

ARGYLL AND BUTE LICENSING BOARD

THE LICENSING (SCOTLAND) ACT 2005

STATEMENT  
OF LICENSING POLICY

2010-2013

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CONTEXT

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### THE LICENSING OBJECTIVES

The provisions of the Licensing (Scotland) Act 2005 are intended to work alongside other policies of the Scottish Government, including strategic



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## PREMISES LICENCES

5.1 Any premises that wishes to sell alcohol for consumption on or off the premises must have a premises licence. An application for a premises licence must be accompanied by an operating plan which will take account of the requirements of this Policy, an appropriate layout plan relevant to the scale of the business and the appropriate fee. Each licence will be tailored to the particular premises and will set out, amongst others, what activities can be undertaken on the premises and the licensing hours.

### 5.2 Operating Plans

The operating plan is a crucial document and applicants should pay particular attention to its completion. The plan must be in the prescribed form as set out in The Premises Licence (Scotland) Regulations 2007 and should include, amongst others, the following information :

- (1) A description of the activities to be carried on in the premises;
- (2) A statement of the times during which it is proposed that alcohol be sold on the premises;
- (3) A statement as to whether the alcohol is to be sold for consumption on the premises, off the premises, or both;
- (4) A statement of the times at which any other activities in addition to sale of alcohol are to be carried on in the premises;
- (5) A statement as to whether children or young persons are to be allowed entry to the premises and, if so, a statement of the terms on which they are allowed entry, including, in particular
  - (i) the ages of children or young persons to be allowed entry
  - (ii) the times

- x Crime prevention measures such as security patrols, advice notices/signs and/or other material demonstrating theft messages/strategies, regular toilet checks demonstrated by the existence and operation of these measures by way of documented check sheets;
- x Carry out regular security briefings for staff and appropriate records kept for inspection. Periodic reviews of no less than every 18 months undertaken and amendments made as deemed necessary;
- x Every licensed venue to demonstrate their commitment to prevent crime and disorder on a wider community basis, for example, PubWatch Scheme
- x A written violence reduction strategy available for inspection. Periodic reviews of no less than every 18 months undertaken and amendments made as deemed necessary;
- x House Policy Licensees are encouraged to have a policy which stipulates the standards to be adhered to and gives guidance staff on how the business must be conducted. This could be included within the staff training manual;
- x Operating Procedures Manual Licensees are encouraged to have a Manual which stipulates the operating procedures staff must comply with to include aspects of being a responsible retailer of alcohol;
- x The Board encourages the upkeep of an incident book or register which lists incidents where staff and management have dealt with a situation by preventing it escalating into a more serious incident.
- x Conflict management training and appropriate records kept for inspection by appropriate officers of the Council/Strathclyde Police;
- x Adequate seating should be provided. The Board recognise that establishments unwilling to provide adequate seating can have an effect promoting vertical drinking which is known to increase consumption of alcohol;
- x Much public disorder and nuisance occurs at or immediately after the terminal hours for the supply of alcohol. Licensees should ensure that they and their staff have sufficient measures in place to minimise the impact of the terminal hour, and to ensure patrons exit the premises as quickly as possible in good order and as quietly as possible. Measures to be adopted may include
  - a) limiting the amount of alcohol sold just before the terminal hour (eg only permitting a group to purchase one round, not two)
  - b) making sure all patrons know well in advance the last time for purchasing alcohol is approaching;



- c) covering bar taps once the terminal hour has passed;
- d) raising the lighting level
- e) reducing the level of music noise and altering the type of music played (eg slow ballads), all of which will assist in reducing patron boisterousness;
- f) inspecting all parts of the premises for rats (eg toilets).

(ii) Securing Public Safety

- x Details as to how occupancy will be managed at any given time - having regard to maximum capacity;
- x All licensed venues other than premises open for the main purpose of providing a meal weapons and drugs search policy;
- x All licensed venues other than premises open for the main purpose of providing a meal an effective glass management policy either by clearing all glassware regularly or by operating an alternative glass scheme, including provision for the

[www.alcoholfocusscotland.org.uk](http://www.alcoholfocusscotland.org.uk)

[www.infoscotland.com/alcohol](http://www.infoscotland.com/alcohol)

[www.drinkaware.co.uk](http://www.drinkaware.co.uk)

[www.saferscotland.co.uk](http://www.saferscotland.co.uk)

[www.noidnosale.com](http://www.noidnosale.com)

- x All licensed premises should have in place a workplace alcohol policy in order to raise awareness, minimise harm ensure that staff are able to access help without fear of losing their job if a problem arises.

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CAPACITY OF PREMISES
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For the purposes of the overprovision assessment, the operating capacity licensed premises will be particularly important. The definition of operating capacity for (off-sales) and (on-sales) is set out in the 2005 Act.

Off-Sales

Premises that wish to remain open beyond the foregoing terminal hours must justify the need for late hours and demonstrate measures that promote the licensing objectives.

- 8.3 Applicants should be aware that premises expected to remain open for the licensed hours they apply for and which are granted by the Board recognises, however, that at certain times of the year demand may diminish to the point where it is no longer economically viable for premises to remain open, particularly on weekday evenings. The Board expects that any premises licence applicants ensure that if they anticipate being affected by this and to close early, for example during the winter months, that this is specifically referred to in their operating plan. Licence holders of existing premises licences who may wish to close early or open later should make application for the appropriate variation to their operating plan.
- 8.4 In determining applications where more than one activity takes place in the premises, the Board will have regard to when the activities take place and the principal activity taking place. The Board may impose further conditions to ensure other activities do not take place or remain ancillary to the principal activity for those licensed hours.
- 8.5 Premises operating as hotels should note that if they wish to serve alcohol to residents beyond the ordinary licensed hours, they must specify the hours during which they wish to do so in their operating plan.
- 8.6 The Board is aware that there is a strong view against allowing later opening of licensed premises particularly in mixed residential and commercial neighbourhoods. In this regard operating plans must consider the impact patrons may have after leaving their premises:
- the effect of the grant of a licence for later or earlier hours on crime, disorder, public safety, public nuisance, public health and children;
  - the proposed hours when any music, including incidental music will be played;
  - the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises;
  - the existing hours of licensable activities and the past operation of the premises if any;
  - the capacity of the premises;
  - the type of use, recognising that premises which sell alcohol, play music for dancing, provide late night refreshment or takeaway food, are more likely to be associated with crime and disorder and public nuisance than restaurants, cinemas or other performance venues.



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## OCCASIONAL LICENCES

9.1 It is possible to make an application for an occasional licence authorising the sale of alcohol on premises which are not licensed premises. This may be made by :-

- (i) the holder of a premises licence;
- (ii) the holder of a personal licence
- (iii) a representative of any voluntary organisation.

An occasional licence can only last for a maximum of 4 days.

9.2 Voluntary organisation is not defined within the Act. The Board considers in order to fulfil the definition of a voluntary organisation, then the organisation ought to be able to supply the Board with a copy of its constitution and it would also be expected that it would have in place office bearers, such as a chairman and secretary.

9.3 The holders of premises or personal licences may make unlimited applications. However, there are restrictions on the number of applications a voluntary organisation can make. In any twelve month period, the Board may not issue more than four licences each lasting four days or more, and not more than twelve licences each lasting less than four days; and during that period the total number of days on which occasional licences have effect must not exceed fifty-six.

9.4 In order to allow time to consult with the Police and other interested parties, applications should be submitted as far in advance of the event as possible. In order to avoid any difficulties and to ensure that 79.704 2 maximises and t









The Board will impose appropriate conditions on a premises licence or in granting an occasional licence where children are to be allowed entry. Conditions will seek to ensure the safety and wellbeing of children on the premises.

14. OFF-SALES PREMISES

In respect of premises which sell alcohol for consumption off the premises will be a condition that displays of alcohol on those premises is confined to a single area. The applicant must show the alcohol display in the layout plan and it will then be for the Licensing Board and the applicant to agree on the display area. The only exception to the foregoing is that the Board may agree to alcohol being displayed in other areas provided they are inaccessible to the public e.g. behind the counter, locked display cabinet.

In relation to opening hours of such premises, the Board may impose a time limit one hour prior to the 10 pm limit defined in the Act. Each case will be taken on its merits but the Board is concerned to ensure that the licensing objectives relating to crime, children, public health and public nuisance, in particular, are promoted in this area and will consider carefully whether later opening hours can be justified.

15. OUTSIDE SEATING AREAS

Where applicants propose to provide outside seating, tables and other facilities in any outdoor area (covered or otherwise) regard should be made to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupants of premises in the vicinity.

The Board expects an operating plan to include or exclude the use of an c





- x requirement for operating plan to contain information as to the premises manager;
- x requirement for the name and address of premises agent to be specified in the premises licence;
- x requirement for there to be a premises manager for the premises; and
- x requirement for sales of alcohol under the premises licence to be authorised by a personal licence holder.

20.4 An additional development brought about by the 2005 Act is the inclusion of members clubs in the occasional licence provisions. The Licensing (Club) (Scotland) Regulations 2007 now permit members clubs to apply for occasional licences on similar terms as voluntary organisations and the fact that a premises licence is in effect in respect of premises used wholly or mainly for the purposes of a club, is not to prevent an occasional licence being issued in respect of those premises

A Licensing Board may issue in respect of those premises in any period of 12 months

- a) not more than 4 occasional licences each having effect for a period of 4 days or more, and
  - b) not more than 12 occasional licences each having effect for a period of less than 4 days
- provided that in any period of 12 months, the total number of days on which occasional licences issued in respect of the premises have effect do not exceed 56 days.

20.5 Section 9 Occasional Licences - above details Board policy in relation to occasional licence applications which g p2W\* n BT 1 0 e.86Gs In the occu -

- (a) the retailing of petrol;
- (b) the retailing of diesel;
- (c) the sale of motor vehicles; and
- (d) the maintenance of motor vehicles

21.2 Notwithstanding the foregoing, however, if a premises (or parts of a premise

22. LICENSING STANDARDS OFFICERS

- 22.1 Licensing Standards Officers will be employed by Argyll and Bute Council and will have the functions set out in the Act. Their role will be to provide guidance, mediation and compliance. They will also be a member of the Licensing Forum for the Argyll and Bute area.
- 22.2 Licensing Standards Officers will work in partnership with the Argyll & Bute Alcohol & Drug Partnership and the business community in seeking to promote the five licensing objectives and ensuring compliance with the law.
- 22.3 At the time of drafting this Policy, there is one Licensing Standards Officer in post with the appointment of additional officers being kept under constant review.

23. RELATIONSHIP WITH OTHER STRATEGIES

- 23.1 The Board will endeavour to secure proper integration with local crime prevention, community safety, health, planning, transport, tourism, race equality and cultural strategies.