

SUPPLEMENTARY POLICY 6 – LICENCE TYPES AND 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 Holder. 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.
- 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.
- 6.5 The Board expects personal Licence Holders that are also designated premises managers 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 1.00a.m. 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.
- 6.6 Where a premises manager is likely to be absent from the premises for a period of more than three months, the premises Licence Holder should consider substituting a premises manager 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 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 6.68 and 6.69 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)& Activities Matrix
Disability Access and Facilities Assessment
Licensing Objectives Risk Assessment.
Application fee based on the rateable value of 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 three months, the Board will conclude that the licence has ceased to have effect in terms of Section 28 of the Act. 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.
- 6.16 Where premises also hold a Houses In Multiple Occupation Licence, leaving no rooms available to let by 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 general 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 Certificates from Planning, Building Standards and Food Hygiene.

Application Form completed in full.
Updated Operating Plan.
Layout Plan
Licensing Objectives Risk Assessment (where available)
Disability Access and Facilities Statement

6.18 Details of a Designated Premises Manager is not required at this stage.

6.19 Please refer to paragraphs 6.68 and 6.69 of this Supplementary Policy Statement for links to further Guidance and the fees.

Application Form

6.20 Applicants should ensure:

That the Application Form is accurately completed in full.
That where the application is being submitted by a Partnership or Company or an organisation that details of all Partners/Directors/Connected persons are included.
That 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.

Section 50 Certificates

6.21 All new premises licence applications require a Section 50 Certificate from Planning Services, Building Standards and Environmental Health. 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](#)¹.

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 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 can 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.

6.26 **Applicants will require to lodge a fresh operating plan with every application made to the Board.**

¹ <https://www.aberdeenshire.gov.uk/media/25227/applicationfors50-combined.pdf>

Short Term Lets

Exemption from need to obtain a Short Term Let Licence

- 6.25 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

- 6.26 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 as noted below.

Layout Plans

6.27 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 outside the frontage.
- 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 there is service of alcohol provided should be outlined in green
 - Indicative seating arrangements for all public parts of the premises including outside drinking areas.
 - Smoking areas

6.28 Each area should be clearly delineated including any beer gardens, outdoor seating areas and smoking areas. Inclusion of any outside areas will avoid any doubts when it comes to bye-laws concerning the consumption of alcohol in public places.

6.29 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

6.30 The Board expects plans as far as possible to be to scale and of good quality. Inadequate plans may be rejected.

6.31 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.

6.32 The Board requires to receive **one electronic copy** of the layout plan.

6.33 **Applicants will require to lodge a fresh layout plan with every application made to the Board.**

Licensing Objectives Risk Assessment

6.34 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.

- 6.35 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.
- 6.36 Applicants will require to lodge a fresh risk assessment with every application made to the Board.

Disability Access and Facilities Statement

- 6.37 For relevant information please see the following section: **Appendix 1: Disability Access and Facilities Statement.**

Confirmation of a Provisional Premises Licence

- 6.38 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:

Application Form.
Fresh Operating Plan (including Designated Premises Manager)
Section 50 Certificates from Building Standards.
Updated Disability Access and Facilities Assessment
Fresh layout Plans
Updated Licensing Objectives Risk Assessment
Balance of application fee.

- 6.39 The fee for confirmation of a Provisional Premises Licence is dependent on the rateable value of premises.
- 6.40 Please refer to paragraphs 6.68 and 6.69 of this Supplementary Policy Statement for links to further Guidance and the fees.

Temporary Premises Licence

- 6.41 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.

- 6.42 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 reconstruction or conversion of the principal premises

- 6.43 The Board may vary the conditions to which the licence is subject, if it considers appropriate to do so.
- 6.44 The process for obtaining a Temporary Premises Licence is the same as applying for a Premises Licence.

- 6.45 Please refer to paragraphs 6.68 and 6.69 of this Supplementary Policy

Statement for links to further Guidance and the fees.

Licensing of Vehicles, Vessels and Moveable structures

- 6.46 **A premises licence can be obtained for a Vehicle, Vessel or Moveable structure in certain circumstances.**
- 6.47 **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.**
- 6.48 **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.**
- 6.49 **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.**
- 6.50 **In order to obtain a premises licence or a provisional premises licence for a vessel, the following is required:**

Application Form completed in full.
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Operating Plan.

Layout Plan (1 <i>electronic copy</i>) & Activities Matrix

Disability Access and Facilities Assessment
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Licensing Objectives Risk Assessment.
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Application fee

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.

- 6.51 **In order to obtain a premises licence for a vehicle or moveable structure, the following is required:**

Section 50 Certificates from Planning, Building Standards and Food Hygiene.
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Application Form completed in full.
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Operating Plan.

Layout Plan (1 <i>electronic copy</i>) & Activities Matrix

Disability Access and Facilities Assessment
--

Licensing Objectives Risk Assessment.
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Application fee based on the rateable value of premises
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- 6.52 **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.
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Operating Plan.

Layout Plan (1 <i>electronic copy</i>) & Activities Matrix

Disability Access and Facilities Assessment
--

Licensing Objectives Risk Assessment.
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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.

- 6.53 Please refer to paragraphs 6.68 and 6.69 of this Supplementary Policy Statement for links to further Guidance and the fees.

Application to Vary A Premises Licence

- 6.54 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 together with confirmation of the lost or stolen property reference number supplied by Police Scotland in terms of the licence. Each variation application will be considered on its own merits. In order to obtain a variation a licence, the following is required:

The existing premises Licence
Application Form.
Fresh Operating Plan
Fresh layout Plans
Updated Licensing Objectives Risk Assessment
Application fee.

- 6.55 Please refer to paragraphs 6.68 and 6.69 of this Supplementary Policy Statement for links to further Guidance and the fees.

Application to Transfer A Premises

- 6.56 A Premises Licence Holder may apply to the Board to transfer the licence. They **must** transfer the licence to a legal personality and in accordance with the conditions sets out in Sections 33-34 of the Act. In order to obtain a transfer of licence under Section 33, the following is required:

The existing premises Licence
Application Form.
Fresh Operating Plan
Fresh layout Plans
Updated Licensing Objectives Risk Assessment
Application fee.

- 6.57 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.

- 6.58 In order to obtain a transfer of licence under Section 33, the following is required:

The existing premises Licence
Application Form.
Fresh Operating Plan
Fresh layout Plans
Updated Licensing Objectives Risk Assessment
Application fee.

- 6.59 In order to obtain a transfer of licence under Section 34, the following is required:

The existing premises Licence
Application Form.
Fresh Operating Plan
Fresh layout Plans
Updated Licensing Objectives Risk Assessment
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

appropriate authority to act*
Evidence that the licence holder is insolvent and the applicant has the appropriate authority to act*
Application fee.

* as appropriate depending on the reason the transfer application is required

6.60 If any variations are required relating to an application for transfer, the applicant should also complete and submit the appropriate variation application forms.

6.61 Please refer to paragraphs 6.68 and 6.69 of this Supplementary Policy Statement for links to further Guidance and the fees.

Occasional Extensions

6.62 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.

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.

6.63 In order to obtain an occasional extension, the following is required:

Application Form.
Application fee.

6.64 Please refer to paragraphs 6.68 and 6.69 of this Supplementary Policy Statement for links to further Guidance and the fees.

Occasional Licences

6.65 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.

6.66 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.

*required as appropriate to the application

6.67 Please refer to paragraphs 6.68 and 6.69 of this Supplementary Policy Statement for links to further Guidance and the fees.

Further Guidance and Fees

6.68 Further Guidance and forms can be found [here](#)².

6.69 Details of fees are available [here](#)³.

6.70 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.

6.71 The Timescales the Board has for determining applications for licences is set out in **Appendix 3** to this Supplementary Policy Statement.

GDPR

6.72 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](#)⁴.

Application Forms

6.73 Applications can be accepted in electronic format, paper format or a combination of the two.

6.74 Applications in the first instance will be vetted by the Depute Clerk of the relevant Board. It is therefore essential that Applicants complete all questions on the relevant application form and provide as much detail as possible.

Consultation

Notification of Application of New Premises Licence and Major Variations

6.75 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

6.76 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](#)⁵.

Notification of Transfer of Premises Licence and of Personal Licence

6.77 Notification of the above applications will be as follows:

Transfer of Premises Licences	Chief Constable
Personal Licences	Chief Constable and LSOs

Each party has 21 days to respond to the application.

Notification of Occasional Licences and Occasional Extensions

² <https://www.aberdeenshire.gov.uk/licensing/licences-and-permits/?tag=Alcohol&records>

³ Link will be added as soon as the fees table has been published on the website

⁴ Create link to website

⁵ Link to be created

- 6.78 Notification will be given as follows to the Chief Constable and the Licensing Standards Officer who have 21 days to respond to the application.
- 6.79 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](#)⁶ for Occasional Licences and [here](#)⁷ for any Occasional Extensions.
- 6.80 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

- 6.81 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.

- 6.82 Any objection **must** relate to one of the 5 licensing objectives and relate to specific premises.
- 6.83 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.
- 6.84 The Board will reject what it considers to be frivolous or vexatious objections or representations and may seek to recover resultant wasted expenses.
- 6.85 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.
- 6.86 Further Guidance on Objections/Complaints, together with a Pro-Forma style of objection are available [here](#)⁸ on the Board's website.
- 6.87 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](#)⁹.

Conditions

⁶ Link to be created

⁷ Link to be created

⁸ <https://www.aberdeenshire.gov.uk/licensing/alcohol-appeal-objection/>

⁹ <https://www.alcohol-focus-scotland.org.uk/media/133477/Community-licensing-toolkit.pdf>

- 6.88 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 2¹⁰ to the Main Policy Statement sets out the Local Conditions agreed by the Board.**
- 6.89 The Board can vary, remove and attach new conditions to premises licences when considering applications for transfer or variation of a premises licence.
- 6.90 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 3¹¹ to the Main Policy Statement sets out the Local Conditions agreed by the Board.**
- 6.91 There are no mandatory conditions attached to personal licences.
- 6.92 **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. Applicants should refer to **Appendices 2 and 3** of the Board's Policy Statement, for information on Conditions and Management of Licensed Premises.

Adult Entertainment

- 6.93 Premises offering adult entertainment will be treated on a case-by-case basis.
- 6.94 Applicants should note that adult entertainment will be taken to include lap dancing, strippers, lingerie parties and similar forms of entertainment.
- 6.95 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.
- 6.96 **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.**

COMPLAINTS AND ENFORCEMENT

- 6.97 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

- 6.98 LSOs work with Licence Holders, the public, the Police and the business

¹⁰ Link to be created once Final Policy Statement is published

¹¹ Link to be created once Final Policy Statement is published

community in seeking to promote the licensing objectives and ensuring compliance with the law.

- 6.99 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.
- 6.100 If direct communication with the Licence Holder proves ineffective then the complaint may be raised with the LSO, perhaps for mediation.
- 6.101 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

- 6.102 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

- 6.103 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.
- 6.104 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.
- 6.105 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.
- 6.106 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.
- 6.107 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 DECISION-MAKING

Openness and accessibility

- 6.108 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.

6.109 The Board's procedures documents can be accessed [here](#)¹².

Scheme of Delegation

6.110 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.

6.111 The Board's Scheme of Delegation can be accessed [here](#)¹³.

Performance of the Board and Compliance with the Licensing Objectives

6.112 The Air Weapons and Licensing (Scotland) Act 2015¹ amended the Licensing (Scotland) Act 2005² to place a statutory duty on Licensing Boards to publish an **"Annual Functions Report"** within 3 months of the end of each financial year.

6.113 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).

6.114 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.

6.115 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.

6.116 The Board can opt to publish a combined Functions and Finance Report which is the Aberdeenshire Licensing Board has opted to do.

6.117 The Board's combined Functions and Finance Reports can be accessed [here](#)¹⁴.

¹² Link to be created

¹³ Link to be created

¹⁴ Link to be created

APPENDIX 1: LIST OF SERIOUS MATTERS

6.118 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.

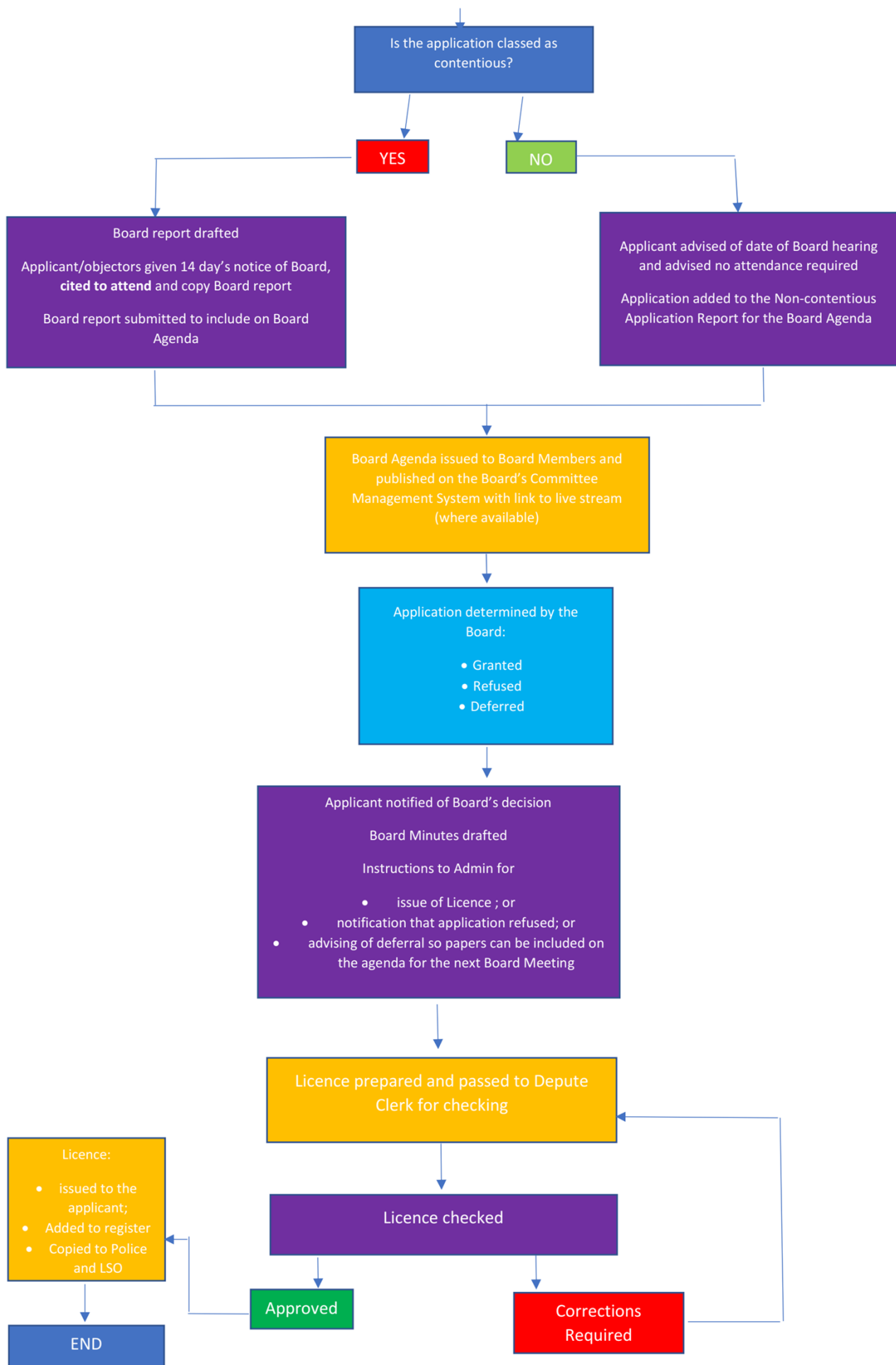
The above list is not exhaustive.

APPENDIX 2: 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.

<u>Section</u>	<u>Type of Application</u>	<u>Hearing</u>	<u>Time limit</u>
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

<u>Section</u>	<u>Type of Application</u>	<u>Hearing</u>	<u>Time limit</u>
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