

Item: 5

Orkney Islands Area Licensing Board: 9 October 2025.

Licensing (Scotland) Act 2005.

Application for Variation of Premises Licence.

Albert Hotel, Junction Road, Kirkwall.

Report by Clerk to the Licensing Board.

1. Overview

- 1.1. A premises licence has been held at Albert Hotel, Junction Road, Kirkwall, since 1 September 2009 by Albert Hotel Ltd.
- 1.2. On 1 August 2025, Albert Hotel Ltd submitted an application for variation of the premises licence in respect of Albert Hotel, Junction Road, Kirkwall, details of which are provided at section 3 below.

2. Recommendation

- 2.1. It is recommended that the Board:
 - i. Determine the application from Albert Hotel Ltd for variation of the premises licence held in respect of Albert Hotel, Junction Road, Kirkwall.

3. Application for Variation of Premises Licence

- 3.1. The application requests an increase in the extent of the premises by:
 - Inclusion of a new reception area.
 - The addition of 12 accommodation rooms.
- 3.2. Layout plans showing the extent of the premises are included at Appendix 1 to this report.
- 3.3. The areas accessible by children and young persons will increase with the inclusion of the additional accommodation.
- 3.4. The application also requests access by children and young persons accompanied by a person over 18 to the Bothy Bar, with children excluded from the Bothy Bar after 21:00 unless when attending a private function.

- 3.5. 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.
- 3.6. Mandatory operating plans associated with premises licences require licensees to provide specific information regarding access by children and young persons.
- 3.7. The current operating plan excludes access by children and young persons from the Bothy Bar.
- 3.8. In terms of the current operating plan children and young persons are otherwise permitted on the hotel premises, accompanied by a person over 18, as residents, for private functions at any time and meals at all licensed times. These approved terms of access by children and young persons do not form part of this application and are therefore not subject to consideration.
- 3.9. The inclusion of the activity of theatre is requested.
- 3.10. Changes to on-sale operating hours are requested as follows:
- A reduced terminal hour from 01:00 to 24:00 on Thursday.
 - Inclusion of a terminal hour of 01:00 any morning for events held on the premises relating to annual agricultural shows.
 - Inclusion of a terminal hour of 01:30 any morning for weddings.
- 3.11. The current operating plan provides for on-sale operating hours, as follows:
- 11:00 to 24:00 on Mondays to Wednesdays.
 - 11:00 to 01:00 on Thursday/Friday, Friday/Saturday and Saturday/Sunday.
 - 12:00 to 24:00 on Sundays.
 - Terminal hour of 01:00 in any morning for events held on the premises relating to 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.
- 3.12. There will be no increase in the on-sale capacity of the premises, being 428 persons.

- 3.13. There will be no change to the off-sale operating hours provided for in the current operating plan, as follows:
- 10:00 to 22:00 on Mondays to Saturdays.
 - 12:00 to 22:00 on Sundays.
- 3.14. There will be no change to the off-sale capacity provided for in the current operating plan as follows:
- Lounge bar area – 7.1 metres by 2.18 metres.
 - Bothy bar area – 4 metres by 2.51 metres.
 - Shop area – 3.6 metres by 2.4 metres.
- 3.15. The application also notifies the change of address of the Albert Hotel premises from Mounthoolie Lane to Junction Road, Kirkwall.
- 3.16. The application had also requested inclusion of a new outdoor area Ancillary Grounds 1. This request was withdrawn at the end of the statutory consultation period referred to in section 4 below.

4. Consultation

- 4.1. The required notices were issued to the statutory consultees on 6 August 2025 and the application was published on Orkney Islands Council's website from 8 August 2025. The last date for objections or representations to be received was 29 August 2025. One representation was received.

5. Representation

- 5.1. A representation was received from Police Scotland by email dated 21 August 2025. As required in terms of the Act a copy of the representation was sent to the applicant's agent by email on 22 August 2025. The representation is included at Appendix 2 to this report.
- 5.2. The representation highlights the licensing objectives of protecting children and young persons from harm and securing public safety and requests that, if granted, various conditions be imposed as follows:
- “(a) Children under the age of 16 are excluded from any room where there is a bar counter after 2000 hours.
 - (b) Whilst in any room with a bar counter all children must be in the company and supervised by an appropriate responsible adult.

- (c) Any appropriate responsible adult should not be so intoxicated that they are unable to care for the child or young person.
- (d) Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time. From the layout plans of the Premises that have been submitted alongside the application it is clear that this intention is there as it's explained around the bar areas that children and young persons will not sit at these areas.
- (e) A suitable child protection policy is in place.”

5.3. By email on 28 August 2025, the Alcohol and Drugs Partnership Co-ordinator, NHS Orkney, responded as follows:

- “Following discussion with Police Scotland, we are in support of the conditions stated in the response prepared by Sgt Sarah Paterson.”

5.4. On 18 September 2025, the Licensing Service wrote to Police Scotland to enquire “whether Police Scotland would intend to police the proposed conditions requested”.

5.5. On 22 September 2025, Police Scotland responded to the Licensing Service’s query in the following terms:

“Good morning,

Thanks for your email [name of officer]. May I please know who asked this question?

The responsibility would be joint between Police and the LSO. Below is *[sic]* excerpts from the Orkney Liquor Licensing Policy. Police, on engagement with any premises during any LP visits ensure any and all conditions are being adhered to and make investigation should a breach be reported or observed. It is an offence to breach the licence conditions under the Licensing (Scotland) Act 2005 however the escalation process would be followed as per our National Licensing Toolkit which is also explained within our Chief Constable Liquor Licensing reports. Anyone can ask for a Premises Licence review and Police would look to do so if a Premises required to come before the Board in their view of the information they had and would expect the LSO to do the same if they had reported information that made a Review a requirement. More often than not it (a Review) is not required and with engagement, advice and monitoring between Police and the LSO the Premises will adhered to the conditions set.”.

- 5.6. Police Scotland then reproduced the text of paragraphs 11.1 to 11.3 and 12.1 to 12.3 of the Board's Statement of Alcohol Licensing Policy. The full Policy document is available [here](#).
- 5.7. It is important to note that a breach of a condition of a licence is an offence and therefore Police Scotland are the enforcing authority.
- 5.8. The statutory functions of the Licensing Standards Officer include providing information and guidance concerning the operation of the Act in the area, providing mediation services for the purpose of avoiding or resolving disputes or disagreements between the holders of licences and any other persons, and supervising the compliance by licence holders with the conditions of their licence. Where a Licensing Standards Officer believes that a condition has been or is being breached, the Licensing Standards Officer can issue a notice to the licence holder requiring the breach to be remedied, and if such notice is not complied with, may apply to the Board for the licence to be reviewed.
- 5.9. All premises licences are subject to mandatory conditions, as listed in Appendix 3 to this report. Should the Board be minded to approve the variation with the addition of any condition, the Board must consider whether the proposed additional condition is necessary or expedient for the purpose of the licensing objectives and proportionate to the operation of the premises.
- 5.10. Each application must be considered on its own merits.

6. Policy Position

- 6.1. 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).
- 6.2. The Board's Statement of Alcohol Licensing Policy generally permits on sale operating hours as follows:
- Commencement on-sale operating hour of 10:00 each day.
 - Terminal on-sale operating hours of 24:00 Sundays to Thursdays and 01:00 Fridays/Saturdays and Saturdays/Sundays.
 - For local events such as annual agricultural shows, local festivals and private functions, a terminal on-sale operating hour of 01:00 in any morning.
 - For weddings, a terminal on-sale operating hour of 01:30 in any morning.

- For the festive season, being 24/25 December until 2/3 January each year, a terminal on-sale operating hour of 01:00 any morning.
- 6.3. The proposed amendments to on-sale operating hours requested in the application fall within the range of hours permitted in the Board's Statement of Alcohol Licensing Policy.
- 6.4. 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.
- 6.5. The full policy document is available from the Related Downloads section [here](#).

7. Legislative Position

- 7.1. 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.
- 7.2. Because the application requests an increase in the extent 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.
- 7.3. 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.
- 7.4. The grounds for refusal under the Act are as follows:
 - 7.4.1 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.
 - 7.4.2 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.

7.4.3 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.

7.4.4 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.

7.4.5 Anyone lodging an objection on the ground detailed at section 7.4.4 above must specify the locality on which they are basing their objection.

7.5. 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 7.4.2 above, the Board must specify the licensing objective or objectives in question.

7.6. 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.

7.7. Where the Board grants the application, the Board may impose such conditions as it considers necessary or expedient for the purposes of any of the licensing objectives and proportionate to the operation of the premises. 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.

- 7.8. 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 any of the conditions requested in respect of access by children and young persons, the applicant should be requested to provide an amended operating plan.

For Further Information please contact:

Gavin Mitchell, Clerk to the Board, extension 2233, email 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 Albert Hotel Ltd.

Appendices

Appendix 1 – Layout Plans showing the extent of the Albert Hotel premises.

Appendix 2 – Representation from Police Scotland.

Appendix 3 – List of current mandatory conditions relating to premises licences.

PROJECT SPECIFIC NOTES

Any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Premises Licence.

LEGEND


Fire Warning System, Emergency Lighting & Fire Fighting Equipment

 ILLUMINATED EXIT SIGN

 ILLUMINATED DIRECTIONAL EXIT SIGN

 NON-ILLUMINATED EXIT SIGN EMERGENCY LIGHT

FAN FIRE ACTION NOTICE

 'BREAK GLASS' EMERGENCY CALL POINT

HD FIRE ALARM SOUNDER

 SMOKE DETECTOR / SOUNDER HEAT DETECTOR FIRE BLANKET WATER TYPE F CO2 TYPE FIRE EXTINGUISHER
FOAM TYPE FIRE EXTINGUISHER POWDER TYPE FIRE EXTINGUISHER DENOTES EXTENT OF THE LICENSED AREA DENOTES EXTENT OF EXTERNAL LICENSED AREA

 DENOTES CHILDREN AND YOUNG PERSON AREAS. Children and Young Persons have access to all public areas.

 DENOTES AREAS USED FOR OFF SALES DISPLAY

LEASK
Architects

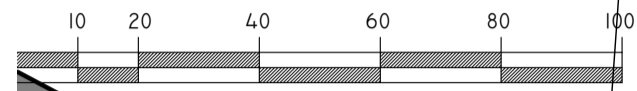
17a Main Street, Balerno, Edinburgh, EH14 7EQ
0131 297 4791 www.leaskarchitects.co.uk admin@leaskarchitects.co.uk

Client
Dawn Flett

Project	The Albert Hotel, Mounthoolie Lane, Kirkwall, KW15 1JZ
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Drawing Title
Ground Floor Licensing Plan

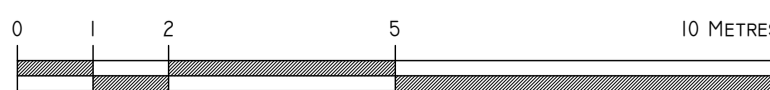
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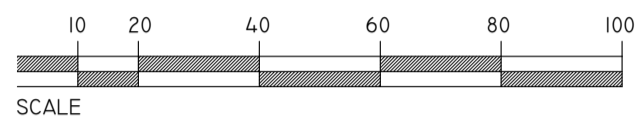
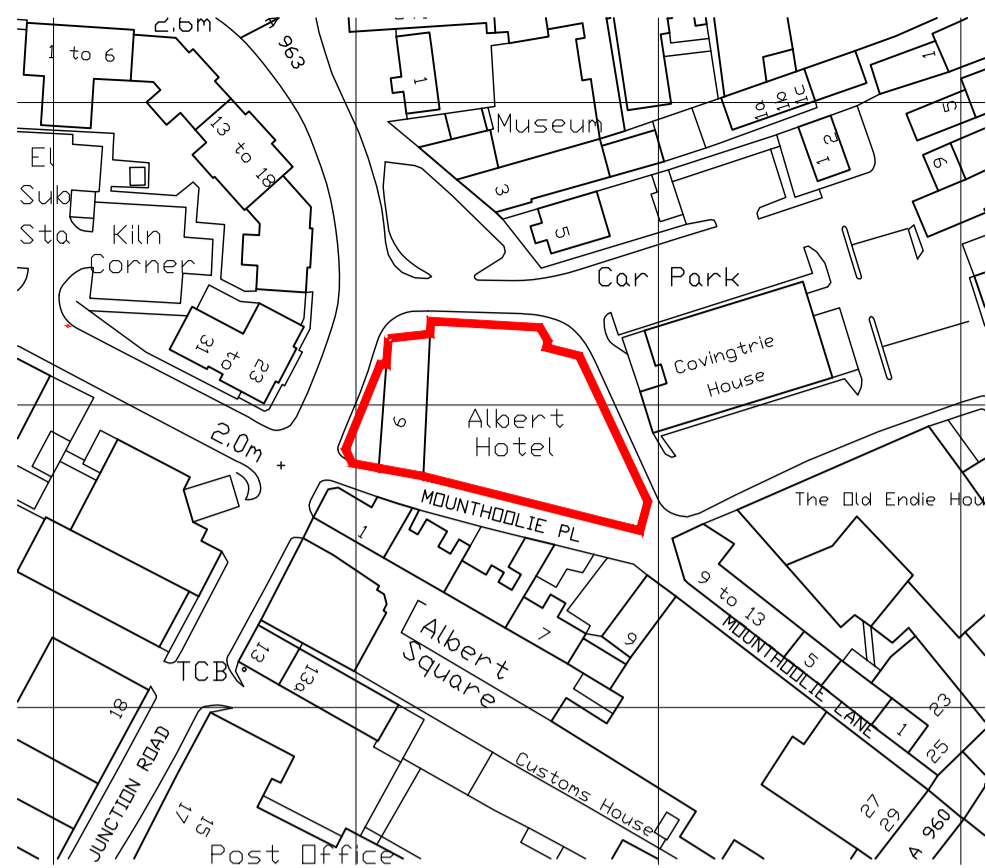
LOCATION PLAN (1:1250)

Albert Hotel Activities

<p>5(a) Accommodation Conference Restaurant Bar Meals</p> <p>5(b) Receptions Club or other Groups</p> <p>5(c) Recorded Music Live Performances Dance Film Gaming Television Sport <i>Theatre</i></p> <p>5(d) Outdoor Drinking</p>	<p>1st & 2nd Floors All public areas All public areas All public areas</p> <p>All public areas All public areas</p> <p>All public areas All public areas All public areas All public areas Booby Bar All public areas Function Hall</p> <p>All areas edged around</p>
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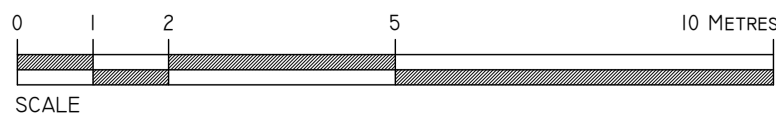


GROUND FLOOR PLAN (1:100)



LOCATION PLAN (1:1250)
Ordnance Survey © Crown Copyright 2012. All rights reserved. Licence number 100020449

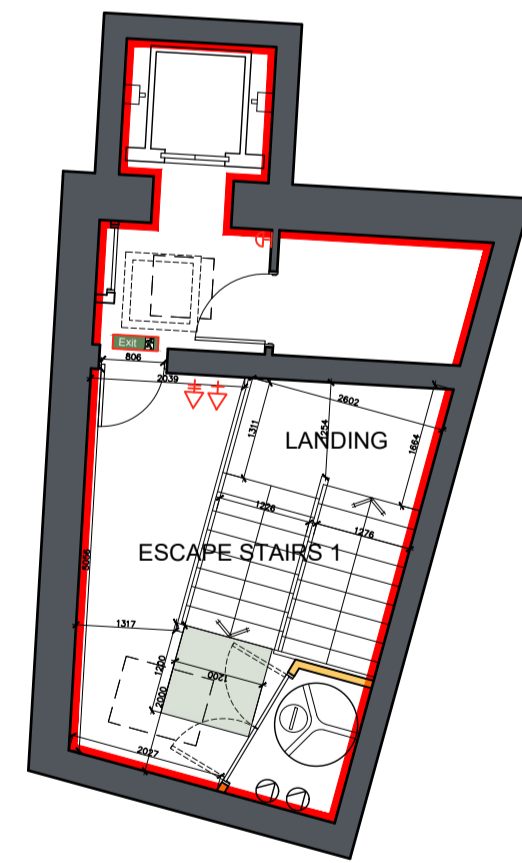
- Albert Hotel
Activities
- 5(a)
Accommodation
Conference
Restaurant
Bar Meals
- 5(b)
Receptions
Club or other Groups
- 5(c)
Recorded Music
Live Performances
Dance
Film
Gaming
Televised Sport
- 5(d)
Outdoor Drinking
- 1st & 2nd Floors
All public areas
All public areas
All public areas
- All public areas
All public areas
- All public areas
All public areas
All public areas
All public areas
All public areas
- All areas edged green



FIRST FLOOR PLAN (1:100)



SECOND FLOOR PLAN (1:100)



TOWER PLAN (1:100)
(MAINTENANCE ACCESS ONLY)

LEGEND

Fire Warning System, Emergency Lighting & Fire Fighting Equipment

Exit ILLUMINATED EXIT SIGN

Exit ILLUMINATED DIRECTIONAL EXIT SIGN

Exit NON-ILLUMINATED EXIT SIGN

EMERGENCY LIGHT

FAN FIRE ACTION NOTICE

'BREAK GLASS' EMERGENCY CALL POINT

FIRE ALARM SOUNDER

SMOKE DETECTOR / SOUNDER

HEAT DETECTOR

FIRE BLANKET

WATER TYPE FIRE EXTINGUISHER

CO2 TYPE FIRE EXTINGUISHER

FOAM TYPE FIRE EXTINGUISHER

POWDER TYPE FIRE EXTINGUISHER

DENOTES EXTENT OF THE LICENSED AREA

DENOTES EXTENT OF EXTERNAL LICENSED AREA

DENOTES CHILDREN AND YOUNG PERSON AREAS.
Children and Young Persons have access to all public areas.

DENOTES AREAS USED FOR OFF SALES DISPLAY

GENERAL DRAWING NOTES

1. Do not scale off this drawing. All dimensions are in millimetres unless otherwise stated.

2. This drawing is to be read in conjunction with all relevant Architectural, Interior, Civil, Structural and Service Engineer's drawings and specifications.

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PROJECT SPECIFIC NOTES

This drawing has been produced for use as a Premises Layout Plan as described in the Licensing (Scotland) Act 2005 only.

Any information provided on this layout plan that is not required by the Licensing (Scotland) Act 2005 or regulations made thereunder is provided purely for the purpose of assistance. Such information specifically does not form part of any Premises Licence.

Revision/Date	Description	By
A 30.07.25	Dimensions added	DM

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Client
Dawn Flett

Project
The Albert Hotel, Mounthoolie Lane, Kirkwall, KW15 1JZ

Drawing Title
First Floor Licensing Plan

Scale 1:100 @ A1	Date May 2015	Drawn by DM	Checked by -
Job No. OKY 1823	Drawing No. (PLP)-J02	Revision A	Issued for Licence

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21/08/2025

Your Ref: OI/PL/26

Our Ref: 945585

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. ALBERT HOTEL, MOUNTHOOLIE PLACE, KIRKWALL, ORKNEY ISLANDS, KW15 1JZ. ALBERT HOTEL LTD.

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

- Increase in extent of premises by inclusion of additional accommodation and outdoor area Ancillary Grounds 1, Junction Road.
- Provision of outdoor drinking facilities at Ancillary Grounds 1, Junction Road, with operating hours of 11:00 – 21:00 on Mondays to Thursdays inclusive; 11:00 – 22:00 on Fridays and Saturdays; and 12:00 – 20:00 on Sundays.
- Increase in access for children and young persons by inclusion of additional accommodation and outdoor Ancillary Grounds 1.
- To permit access of children and young persons to Bothy Bar accompanied by person over 18 years.
- Inclusion of additional activity of theatre.

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.

The Bothy Bar currently has no under 18s allowed. Having discussed the application with the applicant it has been explained that the premises are looking to diversify and offer breakfast/lunches and dinners within this area for tourists and locals.

OFFICIAL

Having children and young people routinely allowed in a bar setting can be a threat to the Licensing Objectives.

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

- a. Children under the age of 16 are excluded from any room where there is a bar counter after 2000 hours.

This promotes and protects the Licensing Objective, namely protecting children and young people from harm.

- b. Whilst in any room with a bar counter all children must be in the company and supervised by an appropriate responsible adult.

This promotes and protects the Licensing Objective, namely protecting children and young people from harm.

- c. Any appropriate responsible adult should not be so intoxicated that they are unable to care for the child or young person.

This promotes and protects the Licensing Objective, namely protecting children and young people from harm and securing public safety.

- d. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

From the layout plans of the Premises that have been submitted alongside the application it is clear that this intention is there as it's explained around the bar areas that children and young persons will not sit at these areas.

This promotes and protects the Licensing Objective, namely protecting children and young people from harm.

- e. A suitable child protection policy is in place.

This promotes and protects the Licensing Objective, namely protecting children and young people from harm.

It is also request that a policy is developed and produced by the premises with the support of the Licensing Standards Officer and Police and to their satisfaction that outlines and details what employees and the licence holder will do for any circumstances where an offence may occur or a threat to the Licensing Objectives presents itself. This would include having set procedures in place for unattended alcoholic drinks on tables when children and young persons are present within the premises and any incident where there is an allegation or evidence that a child or young person has obtained and consumed alcohol by whatever means.

OFFICIAL

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

Yours faithfully



Chief Superintendent Rob Shepherd
Divisional Commander



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:
$$\text{MPU} \times S \times V \times 100$$
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.