

# THE ABERDEENSHIRE LICENSING BOARD

Licensing (Scotland) Act 2005

## STATEMENT OF LICENSING POLICY





**2023-2028**












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## LOCAL OUTCOME IMPROVEMENT PLAN PRIORITIES



Connected and Cohesive Communities	
Changing Aberdeenshire's Relationship with Alcohol	
Reducing Child Poverty	
<b>Health &amp; Wellbeing</b>	

## 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 (Gender)	
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).	

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Version 1.1 (published ...)

# FOREWORD BY THE CONVENOR

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## DRAFT 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 **November 2023**.*

*This Policy Statement was approved by the Board at their meeting on XXX*

*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.*

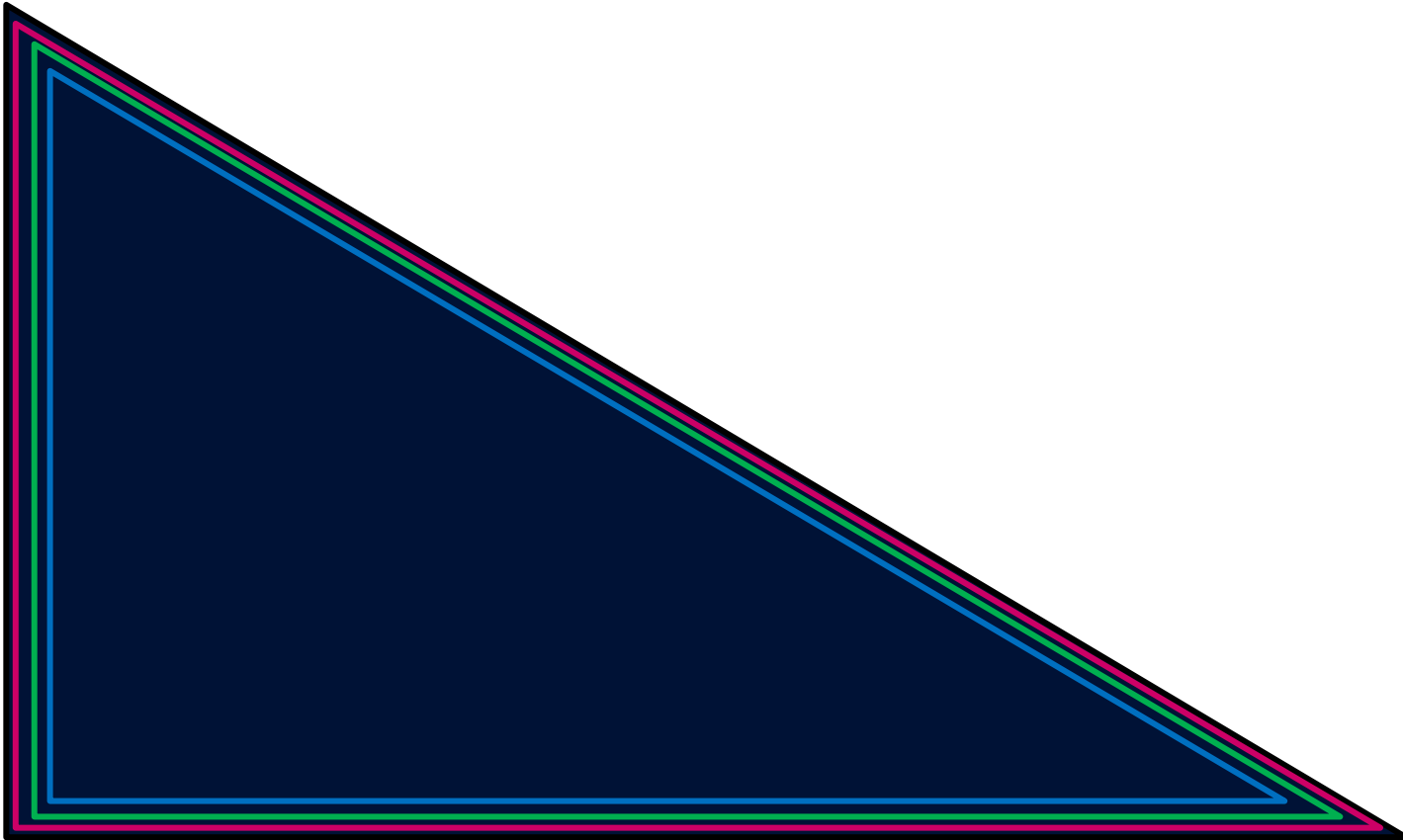
*The Licensing Board aims for a consistent approach across Aberdeenshire. Our aim will be to promote the Licensing Objectives as set out in the legislation and all decisions that we make will be based firmly upon reliable evidence and on individual merit.*



**Marion Ewenson**  
Convener of The Aberdeenshire Licensing Board








# PART ONE: THE LICENSING OBJECTIVES



# LICENSING OBJECTIVES

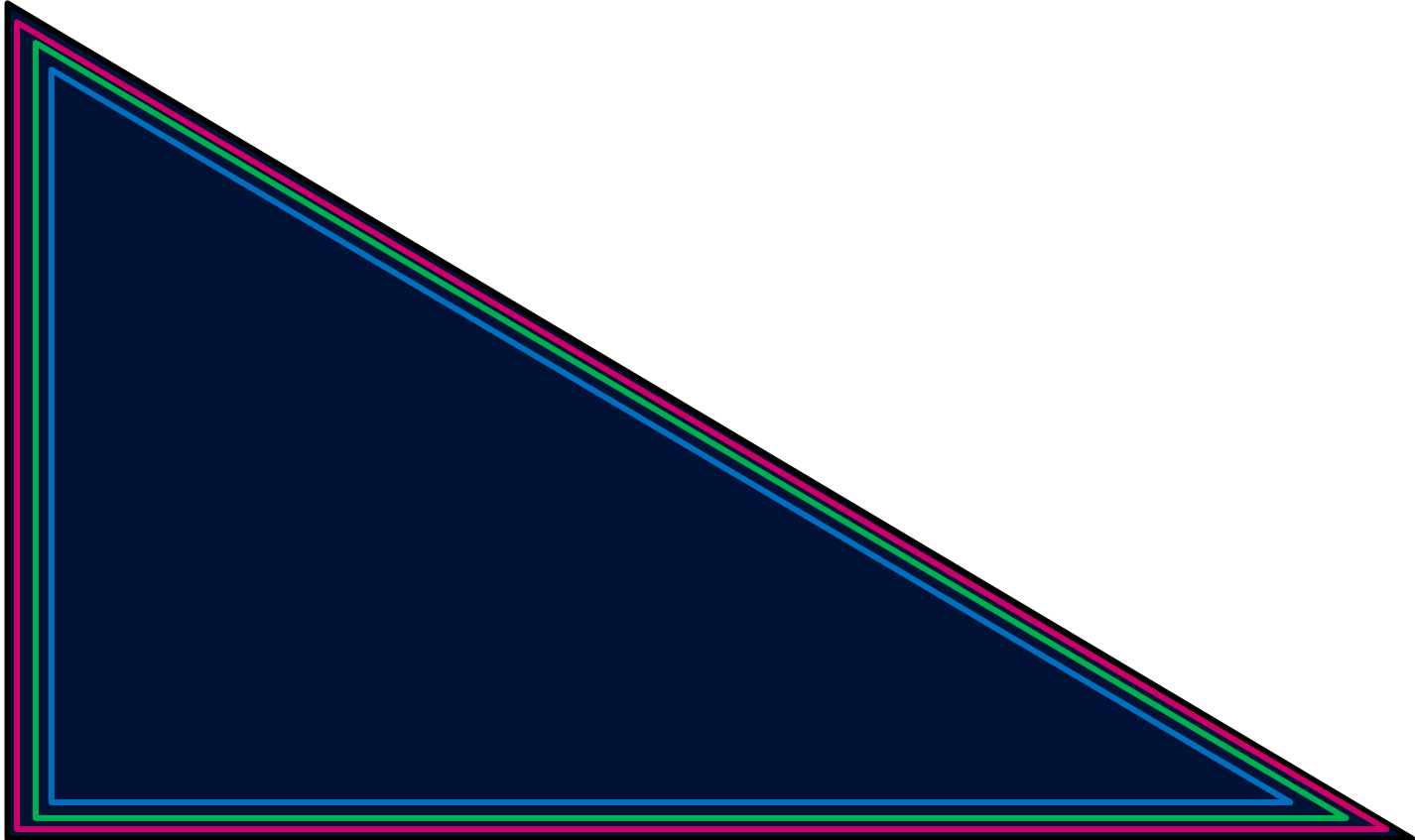
The 5 core objectives underpinning the Licensing (Scotland) Act 2005 are: -

	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 2.23**

# 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 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 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.**

**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 is to be published online<sup>1</sup>.

### 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**, how it aims to achieve this, what actions will be taken to deliver these aims, what outcomes are expected, how these will be measured, and have set out any **local conditions** required to assist compliance with the licensing objectives in **Appendix 2**.

- 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.

- 5.4 The Board also has discretion to apply conditions to occasional licences. 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** have been reviewed to reflect the licensing objectives that they promote. Reference to the relevant **local conditions** under each licensing objective heading 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

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<sup>1</sup> Link will be added once the Board's Action Plan has been published online following approval of the Final Policy Statement.

within the Board area.

## 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 **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** as management of licensed premises should fundamentally be about promoting the licensing objectives.

## 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 7 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 MAKE COMMENT ON THIS DOCUMENT

- 14.1 Consultation on this document took place between the XXX and the XXX. The Policy was published on the XXX and will be applied during the period of the policy i.e. -2023 – 2028, until 31<sup>st</sup> 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.
- 14.2. Please see **Supplementary Policy Statement 2** for details on how to make comments.

## 15. PUBLICATION

- 15.1 Copies of this Policy Statement<sup>2</sup> 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**
- 15.2 Copies of this Policy Statement will also be available in .pdf format on Aberdeenshire Council's website.
- 15.3 Any personal information collected will be held and processed in accordance with the requirements of GDPR.
- 15.4 Electronic copies are also available by contacting the Clerk to the Board whose details are given in **Supplementary Policy Statement 2**.

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<sup>2</sup> This relates to the Final Policy Statement once approved by the Board

15.5 Paper copies will be posted, free of charge, on request as provided for in the [Board's Publication Scheme](#)<sup>2</sup>.

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<sup>2</sup> <http://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-board-publication-schemes/>