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| **LICENSING (SCOTLAND) ACT 2005**  **LICENSING STANDARDS INFORMATION PACK**  **FOR**  **PREMISES LICENCE APPLICATIONS**  ***Updated February 2020*** |

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1. **Introduction**

The Licensing (Scotland) Act 2005 (‘the 2005 Act’) regulates the sale of alcohol in Scotland and is built around the 5 Licensing Objectives, which all licensed premises are expected to aspire to:

* Preventing Crime and Disorder
* Securing Public Safety
* Preventing Public Nuisance
* Protecting and Improving Public Health
* Protecting Children and Young Persons from Harm

This information pack has been developed by the Licensing Standards Service of Argyll and Bute Council as a reference guide to applicants for the grant of a premises licence or provisional premises licence.

This Pack and Internet Access

There is a presumption that those reading this pack will have access to the internet and links are provided where appropriate to the Argyll and Bute Council website and other sites including legislation. If you have received this pack by e-mail then click on the relevant links for access. If you have received this pack by post then type the relevant links into your internet browser for access.

If you do not have internet access contact one of the Licensing Standards officers. Details below.

The Licensing (Scotland) Act 2005 can be accessed via this link –

<http://www.legislation.gov.uk/asp/2005/16/contents>

1. **The Licensing Board**

The Argyll and Bute Licensing Board oversees the alcohol licensing regime in Argyll and Bute granting licences and taking action where necessary to ensure compliance. All applications for the grant of a premises licence or provisional premises licence are heard at one of the licensing board hearings during the year.

A list of licensing board hearings dates can be found here

<https://www.argyll-bute.gov.uk/law-and-licensing/argyll-and-bute-licensing-board-0>

*(See below for information on submitting “Section 50” Certificates).*

The 2005 Act requires that each Licensing Board publish a statement of its policy in relation to alcohol licensing in its area. The policy document is updated on the date occurring 18 months after an ordinary election of Councilors for local government areas takes place under section 5 of the Local Government etc. (Scotland) Act 1994.

It is recommended that all licensees, and others who have an interest in alcohol licensing, take time to read the current Argyll and Bute Licensing Board Policy Statement, which can be found on the Argyll and Bute Council website –

https://www.argyll-bute.gov.uk/sites/default/files/Unknown/520164\_-\_statement\_of\_licensing\_policy\_2020.pdf

1. **Licensing Standards Officers**

The Licensing Standards Officer (LSO) is responsible under the 2005 Act for providing guidance and information to interested parties; ensuring compliance by holders of premises or occasional licences; and providing a mediation service for the purpose of avoiding or resolving disputes.

The LSOs can be contacted at:

|  |  |  |  |
| --- | --- | --- | --- |
| **East Area**  Bute & Cowal and Helensburgh & Lomond    Raymond Park  Argyll and Bute Council  22 Hill Street  DUNOON  PA23 7AP  **Tel: 01369-707158** | | **West Area**  Mid Argyll, Kintyre & Islay and Oban, Lorn & the Isles    Eric Dearie  Argyll and Bute Council  Kilmory  LOCHGILPHEAD  PA31 8RT  **Tel: 01546 604317** | |
|  | **E-mail**: [licensing.standards@argyll-bute.gov.uk](mailto:licensing.standards@argyll-bute.gov.uk) | |  |

The licensing standards service also provides information via the Argyll and Bute Council website which can be accessed here – <http://www.argyll-bute.gov.uk/law-and-licensing/licensing-standards>

There is also a free licensing standards monthly newsletter which can be accessed here –

<http://www.argyll-bute.gov.uk/newsletters/licensing>

1. **The Premises Licence/Provisional Premises Licence**

Section 1 of the 2005 Act dictates that it is an offence to sell alcohol on any premises except under and in accordance with a premises licence or occasional licence. A premises licence allows the sale of alcohol on premises.

A **provisional premises licence** application can be made despite the fact that, at the time the application is made, the premises are yet to be, or are in the course of being, constructed or converted for use as licensed premises.  A premises licence issued in respect of any such premises does not take effect unless and until it is confirmed by the Licensing Board which issued it. If a premises licence issued in respect of any such premises is not confirmed before the end of the provisional period, then at the end of that period the licence is treated as revoked. The provisional period is 4 years beginning with the date of issue of the provisional premises licence.

The Licensing Board issuing the provisional premises licence has the power, in certain circumstances, to extend the provisional period as the Board considers appropriate.

1. **Completion of Premises Licence Application Form**

A premises licence application may be made by post to the licensing board –

The Clerk to the Licensing Board

The Argyll and Bute Licensing Board

Kilmory

Lochgilphead

PA31 8NX

Enquiries:

Tel: 01546-604128

E-mail: [licensing@argyll-bute.gov.uk](mailto:licensing@argyll-bute.gov.uk)

In general terms the application form should be completed as follows:

* All writing should be contained within the boxes where these are provided;
* Where YES/NO answers are required, the non-applicable answer should be crossed out;
* Any person other than an individual under the age of 18 may apply to the appropriate licensing board for a premises licence in respect of any premises (Licensing (Scotland) Act 2005, S20(1) - <http://www.legislation.gov.uk/asp/2005/16/section/20>

Completing the Application Form

Questions 1& 2

*Particulars of Applicant*

The full name and address, including postcode, of the premises to be licensed should be provided

Information supplied in relation to *Question 2* may be used by the Chief Constable to identify whether or not the applicant (or any connected person in the case where an applicant is not an individual – e.g. a company, club or partnership) has been convicted of any relevant offence or foreign offence.

In that respect it is important that the licensing board is provided with the relevant information in each case.

*Connected person* – <https://www.argyll-bute.gov.uk/connected-persons> -

In relation to a partnership, a company, a club or other body (whether incorporated or unincorporated), a connected person is:

1. in the case of a partnership - a partner,
2. in the case of a company – a director, or has control of the company,
3. in the case of a club - an office bearer of the club,
4. any other case - concerned in the management or control of the body

Question 3

*Previous Applications*

Where applicants or connected persons have had any previous application for a premises licence refused under the terms of the 2005 Act, details should be provided including the date(s) of previous refusal(s), the premises to which refusal(s) apply and the name of the licensing board which refused the application.

Question 4

*Previous Convictions*

Where an applicant or connected person has been convicted of a relevant or foreign offence, details should be provided including date of conviction, place of conviction, nature of offence, and penalty.

*“Relevant Offences” are prescribed in the Licensing (Relevant Offences) (Scotland) Regulations 2007\*. For the purposes of the 2005 Act, a conviction for a relevant or foreign offence is to be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974 and details of such a conviction need not be provided. A foreign offence is defined in Section 129(2) of the 2005 Act.*

*\** [*http://www.legislation.gov.uk/ssi/2007/513/contents/made*](http://www.legislation.gov.uk/ssi/2007/513/contents/made)

Question 5

*Description of Premises*

Applicants should provide the licensing board with a clear indication of the type of operation that will be undertaken on the licensed premises (e.g. whether the premises will be run as a pub; club; off-sales; nightclub; mixed use premises; hotel or restaurant, etc.) having regard to the activities listed in the premises licence operating plan and matters shown in the layout plan. It will also be helpful if applications could contain a description of the overall setting in which the premises will be situated and this should include the general area, for example rural; urban; or city centre location; whether detached; terraced; part of a shopping mall, etc.; building solely occupied or shared.

Question 6

*Club Premises Only*

This question requires to be completed to identify those registered clubs wishing to benefit from the exemptions from the Licensing (Scotland) Act 2005 provided for in Section 125 of that Act. In order to qualify for these exemptions, a club must meet the criteria set down in the Licensing (Clubs) (Scotland) Regulations 2007. The regulations can be viewed here –

<http://www.legislation.gov.uk/ssi/2007/76/contents/made>

*Declaration by Applicant or Agent on Behalf of Applicant*

The application form requires to be signed by the applicant for the premises licence, or the applicant’s agent. An agent must confirm that the form is being signed in that capacity.

A copy of a blank Premises/ Provisional Premises Licence Application form can be found below

1. **Completion of Premises Licence Operating Plan**

The premises licence operating plan must accompany an application for a premises licence under Section 20 of the Licensing (Scotland) Act 2005. The operating plan details how the applicant intends running their business in accordance with the 2005 Act.

Compliance with the operating plan is a condition of the premises licence at paragraphs 2 & 3 of Schedule 3 to the 2005 Act - <http://www.legislation.gov.uk/asp/2005/16/schedule/3>

Question 1

*Statement Regarding alcohol being sold on premises/off premises or both*

This Question seeks to establish whether alcohol will be sold for consumption on the premises, off the premises, or both. This information is required because the 2005 Act allows different licensing hours for on sales and off sales where both are offered.

Question 2

*Statement of* ***Core*** *times when alcohol will be sold for consumption* ***ON*** *premises.*

This Question requires a statement of core times when alcohol will be sold for consumption **on** the premises. The table should be completed to show for each day, the time the premises will open for the purpose of selling alcohol and the time when the premises will close for the purposes of selling alcohol (the terminal hour).

Question 3

*Statement of* ***Core*** *times when alcohol will be sold for consumption* ***OFF*** *premises.*

This Question requires a statement of core times when alcohol will be sold for consumption **off** the premises. The table should be completed to show for each day, the time the premises will be open for the purpose of selling alcohol and the time when the premises will close for the purposes of selling alcohol (the terminal hour).

It should be noted that the statutory hours between which alcohol can be sold for off consumption are 10:00am to 10:00pm. These hours can be reduced, but cannot be exceeded - <http://www.legislation.gov.uk/asp/2005/16/section/65>

Question 4

*Seasonal Variations*

This question seeks to establish if the applicant intends to operate the premises continuously throughout the year or on a seasonal basis. Where the applicant intends to operate on a seasonal basis, details of when the premises will be open for business should be provided. This seeks to identify any occasion when occasional extensions to licensed hours may be required.

Question 5

*Please indicate the other activities or services that will be provided on the premises in addition to the supply of alcohol*

This Question deals with other activities or services which may be provided in addition to the sale of alcohol during core hours and outwith core hours. Applicants should indicate what activities or services they intend to provide by confirming YES or NO in each of the categories given.

When completing this section, applicants should have regard to the contents of the Licensing (Scotland) Act 2005 Section 23(5)(d) - <http://www.legislation.gov.uk/asp/2005/16/section/23> - which establishes the grounds for refusal for a premises licence with regard to the nature of activities proposed to be carried on in the subject premises. Whilst Section 20(4)(d) of the 2005 Act - <http://www.legislation.gov.uk/asp/2005/16/section/20> - requires that the plan contains a statement of the times at which any other activities in addition to the sale of alcohol are to be carried on in the premises, the operating plan need not show the exact start and finish times of all activities listed in the plan.

The operating plan allows for a general statement to be made that the activities listed in the plan will take place during and/or outwith licensed hours.

In the case of off sales premises, or mixed use premises which make sales of products other than alcohol, for example, newspapers, groceries, etc., there is no requirement for these activities to be included within the operating plan, since any licence issued under the 2005 Act relates to licensing of alcohol.

Question 5 comprises of a set of 4 columns:

Column 1 - provides a list of activities (other than the sale of alcohol) which may or may not take place on the premises;

Column 2 - allows the applicant to record YES or NO to any activity;

Column 3 - allows the applicant to record YES or NO as to whether any activity will take place during core hours

Column 4 - allows the applicant to record YES or NO as to whether any activity will take place outwith core hours

Also under Question 5 the applicant is required to provide details in the information box provided of any activities which will take place outwith core hours. This information box is for on sales premises only.

A further information box at 5(f) lets the applicant record any other activities not catered for in the bulk of Question 5.

Question 6

*Children and young persons*

For the purposes of the 2005 Act, a “child” is aged from birth to 15 years and a “young person” is aged 16 or 17 years.

This Question should only be completed for on sales premises and where it is intended that children and/or young persons will be allowed access. The applicant must state the *Terms; Ages; Times and Parts* of the premises allowed access. An example of the wording accepted by the licensing board is –

*Terms*

*Children of all ages and young persons will be allowed access in the company of an adult aged 18 years or over for the purpose of taking a meal.*

*Ages*

*Children [birth to 15 years]*

*Yong persons {16 or 17 years]*

*Times*

*10:00pm in general and 8:00pm for the outdoor drinking area.*

*Parts*

*Access allowed to all public parts of the premises*

The above is only an example. The applicant for an on sales premises licence should tailor their statement to meet the needs of their premises.

Question 7

*Capacity*

In relation to on sales premises *Capacity* refers to the number of persons that can be safely accommodated on the premises. In relation to off sales premises *Capacity* refers to the total alcohol display area in metres squared. See below for further information.

Question 8

*Premises Manager*

Where the application is for the grant of a provisional premises licence there is no requirement to complete this Question (see Licensing (Scotland) Act 2005, Section 45(10)(b) - <http://www.legislation.gov.uk/asp/2005/16/section/45> ).

Schedule 3, paragraph 4, of the 2005 Act - <http://www.legislation.gov.uk/asp/2005/16/schedule/3> - directs that Alcohol is not to be sold on the premises at any time when there is no premises manager in respect of the premises; or the premises manager does not hold a personal licence; or the personal licence held by the premises manager is suspended, or the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.

An individual may not be the premises manager of more than one licensed premises at the same time. Accordingly, if an individual who is the premises manager of licensed premises is subsequently specified in the premises licence of another premises licence as manager of those other premises, the subsequent specification is of no effect. (Licensing (Scotland) Act 2005, Section 19(2) - <http://www.legislation.gov.uk/asp/2005/16/section/19> ).

*Declaration by Applicant or Agent on Behalf of Applicant*

The operating plan requires to be signed by the applicant for the premises licence, or the applicant’s agent. An agent must confirm that the form is being signed in that capacity.

A copy of a blank Premises Operating Plan can be found below

1. **What is Capacity?**

*Capacity for On Sales*

The capacity for on sales premises is the maximum occupancy for each premises to be calculated by reference to Building Standards Regulations using load factors. This is the very maximum number of people that could possibly fit in the premises, a number that can never be exceeded.

The Argyll and Bute Licensing Board expects that the operating capacity will always be below the maximum capacity, in many cases by a considerable margin. Applicants should not be trading to this maximum figure. This is because the maximum capacity calculation does not take account of things like furniture (that is not fixed). For example a room containing a pool table would have quite a large theoretical capacity but much of the space will actually be taken up by the table. Similarly, an area allowing for customers to be seated at tables will have a much lower operating capacity than the theoretical maximum.

*What will be done with this information?*

Maximum capacities will be used purely in connection with any assessment of overprovision\*. Operating capacities will be viewed in the light of the licensing objectives.

In the event that the Argyll and Bute Licensing Board disagrees with your assessment a discussion will be initiated with a view to reaching a mutually acceptable conclusion. This may necessitate consultation with building standards officers, fire and rescue; and the police. If an agreement cannot be reached and if the Argyll and Bute Licensing Board deems it necessary in pursuance of one or more of the licensing objectives, then consideration will be given to imposing limits on the capacity in the operating plan.

An information sheet on *Building Regulations Guidance* can be found below.

*\*Overprovision is the term used to identify saturation point of licensed premises, or of licensed premises of a particular type, within a licensing board’s area, or a locality within that area.*

1. **The Premises Manager**

Alcohol is not to be sold on any premises where there is no premises manager in place. Each premises manager must be the holder of a valid personal licence and can only be manager for one premises at a time. There is no requirement for the premises manager to be present on the premises at the time any sale of alcohol is made. A premises manager is responsible for the day to day running of the premises and for authorising staff to sell alcohol.

With the exception of licensed clubs, the details of the premises manager are to be included in the premises licence and premises licence operating plan.

1. **The Layout Plan**

Applicants for a grant/provisional grant of a premises licence are required to lodge with the application a layout plan showing the whole of the premises to be licensed. It is recommended that the applicant consult an architect in this regard.

Applicants are requested to lodge 6 sets/copies of the layout plan which should be to a scale of 1:50 or 1:100 and contain the following:

*In relation to all licensed premises:*

* The extent and dimensions of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter and dimensions of the premises to be licensed (including outside drinking areas);
* The location and names of any streets surrounding the premises from which members of the public have access to the premises;
* 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 on the premises;
* The location of any toilets on the premises (identified as male, female or disabled as appropriate);
* Any area on the premises set aside specifically for the use of children and young persons;
* Any area on the premises to which children and young persons will have access.

*In addition to the above for on sales premises only:*

The use or uses to which each part of the premises will be put (under reference to the activities identified in the operating plan).

*In addition to the above for off sales premises only:*

* The location of the area or areas to be used for the display of alcohol;
* The maximum width and height (in metres) of the frontage to be used for the display of alcohol within that area or those areas; and
* The maximum linear measurement (in metres) of any displays of alcohol outside the frontage referred to in head (b).

*Legend*

The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

Full details on layout plan requirements can be found here –

<https://www.argyll-bute.gov.uk/sites/default/files/architect_info_layout_plan.pdf>

1. **What are “Section 50” Certificates?\***

Section 50 of the Licensing (Scotland) Act 2005 requires that a premises licence application (other than a provisional premises licence application) must be accompanied by a planning certificate, a building standards certificate, and if food is to be supplied on the premises, a food hygiene certificate, in respect of the subject premises.

These certificates will confirm that the proposed licensed premises are a safe place for the public to resort.

Further information on planning certificates can be found here –

<https://www.argyll-bute.gov.uk/sites/default/files/section_50_planning_application_0.pdf>

Further information on the required building standards certificate can be found here - https://www.argyll-bute.gov.uk/sites/default/files/planning-and-environment/licensing\_building\_standards\_section\_50\_certificate\_application\_form\_2017-18\_updated\_to\_include\_gdpr\_privacy\_statement\_may\_2018.pdf

Or contact Planning & Building Standards on 01546-605518 or at –

<https://www.argyll-bute.gov.uk/planning-and-environment/planning-and-building-standards-contacts>

In relation to the food hygiene certificate, contact should be made in the first instance with the Council’s licensing section on 01546-604128.

*\*Submission of “Section 50” Certificates*

Applicants for premises licences should pay particular attention to the last submission date to the licensing board for “Section 50” Certificates. Failure to submit on time could delay your premises licence application. Licensing Board Hearing dates can be found here –

<https://www.argyll-bute.gov.uk/law-and-licensing/argyll-and-bute-licensing-board-0>

1. **Disabled Access and Facilities Statement**

On 30th March 2018, **Section 179** of the Criminal Justice and Licensing (Scotland) Act 2010 introduced the requirement on every application for the grant of a new premises licence or provisional premises licence to submit, as part of the application process, a Disabled Access and Facilities Statement.

Failure to provide a statement is not a ground for refusing an application but means that the premises application will be incomplete and cannot be considered by the relevant Licensing Board.

The provision does not compel the venue to provide any specific aids/access for disabled persons nor does it interfere with the existing duty under equality law to make reasonable adjustments to ensure that a disabled person can use a service as close as it is reasonably possible to get the standard usually offered to non-disabled persons.

Full Scottish Government guidance can be found here –

<https://www2.gov.scot/Resource/0053/00532454.pdf>

A specimen disability statement can be found below.

1. **The Premises Licence Application Fees**

The Licensing (Fees) (Scotland) Regulations 2007 sets the fees in relation to applications for the initial grant of a premises licence - <http://www.legislation.gov.uk/ssi/2007/553/contents/made>

Fees are based on the rateable value of the premises to be licensed. In addition, there is an annual fee due each October.

A copy of the fees structure can be found below.

*See appendices below/…*

**THE ARGYLL AND BUTE LICENSING BOARD**

APPLICATION FOR PREMISES LICENCE/PROVISIONAL PREMISES LICENCE\*

\*Delete as appropriate

**Licensing (Scotland) Act 2005, section 20**

**APPLICANT INFORMATION** *Licensing (Scotland) Act 2005, section 20(1)*

# Question 1

*Name, address and postcode of premises to be licensed.*

|  |
| --- |
|  |

# Question 2

*Particulars of applicant*

*2(a) Where applicant is an individual, provide full name, date and place of birth, and home address including postcode.*

|  |
| --- |
|  |

*2(b) Where applicant is a partnership, please provide full name, and postal address of partnership.*

|  |
| --- |
|  |

*2(c) Where applicant is a company, please provide name, registered office and company registration number.*

|  |
| --- |
|  |

*2(d) Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

|  |
| --- |
|  |

*2(e) Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.\**

|  |
| --- |
|  |

**\* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

# Question 3

*Previous applications*

*3 Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? YES/NO\**

*If YES – provide full details*

|  |
| --- |
|  |

# Question 4

*Previous convictions*

|  |  |
| --- | --- |
| *4 Has the applicant or any connected person ever been convicted of a relevant or foreign offence* (**1**) | *YES/NO\** |

*\*If YES – provide full details*

*For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| *Name & position (if applicable)* |  | *Date of conviction*  *or sentence* | *Court* | *Offence* | *Penalty* |
|  |  |  |  |  |  |

(**1**) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

**DESCRIPTION OF PREMISES** *Licensing (Scotland) Act 2005, section 20(2)(a)*

# Question 5

5 *Description of premises (where application is submitted by a members’ club, please also complete question 6)*

|  |
| --- |
|  |

# Question 6

6 *To be completed by members’ clubs only*

|  |  |
| --- | --- |
| *Do the club’s constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?* | *YES/NO\** |
| *\* Delete as appropriate* |  |

# DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

**If signing on behalf of the applicant please state in what capacity.**

The contents of this Application are true to the best of my knowledge and belief.

Signature …………………………………… \* (see note below)

Date …………………………………………

Capacity ……………………………………. APPLICANT/AGENT (delete as appropriate) Telephone number and email address of signatory ……………………

|  |  |
| --- | --- |
| ***I have enclosed the relevant documents with this application – please tick the relevant boxes together with the application fee – please refer to list of fees*** | |
| *Operating plan* |  |
| *Layout plan* |  |
| *Planning certificate* |  |
| *Building standards certificate* |  |
| *Food hygiene certificate* |  |

\* **Data Protection Act 1998**

The information you have supplied on this form will be used for the purpose for which you have provided it and any relevant procedures following from this.  A full privacy notice, which provides information about your rights under data protection legislation and details about what will happen to your personal data, is attached for your information

|  |  |
| --- | --- |
| **For use by Licensing Board personnel only**  **Application checklist** | |
| **Date received** |  |
| **Actual fee paid** |  |
| **Checked by** |  |
| **Rateable Value document received** |  |
| **Consideration date** |  |
| **Last date for consideration** |  |
| **Date of initial hearing** |  |
| **Date of any modification hearing** |  |
| **Date granted/refused (delete as appropriate)** |  |

|  |  |
| --- | --- |
| **For use by Licensing Board personnel only**  **If application is for a premises licence**  **Documents required** | |
| **Operating plan** |  |
| **Layout plan** |  |
| **Planning certificate** |  |
| **Building standards certificate** |  |
| **Food hygiene certificate** |  |

|  |  |
| --- | --- |
| **For use by Licensing Board personnel only**  **If application is for a provisional premises licence**  **Documents required** | |
| **Provisional planning certificate** |  |
| **Operating plan** |  |
| **Layout plan** |  |

**THE ARGYLL AND BUTE LICENSING BOARD**

**OPERATING PLAN**

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

APPLICANTS ARE REQUESTED TO COMPLETE IN CONJUNCTION WITH THE REQUIREMENTS SET DOWN IN THE BOARD’S POLICY STATEMENT

**Question 1**

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

|  |  |
| --- | --- |
| *1(a) Will alcohol be sold for consumption solely ON the premises?* | **YES/NO** |
| *1(b) Will alcohol be sold for consumption solely OFF the premises?* | **YES/NO** |
| *1(c) Will alcohol be sold for consumption both ON and OFF the premises?* | **YES/NO** |
| *\*Delete as appropriate* |  |

**Question 2**

*STATEMENT OF* ***CORE*** *TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION* ***ON*** *PREMISES*

|  |  |  |
| --- | --- | --- |
| ***Day*** | ***ON Consumption*** | |
|  | ***Opening time*** | ***Terminal hour*** |
| *Monday* |  |  |
| *Tuesday* |  |  |
| *Wednesday* |  |  |
| *Thursday* |  |  |
| *Friday* |  |  |
| *Saturday* |  |  |
| *Sunday* |  |  |

**Question 3**

*STATEMENT OF* ***CORE*** *TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION* ***OFF*** *PREMISES*

|  |  |  |
| --- | --- | --- |
| ***Day*** | ***OFF Consumption*** | |
|  | ***Opening time*** | ***Terminal hour*** |
| *Monday* |  |  |
| *Tuesday* |  |  |
| *Wednesday* |  |  |
| *Thursday* |  |  |
| *Friday* |  |  |
| *Saturday* |  |  |
| *Sunday* |  |  |

**Question 4**

*SEASONAL VARIATIONS*

*\*If YES – provide details*

|  |
| --- |
|  |

**Question 5**

*PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL*

|  |  |  |  |
| --- | --- | --- | --- |
| **COL. 1**  ***5(a) Activity*** | **COL. 2**  ***Please confirm***  ***YES/NO*** | **COL. 3**  **To be provided during core licensed hours – please confirm**  ***YES/NO*** | **COL. 4**  **Where activities are also to be provided outwith core licensed hours please confirm**  ***YES/NO*** |
| *Accommodation* |  | **N/A** | **N/A** |
| *Conference facilities* |  |  |  |
| *Restaurant facilities* |  |  |  |
| *Bar meals* |  |  |  |
|  |  |  |  |
| ***5(b) Activity***  ***Social functions including:*** | ***Please confirm***  ***YES/NO*** | **To be provided during core licensed hours – please confirm**  ***YES/NO*** | **Where activities are also to be provided outwith core licensed hours please confirm**  ***YES/NO*** |
| *Receptions including*  *Weddings, funerals, birthdays, retirements etc.* |  |  |  |
| *Club or other group meetings etc.* |  |  |  |
|  |  |  |  |
| ***5(c) Activity***  ***Entertainment including:*** | ***Please confirm***  ***YES/NO*** | **To be provided during core licensed hours – please confirm**  ***YES/NO*** | **Where activities are also to be provided outwith core licensed hours please confirm**  ***YES/NO*** |
| *Recorded music –* ***see***  ***5(g)*** |  |  |  |
| *Live performances –*  ***see 5(g)*** |  |  |  |
| *Dance facilities* |  |  |  |
| *Theatre* |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| *Films* |  |  |  |
| *Gaming* |  |  |  |
| *Indoor/outdoor sports* |  |  |  |
| *Televised sport* |  |  |  |
|  |  |  |  |
| ***5(d) Activity*** | ***Please confirm***  ***YES/NO*** | **To be provided during core licensed hours – please confirm**  ***YES/NO*** | **Where activities are also to be provided outwith core licensed hours please confirm**  ***YES/NO*** |
| *Outdoor drinking facilities* |  |  |  |
|  |  |  |  |
| ***5(e) Activity*** | ***Please confirm***  ***YES/NO*** | **To be provided during core licensed hours – please confirm**  ***YES/NO*** | **Where activities are also to be provided outwith core licensed hours please confirm**  ***YES/NO*** |
| *Adult entertainment* |  |  |  |

*Where you have answered YES in respect of any entry in column 4 above, please provide further details below.*

|  |
| --- |
|  |

*5(f) any other activities*

*If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.*

|  |
| --- |
|  |

*5(g) Late night premises opening after 1.00am*

|  |  |
| --- | --- |
| *Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?* | *YES/NO\** |

|  |  |
| --- | --- |
| *When fully occupied, are there likely to be more customers standing than seated?* | *YES/NO\** |
| *\*Delete as appropriate* |  |

**Question 6 (on­sales only)**

*CHILDREN AND YOUNG PERSONS*

|  |  |  |
| --- | --- | --- |
| *6(a)* | *When alcohol is being sold for consumption on the premises will children or young persons be allowed entry* | *YES/NO\** |
|  | *\*Delete as appropriate* |  |

*6(b) Where the answer to 6(a) is YES provide statement of the* ***TERMS*** *under which they will be allowed entry*

|  |
| --- |
|  |

*6(c) Provide statement regarding the* ***AGES*** *of children or young persons to be allowed entry*

|  |
| --- |
|  |

*(d) Provide statement regarding the* ***TIMES*** *during which children and young persons will be allowed entry*

|  |
| --- |
|  |

*6(e) Provide statement regarding the* ***PARTS*** *of the premises to which children and young persons will be allowed entry*

|  |
| --- |
|  |

**Question 7**

*CAPACITY OF PREMISES*

*What is the proposed capacity of the premises to which this application relates?*

|  |
| --- |
|  |

**Question 8**

*PREMISES MANAGER (****NOTE: not required where application is for grant of provisional premises licence****)*

*Personal details*

*8(a) Name*

|  |
| --- |
|  |

*8(b) Date of birth*

|  |
| --- |
|  |

*8(c) Contact address*

|  |
| --- |
|  |

*8(d) Contact E-mail*

|  |
| --- |
|  |

*8(e) Personal Licence*

|  |  |  |
| --- | --- | --- |
| *Date of Issue* | *Name of Licensing Board Issuing* | *Reference No. of Personal Licence* |
|  |  |  |

**DECLARATION B Y APPLICA NT OR A GENT ON B EHALF OF AP PLICA NT If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

Signature …………………………………… \* (see note below) Date …………………………………………

Capacity ……………………………………. APPLICANT/AGENT (delete as appropriate). Telephone number and email address of signatory ………………

\* **Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

**Building Regulations Guidance**

The maximum capacity of a premises for building regulation purposes is calculated by taking the total floor area in square metres, excluding any area providing for fixed seating (bolted to the floor), and then dividing that area by a set load factor that depends upon the type of use. This calculation is used to determine the requirements for toilet facilities, etc. The load factors are as follows:

|  |  |
| --- | --- |
| **Description of Room of Space** | **Occupancy Load Factor** |
| Standing Spectators’ Area | 0.3 |
| Amusement arcade, assembly hall (including a general-purpose place of  assembly), bar (public area), bingo hall | 0.5 |
| Concourse, dance hall or floor, queuing area, mall areas in enclosed shopping centres (Class A) | 0.7 |
| Committee room, common room, conference room, dining room, licensed betting office (public area), lounge (other than a lounge bar), meeting room, reading room, restaurant, staff room, waiting room, food courts in enclosed shopping centres | 1.0 |
| Exhibition hall | 1.5 |
| Shop sales area (Class 1), mall areas in enclosed shopping centres (Class B) | 2.0 |
| Shop sales area (Class 3) | 4.0 |
| Art gallery, dormitory, factory production area, museum, workshop | 5.0 |
| Office | 6.0 |
| Kitchen, library, shop sales area (Class 2) | 7.0 |
| Bedroom or study room | 8.0 |
| Bed-sitting room, billiards room | 10.0 |
| Car park, storage and warehouse accommodation | 30 |

For example: a bar with no fixed seating and an area of 100m² will have a maximum capacity of (100/0.5) = 200. Whereas, a dancefloor of the same area would have a maximum capacity of: (100/0.7) = 142.

If you need assistance in calculating your maximum capacity then please seek advice from an independent building surveyor or architect.

**It is again stressed that actual operating capacities should be well below these theoretical maximum capacity figures.**

**ARGYLL AND BUTE LICENSING BOARD**

SCHEDULE

**SCHEDULE 6**

# Regulation 7

**DISABLED ACCESS AND FACILITIES STATEMENT**

Licensing (Scotland) Act 2005, section 20(2)(b)(iia)

**Question 1**

**Disabled access and facilities**

|  |  |  |
| --- | --- | --- |
| 1(a) | Is there disabled access to the premises | *YES / NO\** |
| 1(b) | Do you have facilities for those with a disability | *YES / NO\** |
| 1(c) | Do you have any other provisions available to aid the use of the premises by disabled people | *YES / NO\** |
| *\*Delete as appropriate* | |  |

If you have answered *YES* to any of the questions above please complete, as appropriate, the following sections.

**Question 2**

**Access to the premises**

Please provide clear information about how accessible the premises are for disabled people**.**

|  |
| --- |
|  |

**Question 3**

**Facilities available**

Please describe the facilities provided for disabled people

|  |
| --- |
|  |

**Question 4**

**Other provisions**

Please provide details of any other provisions made to aid the use of the premises by disabled people.

|  |
| --- |
|  |

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this disabled access and facilities statement are true to the best of my knowledge and belief.

Signature …………………………………… \* (see note below)

Date …………………………………………

Capacity ……………………………………. APPLICANT/AGENT

Telephone number and email address of signatory………………..

\* **Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

**DISABLED ACCESS AND FACILITIES STATEMENT**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Premises Licence (Scotland) Regulations 2007 (the 2007 Regulations).

Section 20 of the licensing (Scotland) Act 2005 ( the 2005 Act ) requires that an application for an alcohol premises licence be accompanied by an operating plan, a layout plan and any certificates required under section 50(1) of the 2005 Act. Section 179 of the Criminal Justice and Licensing (Scotland) Act 2010(the 2010 Act) amended section 20 of the 2005 Act to require that a disabled access and facilities statement must also be included with such applications .

Regulation 2(b) of the 2007 Regulations advise that a Premises licence must include an operating plan and a layout plan in respect of the premises , regulation 2(2) of these Regulations amends this by inserting that the licence must also include a disabled access and facilities statement.

Regulation 2(3) of these Regulations inserts a regulation 7 into the 2007 Regulations detailing that a disabled access and facilities statement is to be in the form set out in Schedule 6 to the 2007 Regulations.

Regulation 2(4) and the Schedule to these Regulations inserts a Schedule 6 into the 2007 Regulations. This provides a template of what the disabled access and facilities statement should contain.

**THE ARGYLL AND BUTE LICENSING BOARD**

**LICENSING (SCOTLAND) ACT 2005**

The Licensing (Fees) (Scotland) Regulations 2007

<http://www.legislation.gov.uk/ssi/2007/553/contents/made>

**APPLICATIONS FOR A PREMISES LICENCE**

(a) **£200 in the case of premises within category 1**

= not on the Valuation Roll; nil value on the Valuation Roll; main function is a visitor attraction and considered by the licensing board to be incidental to other activities taking place; Club premises; premises where main function is to provide accommodation, not open to the public, alcohol is sold only to guests using the accommodation.

(b) **£800 in the case of premises within category 2**

= rateable value of premises is £1.00 to £11,500

(c) **£1100 in the case of premises within category 3**

= rateable value of premises is £11,501 to £35,000

(d) **£1300 in the case of premises within category 4**

= rateable value of premises is £35,001 to £70,000

(e) **£1700 in the case of premises within category 5**

= rateable value of premises is £70,001 to £140,000

(f) **£2000 in the case of premises within category 6**

= rateable value of premises is over £140,000

**ANNUAL FEE**

(a) Category 1 above - £180

(b) Category 2 above - £220

(c) Category 3 above - £280

(d) Category 4 above - £500

(e) Category 5 above - £700

(f) Category 6 above - £900

**OTHER FEES**

**APPLICATION TO VARY A PREMISES LICENCE (under Section 29(1) of the 2005 Act)**

(i) If application is one referred to in Section 31(1) of the 2005 Act and any other variation sought in the application is a minor application:

**£31.**

(ii) If application seeks only a minor variation and does not fall within paragraph (i) above:

**£20.**

(iii) Any other case:

**£160.**

**APPLICATION TO TRANSFER BY THE LICENCE-HOLDER**

(Under Section 33(1) of the 2005 Act) **- £34.**

**APPLICATION FOR TRANSFER BY OTHER PERSON**

(Under Section 34(1) of the 2005 Act) - **£21.**

**APPLICATION FOR A PROVISIONAL PREMISES LICENCE**

(Under Section 45(1) of the 20025 Act) - **£160**

**APPLICATION FOR CONFIRMATION OF PROVISIONAL PREMISES LICENCE**

(Under Section 46(1) of the 2005 Act) **- £34.**

**APPLICATION FOR A TEMPORARY PREMISES LICENCE**

(Under Section 47(2) of the 20025 Act) - **£27.**

**APPLICATION FOR OCCASIONAL LICENCE**

**(**Under Section 56(1) of the 20025 Act) - **£10.**

**APPLICATION FOR EXTENDED HOURS LICENCE**

(Under Section 68(1) of the 2005 Act) - **£10.**

**APPLICATION FOR A PERSONAL LICENCE**

(Under Section 72(1) of the 2005 Act) - **£50.**

**ISSUE OF REPLACEMENT PERSONAL LICENCE**

(Under Section 92 of the 2005 Act) - **£8.**

**END**