

APPENDIX 1 – LICENSING OBJECTIVES

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 the five licensing objectives. There are 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. Licence Holders should note that information listed under one objective may be relevant under other objectives, see the following table for guidance in this regard:

Licensing Objective	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

The guidance contained within this Appendix is not exhaustive.

Applicants should refer to Local Conditions 1 –43



A. PREVENTING CRIME AND DISORDER

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

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](#)"¹, 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:-

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 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. 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.

If such a policy is adopted by the venue it should be agreed with the Board, LSOs and Police Scotland and steps should be taken to ensure that all staff (including door staff) are familiar with the policy. Further, if any such policy is subsequently updated or revised, the revisions **must** be agreed similarly.

Applicants should refer to Local Conditions 12-17

¹ http://www.csdp.org/research/safer_clubbing_txt.pdf

Vulnerability Policy

- A.9 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. The purpose of this policy is to reduce vulnerability through intoxication, however attained.
- A.10 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. This may be done by providing additional training in this regard using material such as the ['Who are you?' Video \(whoareyou.nz\)](#)² or similar. It would also be beneficial for any related training in this respect to be recorded.
- A.11 All related training should be recorded and such records available for inspection by Police Scotland and LSOs.
- A.12 Further guidance in this regard is available an example of which is available [here](#)³.

Applicants should refer to Local Condition 19

Door Supervision

- A.13 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.14 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.15 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.16 In the event that door supervisors are used within 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.

² <https://www.youtube.com/watch?v=9zr1oxEbdsw>

³ <https://www.bbnsotland.co.uk/media/2319/good-practice-guide-2017.pdf>

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.17 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.18 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.19 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.20 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.21 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 website](http://www.the-sia.org.uk/)⁴.

Applicants should refer to Local Condition 20

⁴ <http://www.the-sia.org.uk/>

CCTV

A.22 The use of CCTV on premises can be an important measure in complying with the licensing objectives, particularly in:

- **preventing crime and disorder and**
- **preventing public nuisance.**

Digital CCTV systems are readily available which may include both internal and external camera coverage of the premises. The Boards support the use of such systems and encourage Licence Holders to make use of these. Where used, such systems **must** be kept in proper working order at all times, all licence holders and staff **must** be able to operate the system, and images **shall** be kept for at least seven days and made available to Police Scotland on request. CCTV systems not kept in working order may result in the Board calling for a review of the premises licence for the particular premises.

A.23 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.

A.24 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](#)⁵.

Applicants should refer to Local Condition 21

Radiolinks, Pubwatch & Shopwatch

A.25 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.26 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.27 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.28 Licence Holders should also note the advantages of consultation with the

⁵ <https://ico.org.uk/>

Police particularly when organising events of a character that are not usually held in that particular venue. Minimising any risk of disorder in this way is an example of good practice and is likely to lead to fewer requests to review licences.

Proof of Age/Underage Drinking

- A.29 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.
- A.30 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.

- A.31 Licence holders can access the AV Policy and Age Verification Staff Declaration [here](#)⁶.
- A.32 Further guidance in this regard is available an example of which is accessible [here](#)⁷.

Glassware and Bottles

- A.33 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:
- must** consider, where appropriate, the use of polycarbonate containers, toughened glassware or other suitable alternatives ("safe alternatives");
 - 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.
 - The Board considers that the use of glasses or glass bottles may give rise to serious injury to patrons or the public due to the locality of the premises, nature of operations or type of patron likely to frequent the premises. The Board may impose a condition requiring that drinks be served in safer alternatives to glass.

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

Bye-laws on Alcohol in Designated Places

- A.34 Aberdeenshire Council has introduced bye-laws prohibiting the consumption of alcohol in certain designated public places. This currently applies in

⁶<http://www.challenge25.co.uk/>

⁷ <https://www.youngscot.net/what-we-do/young-scot-card/pass-is-proof/>

Fraserburgh⁸ and Peterhead⁹.

- A.35 The effect of the bye-laws are that any person who consumes alcoholic beverages in a designated public place **shall** be guilty of an offence. Licensed canteens, licensed premises (including events which have an occasional licence in place) and Members Clubs are exempt from these bye-laws. The bye-laws also state that they **shall** not have effect on 31st December from 6.00p.m. until the end of that day on 1st January until 6.00a.m.
- A.36 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.37 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.

Lockfast Stores

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.

The location of the lockfast store should also be shown on the layout plans attached to premises licences. Applicants should refer to local Condition 6.

Domestic Violence

- A.38 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.
- A.39 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.40 Licence Holders are encouraged to have regard to this issue within their Licensing Objectives Risk Assessment.



B. 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

⁸ Link will be added once the Byelaw has been approved and published online.

⁹ Link will be added once the Byelaw has been approved and published online.

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
Risk 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 person's accessing the premises
Use of Defibrillators within the premises and associated training

Applicants should refer to Local Conditions 1- 3, 7-11

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](#)¹⁰.

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.

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.8 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.

¹⁰ <http://www.aberdeenshire.gov.uk/licensing/alcohol/policies/licensing-equalities/>

- B.9 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](#)¹¹. 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.10 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.
- B.11 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.

Applicants should refer to Local Conditions 1-3

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](#)¹².

¹¹ <https://beta.gov.scot/publications/licensing-scotland-act-2005-guidance-completing-disabled-access-facilities-statement/>

¹² <https://www.gov.scot/firelaw>



C. 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.

Applicants should refer to Local Conditions: 1-3, 5, 13-17

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 are included on the layout plan, together with an indication of any tables, chairs etc. laid out in these areas.

Applicants should refer to Local Conditions: 31-34

Street or Pavement Cafes

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 Bye-law is in place. Local conditions will apply relating to the use of these areas.

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 **bye-laws** which may be in place.

Applicants should refer to Local Condition 43

Noise

- C.4 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.5 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](#)¹³)
- C.6 The Board also expects Licence Holders to have regard to the Code of Practice on Environmental Noise Control at Concerts published by the Noise Council. The Board has also provided a general note on Control of Noise, which is available on the [Board's website](#)¹⁴.
- C.7 Licence Holders should consider the steps to be taken to ensure patrons and staff leave the premises safely and quietly.
- C.8 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.9 Particular care **must** be taken where the noise source is in the open air, e.g. beer gardens, play areas, car parks, access roads, temporary structures or queues.
- C.10 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.11 Licence Holders are expected to be aware of the impact on neighbours of noise from their premises and are expected to take reasonable steps to prevent noise nuisance. Steps to be taken may include sound tests, installation of a sound limiter, soundproofing, keeping doors and windows closed, door staff to ensure patrons leave quickly and quietly, timing of outdoor entertainment in beer garden areas; notices at exit asking patrons to leave quietly.

Applicants should refer to Local Condition 5

Litter and Waste Management

- C.12. 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.

¹³ <http://www.ioa.org.uk/publications.asp>

¹⁴ Link will be added once published on the website.

- C.13 A late hours catering licence may also be required for provision of food outwith operating hours. Further guidance on late hours catering licences is available [here](#)¹⁵.

Applicants should refer to Local Conditions 1,2, 10 and 32

Queues

- C.14 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.15 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.16 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 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

General

- D1. 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.
- D2. 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

¹⁵ <http://www.aberdeenshire.gov.uk/licensing/licences-and-permits/late-hours-catering-licence/>

Promotion of designated driver schemes
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 of 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
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

For Off Sales Premises

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 procedure	
Having regard to the health objective in the layout of display areas:	For all premises this will include having dedicated shelves or sections 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:
	<ul style="list-style-type: none"> • 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.

- D3. 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 on Licensed Premises" Published by Scottish Business Crime Centre (now re-named Business Resilience Centre).

Applicants should refer to Local Conditions 1, 3, 19, 22-34

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.
- D.6 MUP is implemented by way of adding a condition to all licences in Scotland, so failure to adhere to the policy is a breach of your conditions and a criminal offence. Adherence to the conditions is the responsibility of the Licence Holder, premises manager, and staff working at the point of sale.
- D.7 Licence Holders should ensure that all staff are aware of the MUP requirements and may wish to **include** this as part of their mandatory staff training.
- D.8 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.9 Detailed information and guidance on MUP can be found [here](#)¹⁶.

Irresponsible Drinks Promotions

- D.10 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.11 The Board requires clear evidence linking the sale of alcohol to an inducement to the consumer to immediately drink to excess before a promotion will be considered as possibly irresponsible.
- D.12 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.13 However, where the Board feels that further action is appropriate, it will instigate a review hearing to determine what action, if any, needs to be taken against the licence holder concerned.

The Local Outcomes Improvement Plan (“LOIP”)

- D.14 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.15 The Act **required** all Community Planning Partnerships (“CPP”) in Scotland to

¹⁶<http://www.minimumunitpricing.scot/>

publish a LOIP by 1st October 2017.

- D.16 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.17 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 support any actions taken by their CPP partners where it promotes the Licensing Objectives.
- D.18 Licence Holders should familiarise themselves with this part of the LOIP. Further information on the LOIP can be accessed [here](#)¹⁷.

Smoking

- D.19 The Board refers Licence Holders and staff to the following website:-

<http://www.clearingtheairscotland.com> and the Board’s guidance note on smoking, copies of which can be found on the Board’s website¹⁸.

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

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 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.
- E.3 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.

¹⁷ <http://www.ouraberdeenshire.org.uk/our-priorities/local-outcomes-improvement-plan/>

¹⁸ Link will be added once this has been published on the website.

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.

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](http://www.portmangroup.co.uk/?pid=1&level=1)¹⁹.

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

¹⁹ <http://www.portmangroup.co.uk/?pid=1&level=1>

direct or indirect way have a particular appeal to under-18s”

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.

Applicants should refer to Local Conditions 1, 3, 19, 22-33 and 42 for deliveries