an age verification policy for delivery drivers and at click and collect locations where the recipient of the alcohol is believed to be under the age of 25.; (b) Delivery drivers and click and collect staff are trained to the same level as staff who sell or supply alcohol within licensed premises. (c) That the customer signs on receipt of delivery of alcohol. (d) Delivery drivers and click and collect staff keep refusal registers. (e) That orders are not left in nominated places.	SPS, PIPH, PCYPFH
43	The Licence Holder shall ensure compliance with Section 119 of the 2005 Act which requires the following in relation to delivery of alcohol from vehicles – (a) A daybook kept on the premises from which the alcohol is dispatched, and (b) A delivery book or invoice carried by the	SPS, PIPH, PCYPFH

	person delivering the alcohol. Information referred to above must include – (i) The quantity, description, and price of the alcohol, and (ii) The name and address of the person to whom it is to be delivered to.	
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Note:

Additional Conditions specific to individual licensed premises may be attached by the Board to premises licences depending on the circumstances of the particular application, over and above the pool conditions listed in this document.

PART THREE: Supplementary Policies

profiles for the main settlements in Aberdeenshire to supplement the information contained within this Supplementary Policy and **Supplementary Policy 3** and to support the annual functions statement published by the Board each year.

Aberdeenshire's Six Administrative Areas

1.3 Banff and Buchan

Banff and Buchan's main settlements are Fraserburgh, Banff and Macduff. Fraserburgh has approximately 4.8% of the population of Aberdeenshire with Banff having 1.52% and Macduff having 1.4% respectively.

The economy remains largely based on fishing and agriculture.

In recent years, major investment has taken place to upgrade port facilities at Macduff and Fraserburgh. Fraserburgh continues to be a key centre for fish landings and processing, and Macduff is a major boat building and repair centre in the North East.

The area faces economic difficulties and is a recognised area of urban deprivation.

The Area does, however, have a palpable sense of history and highly marketable tourism assets in its spectacular coastline, attractive coastal villages and visitor attractions.

1.4 Buchan

Buchan's main settlements are Peterhead and Mintlaw. Mintlaw has approximately 1.1% of the population of Aberdeenshire with Peterhead having 7.3%.

Peterhead is the largest town in Aberdeenshire; the principal white fish landing port in Europe; and a major oil industry service centre. Peterhead Port Authority's all-weather deepwater quay (Smith Embankment) and its ancillary facilities support both offshore oil & gas and renewable operations and is expected to also attract business from the offshore decommissioning sector.

Equally important is the nearby gas terminal at St. Fergus and the Peterhead Power Station.

The future of the energy and engineering sectors although in a state of change remains vibrant and Peterhead's role at the top of the Energetica corridor sets the tone for realising future potential.

Inland, the area is dependent upon agriculture although there has been a minor decline in rural services.

1.5 Formartine

Formartine's main settlements are Turriff, Ellon, and Oldmeldrum. Turriff has approximately 1.8% of Aberdeenshire's population with Old Meldrum having 1.2% and Ellon having 3.9% respectively.

Formartine has experienced rapid population growth. Lying at the heart of the Energetica corridor, this growth is likely to continue as this industry develops.

By contrast, the area around Turriff retains a strong dependency on the traditional agricultural economy.

Formartine has experienced rapid population growth, particularly around Ellon and Oldmeldrum and in the south east where development has spread from Aberdeen City. The population is getting older, and the population of children has also increased.

Lying at the heart of the Energetica Corridor employment and economic activity is set to continue to grow alongside the development of the Aberdeen Western Peripheral Route and the dualling of the A90 between Balmedie and Tipperty.

Formartine has a spectacular environment with protected characteristics and fantastic recreational and visitor attractions.

1.6 Garioch

Garioch's main settlements are Inverurie, Kintore, Kemnay and Westhill. Inverurie has approximately 5.7% of Aberdeenshire's population, Kintore has 1.8%, with Kemnay having 1.5% and Westhill having 4.5% respectively.

Many of the Communities in Garioch have experienced rapid population growth in recent years and the population is expected to grow further by nearly 12% over the next decade – by far the fastest projected growth rate in Aberdeenshire.

The Area's age profile has a higher representation of younger age groups than Aberdeenshire generally and an increasing ageing population.

Inverurie, Westhill and Kintore are important work destinations also having a significant beneficial impact on the local economy.

1.7 Marr

Marr's main settlements are Huntly, Aboyne, Alford and Banchory. Huntly has approximately 1.7% of Aberdeenshire's population, Aboyne has 1.1%, Alford has 0.98% and Banchory has 2.8% respectively.

With nearly half of Aberdeenshire's landmass but only 15% of its people, Marr is the most sparsely populated area with an average of only 12 people per square kilometre.

To the west is the spectacular mountain environment of the Cairngorms, part of the Cairngorms National Park.

Marr's economy revolves around tourism, forestry and agriculture.

There are over 30 towns and villages, with a significantly higher number of even smaller settlements in Marr. Some settlements are very scattered, but all have their own identity and characteristics.

Marr's spectacular scenery, natural and national heritage, and Royal connections ensures the area, particularly Deeside, sustains a well-developed tourism industry based on heritage, natural resources and outdoor activities.

The Forestry Commission and agriculture contribute to the local economy as well as health, wellbeing and tourism, through the provision of recreational facilities and production of high-quality local food produce.

1.8 Kincardine and Mearns

Kincardine & Mearns' main settlements are Stonehaven, Portlethen and Laurencekirk. Stonehaven has approximately 4.2% of Aberdeenshire's population, Portlethen has 3.3% and Laurencekirk 1.2% respectively.

Kincardine & Mearns is the most southern of six administrative areas within Aberdeenshire representing 12% of the whole Aberdeenshire area and is defined by 59 km of coastline to the east and the foothills of the Grampian Mountains to the west.

The area itself is very diverse; in the north proximity to Aberdeen has encouraged considerable development of population and industry, the southern part contains the rich farmland of the Mearns and a series of attractive former fishing villages.

The area is a very important to tourism activities within Aberdeenshire with sites such as Dunnottar Castle, attracting visitors from both near and far.

What is the role of the Board?

- 1.9 The role of the Board is to determine policy as well as the administration, consideration and determination of licensing applications in line with the provisions contained within the 2005 Act for Aberdeenshire.
- 1.10 Whilst the Act is silent in terms of how members of the Board should exercise their functions separately from their role as councillors, the Board requires to be an independent and impartial tribunal in terms of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("ECHR"), which was incorporated into UK domestic law by the Human Rights Act 1998.

Board Members also take account of the terms of the [Councillors' Code of Conduct](#)³⁵ published by the Standards Commission for Scotland which sets out the need to ensure that there is a proper and fair hearing for all regulatory decision-making, including liquor licensing, and that there is no suggestion of pre-judging or bias in the consideration of any applications before the Board.

Accordingly, Board Members may declare an interest and not participate in the consideration of any licensing matter in respect of which they have had any prior involvement either personally or in their capacity as a Councillor if they felt such prior involvement would compromise their impartiality.

- 1.11 The Board will carry out all functions under the Act with a view to promoting the five Licensing Objectives.
- 1.12 The Board has 10 members with a quorum of 5 and is supported by a Clerk, Depute Clerks, Paralegals as well as Administrative Support Staff.
- 1.13 The Current Members are:

Mrs Marion Ewenson (Convenor) Email: cllr.m.ewenson@aberdeenshire.gov.uk Phone: 07388 956134	
Ms Dawn Black (Vice-Convenor) Email: cllr.d.black@aberdeenshire.gov.uk Phone: 07787 883071	
<i>Position Currently Vacant</i>	
Mr Geoff Crowson Email: cllr.g.crowson@aberdeenshire.gov.uk Phone: 07789 016068	

³⁵ <https://www.standardscommissionscotland.org.uk/codes-of-conduct/councillors-code-of-conduct>

Mr Jeff Goodhall Email: cllr.j.goodhall@aberdeenshire.gov.uk Phone: 07788 144320	
Mr Trevor Mason Email: cllr.t.mason@aberdeenshire.gov.uk Phone: 07788 966862	
Mr Richard Menard Email: cllr.r.menard@aberdeenshire.gov.uk Phone: 07788 805914	
Mrs Jenny Nicol Email: cllr.j.nicol@aberdeenshire.gov.uk Phone: 07788 453092	
Ms Mel Sullivan Email: cllr.m.sullivan@aberdeenshire.gov.uk Phone: 07787 719582	
Mr Iain Taylor Email: cllr.i.taylor@aberdeenshire.gov.uk Phone: 07920 451306	
Board Members may also be contacted by writing to them: c/o Woodhill House, Westburn Road. Aberdeen, AB16 5GB.	
PLEASE NOTE THE CANVASSING OF BOARD MEMBERS IN RELATION TO AN APPLICATION IS AN OFFENCE.	

- 1.14 The Clerk is Karen Wiles, Head of Legal and People, Business Services, Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB.

1.15 The Depute Clerks are as follows:

Fiona M. Stewart
Jill Joss
Barbara Alexander
Lauren Cowie
Amanda de Candia
Martin Ingram

1.16 Details of the meetings held by the Board can be found [here](#)³⁶

The Local Licensing Forum

1.17 Each Council (Not Licensing Board) **must** establish a Local Licensing Forum for their Area. The role of the Forum is to represent the views of the community as a whole and not individuals or organisations. The role of the Forum is to advise the Licensing Boards on general matters of policy and not individual cases.

The Aberdeenshire Local Licensing Forum

On the 18th of January 2018 Aberdeenshire Council appointed the Aberdeenshire Local Licensing Forum. The previous Divisional Licensing Forums for North, Central and South Aberdeenshire were disbanded as of that date due to the appointment of the new Aberdeenshire-wide Forum.

The terms of reference of the Forum are as follows:

- (a) To keep under review –
 - (i) The operation of the 2005 Act in Aberdeenshire, and
 - (ii) In particular, the exercise by the Aberdeenshire Licensing Board of its functions, andgive such advice and make such recommendation to the Board in relation to those matters as the Forum considers appropriate.
- (b) To consider the implications of relevant local data and statistics provided to the Forum by Police Scotland and the local Health Board;
- (c) To meet the Board at least once per year; and
- (d) To advise the Board on any matters of policy and other areas of concern.

1.18 The Forum folded due to lack of interest in meetings and as a result of the Covid Pandemic in 2021.

1.19 As part of the policy review, consultation will take place to assess interest in re-establishing the Licensing Forum and the Board will inform the Business Services Committee of Aberdeenshire Council of the outcome of the consultation exercise and make recommendations to the Committee as deemed appropriate. Should Aberdeenshire Council re-instate the Licensing Forum this Supplementary Policy

³⁶ <https://aberdeenshire.moderngov.co.uk/ieListMeetings.aspx?CId=169&Year=0>

Statement will be updated accordingly.

Supplementary Policy 2: Consultation & Documentation

- 2.1 In preparing this Supplementary Policy Statement and the other Supplementary Policy Statements for 2023 - 2028, the Licensing Board adopted a partnership approach to alcohol and alcohol-related issues within Aberdeenshire in a similar manner to the community planning process.

Pre-Formal Consultation Stage

- 2.2 Prior to finalising their draft revised Policy Statement the Board –
- Reviewed the current Statement of Licensing Policy to identify the Main Issues that should be reviewed.
 - Agreed the Main Issues at their meeting on 12th October 2022. The report can be accessed [here](#)³⁷ (item 9(i)).
 - Conducted an engagement exercise on the Main Issues between November 2022 -January 2023.
 - Consulted with the Area Committees on the Main Issues between November 2022 - January 2023.
 - Met informally to consider the evidence gathered from the engagement / consultation on the Main Issues Identified.
 - Formally considered the evidence gathered, considered the evidence upon which to determine localities for the purposes of overprovision and provided a steer to officers regarding the content of the draft Licensing Policy Statement at their meeting on 22nd February 2023. The report can be accessed [here](#)³⁸ (item 9(ii))
- 2.3 At their Meeting held on 22nd February 2023, the Board considered the evidence provided by the engagement exercise and consultations in order to direct Officers to prepare the draft version of this Policy Statement to be issued for formal public consultation.
- 2.4 At their meeting held on 28th June 2023, the Board approved the terms of a draft Statement of Licensing Policy 2023 – 2028 and authorised officers to conduct a formal consultation exercise thereon during July to September 2023. The report can be accessed [here](#)³⁹ (Item8).

Consultation

- 2.5 In terms of the Act, Boards are required to consult with:

³⁷[https://aberdeenshire.moderngov.co.uk/Data/Aberdeenshire%20Licensing%20Board/20221012/Agenda/Item%209\(i\)%20-Draft%20Main%20Issues%20Report%20V1.pdf](https://aberdeenshire.moderngov.co.uk/Data/Aberdeenshire%20Licensing%20Board/20221012/Agenda/Item%209(i)%20-Draft%20Main%20Issues%20Report%20V1.pdf)

³⁸<https://aberdeenshire.moderngov.co.uk/CeListDocuments.aspx?CommitteId=169&MeetingId=3311&DF=22%2f02%2f2023&Ver=2>

³⁹ <https://aberdeenshire.moderngov.co.uk/ieListDocuments.aspx?CId=169&MId=282&Ver=4>

- The Forum.
- So far as not already represented by the Local Licensing Forum, such other person or persons as appeared to the Board to be representative of:
 - The holders of premises licences and personal licences.
 - The Chief Constable.
 - Persons having functions relating to health, education, or social work.
 - Young people.
 - Persons resident within the Forum's area.
 - Other such persons as the Board thinks appropriate.

2.6 The above includes but is not limited to:

Aberdeenshire Council		
Including:		
Councillors	Area Managers	Building Standards
LSOs	Chief Executive	Community Planning
Infrastructure Services	Planning	Environmental Health
Corporate Communications	Communities	Education & Children's Services
Risk and Resilience	Economic Development	Public Transport Unit

Other Bodies and Groups:		
Including:		
Aberdeenshire Alcohol and Drug Partnership (AADP)	Aberdeenshire Integration Joint Board (IJB)	Alcohol Focus Scotland
Aberdeenshire Branch of the Scottish Licensed Trade Association.	Citizen's Panel	Aberdeenshire Health and Social Care Partnership (HSCP)
Community Councils	Community Planning Board	Community Safety Executive
Drugs Action	Licensing Forum	Local Business Associations
Local Community Planning Groups	Local Licensing Solicitors	Local Pubwatches / Shopwatches
HMP Grampian	Members of the Public	NHS Grampian Public Health Directorate
Criminal Justice Partnership	Police Scotland	Scottish Fire & Rescue Service
The Licensed Trade	Tourism Boards	YOI Grampian
Scottish Beer and Pub Association	Schools	Colleges
Youth Parliament	Youth Forums	Lived Life Experience Forums

Post Consultation Stage

2.7 Following a formal public consultation on the terms of the draft policy statement between 10th July – 30th September 2023, consultation responses were received from the following:

- Police Scotland
- NHS Grampian Public Health Directorate
- Licensing Standards Officers
- Community Councils
- Alcohol Focus Scotland
- Premises Licence Holders
- Personal Licence Holders
- Occasional Licence Holders
- The Area Committees of Aberdeenshire Council
- Members of the Public
- Coach Operators

Documentation taken into account in addition to the above responses in determining final policy:

- The Licensing (Scotland) Act 2005
- The Section 142 Statutory Guidance for Licensing Authorities
- SHAAP
- MESAS
- SIMD
- SALUS
- Case Law
- Aberdeenshire Profile
- Aberdeenshire Population Figures
- Alcohol Focus Scotland: -
 - Licensing Resource Pack
 - Guide for Forum Members
 - Review of Licensing Policy 2018 – 2023
 - Community Licensing Toolkit
 - Impact of Alcohol Scotland
 - The Cost of Alcohol Aberdeenshire
 - Whole Population approach briefing

All of the above documents form the Board's Strategic Assessment Document as referred to at section 2.8 below.

Preparation of Final Policy Statement and Supplementary Policy Statements

- 2.8 The Board's Licensing Policy Statement/Supplementary Policy Statements have been prepared having regard to the documentation listed in the Board's Strategic Assessment Document, which can be found [here](#)⁴⁰.
- 2.9 The Board will also have regard to any documents or statistical information placed before them during the lifetime of this Policy Statement and related Supplementary Policy Statements, and any reviews thereof.

This Policy was approved by the Board at their meeting on 25th October 2023.

Evidence

- 2.10 The Board wishes all their decisions to be informed by evidence.
- 2.11 The Chief Constable and Aberdeenshire Council are required to provide the Board with statistical or other information for the purposes of preparing its Policy Statement or Supplementary Policy Statements.
- 2.12 The Board will always be willing to receive evidence of changing circumstances which any interested party may bring to their attention.
- 2.13 As part of its consideration, the Board kept in mind the need to continue to promote the Licensing Objectives within its policies and, at the same time, maintain a strong, vibrant and diverse licensed trade. The Board believes that, in consulting as widely as possible on the development of this Policy Statement, it has achieved this aim.

How to make a comment on this document during the lifetime of the Policy

Any comments you may wish to make on the Policy can be submitted as follows: -

In writing to:

The Clerk to the Board
Licensing
Legal and People
Business Services
Aberdeenshire Council
Viewmount
Arduthie Road
Stonehaven
AB39 2DQ

By email: licensingpolicyreview@aberdeenshire.gov.uk

⁴⁰ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

Supplementary Policy 3: Overprovision Policy

General

Assessing Overprovision

3.1 The Licensing (Scotland) Act 2005 and Statutory Guidance

Section 7 of the [Licensing \(Scotland\) Act 2005](#)⁴¹ (“the 2005 Act”) requires the Board to include in its Statement of Licensing Policy, a statement as to the extent to which the Board considers there to be overprovision of licensed premises generally, or licensed premises of a particular description, in any locality within the Board's area.

In determining whether there is overprovision the Board **must**:

- Have regard to the number and capacity of licensed premises within the locality (members clubs and occasional licences are excluded).
- Consider the licensed hours of premises in the locality.
- Consult with:
 - The Chief Constable.
 - The relevant Health Board.
 - Such persons as appear to the Board to be representative of the interest of (i) holders of premises licences within the locality and (ii) persons resident in the locality.
 - Such other persons as the Board thinks fit.
- Consider such other matters as the Board thinks fit.

3.2 The Board **must also** comply with the terms of the [Statutory Guidance](#)⁴² when considering overprovision.

The **Statutory Guidance** provides that:

- Licensing Boards have two, separate, but directly linked, responsibilities in relation to overprovision:
 - Each Board is required to include a statement as to overprovision in its authority area within their Statement of Licensing Policy (s.7 of the 2005 Act).
 - Each Board also needs to consider overprovision when determining a premises licence or variation application.

⁴¹ <https://www.legislation.gov.uk/asp/2005/16/contents>

⁴² <https://www.gov.scot/publications/licensing-scotland-act-2005-section-142-guidance-licensing-boards/pages/2/#:~:text=Statutory%20Guidance&text=Section%20142%20of%20the%20Act,possible%20scenario%20that%20may%20arise.>

- Indicates that an overprovision assessment must be evidence based.

3.3 It is a matter for each Licensing Board to determine what their overprovision policy will be and how the evidence it has gathered will be interpreted and weighted.

Licensing Board's **must**:

- Be mindful of all **Five Licensing Objectives** in considering evidence.
- Ensure the approach to ingathering evidence is **robust**, all relevant evidence is taken into account.
- Ensure the **rationale** for regarding/disregarding evidence is **clearly set out**.
- **Consult widely** on a draft overprovision assessment and **carefully consider** the views of consultees before finalising the Statement of Licensing Policy.

3.4 The purpose of the overprovision assessment is to:

Enable Boards to take account of changes since the publication of the previous Statement of Licensing Policy.
Improve public and trade confidence in the licensing system by setting out clearly the grounds on which overprovision should be determined.
Recognise that halting the growth of licensed premises in localities is not intended to restrict trade but may be required to preserve public order, protect the amenity of local communities and mitigate the adverse health effects of increased alcohol consumption.
Provide potential entrants to the market with a clear signal that they may incur abortive costs if the intend to apply for a licence in a locality in which a Board has declared to have reached overprovision.

3.5 It is for each Board to determine the localities within its area for the purposes of the 2005 Act.

3.6 The Board **must** set out the reason for their decision making in arriving at their locality choices.

3.7 Boards **can consider other matters** such as: -

- The **ability for stock to be resupplied quickly**, for example, a premises may have a small sales capacity but be capable of significant sales volumes due to the amount of stock held within the premises.
- **Equalities Issues** – the proximity of specific types of premises such as facilities for vulnerable adults with problematic alcohol use, mental health services; hospitals; schools/nurseries; sports facilities; gambling facilities; concerns regarding people visiting the locality from other areas.
- The **stark inequality when it comes to alcohol harm** and the growing

awareness that harmful drinking and alcohol dependence is much greater for these who experience deprivation than those who do not.

- It can often be **individuals** other than the drinkers themselves who **feel the effects of alcohol use**, including children, family, friends, colleagues and those working in frontline services.

Taking account of evidence on equalities and inequalities, the Board can meaningfully consider how different communities are impacted differently by alcohol, and use this to formulate their policy.

3.8 The **Statutory Guidance** indicates that a Board should take into account a number of underlying principles in approaching the development of their Statement of Overprovision and these are:

- **The use of alcohol harm/potential for harm information to identify localities** and then proceed to consider the number, type and capacity of premises in those areas.
- **Consideration of the cumulative effect/impact of premises** rather than the actions of a single operator.
- **To demonstrate a ‘dependable causal link’, the proof of the link must be on the balance of probabilities** i.e. based on the evidence of harm in a locality it is more likely than not that alcohol availability is a cause or that increasing the availability of alcohol in that area will increase harm, weighing up the potential benefits against the potential harms.
- **There is no simple numerical formula for pinpointing the threshold between adequate provision and overprovision.** Determining overprovision involves the application of reason and judgement in the interests of the community:
 - If the Board considers that there is a potential/reasonable basis for concluding, there will be a risk of adverse impact on the objectives should more licences be granted then it is entitled to come to the view that there is a state of overprovision.
 - Does aggregate information and evidence from a number of sources demonstrate a link between the availability of alcohol in an area and alcohol related harm.

Purpose

3.9

The purpose of an overprovision assessment is to provide potential entrants to the market with a clear signal that they may incur costs if they intend to apply for a licence in any locality which the Board has declared to have reached overprovision. It is also designed to improve public and trade confidence in the licensing system by setting out clearly the

grounds on which overprovision should be determined. Overprovision should not restrict trade, however, restricting trade within a locality may be required to preserve public order, protect the amenity of local communities, and mitigate the adverse health effects of increased alcohol consumption resulting from growing outlet density.

3.10 The **Statutory Guidance** in relation to overprovision makes it clear that if there is to be finding of overprovision there **must** be **robust and reliable evidence** which indicates that:

1. **A saturation point has been reached or is close to being reached and**
2. **A causal link must be identified between that evidence and the operation of licensed premises in that locality.**

Consultation

3.11 In considering whether there is overprovision the Board **must** consult:

- The Chief Constable and NHS Grampian;
- Such persons as appear to the Board to be representative of the interests of holders of premises licences in respect of premises within the locality;
- Persons resident in the locality; and
- Such other persons as the Board thinks fit.

As with the remainder of the Board's Policy Statement the overprovision assessment must also seek to promote the Licensing Objectives.

Assessment

Evidence Considered

3.12 In preparing this Overprovision Statement the Board considered the following evidence:

Setting of localities and the formation of the draft policy:

Profile – Aberdeenshire.
Settlement Information (incl. Population) – Aberdeenshire .
Engage Main Issues Consultation Results.
Evidence provided by Partners including Police Scotland, LSO's ⁴³ , Aberdeenshire IJB ⁴⁴ , ADP ⁴⁵ , NHS ⁴⁶ Grampian and members of the public.
Number and Capacity of Licensed Premises – Aberdeenshire.
Aberdeenshire Licensing Board Statistics.
National Average of Licensed Premises.
Data from the Scottish Index of Multiple Deprivation 2020. (V2) ('SIMD')

⁴³ LSO – Aberdeenshire Licensing Standard's Officers.

⁴⁴ IJB – Aberdeenshire Integration Joint Board.

⁴⁵ ADP – Aberdeenshire Alcohol and Drug Partnership.

⁴⁶ NHS – National Health Service.

AFS ⁴⁷ & CRESH ⁴⁸ : Alcohol Outlet Availability and Harm in Aberdeenshire 2018.
PHS ⁴⁹ : Dashboard Information for Aberdeenshire 2010/11 to 2020/21.
PHS: Monitoring and Evaluating Alcohol Strategy 2022.
SHAAP ⁵⁰ : Alcohol Harms in Scotland 2021.
The Scottish Health Survey 2021.
The Scottish Schools Adolescent Lifestyle and Substance Use Survey ('SALUS').
NRS ⁵¹ : Alcohol Specific Deaths 2021.
Case Law relating to the issue of Overprovision.
Overprovision Statements within Scotland.

Formulation of the final Overprovision Statement:

The Board consulted on the draft Overprovision Statement during the period 10th July 2023 to 30th September 2023 and considered the following additional evidence prior to finalisation of this:

Engage Draft Policy Consultation Results.
Further consultation responses provided by the LSO's and AFS and the Aberdeenshire Council Area Committees.

Analysis of the Evidence

- 3.13 **Appendix 1** to this Supplementary Policy Statement summarises the evidence used in formulating the Board's draft Overprovision Policy.

The Board in line with their duties considered all of the evidence put before them in terms of the **five licensing objectives**.

The full statistical analysis and scoring matrix used can be found [here](#)⁵².

Ongoing Considerations

- 3.14 The Board considers it essential to monitor the effectiveness of this policy and to this end, they intend to work with partner agencies to develop an alcohol profile for relevant settlements in Aberdeenshire which will be used to analyse any trends and assist with future policy decisions.

Localities

Consideration

- 3.15 The Board's Overprovision Statement for 2018-2023 based its localities on Council Ward.

⁴⁷ AFS – Alcohol Focus Scotland.

⁴⁸ CRESH – Centre for Research on Environment, Society and Health.

⁴⁹ PHS – Public Health Scotland.

⁵⁰ SHAAP – Scottish Health Action on Alcohol Problems.

⁵¹ NRS – National Records of Scotland.

⁵² <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

The Board reviewed the statistical information available at the outset of the review and determined that a more focused set of localities was needed to better assess overprovision and the impact of alcohol-related harm within Aberdeenshire.

Their analysis showed settlements to be more beneficial in terms of defining localities for the purposes of overprovision due to the data available to them and the opportunities for future data. The Board consulted on this proposal through an engagement exercise.

A full summary of the factors considered by the Board is set out in **Appendix 1**. It may be useful to peruse Appendix 1 prior to reading the findings set out in this Policy document, as set out below.

Key Factors Identified

	'Settlements' provided a better footing than Wards and enhanced the analysis of statistical information available, such as that detailed within the Scottish Index of Multiple Deprivation. ('SIMD')
	'Settlements' would assist partner agencies in terms of highlighting areas of concern supporting the use of direct statistics and preventing the dilution of these as a result of the use of too large a geographical area.
	Overwhelming support for 'Settlements' (91.3%) including support from Police Scotland and Licensing Standard's Officers. ('LSO'S').
	'Settlements' would still allow the Board to consider the 'cumulative impact' of premises selling alcohol.
	'Settlements' would still allow the Board to focus on communities which are at the greatest risk of harm when it comes to the sale and consumption of alcohol.

Findings

	"Localities" for the purpose of considering overprovision has been set as "settlements" within Aberdeenshire.
	Reasoning: Having considered the data available and the results of the Board's initial engagement exercise, as summarised in Appendix 1 , settlements provide clearer, more accurate and more reliable evidence to enable the Board to demonstrate a clear causal link between licensed premises and a concern for one or more of the Licensing Objectives at a sufficiently local level to be able to determine whether there is overprovision within any of those localities. The Board has defined 'settlement' to mean the town boundary.

Duty 1: Analysis of Overprovision Within Aberdeenshire

Considerations

- 3.16 The Board considered the following factors in considering whether there are any localities within Aberdeenshire that are overprovided for:

	Risk of Potential Harm.
	Availability of Alcohol.
	Evidence of Harm.

The key factors, conclusions and findings are listed below. A summary of the analysis made can be found within **Appendix 1**.

Availability of Alcohol

3.17 In considering the availability of alcohol, the Board took account of:

- (i) The number of relevant premises in Aberdeenshire.
- (ii) The relevant type of premises within Aberdeenshire.
- (iii) The capacity of relevant premises within Aberdeenshire (including operating hours).

Key Factors Identified

	The number of on-sales only premises and those selling both have declined since the last review. There has been an increase in the number of off-sales only premises. We have also seen an increase in the number of variation applications which seek to increase the display areas within such premises.
	Availability of alcohol within Aberdeenshire is below the national average.
	The average capacity of alcohol display areas within off-sales premises in Aberdeenshire is 34.3m² .
	The majority of off-sales premises within Aberdeenshire do not operate using maximum hours i.e. 84 hours a week (10.00 am to 10.00 pm – 7 days a week)
	The majority of licensed premises are located within North Aberdeenshire.
	People in Aberdeenshire have indicated that they drink more at home than within licensed premises a trend which seems to have developed throughout Scotland.
	There is a large variety of premises found in Aberdeenshire many of which sell alcohol in addition to their primary business such as cafes, supermarkets and hotels and offer benefits in terms of tourism for the local area.

Conclusion

3.18 The Board considered the following localities had a **higher-than-average availability of alcohol** in terms of Aberdeenshire:

Settlement	Level
Ballater	Higher than average.

Braemar		
Fraserburgh		
Inverurie		
Peterhead		

Risk of Potential Harm

3.19 In considering the potential risk for harm, the Board took account of:

- (i) Areas of deprivation.
 - (a) Multiple deprivation.
 - (b) Income deprivation.
 - (c) Consideration of all the above in relation to the five Licensing Objectives.
- (ii) Breakdown of population.

Key Factors Identified

Areas of Deprivation

3.20

	The localities of Banff, Fraserburgh and Peterhead meet all of the criteria for multiple deprivation.
	The localities of Banff and Fraserburgh meet all of the criteria for Income Deprivation.

Breakdown of Population

3.21

	Prevalence of harmful drinking twice as high for men than women nationally in 2021.
	In 2021 the age group drinking the most on a weekly basis nationally was 45 - 74.
	In 2021 in Aberdeenshire harmful drinking among men was 24% and among women 14%.

Conclusion

Areas of Deprivation

3.22

The Board found that the following settlements had a **higher-than-average risk potential** when it comes to the sale and consumption of alcohol:

Settlement	Level	
Banff		High.
Fraserburgh		

Peterhead		Higher than average.
-----------	--	----------------------

Breakdown of Population

3.23

The Board found that the breakdown above has **remained relatively consistent** in terms of Aberdeenshire and identified **no special cases to date** requiring further analysis in terms of increased risk.

Evidence of Harm

3.24 The Board took account of the harm associated with the Licensing Objectives:

	Preventing Crime and Disorder
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- Deprivation as a result of crime.
- Violence in licensed premises data statistics from Police Scotland.

	Securing Public Safety
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- No evidence presented to the Board.

	Preventing Public Nuisance
---	-----------------------------------

- No evidence presented to the Board.

	Protecting and Improving Public Health
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- Aberdeenshire wide statistics.
- Health deprivation including statistics in respect of alcohol-related hospitalisations.

	Protecting Children and Young Persons from Harm
---	--

- No evidence presented to the Board.

Key Factors Identified

		There are areas with higher crime rates in Aberdeenshire some of which may be attributed to the consumption of alcohol.
		The majority of issues raised by Police Scotland indicate off-sales to be the problem.
		No reviews have been sought in terms of this Licensing Objective.

		No reviews have been sought in terms of this Licensing Objective.
		1 review has been sought in terms of this Licensing Objective.
		Health statistics for Aberdeenshire are generally positive.
		There are areas with higher alcohol-related hospitalisation rates within Aberdeenshire.
		No reviews have been sought in terms of this Licensing Objective.
		No reviews have been sought in terms of this Licensing Objective.

Conclusion

- 3.25 The Board found that the following settlements had a higher-than-average risk potential when it comes to the sale and consumption of alcohol:

Settlement	Level	
Fraserburgh		High.
Peterhead		
Banff		Higher than average.
Inverurie		
Macduff		

Development of Scoring Matrix

- 3.26 The Board, using the data and evidence received, developed a scoring matrix which set scores based on potential risk, availability and evidence of harm, taking into account the **licensing objectives**.

Details of the scoring method used can be accessed via this [link](https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/)⁵³.

Findings

- 3.27 Having had regard to all of the information submitted, the views expressed through the engage consultation exercises, the numbers and capacities of licensed premises in Aberdeenshire and the evidence of alcohol-related harm available for Aberdeenshire, the Board has found as follows:

⁵³ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

On Sales

	No Overprovision.
	Reasoning: Placing a limit of the number of on-sales premises at this point in time would not serve to promote any of the licensing objectives.

Premises Selling Both

	No Overprovision.
	Reasoning: Placing a limit of the number of premises selling both at this point in time would not serve to promote any of the licensing objectives.

Off Sales

	Overprovision found in respect of some settlements.
	Reasoning: Having regard to all of the evidence submitted and having considered the number and capacity of off-sales premises within Aberdeenshire, the Board has concluded for the purpose of this Policy Statement that there is <u>sufficient evidence</u> to demonstrate a <u>causal link</u> between the operation of off-sales premises and alcohol related harm within <u>some</u> localities in Aberdeenshire when considered against the licensing objectives to <u>justify a finding of overprovision or justifying a watching brief</u> due to levels being close to a finding of overprovision.

Analysis of Settlements

Level of Overprovision		Localities
	FINDING: OVERPROVISION of off-sales premises in these localities.	Fraserburgh Peterhead

	Having regard to all of the evidence submitted to date, and, having considered the number and capacity of off sale premises in Aberdeenshire, the Board has concluded for the purposes of this Policy Statement that while there is insufficient evidence to demonstrate a causal link between the operation of off sale premises and alcohol related harm in these localities when considered against the licensing objectives, there is sufficient evidence of harm to cause the Board to be concerned that there is potential for these localities to become overprovided. FINDING: WATCHING BRIEF on the number of off sale premises in these localities, particularly where there are applications which apply for, or variations to increase, a capacity of alcohol above 34.3m².	Banff Inverurie Macduff
	Having regard to all of the evidence submitted to date, and, having considered the number and capacity of off sale premises in Aberdeenshire, the Board has concluded for the purposes of this Policy Statement that, while there is insufficient evidence to indicate a causal link between the operation of off sale premises and alcohol related harm in these localities when considered against the licensing objectives, the scoring matrix has highlighted some areas of concern (the categories causing concern are bracketed against each locality). FINDING: CONCERN NOTED. The position in respect of these settlements will be monitored on an annual basis for the life of the Board's policy.	Banchory (Availability approaching higher than average rating and evidence of harm approaching the average rating) Ellon (Availability and harm both approaching the average rating) Huntly (Availability approaching the average rating and harm approaching the higher-than-average rating). Portsoy (Availability approaching the average rating and harm currently within the average rating). Stonehaven (Availability currently within the average rating).

	Having regard to all of the evidence submitted to date, and having considered the number and capacity of off sale premises in Aberdeenshire, the Board has concluded for the purposes of this draft Policy Statement that there is no evidence to indicate a causal link between the operation of off sale premises and alcohol related harm in these localities when considered against the licensing objectives. Placing a limit on the number of off sales premises at this point in time would not serve to promote any of the licensing objectives. FINDING: NO OVERPROVISION of off-sales premises in these localities.	All the other settlements within Aberdeenshire.
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Consideration of Overprovision in Determining Applications for Premises Licences, Provisional Premises Licences or Variation of Premises Licences

Rebuttable Presumption

3.28 The effect of this overprovision assessment is as follows:

Localities of Fraserburgh and Peterhead

1. To create, in the above localities, a rebuttable presumption against ANY grant of applications for premises licences, provisional premises licences or variation of premises licences in relation to **off sales** (in terms of the grounds of refusal set out in section 23(5)(e) of section 30(5)(d) of the Act.

Localities of Banff, Inverurie and Macduff

2. To create, in the above localities, a rebuttable presumption against the **potential** grant of applications for premises licences, provisional premises licences or variation of premises licences in relation to **off sales** (in terms of the grounds of refusal set out in section 23(5)(e) of section 30(5)(d) of the Act **where:**
 - (a) The grant of the application would result in the premises having an off sales capacity in excess of 34.3 square metres, or
 - (b) in the case of licensed premises with existing off sales capacity in excess of 34.3 square metres, the grant of any variation sought would result in an increase in that off sales capacity.

		All other settlements within Aberdeenshire
--	--	---

3. No rebuttable presumption at present.

- 3.29 Each such application will still require to be determined on its own merits and the Board reserves the right to grant such applications where it considers that the licensing objectives would not be undermined by the specific proposals set out in the application, or that those objectives would not be undermined if the applicant's operating plan were to be modified or the grant of the licence made subject to the appropriate conditions, and that no ground of refusal other than overprovision would apply.

It will be for the applicant to demonstrate to the Board, by providing robust and reliable evidence, that the grant of the application would not undermine the licensing objectives or that the benefits in granting the application outweigh the Board's overprovision policy.

It should be noted also that one of the aims of the Board's overprovision policy is to promote the licensing objective of protecting and improving public health. To that end, the policy aims to reduce the number of premises with large-scale off sale display areas and not simply to prevent their further proliferation in the Board's area. The Board considers large-scale off sale display areas to be above 34.3 square metres in size. Consequently, in the event of an existing licence for a larger capacity off sale premises ceasing to have effect, this will not necessarily mean that there is capacity for a new licence for a large capacity off sale premises either at or in the vicinity of the former licensed premises or elsewhere in the Board's area.

Appendix 1: Summary of Evidence Used to Determine Draft Overprovision Policy for Aberdeenshire

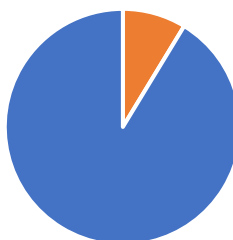
Setting of Localities

Settlements



The Board has to determine “localities” that will be considered for overprovision of alcohol. Currently this is done by Council Ward Area. The Board is considering whether this should be looked at a more focused level, settlement?

■ No (8.7%)
■ Yes (91.3%)



Alongside these responses the Board also considered the views of the IJB and AADP, both of which, were on similar terms and recommended that the Board consider the following points when looking at localities and assessing overprovision within Aberdeenshire:



The Board should consider the ‘cumulative impact’ of premises selling alcohol rather than focusing on the ‘individual impact’ of a premises.

The Board should focus on communities which are at the greatest risk of harm when it comes to the sale and consumption of alcohol.

The Board had already considered these matters as key factors in their decision to move towards a more focused set of localities.

No alternative suggestions were received in respect of the consultation and, with this in mind, the Board decided on 28th of April 2023 that localities for the purpose of this Policy Statement would be based on ‘settlement’.

The Board has defined ‘settlement’ to mean the town boundary.

A recording of the discussions which were had and the decision made can be found on Aberdeenshire Council’s website and are accessible via this [link](#)⁵⁴.



Localities to be based on Settlements found within Aberdeenshire.

⁵⁴<https://aberdeenshire.moderngov.co.uk/CeListDocuments.aspx?Committeeld=169&MeetingId=3312&DF=26%2f04%2f2023&Ver=2>

Consideration of Overprovision

Scoring Matrix

The Board, using the evidence received, developed its own scoring matrix based on **potential risk, availability of alcohol** and **evidence of harm**, taking into account the five licensing objectives.

Draft Overprovision Statement

This scoring matrix was used to develop the Board's initial position in terms of overprovision within Aberdeenshire and this was documented within the Draft Overprovision Statement which was put out for consultation.

The Board based their assessments on the following trigger levels within each of the three categories mentioned above:

Key	
	Risk potential at a higher level (70%+ overall score)
	Risk potential is above the average level (50-70% of overall score)
	Risk potential is below the average level (25-49% of overall score)
	Risk potential is at a lower level (0-24% of overall score)

The Board found that the following levels had been reached:

Level Reached	Settlement(s)
Overprovision of off-sales premises found within these localities.	Banff, Fraserburgh and Peterhead.
Watching brief on the number of off-sales premises in these localities, particularly where there are applications which apply for, or variations to increase, a capacity of alcohol above the Aberdeenshire average.	Huntly, Inverurie and Macduff.
Concern noted with off sales in these settlements to be monitored, noting, where there are applications which apply for, or variations to increase, a capacity of alcohol above the Aberdeenshire average.	Banchory, Ellon, Fyvie, New Deer, St. Cyrus and Tarves.

Final Overprovision Statement

Following consultation on the Board's Draft Overprovision Statement the scoring matrix was re-assessed to take into account the comments received, trends, as well as the additional data which was now available to the Board.

As a result the following changes were made to the scoring matrix assessment of overprovision within Aberdeenshire:

Changes:

- Members clubs were removed to ensure that the number of premises figures were correct for the purposes of the overprovision calculation.

Reason: To ensure that the analysis conducted by the Board is correct and in line with legislation.

- The scoring parameters for some of the criteria used were changed so that these provided a better assessment in terms of the actual standing of each settlement.

Reason: Initial scoring matrix at points used definitive scoring meaning that for some of the criteria the abundance/frequency of the issue was not properly represented in the score (e.g. a settlement with one premises meeting the criteria scored the same as one with two and vice versa) providing less opportunity for effective analysis of the data.

- An assessment of the average on-sales hours per day was conducted and added to the scoring criteria.

Reason: To provide a better understanding of overall alcohol availability and to assess in line with Statutory Guidance.

- The scoring criteria relating to the change in the number of premises within each settlement since the last review was dropped due to the number of gaps in the data preventing a proper comparison.

Reason: The gaps in the data made a fair comparison impossible in terms of the identified settlements elevating the scores of those with data when those without may have been in the same position or had a greater increase.

- The trigger levels in terms of the three categories were amended to more accurately reflect the nature and level reached in each. A new 'average' category was introduced to better reflect those which sat in between the old 'below' and 'above' average levels.

Reason: Although the majority of respondents (86.4%) believed that the Draft Overprovision Statement properly assessed the level of overprovision within Aberdeenshire some confusion still seemed to exist in terms of what this actually meant for Aberdeenshire in light of the evidence and the initial consultation responses received. On further consideration of this the Board looked at the trigger levels in question and felt that these should be better defined with a view to offering a sound basis for both comparison and future analysis.

The following scoring matrix was therefore applied in respect of the Board's final Overprovision Statement:

Key	
	Risk potential at a higher level (75%+ overall score)
	Risk potential is above the average level (56-74% of overall score)
	Risk potential is at an average level (45-55% of overall score)
	Risk potential is below the average level (26-44% of overall score)
	Risk potential is at a lower level (0-25% of overall score)

This change to the scoring matrix did affect the overall position for some identified settlements and the Board's findings in this regard are detailed within the remainder of this **Appendix**.

Criteria

The Board considered overprovision using the following criteria:

Settlements within Aberdeenshire

Largest by population

Aberdeenshire has 62 settlements with a population of 500 or more people⁵⁵.

As a starting point the Board considered the 20 largest settlements by way of population due to their size, nature and standing within Aberdeenshire.



The 20 largest settlements were considered as a starting point.

These are listed in the table below:

Position	Settlement	Population	Position	Settlement	Population
1	Peterhead	19,060	11	Huntly	4,550
2	Inverurie	14,660	12	Banff	4,000
3	Fraserburgh	12,570	13	Kemnay	3,890
4	Westhill	12,110	14	Macduff	3,830
5	Stonehaven	11,150	15	Laurencekirk	3,140
6	Ellon	10,070	16	Oldmeldrum	3,120
7	Portlethen	8,940	17	Blackburn	3,050
8	Banchory	7,440	18	Newtonhill	3,010
9	Kintore	4,700	19	Aboyne	2,920
10	Turriff	4,700	20	Mintlaw	2,800

Suggested settlements

The Board sought suggestions from the public and its partners in respect of any settlements which should be considered as part of this overprovision assessment, but none were received.

⁵⁵ Figures taken from the National Records of Scotland – Statistics 2020 – [taken from Council website](#).



No specific settlements were suggested.

Settlements meeting specific triggers

The Board thereafter considered any settlements which met specific triggers in terms of potential risk, availability of alcohol and/or showed evidence of alcohol-rated harm based on the **licensing objectives**.

Further details of these triggers can be found within this Appendix and the Board's scoring matrix published on Aberdeenshire Council's [website](#)⁵⁶.



Settlements which met specific triggers in terms of the following criteria (a) potential risk, (b) availability of alcohol and (c) evidence of harm.

Drinking Habits Within Aberdeenshire

The Board sought further information in respect of people's drinking habits both pre and post the COVID-19 pandemic within Aberdeenshire to establish whether any specific areas or types of premises needed further focus or consideration in terms of their overall assessment.

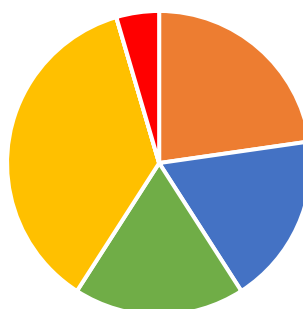
Their findings were as follows:

Where do people tend to drink?



Where do you drink alcohol on a regular basis?

- Public House (22.7%)
- Restaurant (18.2%)
- Members Club (18.2%)
- At Home (36.4%)
- Café / Café Bar (0.0%)
- Nightclub (0.0%)
- Other (4.5%)



The majority of respondents stated that they regularly drank alcohol at home (36.4%), thereafter followed by within public houses (22.7%), restaurants and members clubs (18.2% each) those answering other indicated that they did not drink alcohol at all (4.5%).

These results echo the findings of national studies such as Public Health Scotland's

⁵⁶ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/>

Monitoring and Evaluating Alcohol Strategy – Monitoring Report 2022 ('MESAS 2022')⁵⁷ as well as others which indicate that the majority of alcohol within Scotland is sold on an off-sales basis:

	Year	% of sales through off-sales premises
	2019	73%
	2020	90%
	2021	85%

The Board recognised that the COVID-19 pandemic will have had an impact on these figures in recent times due to restrictions placed on the on-sales trade, such as lockdowns and the need for social distancing in venues, reducing footfall and trade.

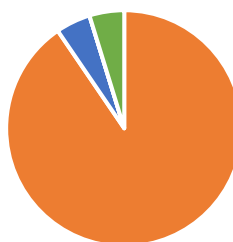
The Board was unable to find any specific data relating to the breakdown of sales for Aberdeenshire but believe that these are likely to be in line with the overall position nationally.

Where are people buying their alcohol from and how regularly?



If you are an Aberdeenshire resident, do you usually buy your alcohol from off-sales premises in ...

- Aberdeenshire (90.5%)
- Aberdeen City (4.8%)
- Angus (0.0%)
- Moray (0.0%)
- Elsewhere (4.8%)



The majority of people purchased their alcohol within Aberdeenshire (90.5%), and this was thereafter followed by purchases within Aberdeen City (4.8%). The respondent who answered 'elsewhere' confirmed that they did not purchase alcohol at all.

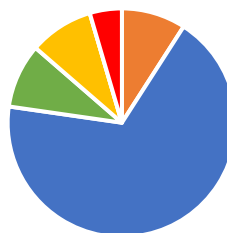
The Board noted that the majority of alcohol was being purchased within its area and therefore regulated in terms of its policy.



If you buy alcohol for consumption at home or out with an on-sales premises, where do you buy it from?

⁵⁷ MESAS - Public Health Scotland's Monitoring & Evaluating Alcohol Strategy - Report 2022 – [Link](#)

- Dedicated Off-Sales Premises (9.1%)
- Supermarket (68.2%)
- Small / Convenience Store (9.1%)
- Online (9.1%)
- Petrol Station (0.0%)
- Other (4.5%)



The majority of people stated that they purchased their off-sales from the supermarket (68.2%) and thereafter this was followed by a mixture of other sources including: dedicated off-sales premises, small / convenience stores and online (receiving 9.1% each). The respondent who indicated that they purchased off-sales from an 'other' confirmed that they did not drink alcohol at all.

Emergence of Online Shopping and Home Deliveries

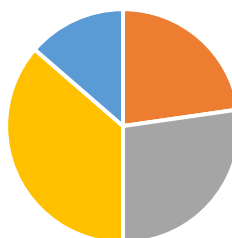
AFS in their response to the Board's consultation stated that shopping trends have changed as a result of the COVID-19 pandemic and an increasing number of traders are offering online shopping and home delivery services that include the sale of alcohol and that this trend is likely to continue.

The Board has seen an increase in this over the last few years, with diversification of the types of businesses being granted Off Sale Licences. The Board has made sure that its Policy Statement takes into account these activities and that [appropriate conditions](#) are applied in respect of such licences.



How often do you usually buy alcohol in an off-sales premises?

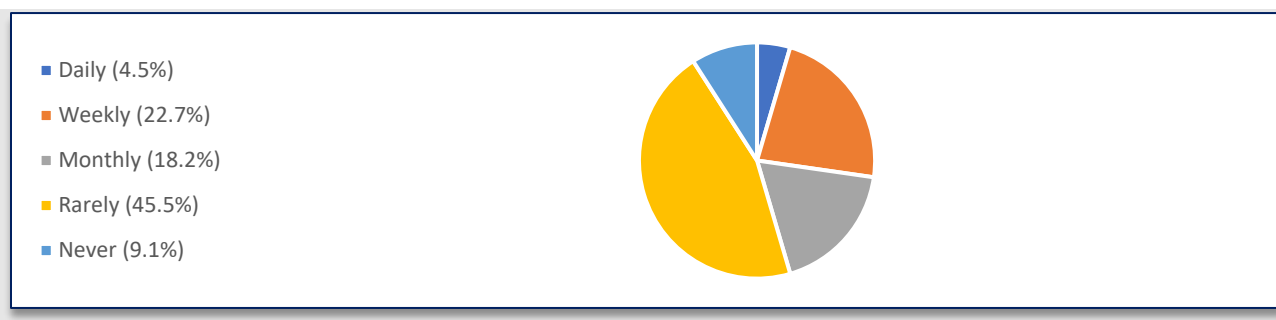
- Daily (0.0%)
- Weekly (22.7%)
- Monthly (27.3%)
- Rarely (36.4%)
- Never (13.6%)



The majority stated that they purchased off-sales rarely (36.4%), followed by monthly (27.3%), weekly (22.7%) and lastly never (13.6%).



How often do you usually buy alcohol in an on-sales premises?



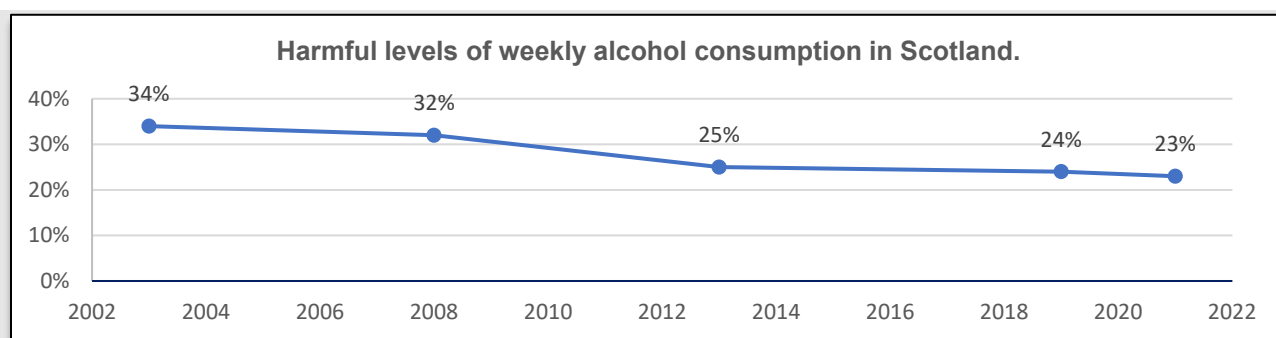
The majority of respondents stated that they purchased on-sales rarely (45.5%), followed by weekly (22.7%), monthly (18.2%), daily (4.5%) and never (9.1%).

Although in both cases the majority of respondents stated that they purchased alcohol rarely, the frequency was higher for on-sales than off-sales. However, this does not take into account the volume of the purchases in question which would seem to show that the majority of alcohol is purchased on an off-sales basis.

How much are people drinking?

AFS used the data within the Scottish Health Survey 2019 ('SHS 2019) to assess the percentage of men and women within Aberdeenshire who regularly drank at harmful levels to their health⁵⁸ and found that 24% of men and 14% of women were found to be drinking at harmful levels.

The Board was unable to find any updated figures in this regard but found that the above position largely echoed the national position stated within the SHS 2021:



The statistics above show that drinking levels are declining nationally, and this is echoed in the Scottish alcohol sales figures which were compiled by Scottish Health Action on Alcohol Problems ('SHAAP'):

Year	Pure alcohol sales in Scotland	Trend
2019	45.1 million litres	Base
2020	43.5 million litres	-
2021	42.0 million litres	-

⁵⁸ Above the Chief Medical Officers (CMO's) safe drinking guideline of no more than 14 units per week.

The Board as part of its consultation sought details of the number of units which people drank, and their findings are shown below:

How much alcohol do you consume in an average week at home? ⁵⁹		
	MEAN average	7.4 units
	MEDIAN average	7.3 units
	MODE average	10.0 units
	MID-RANGE average	7.8 units

How much alcohol do you consume in an average week within on-sales premises? ⁶⁰		
	MEAN average	5.2 units
	MEDIAN average	5.0 units
	MODE average	10.0 units
	MID-RANGE average	5.5 units

These show that there is a discrepancy between on-sales and off-sales consumption with a higher level of alcohol being consumed within an off-sales setting. The figures show that, on average, people are drinking at around 12-13 units of alcohol per week⁶¹ which is slightly below the safe drinking level of less than 14 units per week.

The Aberdeenshire self-reported figure largely echoes the national position reported in MESAS 2022 (12.1 units per week) and the SHS 2021⁶² (11.3 units per week).

The Board is aware that there is often a large discrepancy⁶³ when it comes to self-reported figures when compared to actual sales figures, however, without specific sale data relating to Aberdeenshire, the Board is unable to consider this point any further.

The Board is encouraged by the trends which seem to suggest that harmful drinking is on the decline.

SHAAP and the MESAS 2022 also considered national levels of consumption based on different levels of deprivation:

Level	1 Most Deprived	2	3	4	5 Least Deprived
Harmful	20%	19%	20%	25%	29%
Moderate	56%	63%	64%	63%	59%
Non-Drinking	24%	18%	16%	13%	12%

MESAS 2022 analysed this data further and found that, although less people within the most deprived areas drank at a harmful level, they often did so at a higher level than those

⁵⁹ Results of Engage Consultation – 12 responses.

⁶⁰ Results of Engage Consultation – 15 responses.

⁶¹ Based on the combined MEAN Averages for off-sales and on-sales consumption.

⁶² The Scottish Health Survey 2021: Summary Report - [link](#)

⁶³ Example: SHAPP report that the national weekly consumption based on sales amounted to 18.1 units per week and the MESAS 2022 report stated that the self-reported weekly consumption stood at 12.1 units for the same year.

within the other categories.

The above points were echoed within AFS's consultation response which stated that the COVID-19 pandemic and the subsequent economic crisis has had an impact in terms of widening existing inequalities and creating new inequalities throughout Scotland and that drinking habits have been polarised with an overall decrease in the consumption of alcohol for lighter drinkers and an increase for those who drink more heavily.

The Board as part of its analysis of overprovision within Aberdeenshire looked at the risk factor of settlements with a view to identifying any inequalities which may exist that may elevate harm.

Youth Drinking

The MESAS 2022 report also included data from the Scottish Schools Adolescent Lifestyle and Substance Use Survey ('SALUS') which looked at the consumption of alcohol of those aged 13 and 15, this showed that:

% of young persons who have had an alcoholic drink			
Age	1990	2015	2018
13	49%	28%	36%
15	84%	66%	71%

% of young persons who have had an alcoholic drink in the last week			
Age	2002	2015	2018
13	23%	4%	6%
15	46%	17%	20%

Although there has been a small increase in the last period studies such as that conducted by the World Health Organisation ('WHO') led by the University of St. Andrews in 2018, found that Scotland's teenagers in Scotland were consuming far less alcohol then previously⁶⁴.

Concerns Relating to Home Drinking.

AFS raised concerns about the increasing trend when it comes to home drinking and the fact this is an unregulated environment, often leading to increased levels of consumption, potentially resulting in long term public health consequences, injuries, accidents, neglect and having strong links to both domestic abuse and violence.

Relevant Licensing Objective(s):	
	Protecting Children and Young Persons from Harm
	Preventing Crime and Disorder
	Securing Public Safety
	Promoting and Improving Public Health.

⁶⁴ See BBC Article 'Dramatic drop in teenage alcohol consumption in Scotland – BBC News 26.09.18 – [link](#)

The Board noted these concerns, and these were considered in terms of both its Policy Statement and its Statement of Overprovision leading to new sections within the Policy which cover many of these aspects such as [domestic abuse and violence](#).

Findings:

	Most people buy their alcohol within Aberdeenshire.
	Most people purchase off-sales from the supermarket.
	Increasing number of retailers offering online sales and home delivery.
	People more regularly purchase on-sales.
	People drink more within an off-sales setting.
	In Scotland most alcohol is purchased on an off-sales basis.
	The self-reporting drinking level for Aberdeenshire is below 14 units.
	There are concerns regarding unregulated home drinking.
	There are concerns regarding the level of drinking within deprived areas.
	Studies have shown that heavier drinkers are drinking more.

Views on Overprovision within Aberdeenshire

	Is there overprovision within Aberdeenshire?
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The majority of respondents to the consultation, felt that there was no overprovision of premises within Aberdeenshire (90.9%) but offered no evidence to support this position.

The respondents who believed that overprovision existed in Aberdeenshire had a connection to South Aberdeenshire and felt that this was in respect of off-sales premises:

	Most corner shops and small retailers sell alcohol, this is seen by children and young persons on a daily basis effectively advertising alcohol as a good thing and is often sold at a lower price than this would be within an on-sales premises.
	Petrol stations should not be able to sell alcohol due to connection this has with drink driving.

Relevant Licensing Objective(s):	
	Protecting Children and Young Persons from Harm
	Preventing Crime and Disorder
	Securing Public Safety

Alongside the above comments the IJB and AADP also supported a finding that overprovision had been reached within Aberdeenshire stating:

	IJB	There is currently enough off-sales licences.
	AADP	There are enough off-sales licences.
		There are enough alcohol outlets in Aberdeenshire.

The IJB did not provided any statistical information or reasoning in support of their view, but the AADP provided the following reasons as to why overprovision has been reached within Aberdeenshire:

	Alcohol consumption is a significant driver of ill-health in Aberdeenshire has been a public health challenge for decades.
	Alcohol-related deaths in Aberdeenshire have doubled since 2021 from 15 cases to 30 cases in 2021 (National Record of Statistics).
	The rate of general acute admissions to hospital for cirrhosis of the liver has doubled in Aberdeenshire since 2011/12 (Public Health Statistics).
	The rate of alcohol-related ambulance call outs has increased since 2020 and represents 5.5% of all call outs (Scottish Ambulance Service Statistics).
	Police Scotland's data shows a clear connection between the purchase of alcohol from off-sales premises, consumption and incidents of violence, disorder and anti-social behaviour.
	Community safety is directly impacted on by alcohol consumption within on-sales premises.
	The results of their own survey indicate that alcohol causes harm in our communities (84%) and that there are enough off-sales licences in force (66%) and overall alcohol outlets (52%) within Aberdeenshire.

Relevant Licensing Objective(s):	
	Promoting and Improving Public Health.
	Protecting Children and Young Persons from Harm
	Preventing Crime and Disorder
	Securing Public Safety

The Board took into account the above comments in formulating this policy and acknowledges the fact that it can regulate the availability of alcohol through its policy and the decisions it makes.

The marketing, promotion and pricing of alcohol however is largely a matter for Central Government, yet the Board continues to [limit the use of end of aisle displays for promoting the sale of alcohol within the policy](#) and is encouraged by the fact that the marketing of alcohol within Scotland is to be reviewed centrally⁶⁵.

AFS. raised similar concerns regarding the increased use of outside drinking areas and the impact which this can have in terms of advertising and promoting alcohol to children and the fact that these may also act as trigger for those who have had their life impacted on by alcohol. The Board acknowledges these concerns and would comment that outside drinking areas are considered in great detail by Board Members, Officers and the statutory consultees as part of the application process resulting in, where applicable, appropriate conditions being applied to limit the impact of these areas. The conditions have also been tightened as result of the consultation responses to the review of the Policy Statement for both premises licences and occasional licences.

The Board acknowledges that there are petrol stations within Aberdeenshire which sell alcohol on an off-sales only basis as part of the larger retail side of their business in line with the Board's [policy](#). There is no evidence to suggest that the operation of such premises has resulted an increase in drink driving within Aberdeenshire or even nationally.

⁶⁵ Example – Scottish Government – Restricting Alcohol Advertising and Promotion: Consultation - [Link](#)

The reasons raised by the AADP in their response are considered later in this Appendix as part of the Board's analysis into '**evidence of harm**'.

With the considerations highlighted above in mind, the Board published its Draft Overprovision Statement for consultation.

86.4% of respondents considered that overprovision had properly been assessed by the Board with the remaining respondents considering that overprovision had been over assessed.

The undernoted table provides a brief summary of the comments received by the Board.

Supportive of the position established in the Draft Overprovision Statement	
NHS Grampian Public Health	'Would commend the Board for the level of detail around overprovision assessments and the focus on settlements. It is reassuring to see the incorporation of the advice from the guidance to Licensing Boards around small area level considerations rather than focusing on individual premises, where the establishment of casual links were always likely to be challenging. There is also an impressive level of detail recognising alcohol harms, which should help motivate all partners to minimise these'.
Licence Holder	'We support it'.
Community Council	'The financial cost due to incidents where alcohol has been an issue e.g. police callouts, A&E time, staffing etc. is excessive and impacts the public purse where those monies could be used for better purposes. By restricting the number of locations and methods where alcohol can be purchased, and the associated monitoring of this, will hopefully reduce these incidents'.

Not supportive of the position established in the Draft Overprovision Statement	
Licensing Standards Officers	'The effect on tourism on deprived areas, where small independent deli like businesses may wish to sell alcohol e.g. as a local/specialised produce, which in turn may increase tourism within said area. Some small startup businesses penalised and may discourage new opportunities, employment and tourism'.
Licence Holder	"Temporary events, such as fairs, game shows and festivals will occur within a locality which may be deemed overprovided and thus will be refused a licence. Given the shortage of suitable locations in Aberdeenshire to hold such events, a measure needs to be recorded'.
Member of the Public	'Although there is a right to have concerns over the statistics these are still in most cases under the national average and the statistics in terms of both health and crime are relatively low and would seem to be amongst the lowest in Scotland in most categories. There is a lack of data in terms of the other licensing objectives and little to no reviews of an licences suggesting that the level of harm or risk in respect of these may be minimal. It would also seem that very little evidence relating to Aberdeenshire has been brought forward by the health bodies mentioned and a lack of focus in terms of some of the Police

In respect of the negative comments, the response of the Board is that:

- It is not permitted to take economic reasons into account when assessing overprovision.
- Occasional Licences related to events are not caught by the Board's overprovision policy and are therefore unaffected
- The Board acknowledges that some of the statistical evidence places Aberdeenshire towards the lower end of the scale when considering national statistics. This is measured as part of the scoring matrix used to establish the Board's position within Aberdeenshire

Confused Position and the need for re-assessment of the scoring matrix.

The Board, on considering the responses to the initial consultation and the consultation in respect of the Draft Overprovision Statement, found that the position was quite confused:

- 90.9% of respondents replied generally that there was **no overprovision** within Aberdeenshire
- when overprovision was specifically stated in the Board's Draft Overprovision Statement 84.6% of respondents felt that this had been **assessed correctly**.

The Board therefore considered that distinct levels needed to be established within each of the categories identified to ensure that these could be easily understood by the Board, partners, the trade and members of the public.

The Board created **5 distinct levels - high, higher than average, average, lower than average and low** so that localities could be compared fairly against each of the categories.

The Board further assessed the data available and, in order to ensure clarity in terms of the distinct levels reached given the evidence which suggests relatively low levels of harm in terms of health within Aberdeenshire, albeit with serious concerns in respect of some areas and the lack of evidence in respect of several of the **licensing objectives**, the trigger points for each threshold needed to be appropriate and clear. The Board raised these slightly to ensure clarity and provide a better understanding of where each settlement sat in terms of the greater position across Aberdeenshire.

The new scoring matrix provides the required balance needed in terms of assessing overprovision and weighing up the impact of premises both positively and negatively in terms of the **licensing objectives**.

Findings:

	General view is that there is no overprovision within most of Aberdeenshire.
	The majority of those who believe there to be overprovision within Aberdeenshire believe this to relate to off sales.
	There is evidence of alcohol-related harm within Aberdeenshire.
	There is support to suggest that certain settlements within Aberdeenshire may have overprovision based on the evidence collated.

Future Work Required:

To address confusion within the community on what Overprovision is - Prepare and publish an information leaflet for Members of the Public explaining what overprovision is, why it exists and what it means for trade and the community.

Potential Risk of Harm

Areas of Deprivation within Aberdeenshire

Aberdeenshire is a relatively affluent area and experiences fairly low levels of deprivation.
⁶⁶ There are, however, settlements and areas within its boundary that suffer from deprivation of one form or another.

Studies, such as that carried out by the Scottish Health Action on Alcohol Problems ('SHAAP') in 2021, show that both alcohol-related hospitalisations and deaths are more likely in areas which suffer from deprivation than those that do not⁶⁷ and AFS's consultation response shows that there are growing concerns about the level of drinking within deprived areas.

In line with the comments received by the AADP and IJB the Board analysed the data contained within the Scottish Index of Multiple Deprivation 2020 (V2) ('SIMD 2020') to identify any settlements which have a higher risk potential when it comes to the harms caused by the sale and consumption of alcohol.

	SIMD 2020 – The Scottish Index of Multiple Deprivation provides a relative measure of deprivation based on 7 indicators – income, employment, health, education, access, housing and crime.
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In terms of the measures identified above, the Board considered the following as being relevant when assessing overprovision: (i) multiple deprivation, (ii) income deprivation, (iii) health deprivation and (iv) deprivation as a result of crime.

Relevant Licensing Objective(s)	
	Protecting and Improving Public Health

⁶⁶ Aberdeenshire - 29th of all local authority areas in terms of areas of deprivation – [taken from the SIMD 2020 \(V2\) results](#).

⁶⁷ Alcohol-related deaths were 5.6 x more likely, and hospitalisations were 8.0 x more likely - SHAAP – [Alcohol Harms in Scotland \(2021\)](#)

	Preventing Crime and Disorder
	Securing Public Safety
	Preventing Public Nuisance

Multiple Deprivation

	Multiple deprivation: This covers all 7 indicators referenced above.
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The Board considered the following criteria when assessing this factor:

	A	Whether the Settlement had a SIMD data zone within the top third most deprived areas within Scotland (Ranked 2,326 or less) and the % of its data zones which met this criterion.
	B	Whether the Settlement had a SIMD data zone within the top 10 most deprived in Aberdeenshire and the number of data zones included within the top 10.
	C	Whether the settlement appeared in the top 5 most deprived areas within Aberdeenshire based on the MEAN average of all its data zones.

The Board found the following:

Key	New Settlement Identified.		
Settlement	Criteria A Applies	Criteria B Applies	Criteria C Applies
Aboyne	No	No	No
Banchory	No	No	No
Banff	Yes	Yes	Yes
Blackburn	No	No	No
Crimond	Yes	No	No
Ellon	No	No	No
Fraserburgh	Yes	Yes	Yes
Huntly	Yes	No	No
Inverurie	Yes	No	No
Kemnay	No	No	No
Kintore	No	No	No
Laurencekirk	No	No	No
Macduff	No	No	Yes
Mintlaw	Yes	No	No
New Pitsligo	No	No	Yes
Newtonhill	No	No	No
Oldmeldrum	No	No	No
Peterhead	Yes	Yes	Yes
Pittulie	Yes	No	No
Portlethen	No	No	No
Rosehearty	Yes	No	No
Sandhaven	Yes	No	No
Stonehaven	No	No	No
Turriff	No	No	No
Westhill	No	No	No

The following settlements which are located within North Aberdeenshire met **all** the categories listed above: **Banff, Fraserburgh and Peterhead.**

Full details of the Board's findings can be accessed via this [link](#)⁶⁸.

Income Deprivation

£	Income deprivation: 'A measure of the percentage of population (adults and their dependents) in receipt of Income Support, Employment and Support Allowance, Job Seekers Allowance, Guaranteed Pension Credits, Child and Working Tax Credits, or Universal Credit (excluding those in the category 'working with no requirements', or in Tax Credit Families on Low Income)'. ⁶⁹
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The Board considered the following criteria when assessing this factor:

	A	Whether the Settlement had a SIMD data zone where 10% or more of its population experienced income deprivation and the % of its data zones which met this criterion.
	B	Whether the Settlement had an SIMD data zone within the top 10 most deprived in Aberdeenshire for this category and the number of data zones included within the top 10.
	C	Whether the settlement appeared in the top 5 most deprived areas within Aberdeenshire based on the MEAN average of all its data zones.

They found the following:

Key	New Settlement Identified.
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Settlement	Criteria A Applies	Criteria B Applies	Criteria C Applies
Aberchirder	Yes	No	No
Aboyne	No	No	No
Banchory	No	No	No
Banff	Yes	Yes	Yes
Blackburn	No	No	No
Crimond	No	No	No
Cruden Bay	Yes	No	No
Ellon	Yes	No	No
Fraserburgh	Yes	Yes	Yes
Fyvie	Yes	No	No
Gardenstown	Yes	No	No
Huntly	Yes	No	Yes
Inverbervie	Yes	No	No
Inverurie	Yes	No	No
Kemnay	Yes	No	No
Kintore	No	No	No
Laurencekirk	Yes	No	No
Longside	Yes	No	No
Macduff	Yes	No	Yes
Mintlaw	Yes	No	Yes
New Deer	Yes	No	No
New Pitsligo	Yes	No	No
Newtonhill	No	No	No
Oldmeldrum	No	No	No

⁶⁸ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

⁶⁹ Definition of 'Income Deprivation' taken from the SIMD 2020 (V2).

Peterhead	Yes	Yes	No
Pittulie	No	No	No
Portlethen	No	No	No
Portsoy	Yes	No	No
Rosehearty	Yes	No	No
Sandhaven	No	No	No
St. Cyrus	Yes	No	No
Stonehaven	Yes	No	No
Strichen	Yes	No	No
Turriff	Yes	No	No
Westhill	No	No	No

The following settlements which are located within North Aberdeenshire met **all** the categories listed above: **Banff and Fraserburgh**.

Health Deprivation

	Health deprivation: 'A measure of the general health of an area based on the standardised ratio based on comparative illness factors, hospital stays related to alcohol use, hospital stays related to drug use, standardised mortality ratio, proportion of population being prescribed drugs for anxiety or psychosis, proportion of live singleton births of low weight and emergency stays in hospital.' ⁷⁰
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The Board considered the statistics for health deprivation under 'Evidence of Harm' as the statistics in terms of alcohol-related hospitalisations fell more neatly into this category in terms of the following **licensing objective**:

Relevant Licensing Objective(s)	
	Protecting and Improving Public Health

The analysis of this data identified the following new settlements which were added to the list of identified settlements for further consideration: **Ballater, Methlick, New Leeds, Tarves** and **Whitehills**.

Further details in respect of the Board's analysis can be found later in this Appendix.

Deprivation as a result of crime

	Deprivation as a result of crime: A measure which looks at the rates of crime per SIMD data zone.
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The Board considered the statistics for crime deprivation under 'Evidence of Harm' as the statistics as these fell more neatly into this category in terms of their consideration of the **licensing objectives**:

Relevant Licensing Objective(s)	
	Preventing Crime and Disorder
	Securing Public Safety

⁷⁰ Definition of 'Health Deprivation' created from the factors stated within the SIMD 2020 (V2).



The analysis of this data identified the following new settlements which were added to the list of identified settlements for further consideration: **Tipperty**.

Further details in respect of the Board's analysis can be found later in this **Appendix**.

Breakdown of Population

The statistics within the SHS 2021 relating to harmful drinking levels show that the prevalence of harmful drinking was twice as high for men than women in 2021 nationally and that the age group which drank the most on a weekly basis were those aged 45 to 74.

The Board was unable to find any specific statistics in this regard when it came to harmful drinking within Aberdeenshire other than those stated by AFS and referred to previously.

The Board considered the breakdown of population for Aberdeenshire using the statistics for Aberdeenshire and the town profiles published on the Council's website and found that this was relatively consistent throughout with no special cases requiring further analysis in terms of increased risk or potential for risk.

Conclusion

The Board on analysing the data above found that the following settlements had a higher-than-average risk potential when it came to the sale and consumption of alcohol.

Key	
	Risk potential at a higher level (75%+ overall score)
	Risk potential is above the average level (56-74% of overall score)
	Risk potential is at an average level (45-55% of overall score)
	Risk potential is below the average level (26-44% of overall score)
	Risk potential is at a lower level (0-25% of overall score)

Settlement	Level
Fraserburgh	 High
Banff	 Higher Than Average
Peterhead	

Further details in respect of the scores involved can be found within the Board's scoring matrix which is published on Aberdeenshire Council's website and is available via this [link](#)⁷¹.

⁷¹ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

Availability of Alcohol

Number of Premises

There are 564 licensed premises within Aberdeenshire⁷² and the table below provides a breakdown of these by type and how this has changed since the review of the Board's previous policy:

Type of premises	Current	Last Review	Comparison	
 On sales	113	179	-66	- 36.9%
 Off-sales	206	201	+5	+ 2.49%
 Premises selling both.	245	256	-11	-4.30%
 Overall	564	636	-72	-11.3%

Broken down by area within Aberdeenshire⁷³:

Type of premises	North	Central	South
 On sales	44	32	37
 Off-sales	84	70	52
 Premises selling both.	72	81	92
 Overall	200	183	181

As can be seen from the tables above there has been a decrease in the overall number of premises within Aberdeenshire since the last review in 2018 (-11.3%).

This decrease is due to a fall in the number of on-sales only premises (-36.9%) and premises selling both (-4.3%) which perhaps reflects the impact which the COVID-19 pandemic has had on the on-sales trade as well as changing drinking habits within Scotland.

This is echoed in the statistics put forward by AFS which showed that nationally sales of alcohol in bars and restaurants had fallen by 49% from 2019 to 2021 while off-sales of alcohol had increased by 11.0%.

The Board recognises that premises selling both operate in both categories under the same roof and the nature of these premises varies quite significantly with some operating largely in one category over the other for example pubs (mainly on-sales) and specialist shops (mainly off-sales).

⁷² Statistics correct as at 15th of June 2023 – Aberdeenshire Licensing Board Statistics (excl. Members Clubs)

⁷³ This is based on the old Divisional Board areas which used to operate within Aberdeenshire.

In order to determine the impact of premises selling both, the Board sought details from the trade on a breakdown of their sales and found that the majority of those who responded stated that less than 10.0% of their business came from off-sales (75% of those who replied to the consultation).

In terms of availability, the Board considered the settlements already identified alongside any other settlements with 5 or more premises located within their boundary:

	Settlements with more than 5 premises located within their boundary.
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The analysis of this data identified the following new settlements which were added to the list of identified settlements for further consideration: **Alford, Balmedie, Braemar, Insch, Inverbervie, Newmachar and Tarland.**

The Board considered the following criteria when assessing the availability of alcohol within Aberdeenshire and the identified settlements.

	The number of off-sales only premises.
	The number of premises selling both.
	The number of on-sales only premises.

As part of the initial analysis of availability the Board looked at the change in the number of premises within settlements since the last review but found that there was insufficient data to allow a full comparison across all settlements identified so this criteria was dropped in terms of its final analysis.

Scores were then assigned to each of the categories weighted in terms of off-sales premises given the data presented in terms of the trends in drinking habits and the evidence presented to the Board.

Findings:

	The number of off-sales only premises has risen since the last review of the Policy.
	The number of on-sales only premises and those selling both have fallen since the last review of the Policy.
	The overall number of premises within Aberdeenshire has fallen since the last review of the Policy.
	The majority of respondents operating premises selling both indicated that less than 10% of their business came from off-sales.
	The majority of premises within Aberdeenshire are found within North Aberdeenshire.

Full details of the Board's findings can be accessed via this [link](#)⁷⁴.

Density of Premises

The Board looked at the density of premises across Aberdeenshire based on the Scottish national average at the time of the last review, as there were no updated statistics in this regard:

Scotland	On Sales ⁺	Off Sales	Overall Premises
Per 10,000 people (aged 18+)	26.5	11.6	38.1
*In terms of the national average premises selling both are included within the figure for on-sales.			



The density of premises within settlements compared to the national average for Scotland.

A direct comparison in respect of this measure was not possible due to the fact that the age statistics available to the Board started at 16+ and were only available for the identified settlements who had a population of 500 or more people.

This did provide a snapshot of where Aberdeenshire stood in respect of the national average and how each settlement fared in terms of this whilst taking into account the following factors which can affect and influence density:

	Lower rate of population.	This tends to increase the multiplier which elevates the final density figure for that settlement.
	Heightened levels of tourism and a smaller local population.	Braemar and Ballater sit at the top of the league when it comes to density of premises within Aberdeenshire.
	Rurality and a small local population.	Gardenstown has one off-sales premises and Fyvie has two off-sales premises. yet both exceed the national average in terms of density.

The following table shows that Aberdeenshire has a lower-than-average density of premises in each category which echoes the findings at the time of the last overprovision statement and the comments made by AFS in the CRESH 19 report.

	Population	Population 16+	On Sales ⁺	Per 10,000	Off-Sales	Per 10,000
Aberdeenshire	262,690	215,406	358	16.6 (62.6%)	206	9.6 (82.8%)
*In terms of the figures for on-sales this includes on-sales only premises and those selling both in line with the statistics used in the calculation of the previous national average.						

⁷⁴<https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

Findings:

	The density of premises within Aberdeenshire is below the national average.
	The density figures can be skewed by external factors which need to be considered alongside other data in terms of establishing whether there is overprovision within a settlement.

Full details of the Board's findings can be accessed via this [link](#)⁷⁵.

Capacity and Operating Hours

The Board looked at the capacity and the operating hours of premises throughout Aberdeenshire and took this into account when assessing overprovision within each settlement.

Capacity

The Board found that the MEAN average off-sales capacity for premises within Aberdeenshire stood at 34.3m²⁷⁶.

The Board found that the overall capacity for Aberdeenshire amounted to 0.0001m² per person⁷⁷.

The Board considered the following criteria when assessing availability within the identified settlements with any gaps being addressed within the scoring.

	The m² of alcohol per person within the settlement.
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Operating Hours

The Board looked at the operating hours in terms of each identified settlement⁷⁸ with any gaps being addressed within the scoring.

	The percentage of off-sales premises within the settlement who operate using the maximum hours allowed in terms of the Licensing (Scotland) Act 2005 i.e. 84 hours a week (10.00 am to 10.00 pm daily).
	The daily average opening hours of on-sales premises within settlement.

⁷⁵ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

⁷⁶ Calculated from the capacity information held within the Operating Plans of premises

⁷⁷ Calculated from the capacity information held within the Operating Plans of premises divided by the population.

⁷⁸ Calculated using the operating hours held within the Operating Plans of premises.

The Board noted the comments made by partner agencies raising concerns about off-sales premises using the maximum hours as standard and on-sales premises trading for more than 14 hours daily which they and the statutory guidance deems to be excessive.

The Board found that, although some settlements within Aberdeenshire do have higher hours than others, the general position across its areas was as follows, which should hopefully alleviate some of these concerns:

Aberdeenshire	
% of off-sales premises operating using maximum hours.	42.2%
Daily average opening hours of on-sales premises.	11.9 hours

The Board found that the majority of off-sales premises who operate under the maximum hours allowed under legislation tend to be supermarkets or larger chains who operate nationally.

Findings:

	The average off-sales capacity within Aberdeenshire is 34.3m².
	The majority of off-sales premises within Aberdeenshire do not operate using the maximum hours specified within the legislation.
	The overall number of premises within Aberdeenshire has fallen since the last review of the Policy.
	The majority of respondents operating premises selling both indicated that less than 10.00% of their business came from off-sales.
	The majority of premises within Aberdeenshire are found within North Aberdeenshire.

Full details of the Board's findings in respect of the identified settlements can be accessed via this [link](#)⁷⁹.

Conclusion

The Board on analysing the data above in respect of the availability of alcohol found that the following settlements had a higher-than-average rating when scored:

Key	
	Availability of alcohol at a higher level (75%+ overall score)
	Availability of alcohol is above the average level (56-74% of overall score)
	Availability of alcohol is at an average level (45-55% of overall score)

⁷⁹ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

	Availability of alcohol is below the average level (26-44% of overall score)
	Availability of alcohol at a lower level (0-25% of overall score)

Settlement	Level
Ballater	Higher than average
Braemar	
Fraserburgh	
Inverurie	
Peterhead	

The data shows that the following settlement is close to approaching the higher-than-average level when it comes to alcohol availability: **Banchory**.

Further details in respect of the scores involved can be found within the Board's scoring matrix which is published on Aberdeenshire Council's website and is available via this [link](#)⁸⁰.

Evidence of Harm

The Board considered the evidence presented to them in respect of harm within Aberdeenshire based on the Licensing Objectives.

Preventing Crime and Disorder



Preventing Crime and Disorder

Deprivation as a result of Crime

The Board considered the data within the SIMD 2020 (V2) in respect of crime rates for Aberdeenshire and this led to the identification of new settlements which required inclusion due to the increased potential of risk.

The Board considered the following criteria when assessing this factor:

	A	Whether the Settlement had a SIMD data zone with a crime rate of 70%+ of the National Average and the number of data zones which met those criteria.
	B	Whether the Settlement had an SIMD data zone within the top 10 most deprived in Aberdeenshire for this category and the number of data zones included.
	C	Whether the settlement appeared in the top 5 most deprived areas within Aberdeenshire based on the MEAN average of all of its data zones.

⁸⁰ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

Their findings were as follows:

Settlement	Criteria A Applies	Criteria B Applies	Criteria C Applies
Aberchirder	Yes	No	No
Aboyne	No	No	No
Alford	No	No	No
Ballater	No	No	No
Balmedie	No	No	No
Banchory	Yes	No	No
Banff	Yes	No	Yes
Blackburn	No	No	No
Braemar	No	No	No
Crimond	No	No	No
Cruden Bay	No	No	No
Ellon	Yes	No	No
Fraserburgh	Yes	Yes	Yes
Fyvie	No	No	No
Gardenstown	No	No	No
Huntly	Yes	No	Yes
Insch	No	No	No
Inverbervie	No	No	No
Inverurie	Yes	Yes	No
Kemnay	No	No	No
Kintore	No	No	No
Laurencekirk	No	No	No
Longside	No	No	No
Macduff	Yes	No	Yes
Methlick	No	No	No
Mintlaw	Yes	No	No
New Deer	No	No	No
New Leeds	No	No	No
New Pitsligo	No	No	No
Newmachar	No	No	No
Newtonhill	No	No	No
Oldmeldrum	No	No	No
Peterhead	Yes	Yes	Yes
Pittulie	No	No	No
Portlethen	No	No	No
Portsoy	No	No	No
Rosehearty	No	No	No
Sandhaven	No	No	No
St. Cyrus	No	No	No
Stonehaven	Yes	Yes	No
Strichen	No	No	No
Tarland	No	No	No
Tarves	No	No	No
Tipperty	Yes	No	No
Turriff	Yes	No	No
Westhill	No	No	No
Whitehills	No	No	No

The following settlements which are located within North Aberdeenshire met **all** the categories listed above: **Fraserburgh** and **Peterhead**.

Full details of the Board's findings can be accessed via this [link](#)⁸¹.

Although these statistics were helpful in terms of looking at deprivation levels in each of these settlements it is clear that not all crime is related to alcohol but, as stated by Police Scotland and the AADP, this can play a part in offending behaviour.

Police Scotland and Consultation Information

Police Scotland presented the following statistics to the Board in respect of alcohol-related crime:

*Violence in licensed premises*⁸²:

Financial Year	Total Sum of Charges	Trend ⁸³
2017 / 2018	1072	Base
2018 / 2019	1067	-
2019 / 2020	1141	+
2020 / 2021	804	-
2021 / 2022	902	+

Area	17 / 18	18 / 19	19 / 20	20 / 21	21 / 22	Total	MEAN AV
B&B	302	273	254	188	251	1,298	259.6
B	275	256	250	205	184	1,170	234.0
F	100	105	126	81	101	513	102.6
G	180	202	267	165	160	974	194.8
K&M	112	118	117	74	98	519	103.8
M	103	113	127	91	108	542	108.4

If comparing the position over the period of the current policy (2017/18 to 2021/22):

Area	17 / 18	21 / 22	Trend
B&B	302	251	-16.9%
B	275	184	- 18.6%
F	100	101	+ 1.0%
G	180	160	- 11.1%
K&M	112	98	- 22.5%
M	103	108	+ 4.9%

Although there has been a reduction in these numbers over the last two financial years, the impact of the COVID-19 pandemic and the restrictions which were in place need to also be considered in terms of these.

⁸¹ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

⁸² The data shows the figures of reported instances of violence directly related to licensed premises excluding instances of violence reported elsewhere but where those may have been in a licensed premises prior to the incident. The total sum of charges stated refers to the number of individual charges relating to the violence and not the number of incidents where violence has occurred. A single incident may result in a person(s) being charged with multiple offences.

⁸³ Trend – This shows the position on a year-to-year basis.

The figures above are limited in scope when it comes to analysing the impact which the sale and consumption of alcohol has had on the incidents in question as these only confirm that the incident took place within a licensed premises and not that the perpetrators had in fact consumed alcohol. Police Scotland has stated that an overwhelming majority of these incidents will be alcohol-related, but no direct evidence has been provided to support this, though it has been assumed that this is likely to have been the case in most instances.

The Board considered the following criteria when assessing this factor:



Location of the settlement and the number of incidents within that area and any increasing trends over the last year.

Full details of the Board's findings can be accessed via this [link](#)⁸⁴.

Alcohol related anti-social behaviour

The Board's initial engage consultation asked the following question relating to antisocial behaviour:



Are you affected by antisocial behaviour or noise from licensed premises where you live?

■ No (100.0%)
■ Yes (0.0%)



Police Scotland provided the following figures related to the instances of alcohol-related anti-social behaviour reported in respect of Aberdeenshire:

Year	ASB Youth Calls	Trend	ASB Non-Youth Calls	Trend	Total ASB Calls	Trend
2017 / 2018	8	Base	253	Base	261	Base
2018 / 2019	6	-	285	+	291	+
2019 / 2020	6	=	252	-	258	-
2020 / 2021	7	+	160	-	167	-
2021 / 2022	10	+	185	+	195	+

If comparing the position over the period of the current policy (2017/18 to 2021/22):

⁸⁴ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

Type	2017/18	2021/22	Trend
ASB Youth Calls	8	10	+ 20.0%
ASB Non-Youth Calls	253	185	- 26.9%
ASB – Total Calls	261	195	- 25.3%

Police Scotland stated that these figures are likely to have been under recorded due to the fact that the 'alcohol' tag in respect of an incident is based on the quality of information provided to the call handler during the reporting process. It is also possible that cases may be over reported unless further measures have been put in place which prevent this from being the case for example, an assumption that the perpetrators have been drinking when this may not be the case.

Unfortunately, the statistics provided by Police Scotland do not provide an age breakdown in terms of the categories listed which makes it difficult to fully assess the issue and whether at the Board considers the issue of underage drinking as being a major factor in terms of these incidents.

Police Scotland indicated that, in the majority of these cases, the source of the alcohol is from off-sales premises, but no direct evidence has been provided in this regard.

Use of drugs within licensed premises

Police Scotland highlighted that there is evidence that the use of illicit drugs within licensed premises is growing. The use of cocaine when mixed with alcohol is recognised as a contributor to violent behaviour and may lead to incidents such as those mentioned previously.

The Board therefore considered in part the issue of drug hospitalisations within the health statistics. The recommendations made by Police Scotland in terms of potential conditions which could be applied to licences to help address this situation has been considered as part of the full policy review.

No direct statistics were provided in respect of this factor.

Theft of alcohol from premises

Police Scotland indicated that there is growing concern about the amount of alcohol which is being stolen from off-sales premises; the fact that this crime is generally committed by children and young persons from a poorer demographic; and the strong link between this activity and alcohol abuse, underage drinking as well as antisocial behaviour.

This issue and the recommendations made by Police Scotland were considered as part of the full policy review. The Board already has local conditions in place which state that all alcohol that is not on display should be secured in a lock fast store with the premises, at a location shown on the layout plan with a view to preventing such incidents taking place

from stores.

No direct statistics were provided in respect of this factor.

Balance of Concerns

	Aberdeenshire is relatively low when it comes to crime,		Higher proportion of violent incidents within licensed premises occur in Banff & Buchan when compared to other areas which cannot be explained when the number of premises is considered as a factor.
	100% of respondents in terms of the consultation stated they had not experienced anti-social behaviour as a result of a licensed premises.		Rising number of violent incidents within licensed premises in Formartine (+1.0%) and Marr (+4.9%) since 2017/18.
	Decline in the amount of alcohol related anti-social behaviour calls when compared to 2017/18 (-25.3%).		20.0% rise in alcohol related anti-social behaviour youth calls from 2017/18, although these remain low.
	0 Licensing reviews have been requested by Police Scotland based on this Licensing Objective.		

	There are areas with higher crime rates in Aberdeenshire some of which may be attributed to the consumption of alcohol.
	The majority of issues raised by Police Scotland indicate off-sales to be the problem.
	No reviews have been sought in terms of this Licensing Objective.

Securing Public Safety

	Securing Public Safety
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The Board appreciated that there is a large cross over when it comes to this Licensing Objective and the Preventing Crime and Disorder Licensing Objective.

The Board received no data relating to this Licensing Objectives despite efforts.

Balance of Concerns

	0 Licensing reviews have been requested by Police Scotland based on this Licensing Objective.		
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	No evidence presented to the Board.
	No reviews have been sought in terms of this Licensing Objective,

Preventing Public Nuisance

	Preventing Public Nuisance
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The Board appreciated that there is a large cross over when it comes to this Licensing Objective and the Preventing Crime and Disorder Licensing Objective.

The Board received no data relating to this Licensing Objective despite efforts.

The Board has had one review in respect of this Licensing Objective over the term of its previous policy. This is not substantial given the number of licensed premises which operate within Aberdeenshire.

Balance of Concerns

	1 Licensing review has been undertaken in terms of this Licensing Objective which is extremely small given the number of licensed premises within Aberdeenshire.		
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	No evidence presented to the Board.
	1 review has been sought in terms of this Licensing Objective,

Protecting and Improving Public Health

	Protecting and Improving Public Health
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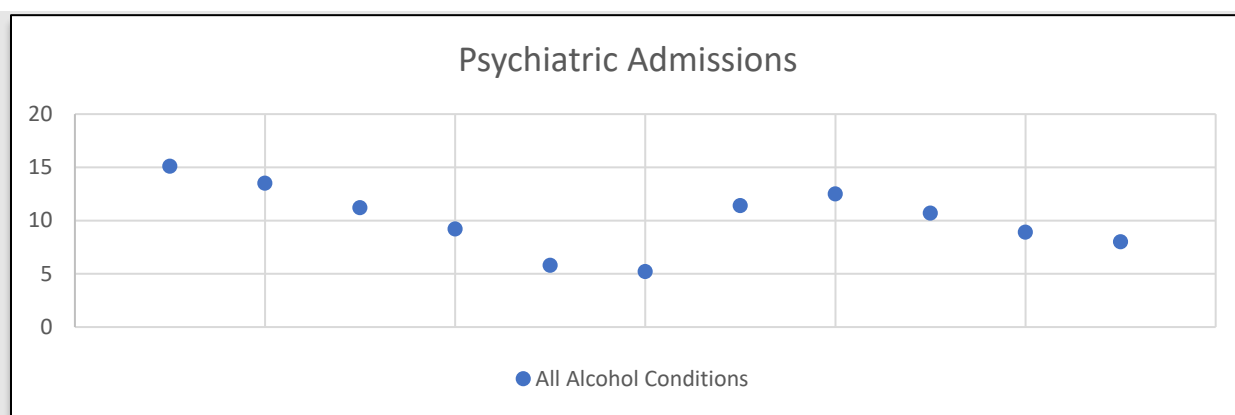
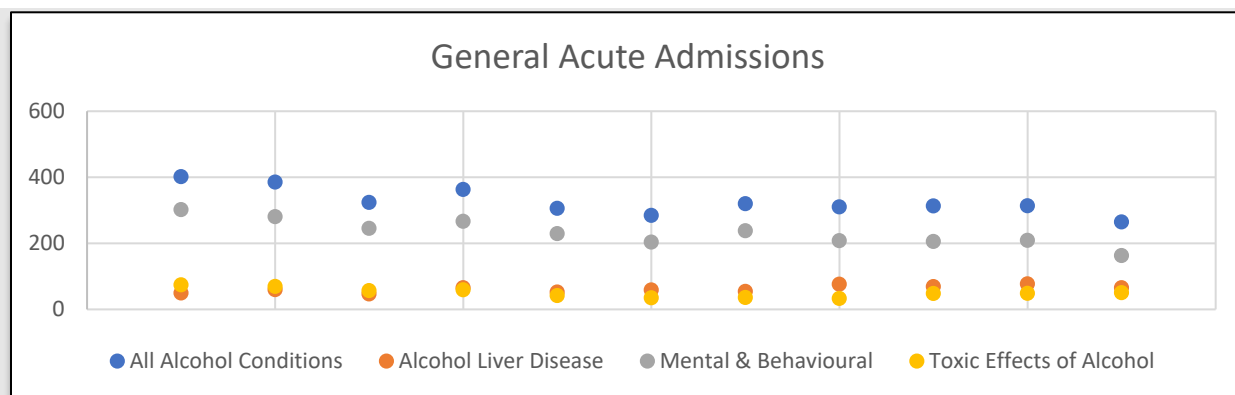
Aberdeenshire Wide Statistics

The statistics for Aberdeenshire when it comes to alcohol-related disease or hospitalisation are generally positive as can be seen from the tables below which show the statistics for the area as stated on the Public Health Scotland Dashboard⁸⁵:

⁸⁵ Public Health Scotland – Dashboard Information for Aberdeenshire - [Link](#)

Alcohol related hospitalisations in Aberdeenshire

Stays⁸⁶ per 100,000 population using EASR⁸⁷ - 2010/11 to 2020/21



In terms of the statistics Aberdeenshire ranks as follows when compared to the other local authority areas within Scotland based on the 2020/21 statistics (1st = Highest and 32nd = Lowest):

General Acute ⁸⁸	
All Alcohol Conditions ⁸⁹	32nd
Alcohol Liver Disease ⁹⁰	29th
Mental & Behavioural ⁹¹	32nd
Toxic Effects of Alcohol ⁹²	14th
Psychiatric	
All Alcohol Conditions ⁹³	28th

⁸⁶ Stays -These are distinct alcohol-related hospital admissions which occur within a year and a person could potentially have more than one stay in a year.

⁸⁷ EASR - European Age-Sex Standardised Ratio.

⁸⁸ General Acute - Admissions to general acute hospital (these are facilities in which patients receive care under specialities other than mental health, maternity, neonatal and geriatric long stays).

⁸⁹ All Alcohol Conditions - Covers: Alcohol Liver Disease (ALD – Cirrhosis and Unspecified), Mental Health & Behavioural Conditions (M&B - Acute Intoxication, Alcohol Dependence Syndrome, Harmful Use & Withdrawal State) and Toxic Effects of Alcohol.

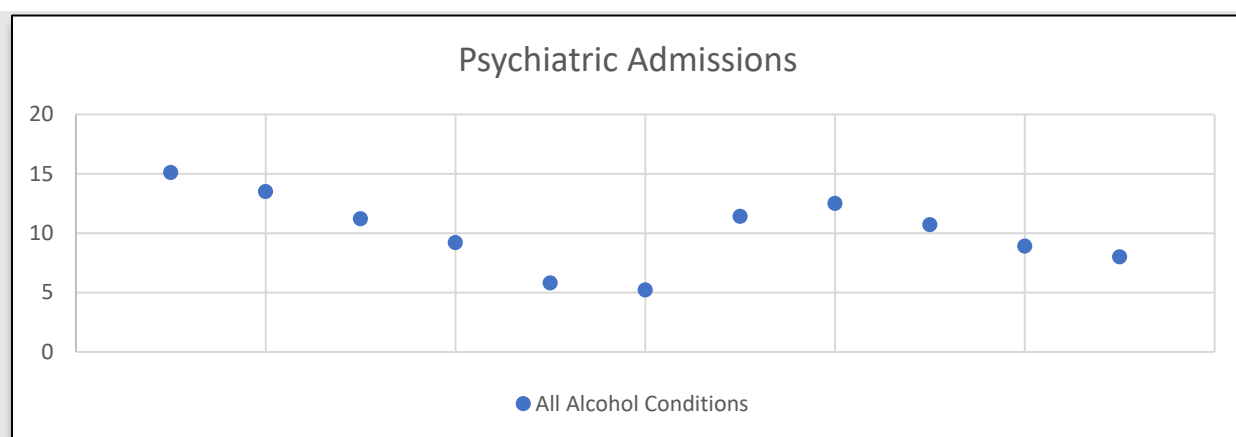
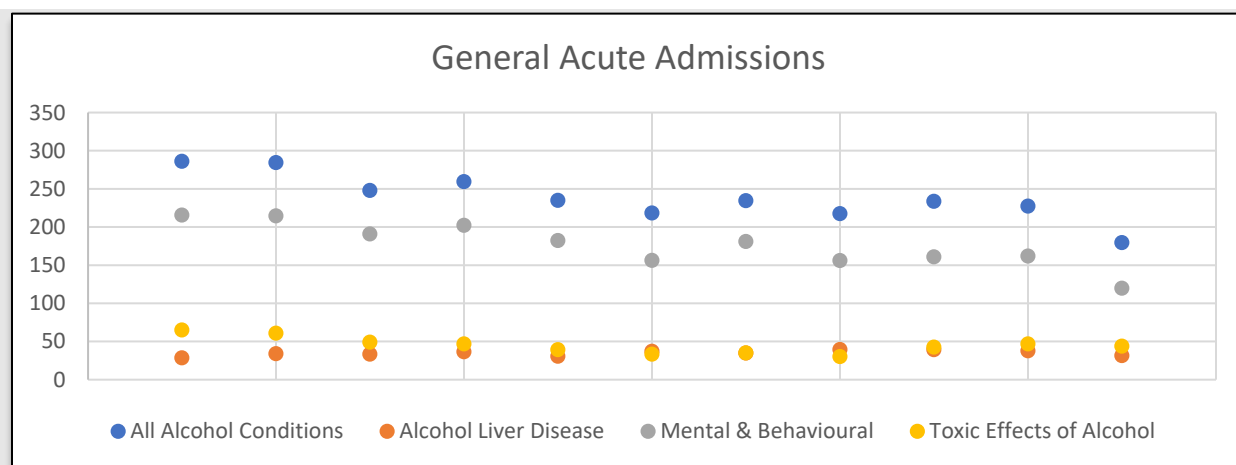
⁹⁰ Alcohol Liver Disease – Covers:– Cirrhosis and Unspecified Conditions.

⁹¹ Mental & Behavioural – Covers: Acute intoxication, Alcohol Dependence Syndrome, Harmful Use and Withdrawal.

⁹² Toxic Effects of Alcohol – Covers: Alcohol Poisoning.

⁹³ Psychiatric - Admissions to psychiatric hospital (these are used for treatment for alcohol-related mental health conditions).

Patients⁹⁴ per 100,000 population using EASR – 2010/11 to 2020/21



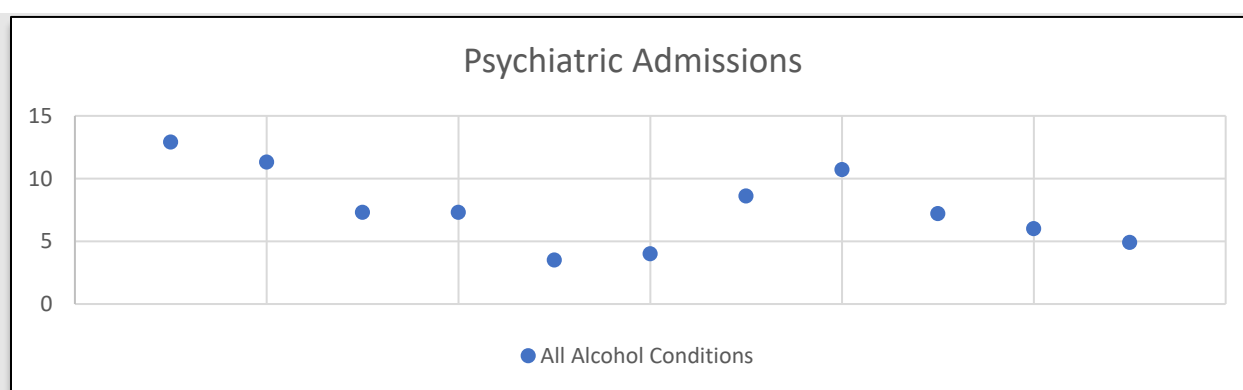
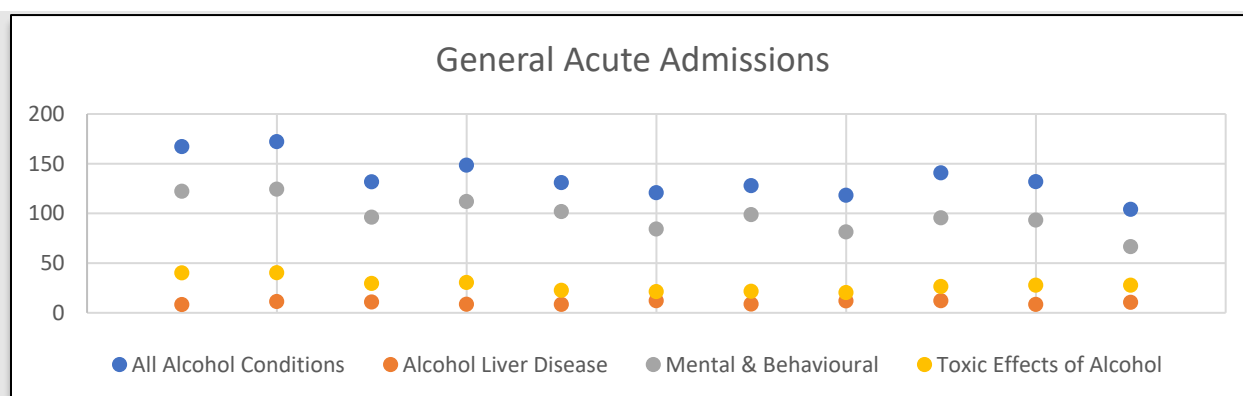
In terms of the statistics Aberdeenshire ranks as follows when compared to the other local authority areas within Scotland based on the 2020/21 statistics (1st = Highest and 32nd = Lowest).:

General Acute	
All Alcohol Conditions	32nd
Alcohol Liver Disease	31st
Mental & Behavioural	32nd
Toxic Effects of Alcohol	14th
Psychiatric	
All Alcohol Conditions	28th

New Patients⁹⁵ per 100,000 population using EASR – 2010/11 to 2020/21

⁹⁴ Patients - The number of people who have had at least one alcohol-related hospital admission during a particular year.

⁹⁵ New Patients - The number of people each year who have an alcohol-related admission that have not had an alcohol-related admission in the past 10 years.



In terms of the statistics Aberdeenshire ranks as follows when compared to the other local authority areas within Scotland based on the 2020/21 statistics (1st = Highest and 32nd = Lowest):

General Acute	
All Alcohol Conditions	32nd
Alcohol Liver Disease	26th
Mental & Behavioural	32nd
Toxic Effects of Alcohol	11th
Psychiatric	
All Alcohol Conditions	28th

If the position for each of these categories is compared over the following periods: (a) 10-year period (2010/22 to 2020/21) and (b) the period of the current policy (2017/18 and 2020/21) the trends are as follows:

General Acute Admissions								
Category	(a)	10/11	20/21	Trend	(b)	17/18	20/21	Trend
All Alcohol Conditions								
Stays	(a)	401.8	264.7	- 34.1%	(b)	310.4	264.7	- 14.7%
Patients		285.9	179.4	- 37.3%		217.4	179.4	- 17.5%
New Patients		167.1	104.0	- 37.8%		118.1	104.0	- 11.9%
Alcohol Liver Disease								
Stays	(a)	49.4	65.5	+ 32.6%	(b)	75.9	65.5	- 13.7%
Patients		28.3	31.3	+ 10.6%		39.4	31.3	- 20.6%
New Patients		8.2	10.4	+ 26.8%		11.9	10.4	- 12.6%
Mental & Behavioural								
Stays	(a)	302.2	162.7	- 46.2%	(b)	207.9	162.7	- 11.7%

Patients		215.4	119.7	- 44.4%		155.8	119.7	- 23.2%
New Patients		122.2	66.4	- 45.7%		81.3	66.4	- 18.3%
Toxic Effects of Alcohol								
Stays		79.0	50.4	- 36.2%		32.9	50.4	+ 53.2%
Patients	(a)	64.9	43.8	- 32.5%	(b)	30.1	43.8	+ 45.5%
New Patients		40.1	27.6	- 31.2%		20.2	27.6	+ 36.6%

Psychiatric Admissions								
Category	(a)	10/11	20/21	Trend	(b)	17/18	20/21	Trend
All Alcohol Conditions								
Stays		17.6	9.1	- 34.1%		13.3	9.1	- 48.3%
Patients	(a)	15.1	8.0	- 47.0%	(b)	12.5	8.0	- 36.0%
New Patients		12.9	4.9	- 62.0%		10.7	4.9	- 44.2%

The statistics for Alcohol Liver Disease are of particular interest as this echoes the points made by the AADP which points to a large increase in cirrhosis admissions over the last 10 years which falls within this category.

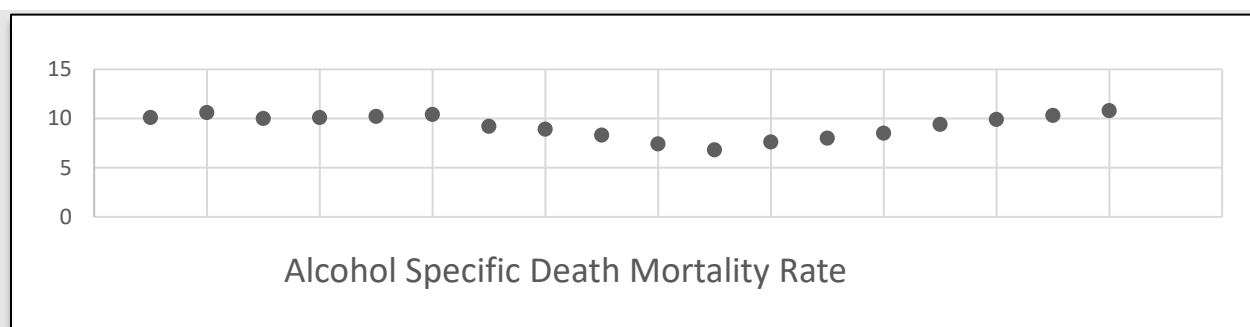
Although the AADP did not pick up on the statistics relating to Toxic Effects of Alcohol, these again show a sizeable increase over the last 4 years, although the numbers are significantly lower than they were in 2010/11.

Alcohol related ambulance callouts in Aberdeenshire

The AADP as part of their response provided statistics from the Scottish Ambulance Service which showed that the number of ambulances callouts in Aberdeenshire which were related to alcohol stood at 5.5% over the last year which seems to be on the increase.

Alcohol specific death mortality rate in Aberdeenshire

The following table shows the alcohol specific death rate based on the EASR for Aberdeenshire:



In terms of the statistics Aberdeenshire ranks as follows when compared to the other local authority areas within Scotland based on the statistics for the 2017/2021 period:

Alcohol Specific Deaths	
Deaths	31st

The trend in respect of alcohol specific deaths in Aberdeenshire is as follows:

	2000/2004	2016/2020	Trend
Alcohol Specific Deaths	10.1	10.8	+ 7.0%

The AADP noted that there was a sizeable increase in the number of alcohol specific deaths from 2011 to 2021 with this doubling from 15 to 30 deaths. This is concerning as it is a sizeable increase despite Aberdeenshire's low position when compared to the rest of Scotland, where the trend seems to suggest that such deaths are reducing.

The Minimum Unit Pricing in Scotland seems to be having a positive impact when it comes to reducing alcohol-related hospitalisations (-4.1%) and alcohol-related deaths (-13.4%) nationally⁹⁶.

The statistics for Aberdeenshire when it comes to alcohol-related disease or hospitalisation are generally positive as can be seen from the tables below which show the statistics for the area as stated on the Public Health Scotland Dashboard⁹⁷:

Balance of Concerns

	Aberdeenshire is relatively low in terms of its overall position when it comes to alcohol related hospitalisations and alcohol related deaths.		Rising trend in terms of alcohol liver disease in terms of the last 10 years a point which was also made by the AADP in their consultation response when looking specifically at cirrhosis.
	The statistics in terms of the following factors have declined when compared over a 10 year and 4-year period: Psychiatric Admissions (Both Periods) and General Acute Admissions: All Conditions, Mental & Behavioural.		Rising trend in terms of the number of hospitalisations relating to toxic effects of alcohol over the last 4 years, although these are down when compared to the position 10 years ago.
	The level of ambulance callouts relating to alcohol remains fairly low at 5.5% of all calls.		A rise in the number of alcohol related deaths when compared to previous periods, this has doubled since 2011/15.
			There is an increasing amount of ambulance callouts relating to alcohol.

Health Deprivation

The Board considered the data within the SIMD 2020 (V2) in respect of alcohol-related hospitalisations and drug-related hospitalisations in terms of the settlements which had

⁹⁶ Study – Evaluating the impact of alcohol minimum unit pricing on deaths and hospitalisations in Scotland: a controlled interrupted time series study – published in The Lancet – Vol. 401, Issue 10385 – 22 April 2023 - [Link](#)

⁹⁷ Public Health Scotland – Dashboard Information for Aberdeenshire - [Link](#)

been identified from the data above.

The Board considered the following criteria when assessing this factor:

	A	Whether the Settlement had a SIMD data zone with an alcohol-related hospitalisation rate of 70%+ of the National Average and the number of data zones which met that criteria.
	B	Whether the Settlement had an SIMD data zone within the top 10 most deprived in Aberdeenshire for this category and the number of data zones included.
	C	Whether the settlement appeared in the top 5 most deprived areas within Aberdeenshire based on the MEAN average of all of its data zones.
	D	Whether the Settlement had a SIMD Data Zone with an alcohol-related hospitalisation rate AND drug-related hospitalisation rate of more than 70% of the National Average due to connection made by Police Scotland.
	E	Whether the MEAN alcohol-related hospitalisation rate had increased since 2016 taking into account changes in population.

Findings:

Settlement	Criteria A Applies	Criteria B Applies	Criteria C Applies	Criteria D Applies	Criteria E Applies
Aberchirder	No	No	No	No	No
Aboyne	No	No	No	No	No
Alford	No	No	No	No	Yes
Ballater	Yes	No	No	No	Yes
Balmedie	No	No	No	No	No
Banchory	Yes	No	No	No	Yes
Banff	Yes	Yes	Yes	No	Yes
Blackburn	No	No	No	No	Yes
Braemar	No	No	No	No	Yes
Crimond	No	No	No	No	No
Cruden Bay	No	No	No	No	No
Ellon	Yes	Yes	No	No	Yes
Fraserburgh	Yes	Yes	Yes	Yes	Yes
Fyvie	Yes	No	No	No	Yes
Gardenstown	No	No	No	No	No
Huntly	Yes	No	Yes	Yes	No
Insch	No	No	No	No	No
Inverbervie	No	No	No	No	No
Inverurie	Yes	Yes	No	Yes	Yes
Kemnay	Yes	No	No	Yes	No
Kintore	Yes	No	No	No	Yes
Laurencekirk	No	No	No	No	Yes
Longside	No	No	No	No	Yes
Macduff	Yes	Yes	Yes	Yes	Yes
Methlick	Yes	No	No	No	Yes
Mintlaw	Yes	No	No	No	Yes
New Deer	Yes	No	No	No	Yes
New Leeds	Yes	No	No	No	Yes
New Pitsligo	Yes	No	No	No	No
Newmachar	No	No	No	No	Yes

Newtonhill	No	No	No	No	Yes
Oldmeldrum	No	No	No	No	Yes
Peterhead	Yes	Yes	Yes	Yes	Yes
Pittulie	No	No	No	No	No
Portlethen	No	No	No	No	Yes
Portsoy	Yes	Yes	No	Yes	Yes
Rosehearty	No	No	No	No	No
Sandhaven	No	No	No	No	No
St. Cyrus	Yes	No	No	No	Yes
Stonehaven	Yes	No	No	No	No
Strichen	No	No	No	No	Yes
Tarland	No	No	No	No	Yes
Tarves	Yes	No	No	No	Yes
Tipperty	No	No	No	No	Yes
Turriff	Yes	No	No	Yes	No
Westhill	Yes	No	No	No	Yes
Whitehills	Yes	No	No	No	Yes

The following settlements which are located within North Aberdeenshire met **all** the categories listed above: Fraserburgh and Peterhead.

Full details of the Board's findings can be accessed via this [link](#)⁹⁸.

	Health statistics for Aberdeenshire are generally positive.
	There are areas with higher alcohol-related hospitalisation rates within Aberdeenshire which is of concern.
	No reviews have been sought in terms of this Licensing Objective.

Protecting Children and Young Persons from Harm

	Protecting Children and Young Persons from Harm
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The Board received no direct data relating to this Licensing Objective.

The Board did receive a few comments through consultation detailing the impact which the overprovision of alcohol can have on children in terms of promoting alcohol as normal and normalising drinking behaviours. The Board includes appropriate measures within its Policy Statement to mitigate such concerns and the actual impact.

AFS highlighted the impact which Home Drinking can have on families and impact on children both in terms of normalising behaviour and issues of neglect. The Board took these into account and applied appropriate weighting in terms of their scoring matrix.

⁹⁸ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

The Board was encouraged by statistics which seemed to show that drinking levels amongst the younger generation had reduced nationally.

Balance of Concerns

	0 Licensing reviews have been requested by Police Scotland based on this Licensing Objective.		
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	No evidence presented to the Board.
	No reviews have been sought in terms of this Licensing Objective.

Conclusion

The Board on analysing the data above in respect of the evidence of harm found that the following settlements had a higher-than-average rating when scored:

Key	
	Availability of alcohol at a higher level (75%+ overall score)
	Availability of alcohol is above the average level (56-74% of overall score)
	Availability of alcohol is at an average level (45-55% of overall score)
	Availability of alcohol is below the average level (26-44% of overall score)
	Availability of alcohol at a lower level (0-25% of overall score)

Settlement	Level
Fraserburgh	 High
Peterhead	
Banff	 Higher than average
Inverurie	
Macduff	

Further details in respect of the scores involved can be found within the Board's scoring matrix which is published on Aberdeenshire Council's website and is available via this [link](https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/)⁹⁹.

Overprovision Assessment

⁹⁹ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

The Board, after considering all the evidence presented, and analysing the scores in each of the categories, found as follows:

On Sales

	No Overprovision.
	Reasoning: Placing a limit of the number of on-sales premises at this point in time would not serve to promote any of the licensing objectives. Applicable Data: Falling number of premises, drinking trends have changed in favour of off-sales, reduced levels of consumption, regulated environment, although some evidence in respect of the harm caused by such premises this was not enough to suggest that there was a causal link.

Premises Selling Both

	No Overprovision.
	Reasoning: Placing a limit of the number of premises selling both at this point in time would not serve to promote any of the licensing objectives. Applicable Data: Falling numbers, majority of these premises tend to trade primarily on an on-sales basis and the findings in respect of these premises would generally apply especially where their off-sales capacity is less than the Aberdeenshire average of 34.3m².

Off Sales:

	Overprovision found in respect of some settlements.
	Reasoning: Having regard to all of the evidence submitted and having considered the number and capacity of off-sales premises within Aberdeenshire, the Board has concluded for the purpose of this Policy Statement that there is sufficient evidence to demonstrate a causal link between the operation of off-sales premises and alcohol related harm within some localities in Aberdeenshire when considered against the licensing objectives to justify a finding of overprovision or justifying a watching brief due to levels being close to a finding of overprovision. Applicable Data: Rising number of premises, drinking trends have changed in favour of off-sales, increased levels of consumption, largely unregulated drinking environment, evidence shows growing concerns in respect of off sales in terms of the licensing objectives,

Assessment of overprovision in terms of the identified settlements.

Level of Overprovision		Localities
	FINDING: OVERPROVISION of off-sales premises in these localities.	Fraserburgh Peterhead



Having regard to all of the evidence submitted to date, and, having considered the number and capacity of off sale premises in Aberdeenshire, the Board has concluded for the purposes of this Policy Statement that while there is insufficient evidence to demonstrate a causal link between the operation of off sale premises and alcohol related harm in these localities when considered against the licensing objectives, there is sufficient evidence of harm to cause the Board to be concerned that there is potential for these localities to become overprovided.

FINDING: WATCHING BRIEF on the number of off sale premises in these localities, particularly where there are applications which apply for, or variations to increase, a capacity of alcohol above 34.3m².

**Banff
Inverurie
Macduff**



Having regard to all of the evidence submitted to date, and, having considered the number and capacity of off sale premises in Aberdeenshire, the Board has concluded for the purposes of this Policy Statement that, while there is insufficient evidence to indicate a causal link between the operation of off sale premises and alcohol related harm in these localities when considered against the licensing objectives, the scoring matrix has highlighted some areas of concern (the categories causing concern are bracketed against each locality).

FINDING: CONCERN NOTED. The position in respect of these settlements will be monitored on an annual basis for the life of the Board's policy.

Banchory

(Availability approaching higher than average rating and evidence of harm approaching the average rating)

Ellon

(Availability and harm both approaching the average rating)

Huntly

(Availability approaching the average rating and harm approaching the higher-than-average rating).

Portsoy

(Availability approaching the average rating and harm currently within the average rating).

Stonehaven

(Availability currently within the average rating).



Having regard to all of the evidence submitted to date, and having considered the number and capacity of off sale premises in Aberdeenshire, the Board has concluded for the purposes of this draft Policy Statement that there is no evidence to indicate a causal link between the operation of off sale premises and alcohol related harm in these localities when considered against the licensing objectives. Placing a limit on the number of **off sales** premises at this point in time would not serve to promote any of the licensing objectives.

FINDING: NO OVERPROVISION of off-sales premises in these localities.

All the other settlements within Aberdeenshire.

Supplementary Policy 4: Operating Hours

Operating Hours

- 4.1 The Board does not wish to inhibit unnecessarily the development of a thriving and safe evening and night-time local economy, which is important for investment, employment and tourism.
- 4.2 The Board considers that the operating hours set out in this Supplementary Policy Statement 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.
- 4.3 Licensed hours, and trading hours, must be detailed in the operating plan of every premises. Operating hours will be made up of core hours and regular seasonal variations. The Board expects Applicants to be able to anticipate all such regular variations.
- 4.4 The Licensing (Scotland) Act 2005 (“the 2005 Act”) makes it very clear that routine, 24-hour opening is **NOT** allowed. The **Statutory Guidance** makes clear that where licensed hours exceed 14 hours, further consideration is required by the Board to take account of such extra hours.

Off-Sales

- 4.5 For applications relating to premises licences and to occasional licences, the maximum licensed hours for the sale of alcohol for consumption off the premises (off-sales hours) are **10.00 a.m. to 10.00 p.m.**, each day. **The Board has no discretion to permit licensed hours outwith these times.** In determining applications and licensed hours within these times, the Board will, in considering the merits, have particular regard to the effect (if any) which the proposed off-sales hours would have in promoting the licensing objectives.
- 4.6 There is no entitlement to a grant of maximum trading hours for off-sale premises. The hours granted by the Board to off-sale premises should reflect the hours routinely operated at the premises. There will be flexibility to build in extended or reduced trading to reflect seasonal variations, such as the Festive Season, or public and local holidays.

On-Sales

- 4.7 While each application is assessed on its own merits, the following section sets out the Board’s policy on licensed hours within Aberdeenshire. The Board has opted to have one policy covering Aberdeenshire as a whole, replacing the policies covering the former Divisions of North, Central and South Aberdeenshire.

- 4.8 Applicants or Licence holders wishing to apply for hours which fall out with the terms of the Board's Policy, or that exceed 14 hours duration, will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances and will not be inconsistent with the licensing objectives.

The Board recognises that the hours contained herein will only apply to applications made after the Policy takes effect. It will not affect hours on existing licences unless the licence holder wishes to vary the terms of their premises licence to conform to the hours set in this policy.

Opening Hours

- 4.9 For applications relating to premises licences, including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises ("on-sales hours") the Board considers the commencement of the sale of alcohol would not normally be earlier than 10.00 a.m.
- 4.10 The Board will consider extending the commencement of the sale of alcohol in premises from 10.00 a.m. to 9.00 a.m. under certain circumstances (e.g. tourism, provision of food etc).
- 4.11 There are mandatory conditions that apply to premises licences and occasional licences granted by the Board. These are set out in Schedules 3 and 5 to the 2005 Act. The Board may also attach local conditions to such licences. The earlier a premises wish to open, the more the Board will expect Licence holders to demonstrate measures that promote the licensing objectives and justify the request for the early hours. The Board further considers that it would be difficult for any application to justify the sale of alcohol before 9.00 a.m. unless there are exceptional circumstances.

Terminal Hour

- 4.12 Licensed hours for on sales premises in particular can have an impact, not only within the individual premises, but also within the locality in which the premises are situated.

Considering the 5 licensing objectives, the presumption against 24-hour drinking and the **Statutory Guidance**, the Board considers the following to be appropriate for the terminal hour beyond which alcohol **must not** be sold on the premises or part(s) of the premises:

Nightclubs etc.	Sunday to Thursday	2.00 a.m.
	Friday and Saturday	3.00 a.m.
Other On-Sales Premises		1.00 a.m.

- 4.13 Premises open after 1.00 a.m. will be subject to mandatory late opening conditions

and the Board may attach further conditions. The later a premises wishes to open the more the Board will expect Licence Holders to demonstrate measures that promote the licensing objectives and justify the request for the late hours. The Board further considers that it would be difficult for any application to justify the sale of alcohol after 3.00 a.m. unless there are exceptional circumstances.

Premises Licences

Applicants should refer to Appendix 2 – Local Conditions 12 to 17.

Festive Hours

4.14 **The Board wishes to make it clear that the Festive Season hours should be accounted for within the Seasonal Variations section of the Operating Plan and should not be the subject of extended hours applications.**

4.15 On-sale premises (other than nightclubs) may open until **01.30 a.m.** on the following dates:-

Friday and Saturday preceding the 25th of December.

24th to 26th of December inclusive.

Friday and Saturday preceding the 31st of December.

1st of January.

4.16 Such premises may also open on the **31st of December until 3.00 a.m.**

Premises Licences

Applicants should refer to Appendix 2 Local Conditions 38 to 42.

Occasional Extensions

4.17 An Occasional Extension of permitted hours can be granted to a Licence Holder to extend the operating hours for a specific premises licence but only where the Board considers it appropriate to do so in connection with –

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

Whether an event meets the criteria set out at (a) and (b) above will be a matter for the Board to determine on a case-by-case basis.

Extended hours have effect for the period specified in the application or other such period as the Board consider appropriate, but must not exceed the period of one month.

4.18 The Board will not normally grant extended hours in relation to requests for the types of entertainment provided for within the operating plan of the premises. For example, if the operating plan specifies live bands as a normal activity, extended hours for a specific band playing at the premises will be rejected as not being a special event to

be catered for on the premises, or being an event of local significance.

- 4.19 Occasional extensions should be a rare occurrence, most types of entertainment and the hours relating thereto being capable of being catered for within the operating plan attached to the premises licence.
- 4.20 Licence Holders seeking licensed hours for times outwith the Board's policy, will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances and will align with the five licensing objectives.
- 4.21 Licence Holders **shall** provide the Board with sufficient information to enable a decision to be made. This will include:

The hours sought.
The description of the special event or occasion.
What activities are proposed to take place during those hours.
When each activity will take place.
How the request complies with the Licensing Objectives

- 4.22 The Board has complete discretion as to whether to grant the application taking into account any objections and representations. The Board may hold a hearing for the purpose of determining any application, but this is not mandatory. Where the Board does not hold a Hearing, the Board will ensure that, before determining the application, the applicant is given an opportunity to comment on any objections or representations.
- 4.23 On occasions of national, local or possibly international significance the Board has the authority to apply a general extension of licensing hours. The Board will notify those affected of the granting of any general extension of hours. Such grants will always be posted on the [Licensing Section of Aberdeenshire Council's Website](#) ¹⁰⁰.
- 4.24 In respect of either sector or local specific grants, the Board will notify premises individually. The Board may also publish details in local newspapers as it sees fit.
- 4.25 For further detailed information on Occasional Extensions, please see the [Board's Guidance](#) ¹⁰¹.

Occasional Licences

- 4.26 It is possible to make an application for an occasional licence authorising the sale of alcohol on premises which are not licensed premises.
- 4.27 The Board recognises the particular impact of alcohol misuse on children and young persons and will assist in changing detrimental attitudes and behaviours. Accordingly, there will be a presumption against granting occasional licences for

¹⁰⁰ <https://www.aberdeenshire.gov.uk/licensing/>

¹⁰¹ <https://www.aberdeenshire.gov.uk/licensing/occasionalextensions.asp>

events that are aimed primarily at children or young persons, such as but not limited to, school sports days or children's parties.

4.28 The application may be made by –

The holder of a premises licence or
The holder of a personal licence or
A representative of any voluntary organisation (includes members clubs)

4.29 An occasional licence can last up to a **maximum of 14 days**.

4.30 The holders of a premises licence or a personal licence may make unlimited applications.

4.31 The Licensing (Scotland) Act 2005 places restrictions on the number of applications a voluntary organisation or members club can make, in any period of 12 months:

Not more than 4 occasional licences each having effect for a period of 4 days or more; and
Not more than 12 occasional licences each having effect for a period of less than 4 days.

4.32 The combined duration of all occasional licences in any 12-month period **must not exceed 56 days**.

The Board has no legal authority to grant more occasional licences to voluntary organisations or members clubs than the provisions set out at sections 4.30 – 4.31 above.

4.33 A valid application requires the completion in full of the application form and all appendices. Please note failure to provide a current e-mail address may result in your application being delayed.

4.34 To allow time to consult the Police and the LSO and for objections/comments to be made, applications should be submitted as far in advance of the event as possible but **not later than 6 weeks before the event is due to take place**. If an application is received less than 6 weeks in advance of the date of the event, Officers will process the application, but applicants should be aware that the licence may not be granted if consultees do not have adequate time to respond or if there are any adverse representations or objections. To allow for adequate consultation with the public, any application received less than 7 days before the event is due to take place will be rejected by the Board, with the exception of applications related to the provisional of funeral teas or in exceptional circumstances.

4.35 The Board considers that activities such as dances, discos, dinner dances, wedding-receptions, parties where a disco or band is provided are generally acceptable for granting an occasional licence. This list is not exhaustive.

- 4.36 If the Board sees a pattern of applications for occasional licences or extensions developing for functions or days or hours that could otherwise be accommodated within the operating plan for the premises, the Board may decline to deal with such applications and instead advise that the applicant apply for a major variation of their premises licence to accommodate such events.
- 4.37 Where it is evident from an application due to the type of event, capacity, age demographic and location of an event, the Board may require a personal licence holder to be in charge of the bar at the event as recommended by the Licensing Standards Officers or Police Scotland. All staff training must be delivered by a personal licence holder.
- 4.38 In all other circumstances, where a voluntary organisation applies for numerous occasional licences in any calendar year, the Board expects there to be a personal licence holder to be in charge of the bar at the event as recommended by the Licensing Standards Officers or Police Scotland. All staff training must be delivered by a personal licence holder.
- 4.39 Members clubs **shall** ensure that occasional licences applied for in respect of their premises are for events for the benefit of the club or their members, to which members of the public are admitted or for which there are insufficient numbers of members attending the event to sign in the required number of guests (also see **Supplementary Policy 7** in this regard).
- 4.40 Licence Holders should also be aware that they may also require a public entertainment licence and/or a late hours catering licence issued by Aberdeenshire Council in terms of the Civic Government (Scotland) Act 1982.

Occasional Licence Hours

- 4.41 Licence Holders seeking licensed hours for times outwith the Board's policy, will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances and align with the five licensing objectives.

The Board considers the commencement of the sale of alcohol shall not be earlier than **10.00 a.m.** (On-Sales or Off-Sales).

For the terminal hour beyond which alcohol must not be sold on the premises, the Board considers **1.00 a.m. for On-Sales** or **10.00 p.m. for Off-Sales** to be appropriate.

Members Clubs must apply for one Occasional Licence per each separate event during the Festive Season, including festive lunches and dinners.

Occasional Licence Conditions

- 4.42 The Board is aware of the mandatory conditions which are set out both in Schedule

3 to the 2005 Act and in Regulations. In addition, the Board will consider on an individual basis whether it is necessary or expedient to impose local conditions, to promote one or more of the licensing objectives or otherwise to give effect to the provisions of this Policy Statement or to the provisions of the 2005 Act.

- 4.43 The decision whether to impose a condition will be made on an objective basis, any representations made, recommendations made by Police Scotland and the LSO, and any other relevant information available to the Board when considering the application. The Board will seek to avoid the imposition of disproportionate conditions.
- 4.44 The Board has agreed a pool of local conditions that may be attached to occasional licences granted by the Board. These are as set out at **Appendix 3** to the main Policy Statement.

Occasional Licences

Applicants should refer to Appendix 3 - Local Conditions 1 to 43.

Repeated Occasional Licence Applications

- 4.45 Repeated applications for Occasional licences for the same unlicensed premises, and which are:-

Not for detailed specific events; and/or

For activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months.

Will not generally be considered to be suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority but will require a hearing before the Board.

The Board **may** consider the grant of such Occasional Licences to be appropriate where there is sufficient evidence that there is movement towards an application for a Premises Licence or a major variation of a premises licence being progressed or under adequate explanation as to why a Premises Licence or a major variation of a premises licence is not being applied for. This will be considered on a case-by-case basis. The Board expects such premises to be operating under a Premises Licence and Occasional Licences should not be used as an alternative.

- 4.46 Section 59(6) of the Act specifies the grounds for refusal of an application for an Occasional Licence. These grounds include “that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives”. These licensing objectives include:-



Securing public safety.



Protecting and improving public health.

The degree of scrutiny afforded by an application for a Premises Licence is not present where premises operate under a series of consecutive Occasional Licences. Accordingly, in the interests of better securing public safety and/or for better protecting and improving public health, the Board considers that it is not generally appropriate for a premises to operate on a series of consecutive Occasional Licences rather than apply for a Premises Licence and, in these circumstances, the Board will require an applicant to explain why an application for a Premises Licence is not being made.

Lack of Demand and Flexible Trading Hours

- 4.47 Licence Holders should be aware that premises should routinely remain open for the licensed hours they apply for, and which are granted by the Board.
- 4.48 The Board recognises that there will always be circumstances that will reasonably cause a temporary deviation from the licensed hours given in the operating plan. The Board has a flexible view on this, and such circumstances will not ordinarily be considered a breach of the operating plan. The Board will consider circumstances on a case-by-case basis.
- 4.49 The Board also recognises the need for businesses, especially in a rural environment, to remain economically viable when faced with a lack of demand. Licensed premises may wish to close early owing to a lack of customers and, therefore, not trade for their full complement of licensed hours. Again, the Board has a flexible view on this, and this will not ordinarily be treated as breach of the operating plan. The Board will consider circumstances on a case-by-case basis.
- 4.50 The Board expects Licence Holders to apply for the hours they normally or usually trade in their operating plan. Provision can be built into operating plans for longer or shorter opening at certain times of the year.
- 4.51 However, in considering such issues, the Board will give particular attention to whether any “unused” hours are preventing new entrants to the market or premises are closing early on a regular basis. If so, it may be appropriate to vary the operating plan of the premises concerned.

Drinking Up Time

- 4.52 Drinking up time is 15 minutes normally and 30 minutes where alcohol is being consumed with a meal. The Board requires Licence Holders to give customers plenty of notice about last orders and time.

British Summer Time and Winter Time

- 4.53 On such date as is prescribed as the date in Spring when the clocks go forward to mark the changeover to British Summertime, Licence Holders who enjoy licensed hours beyond 1.00 a.m. (the official time for clock changes) will be judged by reference to the number of hours after midnight which their operating plan authorises them to be open, rather than by the actual time shown on the clock.
- 4.54 On such date as is prescribed as the date in Autumn when the clocks go back to mark the changeover from British Summertime to British Wintertime, Licence Holders who enjoy licensed hours beyond 1.00 a.m. will similarly close according to the number of hours after midnight which their operating plan authorises them to be open, rather than by the actual time shown on the clock.
- 4.55 Any Licence Holder who enjoys hours up to 1.00 a.m. is unaffected by the change of the clocks. The Board does not accept that those licensed until 1.00 a.m. gain an additional hour on the changeover to British Wintertime.

Additional Considerations

- 4.56 In determining applications where different parts of the premises have different uses, or where parts of premises fall under different categories for operating hours, as specified in this Supplementary Policy Statement, the Board will have regard to when the activities take place and the principal activity taking place. The Board may impose further conditions to ensure other activities do not take place or remain ancillary to the principal activity for those licensed hours.

Premises Licences	Applicants should refer to Appendix 2 - Local Condition 37.
Occasional Licences	Applicants should refer to Appendix 3 - Local Condition 27.

- 4.57 Premises where more than one of the categories applies in different parts of the same premises will be given careful consideration. The Board may impose conditions and/or different licensed hours to those parts of premises to ensure the activities remain separate. In some circumstances, the Board may attach different operating plans to cover different floors, or sections of premises, depending on the nature of the activities taking place within the premises.

Supplementary Policy 5: Relationship with other regimes & Transport, Tourism, Planning and Building Standards

Relationship with other regimes

- 5.1 The aim of the Board is to serve the licensing needs in Aberdeenshire as quickly and efficiently as possible, striking a balance between the business needs of its customers and the interests of the community as a whole, in order to protect the public and further the licensing objectives. To do this, the Board will:

When deciding on policies, reach out to all parts of society and genuinely reflect their interests.

- 5.2 The Board will achieve this by:

Working closely in partnership with local groups and organisations whose remit includes alcohol issues.

Encouraging an open and honest exchange of information in a customer-friendly setting and making decisions in a fair and reasoned manner based around agreed and published policies.

Being fair in all matters and, in this context, fairness includes having regard to and an interest in equality and diversity in all forms and ensuring that equality considerations are central to all that we do.

Working to promote the licensing objectives in partnership with a wide range of other Public Bodies, including Aberdeenshire Council and its various services, statutory consultees, the industry and the public.

Striving to reflect the interests of all people from all sections of society in our area.

Carrying out integrated impact assessments where appropriate in relation to applications or reviews.

- 5.3 It should be borne in mind that licensing is about regulating the sale of alcohol, and premises on which alcohol is sold, within the terms of the 2005 Act. Licensing Boards cannot deal directly with alcohol supplied or consumed outwith licensed premises.
- 5.4 The Board will not, in so far as is possible, duplicate the roles of other regulatory regimes. Statutory Guidance also indicates that planning, building control and licensing regimes will be properly managed to avoid duplication and inefficiency.
- 5.5 The Board is not bound by decisions made by Aberdeenshire Council as the local planning authority. Applicants are reminded that planning permission may be required for certain uses and that planning consents may carry conditions.
- 5.6 **Appendix 1** to the Board's Policy Statement encourages Applicants to consult with other relevant bodies.

- 5.7 Where other responsible authorities raise matters relating to the licensing objectives then the Board will take those matters into account when reaching a decision. The Board will take particular matters seriously when it comes to active promotion of the licensing objectives.
- 5.8 The Board will work closely with Police Scotland, Licensing Standards Officers, the Scottish Fire & Rescue Service and Council Services for the targeting of agreed problem and high-risk premises. Lower risk premises which are well managed and well-maintained will be subject to less regular inspections.
- 5.9 Listed below are organisations that the Board will consult with on matters relating to licensing, where deemed appropriate to do so. **This list is not exhaustive.**

Aberdeenshire Access Panels	Aberdeenshire Alcohol and Drug Partnership (AADP)	Aberdeenshire Council Area Managers.	Aberdeenshire Community Planning (incl. LOIP)
Aberdeenshire Community Safety Executive	Alcoholic Anonymous	Alcohol Focus Scotland	Building Standards
Business Associations	Community Councils	Community Learning and Development	COSLA
Education, Learning and Leisure Services	Environmental Health	Grampian Racial Equality Council	The Licensing Forum
National Alcohol Liaison Officer	NHS Grampian Public Health Directorate	Planning	Pubwatches / Shopwatches
Police Scotland	SOLAR	Scottish Ambulance Service	Scottish Fire and Rescue Service
Tourism Bodies	Transport Bodies (Incl. Public Transport Unit and Roads)	Trading Standards.	Various Youth Forums (Incl. Youth Parliament)

And will consider any relevant policies, plans or strategies published by such bodies where relevant to this Policy and the promotion of the five Licensing Objectives.

- 5.10 The Board will also have regard to the following:

Councillor's Code of Conduct.
Freedom of Information legislation.
Gambling Act 2005.
Equalities legislation.
Human Rights Act 1998.
GDPR.
PROTECT (Martyn's Law).

Transport

- 5.11 Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol. 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.
- 5.12 Statutory Guidance requires this Supplementary Policy Statement to identify any arrangements between the LSOs and the Police for reporting views/concerns to the local Transport Committee. The local Transport Committee for Aberdeenshire is the Infrastructure Services Committee. To date, the Board has not been able to identify any such arrangements. Work will continue to try to progress this matter.
- 5.13 The taxi and private hire trade assists the licensed trade in promoting quick and efficient dispersal from licensed premises within our local communities.

The Board is aware that there are operations where a bus is hired to transport patrons around a route of pubs and clubs within Aberdeenshire. The Board expects Licence Holders to ensure that the patrons act responsibly whilst within their premises and should cause no adverse impact on the amenity of the local community.

Following input from Operators as part of the formal consultation on the Draft Policy, operators indicated that such tours have drastically reduced operation within Aberdeenshire at this time. As a result of that evidence, the Board has determined that a Guidance Leaflet for operators is not required at this time. However, should the Board receive evidence that such tours are increasing in frequency and/or there is evidence that such tours are causing an adverse impact on the amenity of the local community, the Board may reconsider its position.

Tourism

- 5.14 Statutory Guidance requires this Supplementary Policy Statement to identify any arrangements to receive, when appropriate, reports on the needs of the local tourist economy for the area. To date, there are no such arrangements in place. Work will continue to try to progress this matter.
- 5.15 Aberdeenshire has tourist attractions in the form of natural tourism, industrial tourism, golfing tourism, whisky tourism, event tourism along with tourists interested in our heritage, in particular with our connection to royalty.
- 5.16 The Board will engage and work with the Economic Development service of Aberdeenshire Council to signpost to the trade the advice and services that are available to assist in improving the tourism offering in Aberdeenshire.

Supplementary Policy 6: Licences & Board Procedures

Statutory Guidance requires the Board to outline the different type of applications which may be applied for in terms of the Licensing (Scotland) Act 2005 and to set out the Board's procedures and considerations for determining such applications.

Types of Licence

Personal Licence

- 6.1 Every premises, other than members' clubs, will require one or more Personal Licence Holders. Personal Licence Holders **must** be over the age of eighteen and have completed a mandatory training course** prior to applying for their licence. Once issued, a personal licence can be used anywhere in Scotland.

**** A "training certificate" is NOT a Personal Licence under the 2005 Act. It merely provides evidence that a person has successfully completed the mandatory training course required in order to apply for a Personal Licence.**

- 6.2 The Board will consider applications for Personal Licences from individuals living in Aberdeenshire or from individuals who are not ordinarily resident in the area of any Licensing Board in Scotland.
- 6.3 The Personal Licence is intended to ensure that anyone managing premises is suitably capable of doing so. Whilst the Act requires every sale to be "authorised" by a Personal Licence Holder, such authorisation can be a general one.
- 6.4 The Board expects the terms of any general authorisation for the sale of alcohol to be in writing, specific to the premises, available for inspection by any LSO, brought to the attention of and signed by all parties involved and enforced by the premises manager. This is particularly relevant if the designated premises manager is absent from the premises for more than 4 weeks.

Premises Licences	Applicants should refer to Appendix 2 - Local Condition 4.
Occasional Licences	Applicants should refer to Appendix 3 - Local Condition 8.

- 6.5 The Board expects Personal Licence Holders that are also Designated Premises Managers ("DPMs") to be generally working within the premises on a day-to-day basis. The Board does not, however, consider that a Personal Licence Holder is required to be on the premises at all times, with the exception of certain late opening premises, where mandatory conditions require a Personal Licence Holder to be on the premises after 1.00 a.m., or where the Board has required the presence of a Personal Licence Holder in terms of its local conditions relating Festive hours. However, where a Personal Licence Holder is not present, they are not removed from all responsibility. This should be addressed in the terms of the authorisation.

Premises Licences

Applicants should refer to Appendix 2 - Local Conditions 12 to 17 and 38 to 42.

- 6.6 Where a DPM is likely to be absent from the premises for a period of more than three months, the Premises Licence Holder should consider substituting a new DPM onto the licence for the duration of the absence.
- 6.7 Personal Licence Holders **must** undergo refresher training prior to the five-year anniversary of the date of issue of their Personal Licence and at five yearly intervals thereafter.
- 6.8 Personal Licence Holders are legally required to notify the Board of any change of name or address within 28 days of the change.
- 6.9 The following documentation is required for a valid Personal Licence application:

Application form completed in full.
Evidence of successful completion of mandatory training course.
Photograph and evidence that the photograph has been appropriately endorsed.
Application fee.

- 6.10 Please refer to paragraphs 6.87 and 6.88 of this Supplementary Policy Statement for links to further Guidance and the fees.

Premises Licence

- 6.11 Premises that wish to sell alcohol for consumption on or off the premises will require to have a premises licence. This will govern, amongst other things, what activities are allowed on the premises and during which hours the premises can be open for business. Each licence will be tailored to the premises in question. The following documentation is required for a valid Premises Licence application:

Section 50 certificates from Planning, Building Standards and Food Hygiene.
Application form completed in full.
Operating Plan.
Layout Plan (1 electronic copy) and Activities Matrix.*
Disability Access and Facilities Assessment.
Licensing Objectives Risk Assessment.
Application fee based on the rateable value of premises.

* The Premises Licence Regulations require layout plans to show “The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan”. The Board prefers this to be done by way of an Activities Matrix lodged with the layout plan outlining which activities listed in the operating plan take place within which public spaces including outdoor spaces within the premises. It can also be used to show children and young persons’ access to public parts of the premises”

- 6.12 Licence Holders should pay particular attention to the operating plan and the layout plan. If a particular activity is not mentioned in the operating plan that activity cannot take place on those premises until further authorisation is sought from the Board by way of seeking a variation of the premises licence.
- 6.13 The operating plan should set out clearly the Licence Holder's proposals including the activities that would be undertaken on the premises, proposed opening hours and their policy in relation to access for children.
- 6.14 The Board should be able to determine with certainty the kind of operation which would be permitted in terms of the licence, and be assured that the premises will continue to operate on that basis once a licence is granted.
- 6.15 Where any premises ceases to be used for the sale of alcohol for a period of more than **four months**, the Board will conclude that the licence has ceased to have effect in terms of Section 28 of the Act [subject to certain specific actions which may keep the licence alive].

A new Premises Licence will be required before alcohol can then be sold from the premises. The Board will consider each case on its own merits. This period may be extended if circumstance arise that merit this. Licence Holders should request extensions in writing to the Board and should outline the reasons the extension is sought. All requests will be considered by the Board Convenor in the first instance under the Board's Scheme of Delegation.

- 6.16 Where premises also hold a Houses in Multiple Occupation Licence, leaving no rooms available to be let to tourists, the rooms should be removed from the premises licence. There should be separate entrances to the HMO part of the premises to the entrances for the licensed part of the premises.

Provisional Premises Licence

- 6.17 A Provisional Premises Licence is generally applied for when premises are undergoing construction or conversion to become licensed premises. Alcohol **cannot** be sold under a Provisional Premises Licence. The application process is the same as for a full Premises Licence but only the following documents are required:

Section 50 certificate from Planning.
Application form completed in full.
Updated Operating Plan.
Layout Plan (1 electronic copy) and Activities Matrix.*
Disability Access and Facilities Assessment.
Licensing Objectives Risk Assessment.

* The Premises Licence Regulations require layout plans to show "The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan". The

Board prefers this to be done by way of an Activities Matrix lodged with the layout plan outlining which activities listed in the operating plan take place within which public spaces including outdoor spaces within the premises. It can also be used to show children and young persons' access to public parts of the premises"

- 6.18 Details of a Designated Premises Manager is not required at this stage.
- 6.19 Please refer to paragraphs 6.87 and 6.88 of this Supplementary Policy Statement for links to further Guidance and the fees.

DOCUMENTS WHICH FORM PART OF AN APPLICATION FOR A PREMISES LICENCE OR PROVISIONAL PREMISES LICENCE

A: Application Form

- 6.20 Applicants should ensure that:

The Application form is accurately completed in full.
Where the application is being submitted by a Partnership or Company or an Organisation that details of all the Partners/Directors/Connected Persons are included.
A full description including building type, location (e.g. rural, urban or city centre) and a breakdown of the public rooms (e.g. lounge bar, public bar etc.) is provided.

B: Section 50 Certificates

- 6.21 All new Premises Licence applications require a Section 50 Certificate from Planning Services, Building Standards and Environmental Health.

All new Provisional Premises Licence applications require a Section 50 Certificate from Planning Services.

These Certificates **must** be obtained from the relevant services **before** the premises licence application can be submitted.

The application form to apply for Section 50 certificates can be accessed [here](#) ¹⁰².

C: Operating Plans

- 6.22 Every operating plan **must** set out clearly the Licence Holder's proposals including the activities that would be undertaken on the premises, proposed opening hours and their policy in relation to access for children and young persons.
- 6.23 Operating plans encourage a flexible licensing regime. They **must** make clear to the Board how the premises are to be run, including full details of all activities to be undertaken on the premises and the times they will be undertaken. This will include seasonal variations.

Operating plans **must** be provided with each application in a prescribed format and

¹⁰² <https://www.aberdeenshire.gov.uk/media/25227/applicationfors50-combined.pdf>

should be particular to each premises and not completed in general terms. This will allow the Board to make an informed decision and later determine if any breach of the operating plan and/or licence conditions has occurred

- 6.24 The Board recognises that it is not always possible for Licence Holders to predict customer demand and requirements. However a balance **must** be struck between vague references to potential activities and definite details of actual activities. Matters that cannot be predicted when formulating an operating plan may be the subject of an occasional licence, an occasional extension or, for regular activities, a variation to the Operating Plan.
- 6.25 Where allowing gaming on the premises, the operating plan should define the types of gaming that are permitted on the premises.

Short Term Lets

Exemption from the need to obtain a Short Term Let Licence

- 6.26 The Civic Government (Scotland) Act 1982 (Licensing of Short Term Lets) Order 2022, Schedule 1, Section 1 provides an exemption from the requirement to obtain a Short Term Lets licence where premises are subject to a premises licence under the Licensing (Scotland) Act 2005 **AND** the licence holder has included the provision of accommodation as an activity in the operating plan.

Accommodation and the sale of alcohol under the Licensing (Scotland) Act 2005

- 6.27 In respect of the sale of alcohol, the Board requires applicants for licences to highlight whether any accommodation to be provided as part of the Premises licence is -
- to be provided with alcohol service or
 - is provision of accommodation only

Applicants therefore require to include this information in their operating plan and to delineate accommodation appropriately in the layout plan attached to the licence.

Adult Entertainment

- 6.28 Premises offering adult entertainment will be treated on a case-by-case basis.
- 6.29 Applicants should note that adult entertainment will be taken to include lap dancing, strippers, lingerie parties and similar forms of entertainment.
- 6.30 The Board expects Applicants to give consideration to the promotion of the licensing objectives in relation to the protection of children and young persons from harm and the prevention of crime and disorder.
- 6.31 Licence Holders providing such entertainment should have regard to the Sexual

Entertainment Venue Licensing regime. If the adult entertainment provided falls within the scope of this regime and is being provided on more than four occasions per year, an application for a Sexual entertainment licence will be required and it will be insufficient to regulate this through inclusion of “Adult Entertainment” in the Operating Plan.

Applicants therefore require to consider what information requires to be included in in their operating plan, the layout plan attached to the licence and in the licensing objectives risk assessment.

D: Layout Plans¹⁰³

6.32 The Layout Plans of the premises should:

- Be drawn to scale. Plans should be to the scale of 1:100. The Board will accept 1:50 for off sales only. Where premises cover more than one floor, there should be a layout plan for each floor.
- Include a site/location plan showing the names of any street surrounding the premises from which members of the public have access to the premises.
- Show:
 - The extent and dimensions of the boundary of the building and, if different the perimeter and dimensions of the premises to be licensed, including outside drinking areas (to be outlined in red on the plans).
 - The location and width of each point of access to and egress from the premises.
 - The location and width of any other escape routes from the premises.
 - The location of any equipment used for the detection or warning of fire or smoke or for fighting fires.
 - The location of any steps, stairs, elevators or lifts in or on the premises.
 - The location of any toilets on the premises (identified as male, female or disabled as appropriate).
 - Any area specifically set aside for the use of children and young persons.
 - Any area on the premises to which children and young persons will have access.
 - The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan – preferably by means of an activities matrix.*
 - The location of the area or areas to be used for the display of alcohol (off sales only).
 - The maximum width and height (in metres) of the frontage to be used for the display of alcohol within that area or those areas (off sales only); and
 - The maximum linear measurement (in metres) of any displays of alcohol

¹⁰³ As required by the Premises Licence (Scotland) Regulations 2007 – s.5

outside the frontage.

* The Premises Licence Regulations require layout plans to show “The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan”. The Board prefers this to be done by way of an Activities Matrix lodged with the layout plan outlining which activities listed in the operating plan take place within which public spaces including outdoor spaces within the premises. It can also be used to show children and young persons’ access to public parts of the premises”

6.33 The Board also requires the following to be shown on the plans:

- The position of any lockfast alcohol store for any alcohol stored, but not on display within the premises.
- Any accommodation provided where no service of alcohol is to be provided should be outlined in blue.
- Any accommodation provided where the service of alcohol is to be provided should be outlined in green.
- Indicative seating arrangements for all public parts of the premises including outside drinking areas, street cafes or licensed pavement areas.
- Smoking areas.

6.34 Each area should be clearly delineated including any beer gardens, outdoor seating areas, street cafes, licensed pavement areas and smoking areas. Inclusion of any outside areas will avoid any doubts when it comes to byelaws concerning the consumption of alcohol in public places.

6.35 Off-sales plans should clearly show all areas where alcohol will be displayed for the purpose of sale. This should include seasonal variations if additional areas are used at certain times.

The plans **must** also indicate the position of any lock-fast store for any alcohol stored, but not on display, **within** the premises. **Applicants should refer to Local Condition 6.**

6.36 The Board expects plans as far as possible to be to scale and of good quality.
Inadequate plans may be rejected.

6.37 For ease of distribution and security, Applicants are requested to note that wherever possible electronic format should be **.pdf**. Other types of specialist application, like **.cad**, or general applications prone to manual alteration should not be used. In addition the Board would like electronic format files to remain under 4 megabytes in size. Electronic files **must** be capable of being printed off to scale, so that they can be read clearly. Paper plans should be of a size no larger than A3 for ease of conversion to electronic format.

6.38 The Board requires to receive one electronic copy of the layout plan.

E: Licensing Objectives Risk Assessment

6.39 The Board requires that Applicants applying for premises licences and occasional licences complete a risk assessment in respect of the premises and to provide a copy of this to the Board with the application and operating plan. A risk assessment **must** be an end-to-end process, Licence Holders are reminded that all activity directly connected to their premises, both inside and out, **must** be considered. The purpose of the risk assessment is to ensure that applicants and Licence Holders can demonstrate compliance with the 5 licensing objectives which underpin the Licensing (Scotland) Act 2005 and which the Board promotes in terms of this Statement of Licensing Policy. Applicants are referred to **Appendix 1** to the Main Policy Statement for further information and guidance on what should be considered when preparing such a risk assessment.

6.40

Please note that the Board does not accept any responsibility for your risk assessment(s) and are not in a position to sign it (them) off. You are advised to consider these matters carefully and if in doubt engage appropriate professionals to assist you in these matters. The Board reserves the right to comment on the content of your risk assessment(s) and ask for more or different information as may be required.

F: Disability Access and Facilities Statement

6.41 Licence Holders applying for a premises or provisional premises licence require to complete a Disabled Access and Facilities Statement in respect of the premises and provide a copy of this to the Board with their application. Failure to provide this statement means that the application is incomplete and cannot be considered by the Board.

6.42 The purpose of the statement is to ensure that disabled people can access information about the accessibility of a venue before visiting it. It is good business practice to ensure that premises are accessible and welcoming to all customers. The process of writing a statement should also raise awareness amongst Licence Holders of the accessibility of their premises and action they could take to improve access to their premises.

6.43 The Disabled Access and Facilities Statement does not compel the premises to provide any specific aids/access for disabled people nor does it interfere with the existing duty under equality law to make reasonable adjustments to ensure that a disabled person can use a service as close as it is reasonably possible to get the standard usually offered to non-disabled people. Licence Holders should however be aware that failure to comply with their existing duty may leave the premises open to a complaint under the Equality Act 2010.

6.44 Non-Statutory Guidance for Completing a Disabled Access and Facilities Statement was published by the Scottish Government on 8th March 2018. The Guidance is

primarily to assist Licence Holders in completing the required statement. The Guidance can be accessed [here](#)¹⁰⁴.

The statement should contain clear information about how accessible the venue is for disabled people. It should also describe the facilities and/or any other provision made on (or in connection with) the premises for disabled people.

6.45 Licence Holders will not be required to submit a variation when these details change, nor will it be an offence if the originally submitted arrangements are not subsequently complied with.

6.46

Please note that the Board does not accept any responsibility for your Disabled Access and Facilities Statement. You are advised to consider these matters carefully and if in doubt seek appropriate advice on these matters. The Board reserves the right to comment on the content of your Disabled Access and Facilities Statement and ask for more or different information as may be required.

Confirmation of a Provisional Premises Licence

6.47 A Provisional Premises Licence has to be confirmed within 4 years of the date of issue of the licence, otherwise it will automatically be revoked. Upon confirmation the Board may make a variation of the conditions to which the licence is subject. In order to confirm such a licence, the following is required:

The Provisional Licence*
Application form.
Revised Operating Plan. (Including Designated Premises Manager's details) (where changes are proposed)*
Section 50 Certificates from Planning Services, Building Standards and Environmental Health.
Revised Layout Plan (1 electronic copy) and Activities Matrix.** (where changes are proposed)*
Revised Licensing Objectives Risk Assessment. (where changes are proposed)*
Balance of application fee.

* where no changes are being made the Board will use the documents attached to the existing licence when determining the confirmation application.

** The Premises Licence Regulations require layout plans to show "The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan". The Board prefers this to be done by way of an Activities Matrix lodged with the layout plan outlining which activities listed in the operating plan take place within which public spaces including outdoor spaces within the premises. It can also be used to show children and young persons' access to public parts of the premises"

¹⁰⁴ <https://www.gov.scot/publications/licensing-scotland-act-2005-guidance-completing-disabled-access-facilities-statement/>

All confirmation applications **must** be accompanied by the original provisional premises licence¹⁰⁵ or a written explanation as to why it cannot be submitted, together with confirmation of the lost or stolen property reference number¹⁰⁶ supplied by Police Scotland in terms of the licence. Each confirmation application will be considered on its own merits.

The Provisional Premises Licence consists of:

Licence cover sheet

Operating plan

Any local and specific conditions

Current approved layout plans

Licensing Objectives Risk Assessment

For Members Clubs only – Constitution

All of the above **must** be submitted when making a variation application.

- 6.48 Please refer to paragraph 6.21 for further information on S.50 Certificates.
- 6.49 The fee for confirmation of a Provisional Premises Licence is dependent on the rateable value of premises.
- 6.50 Please refer to paragraphs 6.87 and 6.88 of this Supplementary Policy Statement for links to further Guidance and the fees.

Temporary Premises Licence

- 6.51 Where a Licence Holder wishes to carry out alterations etc. to the principal licensed premises then the Board can issue a Temporary Licence for a secondary premises to enable the Licence Holder to continue to trade pending completion of the works.
- 6.52 To issue a Temporary Premises Licence the Board **must** be satisfied that:

The temporary premises are suitable for use for the sale of alcohol AND

That it is necessary to grant the application to enable the applicant to carry on business pending to reconstruction or conversion of the principal premises.

- 6.53 The Board may vary the conditions to which the licence is subject, if it considers it is appropriate to do so.
- 6.54 The process for obtaining a Temporary Premises Licence is the same as applying for a Premises Licence.
- 6.55 Please refer to paragraphs 6.87 and 6.88 of this Supplementary Policy Statement for links to further Guidance and the fees.

Licensing of Vehicles, Vessels and Moveable Structures

¹⁰⁵ Section 46(2)(a) of the 2005 Act.

¹⁰⁶ Section 53 of the 2005 Act.

- 6.56 A premises licence can be obtained for a Vehicle, Vessel or Moveable structure in certain circumstances.
- 6.57 A vessel which is not permanently moored or berthed is to be treated as a premises situated in the place where it is usually moored or berthed.
- 6.58 A vehicle or moveable structure which is not permanently situated in any place is to be treated as a premises while situated in that place. Each place it is to be so used is to be treated as separate premises.
- 6.59 A “moving” vehicle or moveable structure may also apply for a premises licence or an occasional licence in order to sell alcohol, and, where doing so across more than one licensing board area, should apply to the Board who covers the area where the vehicle or moveable structure is to be used to the greater or greatest extent.
- 6.60 In order to obtain a premises licence or a provisional premises licence for a **vessel**, the following is required:

Application form completed in full.
Operating Plan.
Layout Plan (1 electronic copy) and Activities Matrix.*
Disability Access and Facilities Assessment.
Licensing Objectives Risk Assessment.
Application fee.

* The Premises Licence Regulations require layout plans to show “The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan”. The Board prefers this to be done by way of an Activities Matrix lodged with the layout plan outlining which activities listed in the operating plan take place within which public spaces including outdoor spaces within the premises. It can also be used to show children and young persons’ access to public parts of the premises”

Note: Section 50 certificates are not required for vessels. There is no requirement to give notice of the application to neighbours or the Scottish Fire & Rescue Service.

- 6.61 In order to obtain a premises licence for a **fixed vehicle or moveable structure**, the following is required:

Section 50 Certificates from Planning, Building Standards and Environmental Health.
Application form completed in full.
Operating Plan.
Layout Plan (1 electronic copy) and Activities Matrix.*
Disability Access and Facilities Assessment.
Licensing Objectives Risk Assessment.
Application fee based on the rateable value of premises.

* The Premises Licence Regulations require layout plans to show “The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan”. The

Board prefers this to be done by way of an Activities Matrix lodged with the layout plan outlining which activities listed in the operating plan take place within which public spaces including outdoor spaces within the premises. It can also be used to show children and young persons' access to public parts of the premises"

- 6.62 In order to obtain a premises licence or a provisional premises licence for a **“moving” vehicle or moveable structure**, the following is required:

Application form completed in full.
Operating Plan.
Layout Plan (1 electronic copy) and Activities Matrix.*
Disability Access and Facilities Assessment.
Licensing Objectives Risk Assessment.
Application fee.

Note: Section 50 certificates are not required in these circumstances. There is no requirement to give notice of the application to neighbours, community councils or the Scottish Fire & Rescue Service.

* The Premises Licence Regulations require layout plans to show “The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan”. The Board prefers this to be done by way of an Activities Matrix lodged with the layout plan outlining which activities listed in the operating plan take place within which public spaces including outdoor spaces within the premises. It can also be used to show children and young persons' access to public parts of the premises"

- 6.63 Please refer to paragraphs 6.87 and 6.88 of this Supplementary Policy Statement for links to further Guidance and the fees.

Application to Vary a Premises Licence

- 6.64 There are two types of Variation Application – Major Variations and Other Variations (more commonly referred to as “Minor Variations”)

6.65

Premises Licence Holders can apply for variations to the terms and conditions of the premises licence. All such applications **must** be accompanied by the original premises licence or a written explanation as to why it cannot be submitted¹⁰⁷, together with confirmation of the lost or stolen property reference number¹⁰⁸ supplied by Police Scotland in terms of the licence. Each variation application will be considered on its own merits.

The Premises Licence consists of:
Licence cover sheet
Operating plan
Any local and specific conditions
Current approved layout plans

¹⁰⁷ Section 29(2) of the 2005 Act

¹⁰⁸ Section 53 of the 2005 Act.

Licensing Objectives Risk Assessment
For Members Clubs only – Constitution
All of the above must be submitted when making a variation application.

- 6.66 As of 1st November 2023, if the variation relates to an application for a Transfer of a Premises Licence, the applicant **Must** also complete the appropriate Transfer Application form.

Applications for a Variation of a Premises Licence (Major Variation)

- 6.67 In terms of the 2005 Act a major variation means any variation of –

- (a) any of the conditions to which the licence is subject (other than the mandatory conditions)
- (b) any of the information contained in the operating plan contained in the licence
- (c) the layout plan contained in the licence, or
- (d) any other information contained or referred to in the licence

And includes an addition, deletion or other modification.

- 6.68 Major Variations are processed in exactly the same way as applications for a Premises Licence.

- 6.69 From 1st November 2023, in order to obtain a variation of a licence, the following is required:

The Premises Licence (refer to 6.65 above).
Application form.
Revised Operating Plan (where changes are proposed)*
Revised Layout Plan (1 electronic copy) and Activities Matrix** (where changes are proposed)*
Revised Licensing Objectives Risk Assessment (where changes are proposed)*
Application fee.

* where no changes are being made the Board will use the documents attached to the existing licence when determining the Major Variation application.

** The Premises Licence Regulations require layout plans to show “The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan”. The Board prefers this to be done by way of an Activities Matrix lodged with the layout plan outlining which activities listed in the operating plan take place within which public spaces including outdoor spaces within the premises. It can also be used to show children and young persons’ access to public parts of the premises”

- 6.70 Please refer to paragraphs 6.87 and 6.88 of this Supplementary Policy Statement for links to further Guidance and the fees.

Applications for Minor Variation of Premises Licence

- 6.71 In terms of the 2005 Act a minor variation means:

- (a) any variation of the layout plan, if the variation does not result in any inconsistency with the operating plan.
- (b) where, under the operating plan contained in the licence, children or young persons are allowed entry to the premises, any variation reflecting any restrictions or proposed restriction of the terms on which they are allowed entry to the premises
- (c) any variation of the information contained in the licence relating to the premises manager (Including a variation so as to substitute a new premises manager) and
- (d) any other variation of such description as may be prescribed for the purposes of the relevant section of the Act.

6.72 Competent Applications for Minor Variations of Premises Licences **must** be granted by the Board.

6.73 From 1st November 2023, in order to obtain a minor variation a licence, the following is required:

- (a) any variation of the layout plan, if the variation does not result in any inconsistency with the operating plan.

The Premises Licence (refer to 6.65 above).
Application form.
Revised Operating Plan (where changes are proposed)*
Revised Layout Plan (1 electronic copy) and Activities Matrix**
Revised Licensing Objectives Risk Assessment (where changes are proposed)*
Application fee.

* where no changes are being made the Board will use the documents attached to the existing licence when determining the Minor Variation application.

** The Premises Licence Regulations require layout plans to show “The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan”. The Board prefers this to be done by way of an Activities Matrix lodged with the layout plan outlining which activities listed in the operating plan take place within which public spaces including outdoor spaces within the premises. It can also be used to show children and young persons’ access to public parts of the premises”

- (b) where, under the operating plan contained in the licence, children or young persons are allowed entry to the premises, any variation reflecting any restrictions or proposed restriction of the terms on which they are allowed entry to the premises

The Premises Licence (refer to 6.65 above).
Application form.
Revised Operating Plan
Revised Layout Plan (1 electronic copy) and Activities Matrix** (where changes are proposed)*

Revised Licensing Objectives Risk Assessment (where changes are proposed)*
Application fee.

* where no changes are being made the Board will use the documents attached to the existing licence when determining the Minor Variation application.

* The Premises Licence Regulations require layout plans to show “The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan”. The Board prefers this to be done by way of an Activities Matrix lodged with the layout plan outlining which activities listed in the operating plan take place within which public spaces including outdoor spaces within the premises. It can also be used to show children and young persons’ access to public parts of the premises”

- (c) any variation of the information contained in the licence relating to the premises manager (Including a variation so as to substitute a new premises manager)

The Premises Licence (refer to 6.65 above)*
Application form.
Revised Operating Plan
Application fee.

* where no changes are being made the Board will use the documents attached to the existing licence when determining the Minor Variation application.

and

- (d) any other variation of such description as may be prescribed for the purposes of the relevant section of the Act.

The Premises Licence (refer to 6.65 above).
Application form.
Revised Operating Plan (where changes are proposed)*
Revised Layout Plan (1 electronic copy) and Activities Matrix** (where changes are proposed)*
Revised Licensing Objectives Risk Assessment (where changes are proposed)*
Application fee.

* where no changes are being made the Board will use the documents attached to the existing licence when determining the Major Variation application.

** The Premises Licence Regulations require layout plans to show “The use or uses to which each part of the premises will be put under reference to the activities identified in the operating plan”. The Board prefers this to be done by way of an Activities Matrix lodged with the layout plan outlining which activities listed in the operating plan take place within which public spaces including outdoor spaces within the premises. It can also be used to show children and young persons’ access to public parts of the premises”

6.74 Please refer to paragraphs 6.87 and 6.88 of this Supplementary Policy Statement for links to further Guidance and the fees.

Applications to Transfer a Premises Licence

- 6.75 A Premises Licence Holder may apply to the Board to transfer the licence. The Board **must** transfer the licence to a legal personality and in accordance with the conditions sets out in Sections 33-34 of the Act.

Premises Licence Holders and Prospective Licence Holders can apply for a Transfer of the existing Premises Licence to a new Licence Holder. All such applications **must** be accompanied by the original premises licence or a written explanation as to why it cannot be submitted¹⁰⁹, together with confirmation of the lost or stolen property reference number¹¹⁰ supplied by Police Scotland in terms of the licence. Each variation application will be considered on its own merits.

Section 33 Transfers

- 6.76 From 1st November 2023, in order to obtain a transfer of licence under **Section 33**, the following is required:

The Premises Licence (refer to 6.67 above).
Application form.
Fresh Operating Plan. (where changes are proposed)*
Application fee.

* where no changes are being made the Board will use the documents attached to the existing licence when determining the Transfer application.

Section 34 Transfers

- 6.77 Transfers made under section 34 **must** be made within 28 days of the business transferring to a new Licence Holder. Failure to do so may mean that the licence ceases to have effect under Section 28 of the Act.
- 6.78 From 1st November 2023, in order to obtain a transfer of licence under **Section 34**, the following is required:

The Premises Licence (refer to 6.67 above)*
Application form.
Fresh Operating Plan. (where changes are proposed)*
The consent of the existing Premises Licence Holder.
Evidence that the business has transferred.**
Evidence that the Licence Holder has died.**
Evidence that the Licence Holder is incapacitated, and the applicant has authority to act.*
Evidence that the Licence Holder is insolvent, and the applicant has authority to act.*
Application fee.

¹⁰⁹ Section 33(2) and Section 34(2) of the 2005 Act

¹¹⁰ Section 53 of the 2005 Act.

* where no changes are being made the Board will use the documents attached to the existing licence when determining the Transfer application.

** As appropriate depending on the reason the transfer application is required.

6.79

From 1st November 2023, if any variations are required relating to an application for Transfer of a Premises Licence, the applicant **must** also complete and submit the appropriate variation of Premises Licence application forms.

Please refer to paragraphs 6.66 to 6.74 of this Supplementary Policy Statement for links to further Guidance on variations.

6.80 Please refer to paragraphs 6.87 and 6.88 of this Supplementary Policy Statement for links to further Guidance and the fees.

Occasional Extensions

6.81 An Occasional Extension of permitted hours can be granted to a Licence Holder to extend the operating hours for a specific premises licence but only where the Board considers it appropriate to do so in connection with –

- (a) A Special Event or occasion to be catered for on the premises, OR
- (b) A special event of local or national significance.

Whether an event meets the criteria set out at (a) and (b) above will be a matter for the Board to determine on a case-by-case basis.

Extended hours have effect for the period specified in the application or such other period as the Board consider appropriate, but must not exceed the period of one month.

6.82 In order to obtain an occasional extension the following is required:

Application form.

Application fee.

6.83 Please refer to paragraphs 6.87 and 6.88 of this Supplementary Policy Statement for links to further Guidance and the fees.

Occasional Licences

6.84 An occasional licence may be granted to the holder of a premises licence, personal licence or a representative of a voluntary organisation for premises authorising him/her to sell alcohol at an occasion/function for a period of not more than 14 days where the event is taking place outwith their licensed premises. Members Clubs may also apply to permit non- members access to their premises for events run by the Club.

6.85 In order to obtain an occasional licence the following is required:

Application form.
Licensing Objectives Risk Assessment.+
Layout Plan.*
Evidence of Public Entertainment Licence.*
Application fee.
Copy of Full Personal Licence (including Annexes A, B and C) where the applicant is a Personal Licence Holder who has not obtained their Personal Licence from the Aberdeenshire Licensing Board.

* Required as appropriate to the application.

+ Applicants are referred to **Appendix 1** to the Main Policy Statement for further Information and guidance as to what should be considered in preparing a licensing objectives risk assessment.

6.86 Please refer to paragraphs 6.87 and 6.88 of this Supplementary Policy Statement for links to further Guidance and the fees.

Further Guidance and Fees

6.87 Further Guidance and forms can be found [here](#)¹¹¹.

6.88 Details of the fees are available [here](#)¹¹².

6.89 A flowchart showing the steps involved in processing an application for a premises licence or major variation of premises licence is attached as **Appendix 2** to this Supplementary Policy Statement.

6.90 The Timescales the Board has for determining for licences is set out in **Appendix 3** to this Supplementary Policy Statement.

Data Protection and GDPR Compliance

6.91 Details of Privacy Notices detailing what the Board will do with information contained in applications, reviews, objections and representations and how long the information will be retained for can be accessed [here](#)¹¹³.

Format of Application Forms

6.92 Applications can be accepted in electronic format, paper format or a combination of the two. The Board encourages the submission of applications in electronic format wherever possible.

6.93 Applications in the first instance will be vetted by a Depute Clerk or a Paralegal. It is therefore essential that Applicants complete all questions on the relevant application

¹¹¹ <https://www.aberdeenshire.gov.uk/licensing/licences-and-permits/?tag=Alcohol&records>

¹¹² <https://www.aberdeenshire.gov.uk/media/27624/licensingfees.pdf>.

¹¹³ <http://publications.aberdeenshire.gov.uk/dataset/liquor-licences-privacy-notices>.

form and provide as much detail as possible.

Consultation

Notification of New Premises Licence and Major Variation Applications

- 6.94 The Board **must**, within 21 days of receipt of an application for a premises licence give notice of the application to:

Each person having a notifiable interest in neighbouring land (defined by Regulation as within a 4-metre radius of the premises).
Any community council within whose area the premises are situated.
Aberdeenshire Council (planning services, building standards and environmental health).
Chief Constable of Police Scotland.
Scottish Fire and Rescue Service.
Public Health.
LSOs.

- 6.95 The Board will also publish notice of each application on Aberdeenshire Council's website and/or a designated public access system available on the internet. This can be accessed [here](#)¹¹⁴.

Notification of Transfer of Premises Licence and of Personal Licence Applications

- 6.96 Notification of the above applications will be as follows:

Transfer of Premises Licences.	Chief Constable.
Personal Licences.	Chief Constable and LSO's.

Each party has 21 days to respond to the application.

Notification of Occasional Licence and Occasional Extension Applications

- 6.97 Notification will be given as follows to the Chief Constable and the Licensing Standards Officer who have 21 days to respond to the application.

- 6.98 The Board will also publish notice of each application on Aberdeenshire Council's website and/or a designated public access system available on the internet. These can be accessed [here](#)¹¹⁵ for Occasional Licences and [here](#)¹¹⁶ for any Occasional Extensions.

- 6.99 Members of the public only have **7 days** from the publication of this notice to lodge representations or objections with the Board.

Objections and Representations

¹¹⁴ <https://www.aberdeenshire.gov.uk/licensing/licence-register/>

¹¹⁵ <https://www.aberdeenshire.gov.uk/licensing/licence-register/>

¹¹⁶ <https://www.aberdeenshire.gov.uk/licensing/licence-register/>

6.100 Any person may submit an objection or representation to the Board:

Objection	An objection is opposition to the grant of any licence at all. It must relate to one of the five licensing objectives and to specific premises. Any person considering lodging an objection should seek independent legal advice before doing so.
Representation	A representation is not opposition to the grant of a licence in principal but concerns the terms or conditions of the proposed licence or major variation. Representations can also be made in support of an application. Any person considering making an application should seek independent legal advice before doing so.

6.101 Any objection **must** relate to one of the 5 licensing objectives and relate to specific premises.

6.102 An objector opposes the grant of any licence at all. Objectors should address the statutory grounds of refusal, including the licensing objectives, within their objection.

6.103 The Board will reject what it considers to be frivolous or vexatious objections or representations and may seek to recover resultant wasted expenses.

6.104 The Board will address each case on its own merits, based on its local knowledge of the area and those that will be directly affected by the granting of a licence.

6.105 Further Guidance on Objections/Complaints, together with a Pro-Forma style of objection are available [here](#)¹¹⁷ on the Board's website.

6.106 Alcohol Focus Scotland has published a toolkit designed to help anyone who would like to have a say on how alcohol impacts on their community and how the licensing process works in Scotland, the toolkit can be accessed [here](#)¹¹⁸.

Determination of Applications

Applications reserved to the Board

6.107 The following matters must be determined at a hearing of the Board:

- Determination of Licensing Board Policy.
- Determination of Overprovision of Licensed Premises.
- Board's Annual Function Statement.
- Board's Annual Financial Statement.
- Applications for Premises Licences.
- Applications for Provisional Premises Licences.
- Section 33 Premises Licence Transfer where there is a notice of Conviction.
- Section 34 Premises Licence Transfer where there is a notice of Conviction.
- Refusal of an Application to Confirm a Provisional Premises Licences.

¹¹⁷ <https://www.aberdeenshire.gov.uk/licensing/alcohol-appeal-objection/>

¹¹⁸ <https://www.alcohol-focus-scotland.org.uk/media/133477/Community-licensing-toolkit.pdf>

- Application for a Temporary Premises Licence.
- Application for a Personal Licence where there is a notice of Conviction.
- Applications for Major Variation of Premises Licences.
- Applications for Review of Premises Licences.
- Applications for Review of Personal Licences.
- Determination of a Closure Order.

Applications not reserved to the Board which have attracted no objections or adverse representations and are within the terms of the Board's Statement of Licensing Policy

6.108 The following matters can be determined by officers under delegated powers:

- Applications for Minor Variations of Premises Licences
- Grant of Confirmation of Provisional Premises Licence
- Applications for Section 33 Transfers of Premises Licences
- Applications for Section 34 Transfers of Premises Licences
- Applications for Personal Licences
- Applications for Occasional Licences
- Applications for Occasional Extensions
- Determination of Review Proposal and gathering of evidence related thereto
- Requiring production of a licence to the Board
- Revocation of Personal Licences where the licence holder has not complied with S87(1) of the 2005 Act.

Applications not reserved to the Board which have attracted objections or adverse representations and/or are outwith the terms of the Board's Statement of Licensing Policy

6.109 The following matters may be determined by officers, following consultation with the Board Convenor, or may be referred to a hearing of the Board for determination.

- Applications for Section 33 Transfer of Premises Licences
- Applications for Section 34 Transfer of Premises Licences
- Applications for Personal Licences
- Applications for Occasional Licences including late and fast track
- Applications for Occasional Extensions including late
- Applications for Extensions of Closure of Licensed Premises under Section 28
- Determining whether to hold a hearing to review a premises or personal licence following a notice of further convictions
- Pool Table, Dart Boards & Gaming Machine Submissions
- Power to relieve procedural errors
- Rejection of Frivolous or Vexatious Objections

Board Decision Making

Openness and Accessibility

6.110 The Board will deal with all of their business in an open and transparent way. Information and assistance will be made available to those who wish to apply for a licence, to make representations or to object to an application. The Board is also aware of the need to ensure that the licensing process is accessible to all. Assistance will be available on request for those who require special arrangements to access any part of the process.

6.111 The Board's procedures documents can be accessed [here](#).¹¹⁹

Scheme of Delegation

6.112 It is the Board's aim to provide an efficient and cost-effective service to all those who are involved in the licensing process. Therefore, the Board has adopted a Scheme of Delegation to ensure that decisions can be made in a way which is consistent with this aim. This Scheme in particular sets out the decisions which may be made by the Clerk to the Board or his/her staff.

6.113 The Board's Scheme of Delegation can be accessed [here](#).¹²⁰

Format of Licences

6.114 It is the intention of the Board to move to issue of licences in an electronic format only from 1st November 2023. Work is to be completed regarding watermarking / electronic signatures so that Police Scotland and the LSOS will know that any electronic copy produced by a licence holder is the copy issued by the Board.

6.115 Premises Licence Holders are reminded of the duty under Section 52(1) of the Act to ensure that the Premises licence, or a certified copy of it, is at the premises in respect of which it is issued in the custody or under control of either the Licence Holder or the Premises Manager. The licence must be produced for inspection on request by Police Scotland or an LSO.

6.116 Premises licence Holders are reminded of the duty under Section 52(2) of the Act to ensure that the Summary Premises Licence, or a certified copy of it, is prominently displayed on the premises so as to be capable of being read by any person frequenting the premises.

Licence Conditions

6.117 Any person may submit an objection or representation to the Board:

6.118 Mandatory conditions are set out both in the Act and in Regulations.

The Board will consider on an individual basis whether it is necessary or expedient to impose additional conditions, to promote one or more of the licensing objectives or otherwise to give effect to the provisions of this policy statement or to the provisions of the Act. The decision whether to impose a condition will be made on an objective basis, having regard to the licence application, any representations made or any other relevant information available to the Board when considering the application. The Board will seek to avoid the imposition of disproportionate conditions.

Appendix 2 to the Main Policy Statement sets out the Local Conditions agreed by the Board.

The Board may also attach Conditions specific to the operation of the premises.

¹¹⁹ <https://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-policies/>

¹²⁰ <https://www.aberdeenshire.gov.uk/media/26733/combined-scheme-of-delegation.pdf>.

This will be determined on a case-by-case basis, based on recommendations made by Statutory consultees.

6.119 The Board can vary, remove and attach new conditions to premises licences when considering applications for transfer or a variation of a premises licence.

6.120 Occasional Licences are also subject to mandatory conditions and a pool of local conditions which will be attached by the Board as appropriate to the specific event licensed.

Appendix 3 to the Main Policy Statement sets out the Local Conditions agreed by the Board.

The Board may also attach Conditions specific to the operation of the premises. This will be determined on a case-by-case basis, based on recommendations made by Statutory consultees.

6.121 There are no mandatory conditions attached to personal licences.

6.122 **Applicants should confirm, when submitting their operating plans, the measures put in place to comply with any such conditions, whether mandatory or discretionary.**

Premises Licences will be subject to mandatory conditions and to local conditions attached by the Board and may be subject to specific conditions.

Applicants should refer to Appendices 2 and 3 of the Board's Policy Statement, for information on Conditions and Management of Licensed Premises.

Complaints and Enforcement

6.123 The Board has no powers under the Licensing (Scotland) Act 2005 to investigate complaints. Any complaint received by the Board will be forwarded to the Licensing Standards Officer and Police Scotland for investigation.

Licensing Standards Officers

6.124 LSOs work with Licence Holders, the public, the Police and the business community in seeking to promote the licensing objectives and ensuring compliance with the law.

6.125 The LSOs will investigate complaints against licensed premises in relation to matters relating to the licensing objectives. In the first instance, complainers are encouraged to raise the complaint directly with the licensee or business concerned to seek a resolution.

6.126 If direct communication with the Licence Holder proves ineffective then the complaint may be raised with the LSO, perhaps for mediation.

6.127 Where an interested party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, the LSO may initially recommend a conciliation meeting to address and clarify the issue of concern.

Police Scotland

- 6.128 Police Scotland has wide ranging powers in relation to criminal activity. An Information Sharing Protocol is in place between the Board and Police Scotland. Police Scotland has the power to bring a review before the Board. Police Scotland will usually only bring a review to the Board if a Formal Intervention action has not been successful although there may be circumstances that require a review to be brought at an earlier stage.

The Board

- 6.129 In relation to any objection or request for review of licences, the Board will follow best practice in enforcement including the adoption of the best Regulation Principles and the Hampton Standards: Proportional; Accountable; Consistent; Transparent and Targeted.
- 6.130 When a matter is submitted to the Board by the LSOs it will be anticipated, except in the most serious cases, that attempts have been made through advice and negotiation to address the issues.
- 6.131 The Board will give each party a chance to make written submissions and comments on the other party's submissions before making a decision based on the facts. The Board may also choose to hold a hearing and will give all parties reasonable notice of the same. Each party should provide the Board with copies of documents or evidence upon which they wish to rely no later than 7 days before the hearing.
- 6.132 It is envisaged that very few such cases will need to be submitted to the Board. However, it should be appreciated that, in appropriate cases, the Board will not hesitate to use its powers to suspend or revoke a licence where necessary to protect the licensing objectives in relation to the business.
- 6.133 The Board will take particular matters seriously when it comes to active promotion of the licensing objectives. A list of particularly serious matters is detailed in **Appendix 1** to this Supplementary Policy Statement.

Board Performance and Compliance with the Licensing Objectives

- 6.134 The Air Weapons and Licensing (Scotland) Act 2015 amended the Licensing (Scotland) Act 2005 to place a statutory duty on Licensing Boards to publish an "Annual Functions Report" within 3 months of the end of each financial year.
- 6.135 The **Annual Functions Report** must include:
- (a) A statement explaining how the Board has regard to the licensing objectives, and the licensing policy statement and any supplementary policy statement (including the Board's statement under Section 7(1) (duty to assess overprovision)) in the exercise of their function under the Licensing (Scotland)

Act 2005 during the financial year.

- (b) A summary of the decisions made by (or on behalf of) the Board during the financial year, and
- (c) Information about the number of licences held under the Act in the Board's area (including information about the number of occasional licences issued during the year).

6.136 The Air Weapons and Licensing (Scotland) Act 2015 also amended the Licensing (Scotland) Act 2005 to place a statutory duty on Licensing Boards to publish an "Annual Finance Report" within 3 months of the end of each financial year.

6.137 The **Annual Finance Report** must include –

- (a) A statement of the amount of relevant income received by the Licensing Board during the financial year, and the amount of relevant expenditure incurred in respect of the Board's area during the year, and
- (b) An explanation of how the amounts in the statement were calculated.

6.138 The Board can opt to publish a combined Functions and Finance Report which is the Aberdeenshire Licensing Board has opted to do.

6.139 The Board's combined Functions and Finance Reports can be accessed [here](http://publications.aberdeenshire.gov.uk/dataset/aberdeenshire-licensing-boards-financial-statements)¹²¹.

¹²¹ <http://publications.aberdeenshire.gov.uk/dataset/aberdeenshire-licensing-boards-financial-statements>.

Appendix 1: List of Serious Matters

The Board considers the following to be serious matters where this impacts on the sale and supply of alcohol:

Use of the premises for the use or supply of drugs.
Use of the premises for laundering the proceeds of crime including drug crimes.
Use of the premises for the sale or distribution of firearms.
Use of the premises for the sale or supply of stolen or counterfeit goods.
Underage purchase and consumption of alcohol.
Use of the premises for prostitution or sale/distribution of pornography.
Use of the premises for unlawful gaming.
Use of the premises for the organisation of racist, homophobic or sexual abuse or attacks.
Use of the premises for the illegal sale of tobacco.
Failure to promptly respond to a warning properly given by the Fire Authority or other competent authority on a matter of public safety at premises.
Failure to avoid easily avoidable but critical risks, including any obstruction of an escape route to, and if necessary, beyond a fire exit, and the locking or fastening of fire exit doors during times that premises are open for trade, will be considered an extremely serious failure owing to the dangers to the public.
Nuisance from noise or smell caused by a failure to install any or inadequate equipment and/or failure to maintain such equipment.
Failure to implement an effective policy to prevent fly posting and to contain or collect litter from flyers or other advertising materials discarded in the vicinity of the premises.
Failure to implement an effective policy to contain or collect litter discarded in the vicinity of the premises.
Previous convictions for licensing offences.
Breaches of immigration requirements.
Previous failure to comply with licence conditions.
Promotion of binge drinking and failure to promote responsible drinking.
Any other matter that the Boards consider to be serious in the particular circumstances of the application or licence being considered by them.

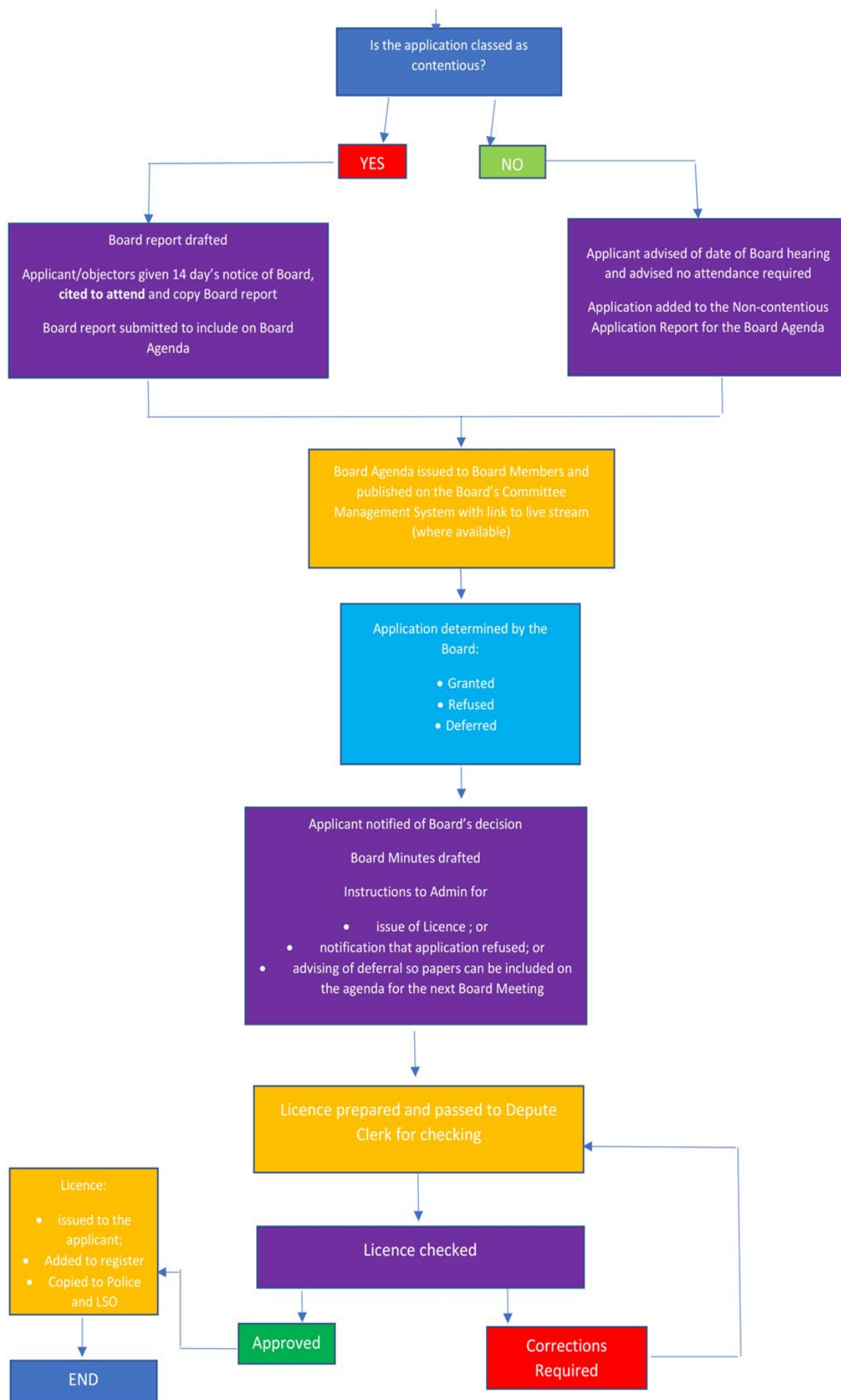
The above list is not exhaustive.

Appendix 2: Licensing Application Flowchart

LICENSING APPLICATION – FLOWCHART

Premises Licences and Major Variations





Appendix 3: Statutory Timelines for Determining Applications

Premises Licences

The table below lists the relevant sections of the Act, whether the Board must or may hold a hearing and the time limit for doing as set out in the legislation:

Section	Type of Application	Hearing	Time limit
Section 23(2)	Consideration of premises licence	MUST	119 days after last day on which objections can be lodged
Sections 29 – 30	Consideration of major variation of premises licence	MUST	119 days after last day on which objections can be lodged
Section 33	Transfer of licence where there are relevant convictions	MUST	42 days after the date on which Board received Section 33(6)(b) notice
Section 59	Application for occasional licence with representations by Police/LSO or written objections made	MAY	42 days after the date on which the Board received the occasional licence application
Section 68	Application for extended hours for a special event	MAY	42 days after the date on which the Board received the application

Personal Licences

The table below lists the relevant sections of the Act, whether the Board must or may hold a hearing and the time limit for doing as set out in the legislation:

Section	Type of Application	Hearing	Time limit
Sections 73 & 75	Consideration of application where Chief Constable has specified relevant offence	MUST	42 days after the date on which Chief Constable notifies relevant offence

Supplementary Policy 7 – Members Clubs

Members Clubs

- 7.1 With some exceptions, members' clubs are regulated under the Licensing (Scotland) Act 2005. To authorise the sale of alcohol on the premises, a premises licence is necessary.
- 7.2 Members Clubs are **non-profit making** with a constitution **and limited access by members of the public**. Each club, in submitting an application for a premises licence **must** also submit a copy of its current constitution.
- 7.3 The Board expects members' clubs to reflect certain operational requirements in their constitution and may impose conditions on a premises licence to that effect on the following matters:

That the business and affairs of the club shall be under the management of a committee or governing body.
That no person under 18 is to be admitted as a member of the club. (Unless the club is devoted primarily to some sporting purpose or is a students' union)
That correct accounts and books shall be kept showing the financial affairs and intromissions of the club.
That no member of the committee or governing body, and no manager or staff employed in the club, shall have any personal interest in the sale of alcoholic liquor in the premises or in the profits arising therefrom.
That the membership of the club be at least 25 members to be properly constituted.
That no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the constitution.
That no person is to be supplied with alcohol on a club premises unless that person is a member of the club or is on the premises at the invitation of a member and in the company of that member, or is a member of another qualifying club; (unless an occasional licence is in place). These conditions are found in the <u>Licensing (Clubs) (Scotland) Regulations 2007</u> ¹²² .

The above list is not exhaustive.

- 7.4 All constitutions will be checked by the Board for compliance with the Regulations and only when satisfied that the constitution complies will an application be granted. Approved constitutions are attached to premises licences issued by the Board.
- 7.5 If a members' club is running an event where the number of members is insufficient to sign in the number of non-members, an occasional licence **must** be applied for.
- 7.6 Unless an Occasional Licence is in force, all promotional materials (including adverts and promotion by way of social media) **must** specify that events are open to

¹²² <https://www.legislation.gov.uk/ssi/2007/76/contents/made>

‘Members and their guests only’.

- 7.7 Members Clubs should not be run in the same way as a pub or a nightclub. Events run at Members Clubs should primarily **be run for the benefit of Members and their guests**, whether under an occasional licence or not. Events should not be run for non-members or third-party organisations not connected to the Club.
- 7.8 Membership of such clubs **must** relate to the primary functions that the club is set up for and should only be granted after formal written application, payment of the proper subscription and recording in the Nominal Roll. Membership solely to allow patrons admission to use the bar or restaurant of prescribe clubs in exchange for a fee is not acceptable.
- 7.9 Clubs **must** keep their constitutions updated and, when revised, **submit** a copy of the revised constitution within 28 calendar days of the draft constitution/rules being approved by the Club’s governing body to the Clerk to the relevant Board as part of a variation of premises licence application to update the terms of the licence [see 7.11 below].
- 7.10 Where there are any changes to the list of connected persons in relation to the Club, the Club **must** submit details of the names, addresses, postcodes, dates and places of birth of the new connected persons and an updated list of all connected persons, to the Board, within 28 calendar days of the changes to connected persons being approved by the Club’s governing body. Failure to comply may result in a request for review of premises licence by the LSOs.
- 7.11 Any changes in respect of a Clubs constitution or their list of connected persons **require** a variation of premises licence to be lodged, (which the Board has determined will be treated in the same way as a minor variation, inclusive of fee) in terms of their licence. [see 7.9 above]
- 7.12 Clubs **must** also ensure their constitution, accounts and entry book are available for inspection by the LSOs and Police Scotland on request at all reasonable times.
- 7.13 Separate entry books **should** be kept for “hospitality” so that it is clear that those enjoying hospitality are not guests of members being signed in by members, but are members of another prescribed club being offered hospitality by the club. Such entry books should provide the names and addresses of the members being entertained, together with details of the registered clubs that they are members of.
- 7.14 Refusals Registers **should** also be kept.
- 7.15 All entry books and refusals registers **should** be on sequentially numbered pages. These **may** be audited by Licensing Standards Officers as part of their routine inspection of premises.
- 7.16 To ensure compliance with all of the licensing objectives, the Board expects at least

two members of staff, or Committee Members or volunteers involved in the management of the Club to obtain a training qualification to the standard required by Personal Licence Holders. Clubs **will require** to provide evidence of such training when applying for their premises licences. Any person requiring to hold a training certificate for these purposes, **must** complete a refresher training course within a period of 3 months of the 5-year anniversary of the date of the initial training certificate and submit a copy of the refresher training certificate to the Board within 28 calendar days of receipt of the updated certificate. Further refresher training **must** be completed at 5 yearly intervals thereafter.

- 7.17 Members Clubs **may** apply to the Board for a variation of the terms of their premises licence to allow up to 5 guests to be signed in per member. This will require a revised constitution to be submitted with the application for variation. Clubs who do not wish to take advantage of this, will only be able to sign in 3 guests as per the approved constitution attached to their current premises licence.

The content of this Supplementary Policy Statement is reflected in **Local Conditions 22 to 30.**

Members Clubs must apply for one occasional licence per each separate event during the festive season, including festive lunches and dinners.

Supplementary Policy 8 – Excluded Premises

Excluded Premises - Garages

- 8.1 Some premises are excluded from authorising the sale of alcohol including premises or parts of a premises used as a garage. Such premises are used as a garage if there is (a) sale by retail of petrol or derv (diesel), (b) the sale of motor vehicles, or (c) the maintenance of motor vehicles.
- 8.2 However, where those premises or parts of premises are used for the sale by retail of petrol or derv, alcohol **may** be authorised to be sold in some circumstances. Alcohol **may** be sold where the Board determines that in relation to such premises persons resident in the locality are, or are likely to become, reliant to a significant extent on the premises as the principal source of (a) petrol or derv, or (b) groceries.
- 8.3 In determining an application for such a premises, the Board expects the applicant to provide sufficient information to enable them to consider:

The locality in which the premises are situated.
--

What other sources of (a) petrol or derv and / or (b) groceries are in that locality, and
--

The extent to which persons resident in that locality are, or are likely to become, reliant on the premises as the principal source of (a) petrol/derv, or (b) groceries.

- 8.4 Factors the Board may consider include:

The number of premises selling petrol/derv or groceries in the locality .

The distance to the nearest other premises selling petrol/derv or groceries .

The opening hours of other premises selling petrol/derv or groceries in the locality .
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The number and/or percentage of persons resident in the locality who are, or are likely to become, reliant on the premises, and

To what extent, the premises are relied on as the principal source of (a) petrol / derv or (b) groceries.

- 8.5 The Board acknowledges the concerns regarding the perceived message in relation to encouraging drink driving. However, there is no direct evidence before the Board to suggest that Board's position should change or that such premises are not complying with the five Licensing Objectives.

GLOSSARY

All terms used in this Policy relating to the Licensing (Scotland) Act 2005 have the same meaning as set out in the Act and, in particular under Section 147 of that Act.

LOIP – Local Outcome Improvement Plan under the Community Empowerment (Scotland) Act 2015.

The Board – The Aberdeenshire Licensing Board.

Statutory Guidance – Scottish Government’s Statutory Guidance for Licensing Authorities November 2022.

The Act / the 2005 Act – The Licensing (Scotland) Act 2005.

LSO – Licensing Standards Officer.

Police – Police Scotland.

SIA – Security Industry Authority.

ICO – Information Commissioner’s Office.

ASBO – Anti-Social Behaviour Order.

AV Policy – Age Verification Policy.

Byelaws – Byelaws Prohibiting the Consumption of Alcohol in a Designated Place.

Protect Duty / Martyn’s Law – The Terrorism (Protection of Premises) Bill.

Building Standards – Building Standards Service of Aberdeenshire Council.

ABV – Alcohol by Volume.

MUP – Minimum Unit Pricing.

CPP – Community Planning Partnership

GIRFEC – Getting It Right for Every Child Policy.

ID – Identification.

PCD – Prevention of Crime and Disorder.

SPS – Securing Public Safety.

PPN – Preventing Public Nuisance.

PIPH – Protecting and Improving Public Health.

PCYPFH – Protecting Children and Young Persons from Harm.

Child – persons 0 to 15 years of age.

Young Person – persons 16 and 17 years of age.

ECHR – European Convention for the Protection of Human Rights and Fundamental Freedoms.

Council – Aberdeenshire Council.

Forum – The Aberdeenshire Licensing Forum.

SHAAP – Scottish Health Action on Alcohol Problems.

MESAS – Public Health Scotland's Monitoring and Evaluating Alcohol Strategy.

SIMD – Scottish Index of Multiple Deprivation 2020 (version 2).

SALUS – Scottish Schools Adolescent Lifestyle and Substance Use Survey.

Chief Constable – Chief Constable of Police Scotland.

NHS – National Health Service, Grampian Area.

IJB – Aberdeenshire Integration Joint Board.

AADP – Aberdeenshire Alcohol and Drug Partnership.

AFS – Alcohol Focus Scotland.

PHS – Public Health Scotland.

NRS – National Records of Scotland.

CRESH - Centre for Research on Environment, Society and Health.

Localities – Aberdeenshire Settlements, defined as the town boundary.

Settlements – Town boundary.

SHS – Scottish Health Survey 2019 or Scottish Health Survey 2021.

CMO – Chief Medical Officer.

WHO – World Health Organisation.

SAS – Scottish Ambulance Association.

A&E – Accident and Emergency.

MEAN – MEAN Average (the sum of all the numbers in the set divided by the number of numbers within that set).

General Acute - Admissions to general acute hospital (these are facilities in which patients receive care under specialities other than mental health, maternity, neonatal and geriatric long stays).

All Alcohol Conditions - Covers: Alcohol Liver Disease (ALD – Cirrhosis and Unspecified), Mental Health & Behavioural Conditions (M&B - Acute Intoxication, Alcohol Dependence Syndrome, Harmful Use & Withdrawal State) and Toxic Effects of Alcohol.

Alcohol Liver Disease – Covers:– Cirrhosis and Unspecified Conditions.

Mental & Behavioural – Covers: Acute intoxication, Alcohol Dependence Syndrome, Harmful Use and Withdrawal.

Toxic Effects of Alcohol – Covers: Alcohol Poisoning.

Psychiatric – Admissions to psychiatric hospital (these are used for treatment for alcohol-related mental health conditions).

Patients – The number of people who have had at least one alcohol-related hospital admission during a particular year.

New Patients - The number of people each year who have an alcohol-related admission that have not had an alcohol-related admission in the past 10 years.

ALD – Alcohol Liver Disease

EASR – European Age-Sex Standardised Ratio.

Economic Development – The Economic Development Service of Aberdeenshire Council.

HMO – House in Multiple Occupation Licence.

STL – Short Term Lets Licence or Exemption.

SEV – Sexual Entertainment Venue Licence.

Planning – Planning Service of Aberdeenshire Council.

Environmental Health – Environmental Health Service of Aberdeenshire Council.