

## **PERTH AND KINROSS LICENSING BOARD**

### **GUIDANCE NOTE TO ACCOMPANY OPERATING PLAN**

The operating plan must accompany an application for a premises licence under section 20 of the Licensing (Scotland) Act 2005.

The operating plan may be scanned for computer purposes and should be completed in typescript or, in block capitals using BLACK ink. The Board will accept electronic transmission of the form but would still require a signed hard copy sent separately.

Where possible, 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.

The extent to which questions should be answered will be proportionate to the complexity or otherwise of the use to which the premises are to be subjected. For example, comparatively fewer details may be required for an applicant who intends to sell alcohol for off consumption in a village store as opposed to other premises which may have many different uses.

#### **Question 1**

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

#### **Question 2**

This question requires a statement of CORE times when alcohol is being sold for consumption ON the premises. The table should be completed to show for each day, the time the premises will OPEN for the purposes of selling alcohol and the time when the premises will CLOSE for the purposes of selling alcohol (the terminal hour).

Applicants should note that if they operate a premises where different activities are carried on, and where alcohol is sold at different times, then these will need to be set out. For example, a hotel may need to specify different hours for a bar, restaurant and function room. A public house which is part of a larger premises with a night club may need to do the same.

#### **Question 3**

This question requires a statement of CORE times when alcohol is being sold for consumption OFF the premises. The table should be completed to show

for each day, the time the premises will OPEN for the purposes of selling alcohol and the time when the premises will CLOSE for the purposes of selling alcohol (the terminal hour). Please note that under the new Act, off sales will only be able to take place between 1000hrs and 2200hrs, Monday to Sunday.

#### **Question 4**

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 occasions when extensions to licensed hours may be required, for example over the Festive Period.

#### **Question 5**

This question deals with other activities or services which may be provided in addition to the sale of alcohol during core hours and outwith those 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) 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 Act requires that the operating 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 plans need not show the exact start and finish times of all activities listed in the plans. 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 Act relates to licensing of alcohol.

#### **Question 5(g)**

The purpose of this question is to establish whether the premises fall under the definition of “late opening” premises, as these are subject to additional conditions. It would be of great assistance to the Board if those operating premises after 0100hrs could also indicate in section 5(g) whether

- (a) the primary function of the premises is the service of food
- (b) the premises includes at least 6 letting bedrooms.

### **Question 6**

For the purpose of this Act a “child” means a person under the age of 16 years and a “young person” means a person aged 16 or 17 years.

#### **6(b)**

You should state here any terms or “rules” you have in relation to children being admitted to the premises.

#### **6(e)**

Please remember to include reference to toilets, corridors and letting bedrooms (if you have them).

### **Question 7**

Applicants are asked to confirm the proposed capacity of the premises they wish to be licensed. Any figure provided may be verified, for the purposes of overprovision by or on behalf of the Licensing Board.

In relation to on sales premises, the capacity is to be the maximum number of customers which can be accommodated in the premises at any one time.

In relation to off sales, the capacity is to be the amount of space given over to the display of alcohol for sale.

### **Question 8**

Where the application is for the grant of a provisional premises licence there is no requirement to complete this question.

An individual may not be the premises manager of more than one licensed premises at the same time.

The Act requires that an operating plan must detail the name of the person who will be the premises manager. **However, during the transition period, the operating plan may be submitted without this information.** This information has to be provided though by 1 September 2009.