

Aberdeenshire Licensing Boards
Central Aberdeenshire Divisional Licensing Boards
Supplementary Statement of Licensing Policy
Operating Hours
30th November 2013 – 29th November 2016

Operating Hours

- 4.1 Licensed hours must be detailed in the operating plan of every premises. Operating hours will be made up of core hours and regular seasonal variations. The Board expects Applicants to be able to anticipate all such regular variations.
- 4.2 The Board does not wish to unnecessarily inhibit the development of a thriving and safe evening and night-time local economy, which is important for investment, employment and tourism.
- 4.3 The Board considers that the operating hours set out in this Supplementary Policy Statement meet the needs of businesses to routinely trade, while, at the same time, not impacting on the needs of the community in such a way that would be detrimental to compliance with the five licensing objectives.
- 4.4 While each application is assessed on its own merits, the following sets out the Policy on licensed hours. For applications for hours outwith the Policy, applicants will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances and will promote the licensing objectives.
- 4.5 The Act makes it very clear that routine, 24-hour opening, will NOT be allowed

Off Sales

- 4.6 For applications relating to premises licences and to occasional licences, the maximum licensed hours for the sale of alcohol for consumption off the premises ("off-sales hours") are 10.00 a.m. to 10.00 p.m., each day. **The Board has no discretion to permit licensed hours outwith these times.** In determining applications and licensed hours within these times, the Board will, in considering the merits, have particular regard to any effect the proposed off-sales hours might have on the occurrence of anti-social behaviour.
- 4.7 There is no entitlement to a grant of maximum trading hours for off sales premises. The hours granted by the Board to off sales premises will reflect the actual hours of operation of the premises. There will be flexibility to build in extended or reduced trading to reflect seasonal variations, such as the festive season, or public and local holidays.

On Sales

- 4.8 For applications relating to premises licences, including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises ("on-sales

hours”) the Board considers the commencement of the sale of alcohol would not normally be earlier than 11.00 a.m.

- 4.9 The Board will consider extending the commencement of the sale of alcohol in premises from 11.00 a.m. to 9.00 a.m. under certain circumstances (e.g. tourism, provision of food etc).
- 4.10 The Board may attach conditions to such licences. The earlier a premises wish to open, the more the Board will expect applicants to demonstrate measures that promote the licensing objectives and justify the request for the early hours. The Board further considers that it would be difficult for any application to justify the sale of alcohol before 9.00 a.m., unless there are exceptional circumstances.

Terminal Hour

- 4.11 Licensed hours for on sales premises in particular can have an impact not only within the individual premises, but also within the locality in which the premises are situated. Taking into account the 5 licensing objectives, the presumption against 24-hour drinking and the Guidance for Licensing Board and Local Authorities issued by the Scottish Executive the Board consider the following to be appropriate for the terminal hour beyond which alcohol must not be sold on the premises or part(s) of the premises:

Nightclubs etc Sunday to Thursday - 2.00 a.m.
Friday & Saturday - 3.00 a.m.

Other on sale premises 1.00 a.m.

- 4.12 Premises open after 1.00 a.m. will be subject to mandatory late opening conditions and the Board may attach further conditions. The later a premises wish to open the more the Board will expect applicants to demonstrate measures that promote the licensing objectives and justify the request for the late hours. The Board further considers that it would be difficult for any application to justify the sale of alcohol after 3.00 a.m. unless there are exceptional circumstances.

Festive Hours

- 4.13 The Board wishes to make it clear that the Festive Season hours should be accounted for within the Seasonal Variations section of the Operating Plan and should not be the subject of extended hours applications.
- 4.14 On-sale premises may open until 01.30 a.m. on the following dates:-
Friday and Saturday preceding 25th December.
24th to 26th December inclusive.
Friday and Saturday preceding 31st December.
1st January.
Such premises may also open on 31st December until 03:00 a.m.

Occasional Extensions

4.15 The Licensing Board may extend the licensed hours in respect of premises by such period as the Boards consider appropriate. The Board will normally only do so in connection with

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

The grant of an extension of licensed hours can only last for a maximum of 1 month.

4.16 To allow time to consult the Police and the LSO and for objections/comments to be made, applications should be submitted as far in advance of the event as possible but **not later than 6 weeks** before the event is due to take place. **Any applications received less than 4 weeks before the event is due to take place will be rejected by the Board.**

4.17 Where the hours sought fall outwith the on-sales hours specified in this statement, the applicant will require to demonstrate the hours requested are appropriate in the circumstances.

4.18 The applicant shall provide the Board with sufficient information to enable a decision to be made. This will include –

- the hours sought
- the description of the special event or occasion
- what activities are proposed to take place during those hours
- when each activity will take place
- how the request complies with the licensing objectives.

4.19 The Board will have complete discretion as to whether they grant the application taking into account any objections and representations. The Board may hold a hearing for the purpose of determining any application, but this is not mandatory. Where the Board does not hold a Hearing, the Board will ensure that before determining the application, the applicant is given an opportunity to comment on any objections or representations.

4.20 On occasions of local, national or possibly international significance the Board have the authority to apply a general extension of licensing hours. The Board will notify those affected of the granting of any general extension of hours. Such grants will always be posted on the Licensing Section of Aberdeenshire Council's website at –

<https://aberdeenshire.gov.uk/licensing/index.asp>

Occasional Licences

4.21 It is possible to make an application for an occasional licence authorising the sale of alcohol on premises which are not licensed premises

SUPPLEMENTARY POLICY 4

- 4.22 The application may be made by –
1. The holder of a premises licence, or
 2. The holder of a personal licence, or
 3. A representative of any voluntary organisation (includes registered clubs)
- 4.23 An occasional licence can last up to a maximum of 14 days.
- 4.24 The holders of a premises licence or a personal licence may make unlimited applications.
- 4.25 There are restrictions on the number of applications a voluntary organisation or registered club can make, in any period of 12 months –
- not more than 4 occasional licences each having effect for a period of 4 days or more; and
 - not more than 12 occasional licences each having effect for a period of less than 4 days
- 4.26 Please note that the combined duration of all occasional licences in any 12 month period must not exceed 56 days.
- 4.27 **Where a representative of a voluntary organisation applies for an occasional licence for a barn dance, or a marquee dance, the Board expects there to be a person in charge of the bar at the event who has completed training to the same standard as that required to obtain a personal licence under the Act, and evidence of that training must be submitted to the relevant Board with the application for the occasional licence.**
- 4.28 **In all other circumstances, where a voluntary organisation applies for more than four occasional licences in any calendar year, the Board expect there to be a person in charge of the bar at the event who has completed training to the same standard as that required to obtain a personal licence under the Act, and evidence of training must be submitted to the relevant Board with the application for the occasional licence.**
- 4.29 A valid application requires the completion in full of the application form and all appendices. Please note failure to provide a current e-mail address may result in your application being delayed.
- 4.30 To allow time to consult the Police and the LSO and for objections/comments to be made, applications should be submitted as far in advance of the event as possible but **not later than 6 weeks** before the event is due to take place. **Any applications received less than 4 weeks before the event is due to take place will be rejected by the Board.** Applicants should also be aware that they may also require a public entertainment licence and/or a late hours catering licence issued by Aberdeenshire Council in terms of the Civic Government (Scotland) Act 1982.

- 4.31 The Board consider that activities such as dances, discos, dinner dances, wedding-receptions, parties where a disco or band is provided are generally acceptable for granting an occasional licence. This list is not exhaustive.
- 4.32 Members Clubs must apply for one Occasional Licence per each separate event during the Festive Season, including festive lunches and dinners.

Occasional Licence Hours

- 4.33 The Board considers the commencement of the sale of alcohol shall not be earlier than 11.00 a.m. (10.00 a.m. for off sales) For the terminal hour beyond which alcohol must not be sold on the premises, the Board considers 1.00 a.m. (10.00 p.m. for off sales) daily to be appropriate.

4.32 Applicants seeking licensed hours for times outwith the Board's policy, will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances.

Occasional Licence Conditions

- 4.34 The Board is aware of the mandatory conditions which 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. Such conditions may require a representative of a voluntary organisation to have undergone relevant training. The decision whether to impose any conditions will be made on an objective basis, any representations made and any other relevant information available to the Board when considering the application. The Board will seek to avoid the imposition of disproportionate conditions.
- 4.35 The Board has a pool of local conditions which can be found at Aberdeenshire Council's website at -
- www.aberdeenshire.gov.uk

Lack of Demand and Flexible Trading Hours

- 4.36 Applicants should be aware that premises should routinely remain open for the licensed hours they apply for and which are granted by the Board.
- 4.37 However, the Board recognises that there will always be circumstances that would reasonably cause a temporary deviation from the licensed hours given in the operating plan. Such circumstances will not ordinarily be considered a breach of the operating plan.
- 4.38 The Board also recognises the need for businesses, especially in a rural environment, to remain economically viable when faced with a lack of demand. Licensed premises may wish to close early owing to a lack of customers and, therefore, not trade for their full complement of licensed hours. Again, this will not ordinarily be treated as breach of the operating plan.

- 4.39 The Board expects applicants to apply for the hours they normally trade. Provision can be built into Operating Plans for longer or shorter hours at certain times of the year, if required.
- 4.40 However, in considering such issues, the Board will give particular attention to whether these “unused” hours are preventing new entrants to the market or premises are closing early on a regular basis. If so, it may be appropriate to change the operating plan of the premises concerned.
- 4.41 Applicants should note that the Act allows *anyone* to apply to the Board for a review of the licence on any of the grounds set out in Section 36 of the Act. Applicants should not, for example, grossly overestimate their licensed hours “just in case” they may be required.

Drinking Up Time and Dispersal Policy

- 4.42 Drinking up time is 15 minutes normally and 30 minutes where alcohol is being consumed with a meal. The Board requires licence holders to give customers plenty of notice about last orders and time.
- 4.43 Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol. Licence holders must ensure that they and their staff have sufficient measures in place to ensure patrons exit the premises as quickly as possible, in good order and as quietly as possible.
- 4.44 The Board expect all night clubs to have a written dispersal policy in place.

British Summer Time

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