

**Item: 4**

**Orkney Islands Area Licensing Board: 21 August 2025.**

**Licensing (Scotland) Act 2005.**

**Application for Variation of Premises Licence.**

**Pomona Inn, Finstown.**

**Report by Clerk to the Licensing Board.**

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## **1. Overview**

- 1.1. A premises licence has been held at Pomona Inn, Finstown, since 22 August 2024 by Sharon Craigie.
- 1.2. On 18 June 2025, Sharon Craigie submitted an application for variation of the premises licence in respect of Pomona Inn, Finstown, details of which are provided at section 3 below.

## **2. Recommendations**

- 2.1. It is recommended that the Board:
  - i. Determine the application from Sharon Craigie for variation of the premises licence held in respect of Pomona Inn, Finstown.
  - ii. Note that, should the Board be minded to approve the application, cognisance be taken of the advice outlined in sections 5.6 and 5.7 of this report

## **3. Application for Variation of Premises Licence**

- 3.1. The application requests an increase in the extent of the premises by inclusion of an outdoor drinking and seating area. A layout plan showing the location of the outdoor drinking and seating area in relation to the premises is included at Appendix 1 to this report.
- 3.2. The areas accessible by children and young persons will increase with the inclusion of the outdoor drinking area.
- 3.3. Section 147(1) of the Licensing (Scotland) Act 2005 (the Act) provides the following definitions:

- “Child” means a person under the age of 16.
  - “Young persons” means a person aged 16 or 17.
- 3.4. Mandatory operating plans associated with premises licences require licensees to provide specific information regarding access by children and young persons.
- 3.5. The current operating plan provides for access by children and young persons as follows:
- Any child or young person aged 5 years old and under 18 years old will have to be accompanied by a parent or guardian between 11:00 and 20:00 on Monday to Saturday inclusive and between 12:30 and 20:00 on Sunday.
  - Children and young people should not sit or remain at any bar counter at any time (including during private functions).
  - Children and young persons are permitted entry for the duration of a private function.
  - Young persons of 16 and 17 years are permitted to take part in pool and darts league games for the duration of the competitions and are to be accompanied by a responsible adult.
- 3.6. It should be noted that children under 5 years are not permitted on the premises.
- 3.7. There will be no increase in the on-sale capacity of the premises, being 100 persons.
- 3.8. There will be no change to operating hours in the current operating plan which provides for on-sale operating hours, as follows:
- 11:00 to 24:00 on Monday to Thursday.
  - 11:00 to 01:00 on Friday/Saturday and Saturday/Sunday.
  - 12:30 to 24:00 on Sunday.
  - Terminal hour of 01:00 in any morning for events held on the premises relating to annual agricultural shows, local festivals and private functions.
  - Terminal hour of 01:00 in any morning during the festive season being 24/25 December until 2/3 January each year.

## **4. Consultation**

- 4.1. The required notices were issued to the statutory consultees on 25 June 2025 and the application was published on Orkney Islands Council’s website from 26 June 2025. The last date for objections or representations to be received was 17 July 2025. One representation was received.

## 5. Representation

- 5.1. A representation was received from Police Scotland by email dated 10 July 2025. As required in terms of the Act a copy of the representation was sent to the applicant by email and post on 16 July 2025. The representation is included at Appendix 2 to this report.
- 5.2. The representation highlights the licensing objectives of preventing public nuisance and securing public safety and requests that, if granted, various conditions be imposed as follows:
- After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.
  - No live or recorded music shall be played in any outdoor drinking area.
  - The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.
  - The licence holder shall ensure that all outdoor tables are regularly cleared of all used glassware, crockery, cutlery and refuse.
- 5.3. In their submission, Police Scotland assert that the conditions proposed come from typical local and specific conditions found elsewhere in the Highlands and Islands area.
- 5.4. [Highland Licensing Board's Licensing Policy Statement](#) sets out in paragraphs 2.10 and 3.2 its provisions regarding conditions for outdoor areas by way of local conditions on premises licences. The provisions in paragraph 2.10 of Highland Licensing Board's Licensing Policy Statement include the following:
- "Depending on the location of the premises, the Board may impose a condition restricting the hours during which drinks may be consumed in any outdoor drinking area identified in the operating plan. The Board will assess the appropriate hours on a case by case basis, having regard to the nature of the locality and any other relevant factors."
  - "A further condition may be applied to restrict or prohibit the playing of any live or recorded music in any outside drinking area."
  - "The Board may also apply a condition requiring that the licence holder ensures that the consumption of drinks (alcoholic or otherwise) in any outside drinking area is permitted only by customers seated at the tables and chairs provided and not by customers standing in the outside area."

- “The Board may also require that, ....” “... in addition, tables used in any such outdoor drinking area must be regularly cleared of all used glassware and crockery.”
- 5.5. In relation to any local conditions, such as the potential conditions outlined above, paragraph 3.2 of Highland Licensing Board’s Licensing Policy Statement provides that the Board may “attach such further conditions as it considers necessary or expedient for the purposes of the licensing objectives. To that end, the Board has agreed core lists of further conditions known as “local conditions”, which largely reflect the Board’s policies...”. “In determining which of the local conditions are to apply to a particular licence, the Board will have regard to the recommendations of the Licensing Standards Officers as to which of the local conditions are appropriate”.
  - 5.6. It is a mandatory condition of all premises licences that alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence. Failure to comply with this condition would constitute a breach. Therefore, should the Board be minded to approve the variation application subject to the condition requested in respect of operating hours for the outdoor area, and/or any additional conditions imposed by the Board, the applicant should be requested to provide an amended operating plan.
  - 5.7. All premises licences are subject to mandatory conditions, as listed in Schedule 3 to the Act. A copy of the mandatory conditions is attached at Appendix 4 to this report for reference. Should the Board be minded to approve the variation with the addition of any other local condition, the Board must consider whether the proposed additional condition is necessary or expedient for the purposes of any of the licensing objectives and proportionate to the operation of the premises.
  - 5.8. Each application must be considered on its own merits.

## **6. Submission from Applicant**

- 6.1. By email on 23 July 2025 Sharon Craigie provided a submission in support of her application. The submission is attached as Appendix 3 to this report.
- 6.2. The submission addresses the points raised in the representation received from Police Scotland which includes use of the outdoor area until 22:00, provision of music, and that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.

6.3. In her submission, Mrs Craigie explains that:

- They are proposing to just have low level background music. An Environmental Health Officer had suggested the time allowed outside to only be until 10pm, as he assumed there was going to be music outside. Therefore, we understood by this that we would be allowed to have music outside until 10 pm.
- Not everyone wants to sit down whilst drinking and if someone wants to go out for a cigarette they normally wouldn't sit down for this, so they will have to leave their drink inside or sit down to have their cigarette.
- We understand the Licensing Objectives for preventing public nuisance and securing public safety, the outside drinking area would be right around the back of the building, shielded from public view from all sides and well away from any residential properties and there will also be planters defining the drinking area and car park. We have CCTV covering the bar and outside the rear drinking area, so we can monitor this outdoor area very well and as we will be ensuring outdoor tables are regularly cleared of glassware and refuse, we can keep an eye on it this way too.

## **7. Planning Consent**

7.1. During consultation on the planning application for consent to include an outdoor seating area at Pomona Inn, the Council's Environmental Technical Officer advised:

- The proposed seating area is to the rear of the premises and is shielded to some degree from the residential properties that line the road 25-30 meters to the North. There is also a residential property approximately 50 metres to the East across an open area of grassland.
- Given the close proximity of these residential properties it is felt that a condition should be applied to any permission granted to protect the amenity of the area from loud music and associated noisy activities at unsociable hours.
- It is therefore recommended that a condition restricting the use of the area after 22.00 is applied to any permission granted.

7.2. The planning consent for the use of the proposed outdoor area provides the following condition:

- The use hereby approved shall operate between the hours of 09:00 and 22:00 only and shall not operate at all on Christmas Day or New Years Day and shall be closed to customers outside these specific times unless approved, in writing, with the Planning Authority.

- Reason: To protect the amenity of nearby residential properties from noise and disturbance associated with the approved use.
- 7.3. It should be noted that planning consent is an entirely separate matter. Conditions stipulated in other consents should not routinely be duplicated on a premises licence.

## **8. Policy Position**

- 8.1. In accordance with the Licensing (Scotland) Act 2005 (the Act), the Board's Statement of Alcohol Licensing Policy provides that decisions on premises licence variation applications shall be made by the Board (with the exception of decisions on minor variation applications which are delegated to the Clerk to the Board).
- 8.2. Sections 2.8 to 2.15 of the Board's Statement of Alcohol Licensing Policy set out the relationship between licensing legislation and other statutory health and safety requirements, such as planning, building standards and food hygiene. Section 2.8 of the Policy provides that the Board will avoid duplication with other regulatory regimes and will not use its powers under the Act to arrive at outcomes that can be achieved under other legislation or by other enforcement agencies.
- 8.3. The full policy document is available from the Related Downloads section [here](#).

## **9. Legislative Position**

- 9.1. The Act provides that the Licensing Board must hold a hearing for the purpose of considering and determining an application for a variation that is not a minor variation.
- 9.2. Because the application requests an increase in the footprint of the licensed premises and access by children and young persons it is not a minor variation and therefore must be determined by the Board.
- 9.3. Any person may, by notice to the Board, object to an application on any of the grounds for refusal specified in the Act or may make representations to the Licensing Board, including representations in support of the application, as to modifications which the person considers should be made to the operating plan accompanying the application or as to conditions which the person considers should be imposed.

9.4. The grounds for refusal under the Act are as follows:

9.4.1 The application must be refused if, generally, it is an application within one year of a previous refusal or seeks generally banned 24 hour opening or prohibited off-sale hours.

9.4.2 The Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives, namely:

- Preventing crime and disorder.
- Securing public safety.
- Preventing public nuisance.
- Protecting and improving public health.
- Protecting children and young persons from harm.

9.4.3 Having regard to:

- The nature of the activities proposed to be carried on in the subject premises,
- The location, character and condition of the premises.
- The persons likely to frequent the premises.

The Board considers that the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation.

9.4.4 The Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises or licensed premises of the same or similar description as the subject premises (taking account of the variation), in the locality.

9.5. Anyone lodging an objection on the ground detailed at section 9.4.4 above must specify the locality on which they are basing their objection.

9.6. Where the Board refuses the application, the Board must specify the ground for refusal. If the ground for refusal is that specified in the ground detailed at section 9.4.2 above, the Board must specify the licensing objective or objectives in question.

9.7. The Board must, in considering and determining the application, consider whether any of the grounds for refusal applies. If none of them applies, the Board must grant the application. If any of them applies, the Board must refuse the application.

- 9.8. Where the Board grants the application, the Board may impose such other proportionate conditions as it considers necessary or expedient for the purposes of the licensing objectives. The Board may not impose a condition which is inconsistent with an existing mandatory condition, which would have the effect of making a mandatory condition more onerous or restrictive, or which relates to a matter (such as planning, building control or food hygiene) which is regulated under another enactment.

**For Further Information please contact:**

Gavin Mitchell, Clerk to the Board, extension 2233, email [gavin.mitchell@orkney.gov.uk](mailto:gavin.mitchell@orkney.gov.uk)

**Implications of Report**

1. **Financial:** The appropriate application fee of £100 has been paid.
2. **Legal:** As above.
3. **Corporate Governance:** In terms of Section 30 of the Licensing (Scotland) Act 2005, a Premises Licence Variation Application is to be determined by the Licensing Board.
4. **Human Resources:** None.
5. **Equalities:** None.
6. **Island Communities Impact:** None.
7. **Environmental and Climate Risk:** None.
8. **Risk:** None.
9. **Procurement:** None.
10. **Health and Safety:** None.

**List of Background Papers**

Application for Variation of Premises Licence by Sharon Craigie.

**Appendices**

Appendix 1 – Layout Plan showing the location of the outdoor drinking and seating area in relation to the premises.

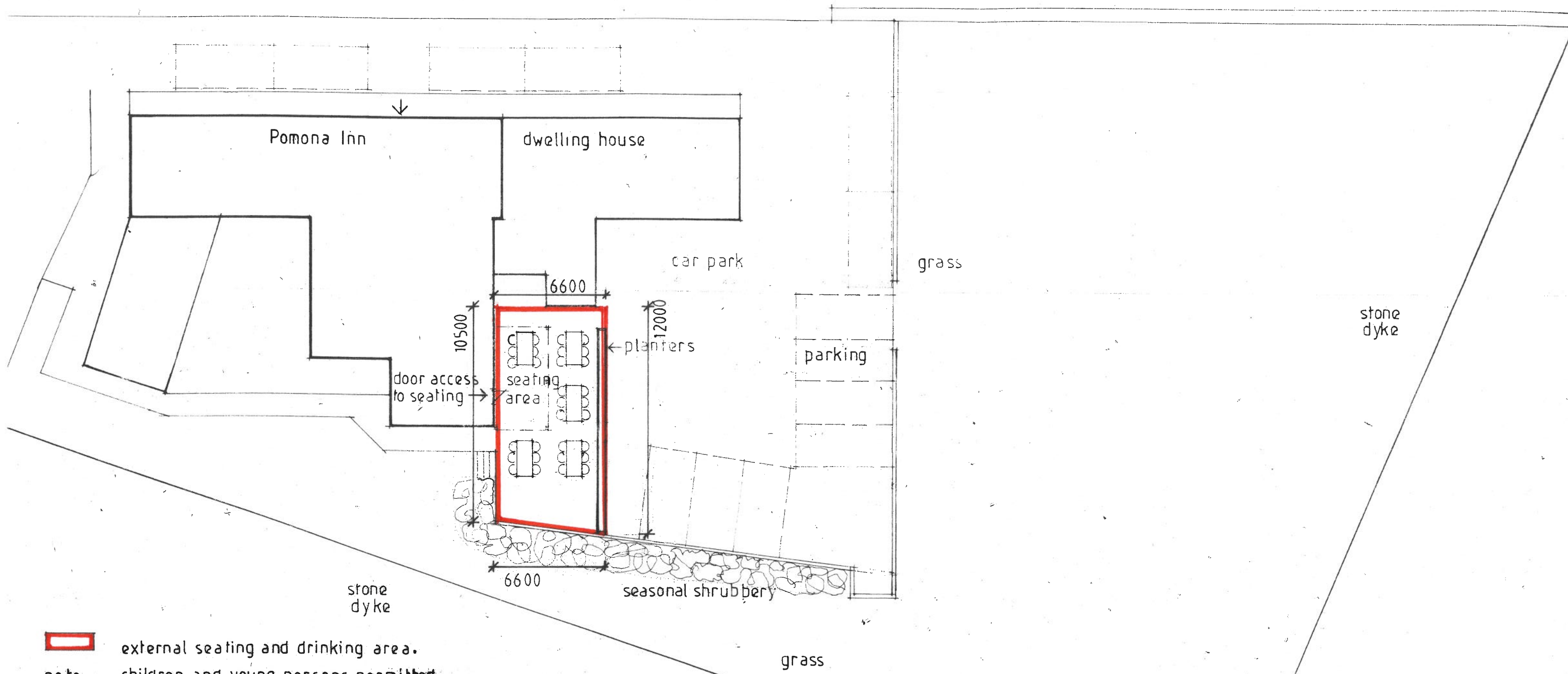
Appendix 2 – Representation from Police Scotland.


Appendix 3 – Submission letter from Sharon Craigie.

Appendix 4 – List of current mandatory conditions relating to premises licences.



A.965




 external seating and drinking area.  
note.. children and young persons permitted access to external seating area.

• Note • this drawing to be read in conjunction with drawing 950.1.

**BASHIR I HASHAM** Dip Arch (Sheffield)  
Tanmaur Orphir Orkney. KW17 2RD  
Telephone 01856 811786 bashir.hasham@me.com



site plan 0 1 2 3 4 5  


POMONA INN, FINSTOWN  
proposed external seating area  
LICENSING

Scale 1:200 Date June 2025 1102.2  
Do not scale All dimensions to be checked on site

10/07/2025

Your Ref: OI/PL/142

Our Ref: 934527

Orkney Islands Licensing Board  
Corporate Services  
Orkney Islands Council  
Council Offices  
School Place  
Kirkwall  
Orkney  
KW15 1NY



Kirkwall Police Station  
Burgh Road  
Kirkwall  
Orkney  
KW15 1AH

Dear Sir,

**LICENSING (SCOTLAND) ACT 2005. APPLICATION FOR THE VARIATION OF A PREMISES LICENCE. POMONA INN, A965 FROM FINSTOWN 30MPH TO FI, FIRTH, FINSTOWN, ORKNEY ISLANDS, KW17 2EL. PLH – SHARON CRAIGIE.**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of

Addition of an external seating and drinking area to the rear of the premises where children and young persons are permitted access.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

It is assessed that various conditions on the Premises Licence should be considered by the Licensing Board before granting this variation.

If the variation, or an amended version is approved, I request that the Licensing Board considers that conditions be imposed in respect of:

*After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.*

This protects the Licensing Objectives, namely preventing public nuisance.

*No live or recorded music shall be played in any outdoor drinking area.*

## OFFICIAL

This protects the Licensing Objectives, namely preventing public nuisance.

*The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.*

This provides a better measure of control of the external area, increasing safety and allowing easier monitoring of capacity and intoxication levels and is for the protection of the Licensing Objectives, namely preventing public nuisance and securing public safety.

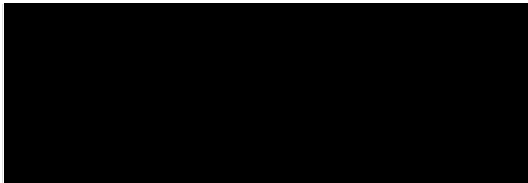
*The licence holder shall ensure that all outdoor tables are regularly cleared of all used glassware, crockery, cutlery and refuse.*

This protects the Licensing Objectives, namely preventing public nuisance and securing public safety.

It is understood that Orkney do not currently have a “bank” of local or specific conditions, therefore the conditions proposed come from typical local and specific conditions found elsewhere in the Highlands and Islands area.

This representation is submitted for your attention in considering this application.

Yours faithfully

A large black rectangular redaction box covering the signature of the Chief Superintendent.

Chief Superintendent Rob Shepherd  
Divisional Commander

A thick black horizontal redaction bar.

Sharon Craigie  
Pomona Inn  
FINSTOWN  
Orkney  
KW17 2EL  
23<sup>rd</sup> July 2025

Orkney Islands Area Licensing Board  
Council Offices  
KIRKWALL  
Orkney  
KW15 1NY

Dear Orkney Islands Area Licensing Board

### **APPLICATION FOR VARIATION OF PREMISES LICENCE**

Regarding the letter sent to us dated 16<sup>th</sup> July 2025, which also included a letter from Police Scotland with conditions on it for the outside drinking application, we do not agree with some of these conditions:

1. "No live or recorded music shall be played in any outdoor drinking area" – what we are proposing is to just have low level background music. Nick Blowfield, Environmental Health, suggested the time allowed outside to only be until 10 pm, as he assumed there was going to be music outside. Therefore, we understood by this that we would be allowed to have music outside until 10 pm. We have a Music Licence, and it stipulates that "a music licence allows you to legally play music for customers and employees in your bar, dining, and outside areas through the radio, TV and other digital devices". As we said above it would only be low level background music, so people can still enjoy some music whilst having a drink outside. The outside drinking area would be right around the back of the building, shielded from public view from all sides and well away from any residential properties.
2. "The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area." We do not agree with this as not everyone wants to sit down whilst drinking and also if someone wants to go out for a cigarette they normally wouldn't sit down for this, so they will have to leave their drink inside or sit down to have their cigarette.
3. We understand the Licensing Objectives for preventing public nuisance and securing public safety, and as per point number 1, the outside drinking area would be right around the back of the building, shielded from public view from all sides and well away from any residential properties and there will also be planters defining the drinking area and car park. We have CCTV covering the bar and outside the rear drinking area, so we can monitor this outdoor area very well and as we will be ensuring outdoor tables are regularly cleared of glassware and refuse, we can keep an eye on it this way too.
4. We are aware that several other licensed premises have music outside and people are allowed to stand whilst drinking, in much more public areas than we are proposing.

Yours faithfully

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Sharon Craigie

Licensing (Scotland) Act 2005  
Premises Licences – Mandatory Conditions

**Interpretation**

- 1.** “The premises” means, in relation to any premises licence, the premises specified in the licence.

**Compliance with the operating plan**

- 2.**
  - (1) Alcohol is to be sold on the premises only in accordance with the operating plan contained in the licence.
  - (2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2).
- 3.** Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.

**The premises manager**

- 4.**
  - (1) Alcohol is not to be sold on the premises at any time when:
    - (a) there is no premises manager in respect of the premises,
    - (b) the premises manager does not hold a personal licence,
    - (c) the personal licence held by the premises manager is suspended, or
    - (d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
  - (2) In sub-paragraph (1), “appropriate licensing qualification” in relation to any licensed premises means any licensing qualification prescribed as such in relation to licensed premises of that description in regulations under section 91(2)(d).
  - (3) Nothing in sub-paragraph (1) or paragraph 5 is to be read as requiring the premises manager to be present on the premises at the time any sale of alcohol is made.

**Authorisation of sales of alcohol**

- 5.** Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:
  - (a) the premises manager, or
  - (b) another person who holds a personal licence.

**Training of staff**

- 6.**
  - (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.
  - (2) That is a capacity (whether paid or unpaid) which involves the person:

- (a) making sales of alcohol, or
  - (b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.
- (2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub-paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.
- (2B) A record kept on the premises under sub-paragraph (2A) must be produced to a Licensing Standards Officer on request.
- (3) Regulations under sub-paragraph (1) prescribing training requirements may, in particular-
  - (a) provide for the accreditation by the Scottish Ministers of:
    - (i) courses of training, and
    - (ii) persons providing such courses,
 for the purposes of the regulations,
  - (b) prescribe different training requirements in relation to different descriptions of persons,
  - (c) require that any person providing training or any particular description of training in accordance with the regulations hold a personal licence or such other qualification as may be prescribed in the regulations, and
  - (d) require training to be undergone again at such intervals as may be prescribed in the regulations.

#### Pricing of alcohol

- 6A**
- (1) Alcohol must not be sold on the premises at a price below its minimum price.
  - (2) Where alcohol is supplied together with other products or services for a single price, sub-paragraph (1) applies as if the alcohol were supplied on its own for that price.
  - (3) The minimum price of alcohol is to be calculated according to the following formula:  

$$\text{MPU} \times \text{S} \times \text{V} \times 100$$
 where:  
 MPU is the minimum price per unit,  
 S is the strength of the alcohol, and  
 V is the volume of the alcohol in litres.
  - (4) The Scottish Ministers are to specify by order the minimum price per unit for the purposes of sub-paragraph (3).
  - (5) For the purposes of sub-paragraph (3), where:
    - (a) the alcohol is contained in a bottle or other container, and

(b) the bottle or other container is marked or labelled in accordance with relevant labelling provisions,  
the strength is taken to be the alcoholic strength by volume as indicated by the mark or label.

(6) The Scottish Ministers are to specify by order the enactments which are relevant labelling provisions for the purposes of sub-paragraph (5).

**6B** (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale on the premises.

(2) Sub-paragraph (1) applies:  
(a) only where each of the alcoholic products is for sale on the premises separately, and  
(b) regardless of whether or not the package also contains any item which is not an alcoholic product.

(3) In this paragraph, “alcoholic product” means a product containing alcohol and includes the container in which alcohol is for sale.

**7.** Where the price at which any alcohol sold on the premises for consumption on the premises is varied:

(a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and  
(b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

**7A** Where the price at which any alcohol sold on the premises for consumption off the premises is varied:

(a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and  
(b) no further variation in the price at which that alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

#### Irresponsible drinks promotions

**8.** (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.

(2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it:

- (a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
  - (b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
  - (c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
  - (d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),
  - (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
  - (f) is based on the strength of any alcohol,
  - (g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
  - (h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.
- (3) Paragraphs (c) to (e) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.
- (4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to:
- (a) add further descriptions of drinks promotions,
  - (b) modify any of the descriptions of drinks promotions for the time being listed in it, or
  - (c) extend or restrict the application of any of those descriptions of drinks promotions.
- (5) In this paragraph, “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

#### Provision of non-alcoholic drinks

- 9.** (1) The conditions specified in this paragraph apply only to the extent that the premises licence authorises the sale of alcohol for consumption on the premises.
- (2) Tap water fit for drinking must be provided free of charge on request.
- (3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

#### Age verification policy

- 9A** (1) There must be an age verification policy in relation to the sale of alcohol on the premises.



- (2) An “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises (“the customer”) if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).
- (3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

**Payment of annual or recurring fees**

- 10.** (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under section 136(1).
- (2) The fee must be paid as required by the regulations.

**Notices: admission of persons under 18**

- 11.** (1) The condition specified in this paragraph applies only in the case of premises on which alcohol is sold for consumption on the premises.
- (2) There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which:
- (a) states that persons under the age of 18 are not permitted on the premises; or
  - (b) states that such persons are permitted on the premises or on such parts of the premises as are specified on the sign.

**Baby changing facilities**

- 12.** (1) The condition specified in this paragraph applies only in the case of premises:
- (a) which are not:
    - (i) a vehicle;
    - (ii) a vessel;
    - (iii) a moveable structure; or
    - (iv) used wholly or mainly for the purposes referred to in section 125(1);
  - (b) on which alcohol is sold for consumption on the premises; and
  - (c) to which children under the age of 5 are to be admitted.
- (2) There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender.

**Display, or promotion of the sale, of alcohol for consumption off the premises**

- 13.** (1) Subject to sub-paragraph (3), alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following:
- (a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or

- (b) a single area of the premises which is inaccessible to the public.
- (1A) Sub-paragraphs (1B) to (1D) apply where the premises, in so far as they are used for the sale of alcohol, are so used only or primarily for the sale of alcohol for consumption off the premises.
- (1B) Any drinks promotion on the premises may take place only in any one or more of the following:
- (a) an area referred to in sub-paragraph (1)(a) and (b),
  - (b) a room on the premises which is used for offering the tasting of any alcohol sold on the premises (for consumption off the premises) and the resulting tasting and is separate from those areas.
- (1C) A drinks promotion in connection with the premises may not take place in the vicinity of the premises.
- (1D) For the purposes of sub-paragraph (1C), the “vicinity” means the area extending 200 meters from the boundary of the premises (as shown on the layout plan).
- (2) In an area agreed in terms of sub-paragraph (1)(a), a product other than alcohol may be displayed only if it is:
- (a) a non-alcoholic drink;
  - (b) packaged with, and may be purchased only along with, alcohol,
  - (c) a branded non-alcoholic product, or
  - (d) a newspaper, magazine or other publication.
- (2A) Sub-paragraph (2) is without prejudice to sub-paragraph (1B).
- (3) This paragraph does not apply in respect of premises:
- (a) whose main function is to provide a visitor attraction, and
  - (b) where:
    - (i) the premises form part of a larger site which is used principally for the production of alcoholic drinks, or
    - (ii) the visitor attraction is used principally to provide information about and promote the history and attributes of a particular alcoholic drink or a particular category of alcoholic drink.
- (4) In this paragraph:
- “branded non-alcoholic product” means a product which does not consist of or contain alcohol and which:
    - (a) bears a name or image of, or
    - (b) is an image of,an alcoholic product (namely, a product consisting of or containing alcohol),
  - “drinks promotion” means any activity which promotes, or seeks to promote, the buying of any alcohol sold on the premises for

consumption off the premises but does not include the display of any product which is:

- (a) a branded non-alcoholic product for sale on the premises, or
- (b) a newspaper, magazine or other publication:
  - (i) for sale on the premises, or
  - (ii) if not for sale on the premises, which does not relate only or primarily to alcohol.