

ABERDEEN CITY LICENSING BOARD

The Premises Licence (Scotland) Regulations 2007 (SSI 452)

Guidance on the completion of the application form and Operating Plan for premises licensed for the sale of alcohol on and off the premises

A. General

1. This guidance is drafted for the mutual benefit of applicants, agents and the Board. In some instances it may go beyond what is required by Regulation. In these circumstances this is because the Board will find the requested information helpful. The Regulations do, of course, take precedence.
2. The Board will not accept applications/operating plans which do not conform to the Regulations.
3. At the end of both the application form and operating plan there are declarations to be completed by the applicant's agent. We have added sections for the agent's postal address. It will assist us greatly if this is completed.
4. We have added explanatory notes to the application form in respect of questions 2(e) and 6 to particularly assist non legal applicants. The explanations direct applicants to a page on our website giving appropriate text to enable the applicant to understand and answer the question.
5. Applicants are expected to have in place all additional licences, permits and permissions applicable to the activities in the premises, e.g. pavement permits, late hours catering licences, theatre licences, gambling licences.

B. Application Form

1. **Question 5** requires a description of the premises. This should **NOT** be the postal address repeated. The description does not need to be a long one, nor a full conveyancing description but should give detail such as "detached building", "ground floor of tenement". Any outside space should be mentioned e.g. outside beer garden, outside children's play area, pavement tables under permit from the local authority. You should also include anything you think may be controversial or have the potential to be controversial e.g. the premises are next door to "vulnerable" premises such as a school or hospital. Also include anything in the immediate vicinity that might be relevant e.g. the premises are located in a residential area.
2. **Question 6** is for Members Clubs only. In order to ascertain that Clubs have properly understood this question we require a copy of the Club Constitution and a list of Office Bearers to accompany the application.

3. The question relating to Additional Material for applications lodged before 16th January 2009 will be removed at the appropriate time.

C. Operating Plan

1. **Question 1.** Please choose only 1 option.
2. **Questions 2 and 3.** In the interests of clarity please use the 24 hour clock rather than am and pm. You **MUST** complete both opening and terminal hours columns. If there is any confusion in interpreting the hours sought we will return the whole form.

For “on sales” only the Board will define “core hours” as those hours you currently regularly trade, including regular extensions. You can also include function rooms (for private functions only) as part of your core hours, thus avoiding the need to apply for occasional extensions. You should think carefully how you word this, so we are clear what you mean. Remember you can have different terminal hours for different parts of your premises eg function room, bar

If you are not completing the form on line we will accept an additional A4 sheet of paper, headed “Question 2, Operating Plan,” to enable you to be clear about what you want.

3. **Question 4.** There is currently no seasonal trading in this Board’s jurisdiction. Applicants who wish to trade seasonally will be required to apply for a new licence as we will not treat this as “like for like”, thus attracting grandfather rights. Members Clubs who do currently operate seasonally e.g. bowling clubs, will be required to provide proof, in which case we will regard this as “like for like”. For the avoidance of doubt, Christmas and New Year extended hours do not constitute “seasonal trading”.
4. **Question 5.** This is an important question and applicants should consider very carefully how they answer it. Any activity not included in the initial application, that an applicant wishes to add subsequently, will trigger a variation application which may be expensive and may take time to resolve.

Columns 2, 3 & 4 Please answer “yes”, “no” “Y” or “N” in the columns. Please **DO NOT TICK (√) THE BOXES.** If you tick (√) the box we will not know whether you mean “yes” or “no” and we will return the application.

At the end of the columns there is a free text box which you should complete if you have answered “yes” to anything in Column 4. You should give as much detail as you can here. Include the hours when you intend to provide the activity, details of the activity, whether it will be held outside the premises in a licensed area or an area with a pavement permit and anything else of relevance.

5. **Question 5(f).** Examples of activities not included on the lists are under 18 events, business breakfasts, late hours catering. If you wish to make use of Christmas and New Year extended hours without the necessity of applying for occasional extensions, include this here as an additional activity as “Christmas and New Year extended hours as the Licensing Board permits”. The Board will advertise these permitted hours **on its website** in June annually. Do NOT include the Aberdeen public holidays here as these will be subject to occasional extensions. See the Licensing Board Policy, Section 20.8.

Please note the list of additional activities is not exhaustive.

6. **Question 5(g).** The Board will hear all applications where an applicant answers “yes” to part 1 of this question relating to decibel levels. The Board will expect an explanation of how the applicant intends to control noise nuisance. This can be in writing and submitted with the application or distributed at a Board meeting, or by way of an oral explanation at the Board meeting. The Board will also ask the Licensing Standards Officer to pay particular attention to noise levels at such premises.
7. **Question 6.** Some premises currently have children’s certificates (hotels and public houses only) and will wish to continue to admit children/young persons. Obviously this is “like for like” and will be treated as such. There are however many premises operating eg some hotels and public houses, and 1976 Act refreshment/restaurant licences which currently and quite properly admit children/young persons. If you advise us here that you will be admitting children/young persons on the same basis as currently, we will accept this, even if you do not currently have a children’s certificate and we will treat this as “like for like” unless there are evidenced reasons why this should not be the case.

Please note that the Board has not identified what it considers appropriate hours for admitting children/young persons to licensed premises and each case will be determined on its merits.

8. **Question 7.** Applicants should liaise with the Council’s Building Standards Officers if they are in doubt about the occupancy capacity of premises. If there is a discrepancy between capacities calculated by the applicant and building standards, the Board will arbitrate on the final figure.