

Aberdeenshire Licensing Boards
South Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Relationships With Other Regimes
30th November 2007 – 29th November 2010

Relationship with other Regimes

General

The Board's aim is to serve the licensing needs of South Aberdeenshire as quickly and efficiently as possible, striking a balance between the business needs of its customers and the interests of the community as a whole, in order to protect the public and further the licensing objectives. To achieve this, the Board will try to:

- reach out to all parts of society and genuinely reflect their interests through the medium of the Local Licensing Forum when deciding on policies;
- encourage an open and honest exchange of information in a customer-friendly setting and make decisions in a fair and reasoned manner based on agreed and published policies;
- be fair in all matters and in this context fairness includes having regard to and an interest in equality and diversity in all forms and ensuring that equality considerations are central to all that the Board does;
- work to achieve its objectives in partnership with a wide range of other public bodies, including Aberdeenshire Council and its various services, statutory consultees, the industry and the public;
- strive to reflect the interests of all people from all sections of society in South Aberdeenshire.

It should be borne in mind that licensing is about regulating the sale of alcohol and premises on which alcohol is sold as well as for connected purposes within the terms of the Act.

The Board will not, in so far as is possible, duplicate the roles of other regulatory regimes.

The Board's Supplementary Policy on Discretionary Conditions/Management of Premises (Appendix 9) encourages applicants to consult with other relevant bodies.

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are no longer on the licensed premises and beyond the direct control of the individual, club or business holding the licence,

certificate or authorisation concerned. The Police are, and will remain, responsible for enforcement of criminal law in general.

Where other responsible authorities raise matters relating to the licensing objectives, the Board will take those matters into account when reaching a decision. The Board will take particular matters seriously when it comes to active promotion of the licensing objectives.

The Board will work with the Police, Fire & Rescue Service and Council Services to target agreed problem and high-risk premises. Lower risk premises which are well managed and well-maintained will be subject to less regular inspections.

Other Regulatory Regimes

Grampian Police

The Board will co-operate with the Police and will seek to deal with the issues of excessive consumption of alcohol, binge drinking and underage drinking in so far as it is able to do so within the law.

Grampian Fire & Rescue Service

Fire safety places a range of duties on the self-employed, employers and operators of venues and responsibility for enforcement of the same lies with the appropriate fire authority.

Guidance on the implications of the Fire (Scotland) Act 2005 and related legislation for applications for premises licences may be published at a future date when copies will be available on Aberdeenshire Council's website at www.aberdeenshire.gov.uk

Planning Services and Building Standards

The Board expects planning permission, building warrants and/or completion certificates to be in place before it deals with an application for a premises licence as required by the Act.

The Board will not cut across decisions taken by Aberdeenshire Council's planning committees, nor seek to challenge decisions taken by those committees. Similarly, the granting by the Board of any variation of a licence which involves a material alteration to a building will not relieve the applicant of the need to apply for planning permissions or building warrants where appropriate.

Environmental Health

The Board will look at the impact of the licensed activity on members of the public living, working or engaged in normal activity in the area in question. This can include matters such as the type of use, numbers and types of customers likely to

attend the premises, the licensed hours, the level of public transport, the adequacy and impact of car parking and the frequency of the activity.

The Board has asked Aberdeenshire Council's Environmental Services to prepare a helpful guidance note for applicants to assist in completing operating plans and which will be published on Aberdeenshire Council's website.

National Licensing Forum

In determining its policies, the Board will take into account any documents or guidance published or issued by the National Licensing Forum.

National Licensing Officer

The Board will take into account any guidance or information provided by the National Licensing Officer in determining its policies.

Local Licensing Forum

The Board will meet with the Forum annually and take into account the views of the Forum in determining the Board's policies. See the Board's Supplementary Policy Statement on the context and profile of South Aberdeenshire (Appendix 1) for further information on the Forum.

Equalities

The Board has its own Equality Schemes in respect of Race, Disability and Gender which can be found on Aberdeenshire Council's website.

The Board expects licence holders to address equality issues where relevant. In particular, there should be reasonable facilities and access for people with disabilities addressed within the operating plan. The risk assessment attached to the Operating Plan must include the physical and managerial methods for the safe evacuation of disabled persons. This must clearly identify how members of staff will be trained to implement emergency egress plans and clarify whether equipment such as lifts are safe to be used.

Gambling Act 2005

The Board has a licensing policy statement under the Gambling Act 2005 which has been published on Aberdeenshire Council's website.

Aberdeenshire Community Plan

The Aberdeenshire Community Planning Partnership has developed the following principles:

Inclusion – we will ensure that our actions improve all Aberdeenshire citizens' ability to access our services and will take account of all factors that create a barrier to this. We will encourage equal opportunities and will observe any national requirements on these.

Accountability – we will make ourselves answerable to the communities and people of Aberdeenshire and keep them informed of, and seek their views on, what we are doing.

Partnership – we will work together with our partners and the people of Aberdeenshire to achieve our vision and will encourage communities to recognise their important role in sharing in community planning work.

Evidence-based – we will ensure that our actions are based on clear evidence and information and are derived from what the community wants.

Sustainability – we will work to ensure that our actions are sustainable and meet the needs of the current generation of Aberdeenshire's people without compromising the ability of future generations to meet their own needs.

Efficiency – we will aim to be as efficient as possible with resources and use them to provide as effective services as possible.

The Partnership has developed themes of –

- Community wellbeing
- Jobs and the economy
- Lifelong learning; and
- Sustainable environment

supported by the theme of developing the Partnership

The Board believes the above principles and themes support the licensing objectives and the role of the Board in working in partnership with other agencies to achieve those objectives.

Aberdeenshire Community Safety Partnership

The aim of the Aberdeenshire Community Safety Strategy is –

“to work to make Aberdeenshire a safer place for all those living in, working in, or visiting the area.”

The Partnership has identified and is working on the following issues to work towards achieving its aim –

- Personal safety
- Safety of Property

- Safety in Neighbourhood and Environment
- Safety while travelling
- Development Links with partners

The Board believes that the above issues support the licensing objectives and the role of the Board in working in partnership with other agencies to achieve those objectives.

Aberdeenshire Alcohol and Drug Action Team

Alcohol and Drug Action Teams were set up by the Scottish Office to provide local strategic direction in tackling drug and alcohol problems. The Aberdeenshire Alcohol and Drug Action Team is a multi agency strategic partnership. Teams involve senior officers from local bodies and agencies, both statutory and non-statutory.

Aims

To reduce the harmful effects of alcohol and drugs on the people and communities of Aberdeenshire by applying strategic direction within an action planning process.

Services/Activities

Aberdeenshire Alcohol and Drug Action Team:

- organises open meetings advertised through Aberdeenshire Council;
- provides information about services available to people with alcohol and drug related problems, their carers and families;
- produces a three year strategy on tackling drugs and alcohol in Aberdeenshire;
- has as its main focus the following working groups:
 - treatment and care;
 - children and young people;
 - criminal justice;
 - drugs alcohol and community safety (including educational, preventative and public health aspects of addressing drug and alcohol problems);.

The Board considers that the above aims and activities support the licensing objectives and the role of the Board in working in partnership with other agencies to achieve those objectives.

Listed below are organisations that the Board will consult with on matters relating to licensing where it deems it appropriate to do so.

Tourism
Transport

Grampian Racial Equality Council
Alcohol Focus Scotland
Aberdeenshire Council Area Managers
Community Councils
Community Learning and Education
Education and Recreation
Youth Forums
Aberdeenshire Towns Partnerships
Business Associations
Alcoholics Anonymous
Alcohol Focus Scotland
NHS Grampian
Scottish Ambulance Service
Aberdeenshire, Banffshire & Kincardineshire Licensed Trade Association
Various Pubwatches
Aberdeenshire Access Panels

The Human Rights Act 1998

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention Right. The Board will have particular regard to the following relevant provisions of the European Convention on Human Rights in respect of all its licensing responsibilities:

- Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence;
- Article 6: that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law; and
- Article 8: that everyone has the right to respect for their home and private life.

Councillors' Code of Conduct

Board Members are bound by the terms of the Councillors' Code of Conduct in their action at Board Meetings, Hearings and as Members of the Board

Freedom of Information and Data Protection

Information supplied by an applicant for a licence to the Board will be held and processed by the Board for its purposes as a licensing authority. That data will be disclosed to the Police and other public bodies involved with licensing, processing and enforcement. The Board will enter data on its register of applications which may be issued to members of the public on request and on payment of the appropriate fee. Applicants may check or amend data held or request deletion of

irrelevant data by contacting the Clerk to the Licensing Board, Aberdeenshire Council, Viewmount, Arduthie Road, Stonehaven AB39 2DQ.

The Board has adopted a Publication Scheme in terms of Section 23 of the Freedom of Information (Scotland) Act 2002. A copy of this Scheme can be found on Aberdeenshire Council's website at: www.aberdeenshire.gov.uk