

City of Glasgow Licensing Board

Draft Licensing Policy Statement for Consultation

August 2018

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Foreword

[to be inserted in final version]

Interpretation

In this Licensing Policy Statement the following terms are referred to:-

“the Act” refers to the Licensing (Scotland) Act 2005, as amended by the Criminal Justice and Licensing (Scotland) Act 2010, the Alcohol Etc. (Scotland) Act 2010, the Alcohol (Minimum Pricing) (Scotland) Act 2012, the Air Weapons and Licensing (Scotland) Act 2015 and any other subsequent legislation.

“the Board” or **“the Licensing Board”** refers to the City of Glasgow Licensing Board constituted in terms of section 5 and schedule 1 of the Licensing (Scotland) Act 2005.

“the city centre” refers to the area in Glasgow enclosed by the west side of High Street, the west side of Saltmarket, the north side of the River Clyde, the west side of North Street, the north side of Renfrew Street, the west side of Cambridge Street, the south side of Cowcaddens, the west side of North Hanover Street, the north side of Cathedral Street and the west side of Castle Street.

[A plan of the city centre area is included within Appendix three of this Policy Statement]

“the Council” refers to Glasgow City Council.

“the Guidance” refers to the Guidance for Licensing Boards and Local Authorities produced by the Scottish Ministers in accordance with section 142 of the Licensing (Scotland) Act 2005 which was in force when this Policy Statement was produced.

“Licence holders” refers to the holders of both Premises Licences and Personal Licences unless where otherwise specifically indicated.

“the Licensing Objectives” refers to the Objectives set out in section 4 of the Licensing (Scotland) Act 2005.

The Licensing Objectives are:-

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

“Operating Plan” refers to the document forming part of a Premises Licence setting out details of the nature of the operation of the premises and the licensed hours.

“the Policy Statement” refers to this Licensing Policy Statement produced by the City of Glasgow Licensing Board in terms of section 6 of the Licensing (Scotland) Act 2005.

“the Regulations” refers to regulations produced by the Scottish Ministers under the powers conferred on them by section 146 of the Licensing (Scotland) Act 2005.

Part One

Introduction

This part provides a background to the policy statement and an introduction to the City of Glasgow and the issues particular to the City.

1 Introduction

[to be inserted in final version]

Part Two

The Licensing Board's Approach to the Licensing Process

This part outlines the role of the Licensing Board, its general approach to liquor licensing and how that approach may be integrated with other strategies and initiatives affecting the City.

2 The Licensing Board's Approach to the Licensing Process

2.1 The Role of the Licensing Board

Under the Act, Licensing Boards continue to be entrusted with the administration of the liquor licensing system in Scotland. Schedule 1 to the Act provides that a Licensing Board shall consist of such number of members (being not fewer than five and not more than ten) as may be determined by the relevant council. Members of a Licensing Board must be appointed by the council from amongst their councillors. The quorum for a meeting of a Licensing Board is one half of the number of members, but in any case no fewer than three.

Members of the Licensing Board are to be appointed at the first council meeting held after the local government elections. However, it is important to note that Licensing Boards are a separate legal entity from councils, having their own constitution and statutory procedures which are distinct from those applicable to councils and their committees.

A list of current members of the Licensing Board is available on the Council's website at:-

<http://www.glasgow.gov.uk/councillorsandcommittees>

Whilst the Act is silent in terms of how members of the Licensing Board should exercise their functions separately from their role as councillors, the Licensing Board is required to be an independent and impartial tribunal in terms of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("ECHR"), which was incorporated into UK domestic law by the Human Rights Act 1998. Members of the Board also take account of the terms of the Councillors' Code of Conduct published by the Standards Commission for Scotland which sets out the need to ensure that there is a proper and fair hearing for all regulatory decision making, including liquor licensing, and that there is no suggestion of pre-judging or bias in the consideration of any applications before the Board. Accordingly Licensing Board members may declare an interest and not participate in the consideration of any licensing matter in respect of which they have had any prior involvement either personally or in their capacity as a councillor if they feel that such prior involvement would compromise their impartiality.

The Licensing Board will carry out all functions under the Act with a view to promoting the five Licensing Objectives.

2.2 The Statement of Licensing Policy

The Act requires the Licensing Board to prepare and publish a Licensing Policy Statement within 18 months of the date of the Local Government Elections with respect to the exercise of its functions under the Act. During the period of effect, the Licensing Board will keep its Policy Statement under review and make such revisions to it as and when it considers it necessary and appropriate. Where revisions are made, the Licensing Board will carry out a further consultation process before publishing a Supplementary Licensing Policy Statement.

This Policy Statement is the **fourth** such document to be issued by the Board. This Policy Statement will cover the period from [] **November 2018 up to the period ending 18 months after the next Local Government Elections,** although it may be reviewed at any time if there is a sufficient reason to do so.

Having regard to the terms of this Policy Statement, the Board will seek to promote the principles of fairness, proportionality and equal treatment in its approach to liquor licensing within the Glasgow area. Whilst every application will be considered on its own merits, this Policy Statement is designed to provide licence holders, prospective licence holders, members of the public and responsible authorities such as the Police and the Fire Service, with information in advance on the Licensing Board's general approach to the making of licensing decisions. The Board will expect compliance with any requirements of the Policy Statement but will consider any requests for exemptions on their merits.

This Policy Statement has been prepared having regard to the provisions of the current Guidance produced by the Scottish Ministers in terms of section 142 of the Act.

2.3 Policy Development

In the development of this Policy Statement the Licensing Board carried out a comprehensive and wide ranging pre-consultation exercise to establish views on the content of its policies. The Board was keen to take account of as many views as possible in preparing the draft and it therefore invited views on a range of issues from a variety of individuals and organisations with an interest in the licensing process. This has ensured that there is a reliable and credible basis for the development of the policies set out in this Policy Statement in pursuance of one or more of the Licensing Objectives.

2.3.1 Pre-Consultation Evidence Gathering

The Board prepared a pre-consultation document and views on the development of the new Policy Statement were sought from the following interested parties as part of the evidence gathering process:-

- Elected Members within the Council
- Community Councils
- Police Scotland
- The Scottish Fire and Rescue Service
- NHS Glasgow City Community Health Partnership
- Public Health Directorate for Greater Glasgow & Clyde
- Various representatives and organisations from the licensed trade
- Glasgow Chamber of Commerce
- The Council's Environmental Health and Licensing Standards Section
- Alcohol Focus Scotland
- Alcohol and Drug Partnerships
- The Scottish Trade Union Congress
- Barnardo's

2.3.2 Evidence Sessions

As part of this evidence gathering process, the Licensing Board held two evidence sessions to allow those who had submitted responses to the consultation an opportunity to address the Board on their views regarding the development of the new Policy Statement and to allow the Board to test and examine the basis of any evidence in support of those views.

The evidence sessions were held in public on 26 January and 2 February 2018, and full transcripts of the evidence sessions are available from the Licensing Board on request.

2.3.3 Recommendations from the Local Licensing Forum

The Licensing Board also requested that the Local Licensing Forum establish a sub-group to consider the Board's general approach to overprovision and its policy on licensed hours in order that it could make recommendations to the Board as part of the pre-consultation process. A report was approved by the Local Licensing Forum at its meeting on 20 February 2018 and was referred to the Board for consideration in the development of this Policy Statement.

2.3.4 Meetings with Young Persons

In order to gain a better insight into the views of young persons on policy issues directly affecting them, the Licensing Board met with groups of 5th and 6th year Modern Studies students at Springburn Academy and All Saints Secondary. The Licensing Board members were hugely impressed by their maturity and the responsible attitudes shown in relation to issues around the sale of alcohol, with their views being of particular assistance in considering the sometimes controversial issue of young persons' access to licensed premises.

2.3.5 Focus Group Event

In order to engage directly with representatives from the licensed trade and local residents throughout the city, the Licensing Board held a Focus Group Event in the City Chambers on 6 April 2018, attended by over 40 individuals and supported by representatives from Police Scotland, Licensing Standards and Community Safety Glasgow.

The Focus Group Event was facilitated by the Clerk to the Board, with Licensing Board Members joining in discussions with the individual groups and providing their own reflections and observations on the discussions.

Topics discussed during the Focus Group Event included licensed hours; overprovision; outdoor licensed areas and children and young persons' access to licensed premises. The event generated a range of views, with a great deal of respect shown by all involved for the different perspectives on licensing issues.

2.3.6 Evaluation of Evidence

Following completion of the pre-consultation exercise and evidence gathering, the Board met on 12 June 2018 during which it extensively considered and discussed all of the views and evidence submitted to it in order to prepare the draft version of this Policy Statement to be issued for full public consultation.

In considering all of the views and evidence provided to it, the Board kept in mind the need to continue to promote the Licensing Objectives within its policies and at the same time maintain a strong, vibrant and diverse licensed trade. The Board believes that having consulted as widely as possible on the development of this Policy Statement, it has achieved that aim.

2.4 Integration with Strategies and Initiatives

In developing this Policy Statement and in carrying out the pre-consultation exercise described above, the Licensing Board had regard to local and national strategies, particularly those connected with alcohol and the operation of the night-time economy such as community safety, crime and disorder, public health and transport. This part of the Policy Statement identifies those related strategies and sets out how they might integrate with the functions carried out by the Licensing Board:-

2.4.1 Public Health

While Glasgow continues to have the highest alcohol related hospital admissions rate to acute services in Scotland and also the highest alcohol related death rate. Alcohol related mortality has nearly tripled since the early 1980s and alcohol related hospital admissions have more than quadrupled in Glasgow.

Glasgow has one of the fastest growing liver cirrhosis mortality rates in the world and has experienced a substantial rise in alcohol related harm. Around 40% of A&E attendances in Glasgow are alcohol related. The “*Mental Health in Focus*” report from Glasgow Centre for Population Health reports that mental health-related alcohol deaths are 23% higher in Glasgow compared with Scotland. Given these statistics, all those involved in the licensing process must play their part in helping to transform the city’s unhealthy relationship with alcohol and to bring about a healthier culture of alcohol consumption.

In developing this Policy Statement, the Licensing Board has focused on the need to promote the Licensing Objective of Protecting and Improving Public Health, particularly in relation to its policies on licensed hours and overprovision.

2.4.2 Crime and Disorder

It is widely acknowledged that the consumption of alcohol can be a significant contributory factor in late night crime and disorder and in certain types of antisocial behaviour. The Scottish Crime and Justice Survey for 2010/2011 revealed that in 63% of violent crime measured by the survey, victims said that the offender(s) were under the influence of alcohol. Gender based violence issues also have strong associations with alcohol consumption (domestic abuse, sexual violence, trafficked women and children, commercial sexual exploitation). While licensing alone cannot directly address these they are nonetheless significant issues within the crime and disorder, health, community safety and child protection agendas. The Licensing Board, in partnership with the Police and other local agencies, is committed to playing its part in helping to reduce alcohol related crime and disorder and antisocial behaviour problems.

The Licensing Board acknowledges that licensing is not the primary mechanism for the control of public nuisance and antisocial behaviour once individuals have left licensed

premises. Nevertheless the Board considers that licensing plays a key role in both preventing and controlling alcohol related crime and disorder and antisocial behaviour through the promotion of the Licensing Objectives and the monitoring and enforcement of licensed premises.

2.4.3 Environmental Health and Building Control

Before determining any application for a Premises Licence, Provisional Premises Licence or Variation of a Premises Licence, the Licensing Board will consult with the Council's Building Control & Public Safety and Land and Environmental Services sections in order to satisfy itself regarding the safety and suitability of the premises for the sale of alcohol – in pursuance of the Licensing Objectives of Securing Public Safety; Preventing Public Nuisance and Protecting and Improving Public Health.

2.4.4 Safe Glasgow Group

The Council has created a Safe Theme Group within a remodelled Community Planning Partnership (CPP) structure, involving CPP partners directly involved in a scrutiny role for the new Police and Fire and Rescue Services. This Group is known as the Safe Glasgow Group and ensures maximum collaboration and participation from the CPP Partners.

The main role of the Safe Glasgow Group is to scrutinise and review the Glasgow Police, Fire and Rescue and Safer Communities plans. These plans encompass priority setting, community engagement, and performance related measures, and contribute to the delivery of Glasgow's Single Outcome Agreement within the Glasgow Community Planning City Plan. The Licensing Board will work with the Safe Glasgow Group, where appropriate, with a view to promoting the Licensing Objectives of Preventing Crime and Disorder, Securing Public Safety and Preventing Public Nuisance, particularly where alcohol is a priority issue.

2.4.5 The Single Outcome Agreement

The Single Outcome Agreement 2013 (SOA) sets out some of the shared priorities for partners in the city over the next decade. One of the main priorities of the SOA is around alcohol issues as it is recognised as being a significant contributor to the inequalities that exist in the city. The Board will work with all of the relevant agencies to play its part in assisting in the delivery of the following key outcomes:-

- Reducing the rate of alcohol related hospital admissions per 100,000 population;
- Reducing the proportion of residents exceeding the recommended weekly alcohol limit; and
- Reducing alcohol related crime, violence and disorder

The SOA is available at the following link:-

<http://www.glasgowcpp.org.uk/index.aspx?articleid=10195>

2.4.6 The Local Licensing Forum

In terms of section 10 of the Act, the Licensing Board is required to hold at least one joint meeting each calendar year with the Local Licensing Forum for the Glasgow area. The Local

Licensing Forum was established by Glasgow City Council in June 2007 as a body independent from the Licensing Board and its membership comprises individuals who are representative of premises and personal licence holders, Police Scotland, Community Council representatives, NHSGGC, elected members of the Council, licensing agents and trade representatives.

The Local Licensing Forum can give advice, make representations and provide recommendations to the Licensing Board on general liquor licensing matters, but not with regard to individual cases. If the Licensing Board decides not to follow the advice or recommendations of the Local Licensing Forum, it must provide the Forum with reasons for its decision. The Licensing Board must also provide the Local Licensing Forum with any statistical information requested, for example, the number of Premises Licences issued, which is reasonably required for the Forum's general functions. The Licensing Board will liaise and consult with the Local Licensing Forum where appropriate.

The Local Licensing Forum has been consulted with regard to the development of this Policy Statement.

2.4.7 Children and Young People's Strategy

The Licensing Board is aware of the significant local and national debate on the issue of children being adversely affected by alcohol use, whether via personal use or use by a parent, relative or guardian.

The Licensing Board recognises that a greater understanding of the impact on children of alcohol misuse is required in the community in order to assist in bringing about the required changes in both culture and attitudes. In pursuance of the Licensing Objective of Protecting Children **and Young Persons** from Harm, the Licensing Board will consider the likely impact on children of any proposals placed before it and will attach, where appropriate, conditions relating to the terms upon which children may have access to licensed premises.

The Licensing Board will continue to support any changes in culture and attitudes designed to reduce the misuse of alcohol in the city particularly affecting children and young persons. The Guidance states that it is "*the intention of the new legislation to encourage licensed premises to become more child-friendly and to encourage an environment where families can socialise safely together*". The Licensing Board fully supports this approach and hopes that licence holders will assist in the process by seeking to provide, where appropriate, a welcoming environment for children and young persons in their premises rather than seeking to exclude them.

2.4.8 Equality Issues

The Equality Act 2010 replaced the existing equality legislation and consolidates anti-discrimination laws into a single Act. It simplifies the law and removes inconsistencies making it easier for people to understand and comply with. The Equality Act 2010 is law and applies to everyone, both in the public and private sector. It restated that people are protected from discrimination based on the following protected characteristics:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

A key measure within the Act is the Public Sector Equality Duty which came into force on 5 April 2011. This Duty requires public bodies, including the Board, to be pro-active in tackling discrimination by:

- eliminating discrimination
- promoting equality of opportunity
- fostering good relations between those who share a protected characteristic and those who do not.

The Equality Duty is supported by the Specific Duties set out by the Scottish Ministers to apply to some public authorities including the Board. The Board is required to take various steps to enable better performance of the general equality duty. This includes reporting on the mainstreaming of the general equality duty, publishing equality outcomes and reporting progress on meeting the outcomes and impact assessing both new and existing policies.

The reporting and assessment of these outcomes is undertaken through the Council's Equalities Outcomes for 2017-2021, which is shared and adopted by the Board.

2.4.9 Tourism and Leisure

Tourism and leisure have been amongst the fastest growing industries in Glasgow in recent years. As an UNESCO City of Music, Glasgow is widely recognised as a major international musical centre. It is the musical capital of Scotland, and is the largest music economy in the UK after London. The city hosts numerous large music events attracting many thousands of visitors such as the TRNSMT Festival, the Merchant City Festival, the West End Festival, Glasgow Summer Sessions, Celtic Connections and the World Pipe Band Championships, to name but a few.

The sporting and cultural legacy from the Glasgow 2014 Commonwealth Games continues to shine, with the city hosting the inaugural European Championships in 2018 and also playing host to UEFA 2020. The Board will continue to play its part in developing and sustaining a lasting legacy for the city.

2.4.10 Transport

The Licensing Board will, where appropriate, liaise with the various bodies who are responsible for transport policy issues in order to ensure, so far as practicable, that adequate public transport arrangements exist to and from areas within the city where

there is a high concentration of licensed premises. Ultimately, however, issues related to transport infrastructure will remain the primary remit of the Council's Planning section through the City Plan.

2.4.11 Night-time Economy

The Board recognises the importance of a vibrant night-time economy for the City of Glasgow. The Board is aware that licensed premises play a crucial part in the night-time economy both directly and indirectly. It is important that licence holders understand their responsibilities in securing a safe environment for their customers. By adhering to their responsibilities, licence holders can assist in making their premises and the city in general a welcoming experience for both regular customers and visitors to the city.

2.4.12 Agent of Change

The Licensing Board is aware of anticipated changes to the planning framework in relation to the "Agent of Change" principle. This recognises that complaints about noise nuisance can place particular pressure on licensed premises, and in particular music venues. This can potentially lead to additional costs for licence holders to address negative impacts, or to cease certain activities such as live music, or, in some cases, endanger the viability of the premises altogether. These complaints can often be generated as a result of new developments, both residential and commercial, being built in the vicinity of existing licensed premises.

The Agent of Change principle clearly places the responsibility for mitigating any detrimental impact of noise on neighbours with those carrying out the new development or operations. For example, where a new residential or commercial property is to be developed within the vicinity of an existing licensed music venue, the responsibility for mitigating any adverse impact should sit with the developer, as the "agent of change". Conversely, if a new music venue is proposed, or an existing venue is to be extended, that responsibility would be with the venue operator.

The Licensing Board believes it is appropriate to have regard to the Agent of Change principle in considering licence applications and in particular the weight to be attached to objections to applications for variation of premises licences and to complaints regarding the operation of existing licensed premises.

2.4.13 Making Glasgow a cleaner, greener and safer city

As a business, licensed premises have a duty of care to manage their waste responsibly. While Glasgow is famous for its vibrancy, trade waste containers left on streets are detrimental to its appearance and can cause litter, public safety problems and prevent safe access to public spaces.

Glasgow City Council is changing its policy for the way in which businesses put their trade waste containers out in the city's streets, roads and lanes and is aimed at making Glasgow

a cleaner, greener and safer city. Further information on the council's new trade waste policy is available on its website.

The Licensing Board is aware that a significant number of complaints made to Licensing Standards relate to waste disposal from licensed premises and litter left by customers in the surrounding area. Licensed holders are expected to comply with their legal responsibilities under the Environmental Protection Act 1990 and the Waste (Scotland) Regulations 2012 and to take ownership for dealing with any litter caused by customers leaving their premises or using outdoor areas.

2.4.14 Reducing Single Use Plastics in Licensed Premises

Throughout the consultation on the development of the new Licensing Policy Statement, the Licensing Board witnessed the phenomenal change in public attitudes towards reducing waste and in particular reducing reliance on single-use plastic.

The Licensing Board was delighted to hear examples of licensed operators in the city proactively removing single use plastic straws from their premises and developing innovative ways in which to replace single use takeaway containers with reusable systems. The Licensing Board will work closely with Glasgow City Council, as well as linking into the Circular Glasgow work pioneered by the Glasgow Chamber of Commerce, to ensure that it does all it can to encourage the licensed trade in the city to make the move away from single use plastic, with the demands and expectations of customers in licensed premises likely to prove the biggest driver for change.

We all have a responsibility towards reducing our reliance on single use plastic, and the consequent impact of marine litter, and the Licensing Board hopes and expects that the licensed trade in Glasgow will embrace the momentum for change and be pioneers in eventually eliminating the type of unnecessary and harmful plastic waste often associated with licensed premises.

2.4.15 Pub Watch, Club Watch and Community Alcohol Network

Pub Watch and Club Watch schemes aim to establish improved links between the licensed trade, the police, licensing standards and other relevant authorities. They provide a forum for identifying common problems faced by licence holders relating to antisocial behaviour, crime, violence and disorder with a view to improving communication and sharing good practices. Each Pub Watch and Club Watch group across the city aims to promote the Licensing Objectives and the Board strongly supports and encourages licensed premises' participation in such schemes.

The Board believes that such groups provide a great opportunity to share good practice and to increase uptake of schemes such as "Ask for Angela". This is a campaign which encourages people to discreetly ask for help by going to the bar and "Ask for Angela"- a phrase aimed at alerting bar staff to the cry for help so they can help defuse the situation.

Trained staff will then take them to a safe space where they can explain their issue and get a taxi, friend or family member to pick them up. The worker can then tell the other person to leave or phone the police if they believe a criminal offence has occurred.

The Licensing Board wishes to actively encourage more licence holders to adopt this and other similar schemes aimed at promoting safety in the operation of licensed premises.

An annual meeting of the Convener and Clerk to the Board with representatives from each of the city's Pub Watch groups provides an opportunity for the Board to better understand some of the challenges faced by the licensed trade and how they are impacted by matters of Board policy and practice.

The Board also acknowledges and welcomes the work being carried out as part of Glasgow's Community Alcohol Network (CAN), particularly in relation to working with the off-sales licensed trade.

2.4.16 Safety of Workers and Employees within Licensed Premises

The Licensing Board acknowledges that it has no specific remit in relation health and safety issues involving staff working within licensed premises. It does however recognise that there will be occasions where the safety of staff may be compromised by customers who are intoxicated, particularly where they have been refused service or access to the premises. The Board therefore believes that licence holders have an added responsibility towards their staff flowing from issues directly relating to the sale of alcohol and the specific provisions of their licence.

The Board also believes that applicants and licence holders applying for later licence hours should consider what impact this will have on staff getting home safely after the premises have closed when transportation options may be more limited.

The Board expects licence holders to ensure that adequate training is provided to all staff working within licensed premises in order to support them in relation to any risks associated with the sale of alcohol on the premises and any other permitted activities taking place on the premises.

Through a number of Premises Licence Review Hearings, the Board has witnessed concerns regarding the conduct of some door stewards. This has highlighted the importance of ensuring that individuals undertaking this often challenging role are properly qualified to do so under the Security Industry Authority (SIA) licensing scheme.

By consulting as widely as possible on the preparation and development of this Policy Statement the Licensing Board has endeavoured to secure proper and effective integration with both local and national policies and strategies.

2.5 Guidance Notes

Guidance Notes in relation to application processes, including the process for making objections and Premises Licence review applications, are available on the Licensing Board's pages of the Council's website at:-

<http://www.glasgow.gov.uk/index.aspx?articleid=3663>

2.6 Avoidance of Duplication

The Licensing Board recognises that the Council and other bodies are responsible for enforcing and regulating statutory regimes which may directly or indirectly impact on the licensing process, such as health, transport, planning and building control. As such, the Licensing Board will seek to avoid duplication with other regulatory regimes when exercising its licensing functions.

Part Three

The Licensing Objectives

This part refers to the Licensing Objectives as set out in section 4 of the Licensing (Scotland) Act 2005 and explains how the Licensing Board will generally approach the decision making process in pursuance of these objectives.

3 The Licensing Objectives

3.1 The Licensing Objectives

Five high level Licensing Objectives have been established which are designed to represent the principles upon which the Licensing (Scotland) Act 2005 is based, to provide Licensing Boards with a solid foundation upon which to build and develop their own local policies.

These Objectives are:-

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

It is hoped that the application and development of these Objectives, which are enshrined in the Act and referred to throughout this Policy Statement, will help promote an environment for social drinking which is safe and welcoming for all. This is an extremely important aspiration for the Licensing Board.

The application of the Licensing Objectives will be of paramount importance to the Licensing Board in carrying out its functions under the Act. Whilst this Policy Statement sets out the Board's general approach to the making of licensing decisions in accordance with the Licensing Objectives, it does not override the right of any person to make representations on an individual application or to seek a Review of a licence where such provision has been made in the Act.

3.2 Written Policies and Procedures

While the production of written policies and procedures are not required as part of the licensing process, the Licensing Board has a strong expectation that all applicants and holders of a Premises Licence will have adopted and implemented relevant written policies and procedures in relation to the safe and responsible operation of their business with regard to the sale of alcohol and other activities taking place on their premises. Licence holders should ensure that staff within the premises will receive proper training and, where appropriate, refresher training on these written policies and procedures.

Normally, written policies and procedures should be specific to the premises and to the activities intended to be carried on in those premises in terms of its Operating Plan, taking account of the Licensing Objectives, the proposed licensed hours, the location of the premises, the individual style and characteristics of the premises and the anticipated number of persons who will be on the premises.

3.3 Prevention of Crime and Disorder

Reasons for the Policy Approach

The Licensing Board recognises that licensed premises can be a source of disturbance and consequently crime and disorder. National and local crime statistics indicate that in many cases the consumption of alcohol contributes adversely to the levels of crime and disorder.

Given the established links between alcohol and crime and disorder, including gender based violence and the potential for alcohol fuelled harassment, it is acknowledged that both the volume of alcohol consumed and the drinking environment can contribute to the likelihood of alcohol related crime and disorder and that tackling these issues could have an effect upon the incidence of crime and disorder. As such, the Licensing Board considers that good management practices in licensed premises can often make an important difference to the level of alcohol related crime in the vicinity of licensed premises.

Accordingly the Licensing Board would recommend that licence holders should have developed and implemented **written policies and procedures** setting out, amongst other matters, how they intend to address crime and disorder issues which may arise on their premises, through their management practices. This may be through a range of measures such as the use of CCTV or the provision of Security Industry Agency registered Door Supervisors or by way of the design of the premises or the mode of operation of the premises during the licensed hours.

Where CCTV is provided, licence holders should seek to ensure that it is operated at all times in accordance with the terms of the Data Protection Act 1998 and guidelines produced by the Scottish Information Commissioner. Licence holders should also cooperate with the Police regarding the handing over of any CCTV footage requested for the purposes of crime prevention and detection.

In relation to new applications for a Premises Licence for off-sales, the Board will now generally require all such premises to have a fully operational CCTV system. Generally only minimum levels of CCTV to cover entrances, exits and the till areas, to a standard to enable facial recognition, will be required in such premises. However, in relation to any licensed premises, a fully operational CCTV system may be considered necessary and appropriate for the purposes of the Licensing Objective of Preventing Crime and Disorder where the individual premises, or the type of premises, have become, or are likely to be, associated with high levels of crime or disorder. In these cases, for example as part of a Premises Licence Review Application or in relation to an application for a new Premises Licence, the Board would expect the Police to indicate why and to what extent CCTV was being requested if this is recommended as a condition of the licence.

Conditions may require the installation, maintenance, and operation of appropriately sited CCTV cameras and recording systems, which can provide images in all light conditions of a quality to enable facial recognition and be suitable for use as evidence, where it is considered necessary and reasonable to do so. Conditions may also require that images should be retained for a specific period of time and that staff should be trained and authorised to make these images readily available to the Police and the Council's Licensing Standards Officers.

In pursuance of the Prevention of Crime and Disorder Licensing Objective, it is expected that the Council's Licensing Standards Officers will work closely with the Police in order to ensure, so far as

reasonably possible, that licensed premises are being operated in accordance with the licence conditions.

Both applicants and licence holders should be prepared to address the Board, if questioned, on what steps have been taken to deal with a particular issue of concern relating to the crime prevention objective raised by any aspect of their application or in terms of a Premises Licence Review Hearing.

3.4 Securing Public Safety

Reasons for the Policy Approach

While the Licensing Board is committed to taking necessary and appropriate action where the safety of persons visiting and working in licensed premises has been compromised, it remains primarily the responsibility of the Premises Licence Holder to provide a safe and secure environment for both members of staff and the public. Premises Licence Holders and applicants for a Premises Licence should consider not only the physical layout of the premises but also operational practices in their **written policies and procedures** in order to demonstrate that they have properly addressed the Licensing Objective of Securing Public Safety.

The steps which Premises Licence Holders should take in order to address matters of public safety will vary according to individual premises and the types of entertainment or facilities on offer.

The Licensing Board will normally expect Premises Licence Holders to comply with current safety standards and it should be noted that fire safety, including means of escape, will remain an important consideration for the Licensing Board when determining applications. The Licensing Board will liaise closely with the Council's Building Control & Public Safety and Land and Environmental Services sections, as well as the Scottish Fire and Rescue Service, with a view to ensuring that appropriate standards are applied and maintained.

It is expected that Licensing Standards Officers will conduct periodic inspections of licensed premises in order to ensure that the approved standards are being maintained and that licence conditions, and in particular those relating to issues of public safety, are being observed.

In considering factors relevant to the Licensing Objective of Securing Public Safety when determining Premises Licence applications, provisional Premises Licence applications and applications for the variation of a Premises Licence, the Licensing Board will apply an occupant capacity figure to licensed premises, having sought guidance from the Council's Building Control & Public Safety section. Their advice will be based on the information contained within the Operating Plan and layout plan for the premises, with particular reference to the means of escape and sanitary provision identified. The capacity figure provided by Building Control & Public Safety will be taken as the recommended **maximum** occupant capacity. The actual safe **operating** occupant capacity may differ and in many cases will be considerably less. Licence holders should consider the type / nature of the facilities offered to customers, the seating and table arrangements, the current risk assessment for the premises etc in assessing a safe operating capacity and should also take any advice given by the Scottish Fire and Rescue Service in this regard.

The Licensing Board considers that an effective fire management strategy is a key component in addressing this Licensing Objective. Premises Licence Holders should conduct, develop and maintain a Fire Risk Assessment which achieves the benchmark standards contained within the sector specific guidance published by the Scottish Government in order to promote and maintain suitable / appropriate fire safety standards in the premises and to promote a culture of fire safety amongst staff. Fire Safety advice may be obtained via the following web-pages <http://www.scotland.gov.uk/FireLaw> and <http://www.firescotland.gov.uk/>

In the context of providing safe access to licensed premises for people with disabilities, the Licensing Board recommends that licence holders become familiar with the provisions of the Equality Act 2010 and of any duties imposed on them in that regard. Helpful advice is provided by the Scottish Accessible Information Forum (SAIF) at <http://www.saifscotland.org.uk>

Where an Occasional Licence or a temporary Premises Licence is applied for, the Licensing Board will expect applicants to have considered what measures may be required in order to address issues of public safety. The Licensing Board will, where appropriate, consult with the Council's Building Control & Public Safety and Land and Environmental Services and consider any representations received in order to satisfy itself that the premises are safe and suitable for the sale of alcohol.

Both applicants and licence holders should be prepared to address the Board, if questioned, on what steps have been taken to deal with a particular concern relating to public safety raised by any aspect of their application or in terms of a Premises Licence Review Hearing.

3.5 Preventing Public Nuisance

Reasons for the Policy Approach

The Licensing Board is committed to ensuring that the operation of licensed premises do not unreasonably interfere with the peaceful enjoyment or amenity of immediate neighbours or the local community as a whole. The Licensing Board is aware that licensed premises can be associated with issues of public nuisance, particularly those relating to noise levels, light pollution, noxious odours and accumulated waste. These issues are often associated with outdoor drinking areas, particularly where premises are located in predominantly residential areas. In the view of the Licensing Board, such problems can be prevented or at least mitigated by responsible management practices. Such practices could, for example, include double doors, the placing of notices to request customers to leave the premises quietly, the disposal of empty bottles in waste containers at responsible times and not allowing queues to develop outside of premises late at night.

The Licensing Board remains sensitive to the impact of licensed premises on people who have to live and work in the vicinity of licensed premises. If the impact of licensed premises on the surrounding community is disproportionate and unreasonable, or has a marked effect on the amenity of the area to local people, the Licensing Board will take cognisance of such issues when exercising its licensing functions. In particular, the Licensing Board will attach such conditions as it considers necessary or expedient in order to prevent or control the potentially detrimental impact of licensed premises in relation to issues of public nuisance.

The Board is aware that problems arising from people congregating to smoke and to accompany smokers are widespread, with the potential for noise disturbance and nuisance to those living in close proximity to licensed premises, particularly late at night. The Board would therefore encourage licence holders to consider the management of people standing outside premises to minimise the adverse effects on the Licensing Objectives, and in particular the Licensing Objective of preventing public nuisance.

The Board would expect a risk-based approach to be taken to enforcement, with Licensing Standards Officers using a range of escalating informal measures, prior to an application being made for the review of a Premises Licence. If problems from people congregating outside premises persist to the detriment of those living in close proximity to the premises, and the licence holder has failed to take reasonable steps to properly manage its customers, the Board might consider imposing conditions on the Premises Licence if such matters are brought to its attention by way of an application for the review of a Premises Licence.

Both applicants and licence holders should be prepared to address the Board, if questioned, on what steps have been taken to deal with a particular concern relating to public nuisance raised by any aspect of their application or in terms of a Premises Licence Review Hearing.

3.6 Protecting and Improving Public Health

Reasons for the Policy Approach

The Licensing Board recognises that the licensed trade in Glasgow plays a key role in the city's economy. It employs significant numbers of people and contributes a large amount of money to the public purse through taxation. It is also recognised that the licensed trade plays a vital role in the city's image as a vibrant and exciting place in which to live, work and/or visit. However, the Board also recognises that the city as a whole has an unhealthy relationship with alcohol, and that alcohol consumption and its damaging effects to physical and mental health, relationships, community safety, work and the economy have increased sharply in Glasgow since the early 1990s. Glasgow also has an estimated 13,500 adults with a serious alcohol misuse problem. In a typical year, there are approximately 8,500 hospital admissions in Glasgow where the patient is under the influence of alcohol.

The disturbing impact of alcohol on the lives of the citizens of Glasgow cannot be ignored. The Board recognises that work must be done to establish a more responsible approach to alcohol consumption.

The Licensing Board recognises that there are no easy or quick-fix solutions to Glasgow's unhealthy, and in many cases harmful, relationship with alcohol and that many of the problems are deep-rooted in the cultural history of the city and are not restricted to parts of the city already known to be areas of deprivation. However, the Licensing Board also recognises that there is scope to assist the city in tackling its damaging relationship with alcohol through the exercise of licensing powers, and in particular through the Licensing Objective of Protecting and Improving Public Health. However, in doing so, it has to be acknowledged and accepted by those agencies with a direct involvement in public health that the Licensing Board can only work within the legal powers it has been given under the Act and that all actions of the Board are open to legal challenge, whether through the appeals procedure set out in the Act or by way of Judicial Review.

While the Licensing Board is fully supportive of efforts to tackle the problems associated with harmful and dependent drinking in the city, it recognises that existing licensing laws are such that there has to be a causal connection between a particular licensing application and a concern for the Public Health Objective. In determining any matter of policy or application, the Licensing Board requires to show a legally sound basis for its decision. Where the Licensing Board considers that the current law is not sufficient in terms of meeting the Licensing Objective of Protecting and Improving Public Health, it will seek to raise the issue with the Scottish Government in order to try and bring about changes to the law.

While recognising its own important part in promoting this particular Licensing Objective, the Licensing Board would wish to actively encourage applicants and licence holders to have greater regard to the Public Health Objective when considering the management and operation of their premises. Both applicants and licence holders should be prepared to address the Board, if questioned, on what steps have been taken to deal with a particular public health concern raised by any aspect of their application or in terms of a Premises Licence Review Hearing. The Board strongly believes that the proper promotion of this particular Licensing Objective requires NHS Greater Glasgow and Clyde, as a statutory consultee, to engage with the Board and the licensing process in the provision of specific health data targeted towards issues of particular concern.

The Licensing Board considers that in terms of the Public Health Objective, applicants and licence holders should consider the following non-exhaustive list of issues when preparing their Risk Assessments and Operating Plans, depending upon the individual style and characteristics of the premises and the activities intended to be carried out:-

- The impact of proposed licensed hours on the health of customers, for example, if seeking later licensed hours, whether substantial forms of entertainment will be provided so that the consumption of alcohol is not the primary focus.
- Making information available to members of staff and customers with regard to sensible drinking levels and the effects of harmful and dependent drinking.
- Using materials such as posters and beer mats in order to promote moderate consumption of alcohol along with information as to the units of alcohol in individual drinks and the recommended guidelines for consumption of alcohol by men and women. This information should be in a format which is easily and readily understood. For example, a wine list might state how many units of alcohol there are per glass or bottle together with a reminder of the guidelines.
- Promoting the availability of food and snacks.
- The percentage of seating available so as to reduce the level of 'vertical drinking'.
- Providing a good range of reasonably priced soft drinks.
- The steps taken to monitor levels of consumption of alcohol by customers, including upon entry to the premises, at the bar and in seating areas.

Use of New Psychoactive Substances and Other Substances in Licensed Premises

The Licensing Board accepts that in society in general there is a problem with the use of drugs, including New Psychoactive Substances and other illegal substances. Clearly the Board cannot turn a blind eye to the reality of that situation. Equally it accepts that persons who have ingested such substances may seek to gain entry to licensed premises in the city and particularly those premises providing late night entertainment.

Similarly, persons using such substances or seeking to pass such substances on to others may attempt to smuggle such items into licensed premises. The Board will therefore be particularly interested in obtaining from applicants and licence holders information regarding the processes in place to prevent such items being brought into licensed premises and, where appropriate, the processes in place to provide medical assistance to persons who may become unwell on licensed premises as a result of misuse of such illegal substances.

The Licensing Board cannot condone the misuse of such substances but accepts that such misuse can occur and therefore it is imperative that all reasonable steps should be taken by licence holders and applicants to prevent, as much as possible, such misuse occurring and, where it does occur, to have procedures in place to deal with the effects of such illegal activity.

3.7 Protecting Children and Young Persons from Harm

Reasons for the Policy Approach

The Act contains a number of offences which were introduced to protect children and young persons in licensed premises. At the same time, however, the licensing system should seek to encourage licensed premises to become more child-friendly and to encourage an environment where families can socialise safely together. This is an approach the Licensing Board fully endorses.

The protection of children and young persons from harm in relation to licensed premises falls into two distinct categories:-

- the terms upon which children and young persons should be permitted entry to licensed premises;
- the measures to be taken to prohibit the sale and supply of alcohol to, and consumption by children, and, where appropriate, young persons.

All applicants for Premises Licences must be able to demonstrate to the satisfaction of the Licensing Board the steps they will take in order to protect children and young persons from harm. Applicants must declare in the Operating Plan whether children and young persons will be allowed entry to the premises. If children and young persons are to be permitted entry to the premises, the applicant must then set out the proposed terms under which they will be allowed entry, including the times when they will be permitted to remain on the premises, their ages, and the parts of the premises to which it is proposed that they will be permitted entry.

The Licensing Board will generally take a lighter touch approach to access to licensed premises by young persons, so long as this does not have any negative impact upon any of the other Licensing Objectives, and in particular that of Preventing Crime and Disorder.

While recognising the responsibilities of the licence holder with regard to Protecting Children and Young Persons from Harm, the Licensing Board acknowledges that parents and other adults accompanying them also have responsibilities, particularly in relation to their supervision.

Where licensed premises intend to hold events where alcohol is not provided, and those events are specifically targeted at children and young persons, for example so-called 'underage discos' or parent and toddler groups, consideration should be given to taking steps to avoid any obvious promotion of alcohol.

Further information on the Licensing Board's approach to children's and young persons' access in on-sales licensed premises can be found in Part Six of this Policy Statement.

The Licensing Board considers that applicants and licence holders should consider the following non-exhaustive list of issues when preparing their written policies and procedures as well as their Operating Plans, depending upon the individual style and characteristics of the premises and the activities intended to be carried out:-

- Whether appropriate and effective measures are in place to check the age of persons in order to prevent alcohol being served to those under the age of 18 (except so far as is permitted in terms of section 105 (5) of the Act which allows for the buying of beer, wine, cider or perry for consumption by a young person aged 16 or 17 along with a meal supplied on the premises).
- Whether the activities taking place on the premises are suitable for children and young persons and whether in certain circumstances access by children should be further restricted.
- Whether there is to be gambling on the premises, or any parts of premises to which it is proposed that children and young persons will have access.
- Whether the supply of alcohol for consumption on the premises is the sole or principal purpose of the premises – in the opinion of the Licensing Board it would not be appropriate for children and young persons to be permitted access to so called 'vertical drinking establishments' as referred to in the Guidance.
- Whether a children's menu or children's portions of food are available at all times when it is proposed that children are to be permitted entry to the premises.
- Limitations on the parts of premises to which children and young persons might be permitted access.
- Limitations on the hours when children and young persons are permitted access.

- Whether certain parts of the premises should be specifically given over to children, such as play areas, and if so, what level of supervision should be required, and by whom.
- In relation to events mainly or exclusively for children and/or young persons, licence holders should consider obtaining disclosure records for members of their staff involved in the supervision of children and young persons, having regard to the Protection of Vulnerable Groups Scheme introduced by the Protection of Vulnerable Groups (Scotland) Act 2007.

Tackling child sexual exploitation

As part of the consultation process, the Licensing Board met with representatives from Barnardo's Scotland, the UK's leading children's charity. The Licensing Board heard about their campaign to work with businesses in Glasgow, including licensed premises, to help them understand their role in preventing and tackling child sexual abuse. A key part of this work has been to support the city's night time economy to identify and respond to child sexual exploitation.

The Licensing Board heard evidence from Barnardo's Scotland of some of the key signs of child sexual exploitation. These may include children and young people:-

- going by taxi to a hotel or other venue to meet a group of adults who do not seem to be family members;
- being taken to a hotel room by, or visited by, one or more adults who do not seem to be family members
- being out late with older adults who do not seem to be family members
- being bought alcoholic drinks by adults although the young person is already intoxicated
- being bought food or drinks by an older adult who they seem to see as a boyfriend/girlfriend
- there are indications of sexual activity with one or more adults who are significantly older than the young person

The Licensing Board believes that there are opportunities for licensed premises in the city to play their part in helping to prevent and respond to child sexual exploitation. It is important to note that this relates not only to the Licensing Objective of Protecting Children and Young Persons from Harm, but also to Preventing Crime and Disorder.

The Licensing Board would encourage all licence holders and operators of licensed premises to carry out a risk assessment of their premises with regard to child sexual exploitation and use it to inform their written policies and procedures, as well as in staff training and refresher training. This should include training staff working within licensed premises, as well as door stewards, to recognise indicators of child sexual exploitation and to know how and who to report concerns to if they suspect a child is likely to be harmed or placed at risk.

Licence holders and staff working within off-sales licensed premises in particular may provide opportunities to identify individuals who may be purchasing alcohol to be used as part of the grooming of children or young persons.

[The Licensing Board would welcome views as to whether a local condition should be developed requiring licence holders to provide training for staff in relation to recognising signs of child sexual exploitation and how to report such concerns where children and young persons' access to the premises is sought through the operating plan]

Part Four

Licence Conditions

This part sets out the Licensing Board's approach to the attachment of conditions to Premises Licences in order to promote the Licensing Objectives.

4 Licence Conditions

4.1 Conditions imposed by the Licensing Board

The Licensing Board's power to impose local licensing conditions is subject to some limitations. The local conditions cannot be inconsistent with the mandatory conditions, nor with any pool conditions set by the Scottish Ministers. They must also not have the effect of making any of the pool conditions or mandatory conditions more onerous or more restrictive, nor may they relate to a matter regulated by another enactment. As such, the Licensing Board will generally focus on the likely impact of the activities proposed in the Operating Plan and the locality in which the premises are situated. In each case, conditions will be tailored to the individual characteristics of the premises concerned.

In order to avoid duplication with other regulatory regimes, conditions will only be attached to Premises Licences by the Licensing Board if they are necessary to promote one or more of the Licensing Objectives and the effect of that condition is not covered by other legislation. The Licensing Board will seek to impose only such conditions as are proportionate and which are not unduly burdensome. In meeting these principles, the Licensing Board does not intend to design and implement standard conditions of licence but instead will attach conditions as appropriate given the individual size, style and characteristics of the premises and activities taking place there.

Style conditions have been included in Appendix One which are for guidance purposes only and are not exhaustive.

Conditions imposed by the Licensing Board may include limitations or restrictions on the Premises Licence Holder requiring him or her to take or refrain from taking action in certain circumstances. More stringent conditions relating to the Licensing Objectives may be applied where relevant objections or representations have been received in relation to an application for a Premises Licence or a variation of a Premises Licence, or where a licence has been reviewed by the Licensing Board and has raised concerns regarding compliance with the Licensing Objectives.

One area in particular where the Licensing Board will consider imposing conditions is in relation to the terms upon which children are to be permitted into licensed premises in pursuance of the Licensing Objective of Protecting Children **and Young Persons** from Harm, if the Board considers it necessary or expedient to do so.

4.2 Variation of Licence Conditions

The Alcohol Etc. (Scotland) Act 2010 has provided Licensing Boards with the power to vary Premises Licence conditions attaching to all licensed premises, particular licensed premises, licensed premises within particular parts of its area or licensed premises of a particular description. Where the Licensing Board is considering attaching new conditions to either all licensed premises or a group of premises, it will carry out a consultation exercise on the proposed new conditions in addition to the publication, representation and notification provisions set out in the Act.

Part Five

Policy on Licensed Hours

Whilst each individual application for a Premises Licence will be considered on its merits, this part of the Policy Statement sets out the Licensing Board's general approach to licensed hours and the reasons for adopting that approach. It also sets out the factors which the Licensing Board will take into account when considering the proposed hours set out in Operating Plans for individual premises.

5 Licensed Hours

5.1 Developing a Policy on Licensed Hours

In developing this Policy Statement, the Board readily acknowledged its important role in determining a policy approach to licensed hours which strikes the right balance between meeting its statutory obligation to promote the Licensing Objectives while at the same time continuing to encourage a dynamic, vibrant and evolving licensed trade.

Throughout the consultation and evidence gathering process it was evident that there are a number of differing views on the approach which the Board should take to licensed hours, particularly within the licensed trade itself. Even within community based responses, significantly differing views were expressed with regard to the issue of later licensed hours. The Board therefore acknowledges that its approach to licensed hours is not one which is likely to meet the expectations of all those with an interest in the licensing process. However, the Board considers that it has properly weighed up all of the evidence and views submitted to it and has developed a balanced approach which seeks to promote the Licensing Objectives.

5.2 Reasons for the Policy Approach

Glasgow has a high number of licensed premises, many of which are licensed to sell alcohol late at night and into the early hours of the morning. The Board recognises that in some areas of the city, particularly the city centre area, Shawlands and Hillhead/Great Western Road, the operation of a higher concentration of licensed premises can, potentially, have a detrimental impact on the lives of local residents, and the community as a whole, if not appropriately controlled.

Against this background, the Licensing Board considers that the possibility of public nuisance in terms of disturbance to residents late at night and in the early hours of the morning, and the effect that any such public nuisance and disturbance may have, is a proper matter for it to consider when addressing the issue of licensed hours, both as a matter of policy and in considering an individual application at the Board.

The Licensing Board recognises that a policy on licensed hours is also important in terms of the Licensing Objective of Preventing Crime and Disorder and as such it has taken into account views expressed by Police Scotland regarding issues for policing in terms of dealing with the dispersal of large numbers of people late at night throughout the city. In the view of the Board a policy on licensed hours which controls the numbers of people leaving licensed premises simultaneously not only has a direct impact on policing, but also on the availability of taxis and private hire cars, public transport and late hours catering venues, all in terms of getting people home safely at the end of the night. The Board therefore considers that maintaining a differential in licensed hours between different types of premises, and in terms of the location of premises between the city centre and outwith, can assist in promoting public safety.

In particular, in reviewing its policy on licensed hours, the Licensing Board has given consideration to the ways in which large numbers of customers leaving licensed premises in the city can be

managed. In the view of the Board, maintaining a differential between the trading hours of restaurant/public house/bar type premises and primarily late night entertainment based premises leads to a staged dispersal of customers from both the city centre and other areas of the city which have higher concentrations of on-sales licensed premises. In the view of the Board, if this differential were to be eroded, then this would increase the demands and pressures placed on the Police, and other services, in managing a greater number of people leaving licensed premises simultaneously in the later hours, with the potential for adverse consequences in terms of crime and disorder as referred to in the Guidance issued by the Scottish Government.

Proposed Pilot Scheme – 4am terminal licensed hour for late night entertainment premises in the city centre

The Licensing Board has also listened very carefully to a number of submissions made to it about the importance of the late night economy to the city centre. Glasgow has an international reputation for music; it is home to a diverse range of music venues such as the award winning 11,000-capacity SSE Hydro, the Royal Concert Hall, the world famous Barrowlands Ballroom as well as many other settings for gigs, concerts, club nights and festivals that cater for a wide spectrum of audiences, both in terms of taste and size. In 2008 Glasgow was awarded UNESCO status as a city of music and the Licensing Board is therefore keen to play its part in supporting and enhancing the city's reputation as a world class venue for live music.

The Licensing Board has also considered the recent research study carried out by the Moffat Centre at Glasgow Caledonian University which found that the night-time economy generates £2.16 billion per annum for the city, supporting 16,600 full-time jobs. The Licensing Board recognises that maintaining an attractive and vibrant city centre is fundamental in our ability to continue to attract visitors, students, residents, workers and investment.

The Licensing Board also heard views that adopting a European approach of allowing for some increased flexibility in licensed hours for late night entertainment venues could reduce the "rush" to consume alcohol at the end of the night and lead to a more gradual dispersal of customers from such premises.

With all of that in mind, the Licensing Board therefore intends to launch a pilot scheme whereby it will consider granting a terminal licensed hour of 4am to late night entertainment venues in the city centre where they are able to demonstrate not only that they make a positive contribution to the late night economy, but are also able to evidence an investment in safety and security measures designed to promote the licensing objectives. This could include gaining Gold status or above as part of Best Bar None, evidencing a commitment to ongoing staff training and social responsibility, including a practice of reducing reliance on single use plastic.

*[*The Licensing Board would welcome views on the development of specific criteria for consideration of applications for a terminal licensed hour of 4am, with a focus on rewarding excellent practice in the management and operation of licensed premises.]*

Each application will be considered on its merits and will be subject to a local condition requiring the impact of the later terminal hour to be reviewed after a 12 month period, taking into account

not only the late night operation of the premises themselves, but also the impact more generally on the city centre as a result of allowing some licensed premises to remain open later.

In considering applications for the variation of a premises licence as a consequence of this pilot scheme, the Board will carefully consider any objections or representations to the application, but in doing so will have regard to the “Agent of Change” principle referred to in detail at paragraph 2.4.12 of this Policy Statement.

Depending upon the outcome of these pilots, consideration may be given to the development of a supplementary policy on late night licensed hours for the city centre. In doing so, the Licensing Board will have particular regard to any information or evidence from both Police Scotland and the NHS as to whether allowing certain premises to remain open to 4am has had any measurable or direct impact on alcohol related crime or hospital admissions figures.

1am Terminal Licensed Hour for Restaurants

One other issue which emerged during the evidence gathering process was in relation to premises which had been granted the benefit of a 1am licence on the basis that they primarily operate as a restaurant. A number of respondents highlighted concerns that the submission of plans showing 75% or more of the premises given over to full restaurant facilities was simply being used as a device by some to gain the benefit of later licensed hours. As such, the Licensing Board will require all premises who have been granted licensed hours on the basis of primarily operating as a restaurant to be able to demonstrate that after 12 midnight alcohol is only sold to, and consumed by, customers who have taken a meal at the premises and that the sale of alcohol is therefore properly ancillary to the primary purpose of providing meals.

The Board, having weighed up all of the views and evidence expressed to it as part of the consultation and evidence gathering process, acknowledges and accepts that it has a responsibility to take account of the wider impact its policies have on the city and in particular to ensure that licensed hours are not operated to the detriment of individuals and local residential communities. The Board has therefore determined not to propose any further changes to its current policy on licensed hours having regard to the Licensing Objectives of Preventing Crime and Disorder, Securing Public Safety and Preventing Public Nuisance.

Early Morning Licensed Hours

Furthermore, the Licensing Board also considers that the Licensing Objective of Protecting and Improving Public Health is relevant to its policy on licensed hours, particularly in relation to the number of hours in a day during which alcohol may be sold and therefore consumed. In the view of the Board, given the evidence provided by NHS Greater Glasgow and Clyde showing a link between availability and alcohol related harm, and particularly in relation to the increase in adverse effects from increased licensed hours, a policy controlling the grant and operation of licensed hours, particularly early morning and late night hours, is essential in order to promote this particular Licensing Objective.

Conclusions from Pre-Consultation

Having consulted widely in the development of this Policy Statement, and having considered at great length the range of differing views expressed to it during the information gathering process, as well as having made its own observations during visits to different types of licensed premises throughout the city, the Licensing Board has reached the following conclusions with regard to its approach on licensed hours:-

- 12 midnight remains the appropriate terminal standard licensed hour across the city.
- There are generally no circumstances under which it would consider granting early morning licensed hours. The Licensing Board believes that there is no longer a justification for such early morning licensed hours in terms of shift workers or market workers, being the historic basis for the granting of such hours. Based on the Board's own local knowledge, and views expressed to it by the Police who have carried out visits to such premises, early morning licensed hours can instead attract individuals with alcohol dependency issues which can, in some situations, compromise the Licensing Objective of Protecting and Improving Public Health by allowing the consumption of alcohol over a sustained period of time commencing in the earlier part of the day. In the view of the Board, the continued operation of such early morning hours can be detrimental to this particular Licensing Objective by increasing the availability of alcohol in the city throughout a substantial period of the day. The Board noted that there continues to be widespread support for this approach in the views and evidence provided during the evidence gathering process, with no compelling views or evidence provided in support of retaining early morning licensed hours.
- It continues to be appropriate to retain a differential in the terminal licensed hour for entertainment based and later opening premises between those located within the city centre (generally 3am) and those located outwith the city centre (generally 2am). The Licensing Board will however consider granting a terminal licensed hour of 4am as part of a pilot scheme to individual premises in the city centre that are able to demonstrate that they make a positive contribution to the city and show a commitment to safety and security measures, with the terminal licensed hour being subject to review after a 12 month period.
- In recent years the Board has been concerned by the number of applications received in respect of premises seeking later licensed hours to 2am or 3am. In the view of the Board there are many cases where such hours have been sought in circumstances where it is clear that there is no substantial change to the mode of operation and any entertainment being provided is merely ancillary to the sale of alcohol, or being offered as a device to secure later licensed hours. In the view of the Board such applications, if granted, have the potential to compromise the Licensing Objective of Protecting and Improving Public Health by allowing individuals to consume alcohol over a sustained period of time into the early hours of the following morning without any form of alternative activity available. Furthermore, in terms of the Licensing Objectives of Preventing Crime and Disorder and Preventing Public Nuisance the granting of such applications can contribute to the erosion

of the Board's **approach to a staged dispersal** of customers referred to above which this policy is designed to promote.

- The Board has also noted that many of the premises seeking these later hours do not trigger the mandatory late night conditions set out in the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 as they have a capacity of less than 250 or do not meet the other additional criteria. In the view of the Board, without an effective policy on licensed hours, such premises could benefit from later hours without having to invest in the safety and security measures commonplace in premises such as nightclubs, with the potential to compromise the Licensing Objective of Securing Public Safety.
- In light of these concerns, and taking account of the views expressed to it during the evidence gathering process and subsequent public consultation, as well as the significant number of such premises already in operation, the Board believes that it is no longer appropriate to maintain a policy which sets out a general exception for so-called 'hybrid premises' in relation to new applications for Premises Licences or variations to Premises Licences. With regard to those hybrid premises already in operation, while the Board does not take issue generally with these premises, as with any licence, it would expect them to be monitored for compliance with any conditions specifically regulating later licensed hours.
- While previous policy statements have not set out any particular requirements in relation to the operation of licensed hours for casinos, given concerns raised with the Board both before and during the evidence gathering process and subsequent public consultation, and in terms of its own observations made during visits to licensed premises, the Board considers that it is now necessary and appropriate to have a policy that recognises that extensive licensed hours until 6am should not be operated in such a way as to undermine the Licensing Objectives of Preventing Crime and Disorder, Securing Public Safety, Preventing Public Nuisance and Protecting and Improving Public Health.
- As such, where casino premises are the subject of a Premises Licence review application on the basis that the operation of the premises between 3am and 6am is inconsistent with one or more of the Licensing Objectives, and the Board is satisfied that the grounds for review have been established, then without prejudice to any other sanctions available to it, the Board may wish to consider whether further control and regulation of those extensive licensed hours is necessary or appropriate.
- The Board noted a number of comments during the evidence gathering process as to the need for some degree of flexibility with regard to licensed hours for outdoor drinking areas, particularly those used for outdoor dining. While the Board acknowledges that such areas are popular and can enhance the look and 'feel' of the city, it is also of the view that 10pm continues to be the appropriate terminal hour for the vast majority of such areas, taking account of the potential for public nuisance to those living in close proximity to licensed premises. However, the Board **continues to accept** that there may be some exceptional circumstances where it would be prepared to grant a terminal hour beyond 10pm, but in doing so it would require to be satisfied that the area is not located close to residential or other noise sensitive dwellings.

5.3 Presumption against 24 hour licences

In terms of section 64 of the Act, there is a presumption against the grant of applications for licensed hours for a period of 24 hours, whether made on a permanent basis or in relation to a one off event, unless the Board is satisfied that there are **exceptional circumstances** which justify allowing the sale of alcohol on the premises during such a period.

The Guidance sets out that the Scottish Ministers are of the view that Licensing Boards should consider **exceptional circumstances** to cover special events such as one-off local or national festivals. The Guidance states that it is unlikely that **exceptional circumstances** would be constituted in the case of premises where there were routine requests to sell alcohol for 24 hours.

As a matter of policy, the Licensing Board can not conceive of any special events or festivals where such a request would be justified as it considers that the granting of such hours would generally be detrimental to the Licensing Objectives which this Policy Statement is required to promote. Therefore the onus would be on the applicant to demonstrate to the satisfaction of the Board that the granting of such hours is not inconsistent with any of the Licensing Objectives and that there are genuinely exceptional circumstances which justify the request.

5.4 Standard Policy on Licensed Hours – On Sales

The Licensing Board considers that, as a matter of policy, the standard licensed hours for on-sales within licensed premises across the city should be:

- 11am until 12 midnight, Mondays to Sundays.

Outside areas:

- 11am until 10pm, Mondays to Sundays.

Having taken into account views expressed during its wide ranging policy development and evidence gathering process, the Licensing Board **considers that these standard licensed hours remain appropriate** in terms of promoting all of the Licensing Objectives and in particular the Licensing Objectives of Preventing Crime and Disorder, Protecting and Improving Public Health, Securing Public Safety and Preventing Public Nuisance.

5.5 Possible Exceptions – On Sales

As with any policy, the Licensing Board must allow for the possibility of exceptions. In considering an application for additional licensed hours outwith the standard licensed hours, the Licensing Board will have regard to the impact that the licensed hours sought may have on one or more of the Licensing Objectives and in terms of the suitability of the premises for the sale of alcohol during the hours applied for.

While each application will be considered on its own merits, the Licensing Board will have regard to the following issues:-

5.5.1 Late Opening Premises

Applicants seeking Premises Licences to provide facilities which will operate as part of the city's night time economy and which therefore generally only open late evening / early morning may be granted licensed hours until **3am** if located within the city centre and **2am** if located outwith the city centre. Such hours will not normally now be granted to premises seeking to sell alcohol routinely prior to **7pm** and applicants will be expected to demonstrate to the satisfaction of the Board that the sale of alcohol is genuinely ancillary to some other substantial form of entertainment, for example nightclubs where the primary activity is dancing.

Where existing licensed premises **with standard licensed hours** apply for later licensed hours, on the basis that they meet this criteria, the Licensing Board would generally expect the application for variation to include a modification to the Operating Plan so as to remove any licensed hours prior to 7pm. Alternatively, the Licensing Board may consider granting a variation for later licensed hours, but will give consideration to attaching conditions to the Premises Licence in terms of section 30(6) of the Act, setting out the circumstances under which the premises may continue to sell alcohol prior to 7pm, for example at conferences and social functions.

For the avoidance of doubt the mere sale and supply of food, provision of table meals and karaoke will not generally be considered to constitute 'substantial entertainment'.

The Licensing Board recognises that DJ music is an important part of the city's culture, providing one of the most popular mediums for listening to and experiencing music across the city. Top DJs can draw in enormous crowds, generate significant ticket receipts for venues and can contribute to the city's reputation as a world class music venue. Where DJ music is intended to constitute substantial entertainment, the applicant and licence holder will be expected to be able to demonstrate the following:-

- All music must be selected and played by a DJ or DJs on a live basis
- The DJ must be concerned with DJing music and not engaged in other activities within the licensed premises
- The equipment being used must allow at least two tracks to be played simultaneously
- The equipment being used must allow the DJ to control the pitch (or tempo) and volume of the tracks being played and also control the sound equalisation of those tracks across at least three frequency bands - treble, mid-range and bass.
- The venue must provide monitor speakers to facilitate the maximum performance of the DJ
- The licensed premises must have an adequate sound system which has been subject to acoustic room controls.

5.5.2 Restaurants

Applicants seeking Premises Licences where the principal activity will be the provision of full restaurant facilities will generally be allowed to open until **1am** across the city. However, in order to benefit from this additional hour at least 75% of the floor area of the premises must

be given over to the provision of full restaurant facilities at all times and that area must be clearly shown on the layout plan.

In order to continue to enjoy the benefit of the additional licensed hour to 1am, licence holders will require to demonstrate that after 12 midnight alcohol is only sold to and consumed by persons who have taken a meal at the premises and that the sale of alcohol is therefore ancillary to taking such meals, with the relevant condition being updated to reflect this requirement.

5.5.3 Function Suites

Where an applicant can demonstrate that part of the premises have a dedicated function suite and that it is intended that functions will be held with such regularity that applications for extended hours would be impracticable, the Licensing Board may consider granting an additional licensed hour to 1am, subject to a condition under the Licensing Objective of Preventing Public Nuisance that the additional hour will only be used in relation to persons attending pre-booked functions taking place in that part of the premises.

5.5.4 Hotels

In relation to premises operating as hotels, the Licensing Board will consider allowing additional licensed hours in relation to pre-booked functions at the hotel, subject to appropriate conditions.

5.5.5 Casinos

Where premises have been granted a Premises Licence to operate as a casino under the Gambling Act 2005, the Licensing Board has generally granted licensed hours until 6am. However, the Board recognises that in enjoying the benefit of such extensive licensed hours it is incumbent upon the licence holder to ensure that the Licensing Objectives are not compromised in the operation of those premises, failing which it may be necessary and appropriate for the Board to consider further regulation and control of the licensed hours between 3am and 6am.

5.5.6 Outdoor Areas

While the Board's policy on the terminal licensed hour for outdoor areas remains 10pm, there will be certain exceptional circumstances where it will consider granting a later terminal hour. However, such later hours will not generally be granted where the outdoor area is below, or in close proximity to, residential properties or other noise sensitive dwellings, or where there is a history of noise complaints associated with the premises. The Board expects that such applications will only be made where it can be demonstrated to the satisfaction of the Board that there are exceptional circumstances justifying a departure from its general policy.

5.6 Monitoring and Enforcement of Licensed Hours

In granting any hours outwith the standard licensed hours, the Board may consider attaching licence conditions in order to regulate the activities associated with those non-standard licensed hours. It may also request that the premises be monitored on a regular basis by Licensing Standards Officers for a period of time in order to satisfy itself that the terms of the exception from the standard licensed hours are being met.

The Licensing Board is particularly keen to ensure that premises granted licensed hours to 1am on the basis that they are operating primarily as a restaurant and those granted licensed hours to 2am or beyond on the basis of providing substantial forms of entertainment are indeed operating in accordance with these specific exceptions to the standard hours.

If it is found that the premises are not being operated in accordance with the terms of the exception, or any condition, or if there is a particular concern in relation to one or more of the Licensing Objectives, then the Premises Licence may be reviewed. If, following such a Review, a ground for review is found to have been established, the licensed hours may be varied if the Licensing Board considers it necessary or appropriate to do so.

5.7 Licensed Hours – Off Sales

In terms of the Act, the Licensing Board must refuse an application which proposes off sale hours before 10am, after 10pm or both. However, it is open to the Licensing Board to further restrict licensed hours for off-sales where it considers that the hours proposed would be inconsistent with one or more of the Licensing Objectives. In particular, where as a result of the hours operated or proposed, premises are, or are likely to be, a source of, or focal point for, antisocial behaviour and thus compromise the Licensing Objectives of Preventing Crime and Disorder and Preventing Public Nuisance, the Board may restrict the hours of operation. Unless so restricted the Board would generally permit off sale hours from **10am until 10pm**.

5.8 Factors to be taken into account

Whilst the Licensing Board will have regard to the above general policy on licensed hours, each application will be considered on its merits and with regard to the following factors, although this list is not exhaustive:-

- The prevalence of anti-social behaviour in the vicinity of the applicant premises [particularly premises to be operated outwith the standard licensed hours] as disclosed in any report provided by the Chief Constable in terms of section 22(2)(A) or 24A of the Act.
- The location of the premises and the general character of the area in which the premises are situated.
- The activities and hours proposed in the draft Operating Plan accompanying either a Premises Licence application or an application for variation.
- The availability of public transport in the locality of the premises late at night and in particular whether or not the use of premises for the sale of alcohol in the absence of adequate public transport facilities may cause public nuisance or compromise public safety.
- The impact additional licensed hours may have on police operational demands in conjunction with resources available to deal with such needs.

Part Six

Policy relative to Children and Young Persons'

Access to

On-Sales Licensed

Premises

This part sets out the Licensing Board's approach to children and young persons' access to on-sales licensed premises and the reasons for adopting that approach in pursuance of the Licensing Objective of Protecting Children and Young Persons' from Harm.

6 Policy relative to Children and Young Persons' Access to On-Sales Licensed Premises

6.1 Reasons for the Policy Approach

The Licensing Board wishes to encourage family friendly licensed premises where there is an environment where families can socialise safely together. The Board will therefore generally welcome applications from those who wish to operate licensed premises which accommodate children and young persons. However, in doing so, the Licensing Board recognises that some activities associated with premises that sell alcohol for consumption on the premises may, in certain circumstances, give rise to concerns for the health and welfare of children and young persons.

The Licensing Board is committed to protecting children and young persons from harm and applicants for Premises Licences, or variations to the terms on which children and/or young persons are permitted access to premises, will therefore need to demonstrate to the Board how they will promote this particular Licensing Objective. The Licensing Board therefore considers it necessary and appropriate to have a policy setting out its general approach to issues relating to children and young persons' access to licensed premises, while stressing that each application will be considered on its merits.

6.2 Hours of Access

Where children and young persons are permitted entry to the premises, the Licensing Board may place a limit on the hours when they can be present on the premises. A different limit may be applied in relation to children from that applied to young persons. In relation to premises which operate as hotels, theatres, cinemas, family focused entertainment centres, sports centres, museums or restaurants (where 75% or more of the floor area is given over to dedicated restaurant facilities), the Licensing Board is of the view, that, with the exception of any bar area, responsibility for determining the appropriate terminal hour for children and young persons should be that of the licence holder. In such cases the Board will generally only look to review, restrict or enforce the terminal hour set out in the Operating Plan where there is a concern that the Licensing Objective of Protecting Children and Young Persons from Harm is not being met.

In terms of bar areas, the Boards considers these to be premises, or parts of premises, used exclusively or mainly for the supply of alcohol for consumption on the premises, and to which customers resort for no other primary purpose.

Having previously taken into account views expressed by the Local Licensing Forum in relation to bar areas and other types of premises, the terminal hour for children will normally be 9pm but each application will be considered on its merits and the Licensing Board will take into account the

measures each applicant proposes to take in order to protect children from harm and whether activities in the premises are specifically targeted at families.

Taking into account a variety of views expressed during the development of this new Policy Statement, the Licensing Board will generally apply a terminal licensed hour for young persons of **11pm**, but will expect applicants and licence holders to clearly set out what safeguards will be in place specially targeted towards young people aged 16 and 17 years of age.

6.3 Functions

Where family orientated private functions (such as weddings, golden anniversaries or special birthday celebrations) are being held in any licensed premises where children and young persons are permitted in terms of the Operating Plan, the Licensing Board will not generally look to review, restrict or enforce the terminal hour for children and young person's access unless there is a concern that the Licensing Objective of Protecting Children and Young Persons from Harm is not being met.

6.4 Conditions

The Licensing Board may also consider applying the conditions set out in Appendix One of the Policy Statement relating to access to licensed premises by children and young persons in addition to the mandatory conditions which are applied to the premises in terms of the Act and the Regulations, if appropriate.

Part Seven

Overprovision

Assessment and general approach to the

consideration of

Overprovision

This part sets out the Licensing Board's approach to overprovision, including details of the localities where the Board considers there to be overprovision of licensed premises or licensed premises of a particular description, and the factors it will consider when determining individual applications.

7 Overprovision Assessment and general approach to the consideration of Overprovision

[This part of the policy is subject to consultation on the Proactive Assessment of Overprovision and the finalised localities and general approach to overprovision will be set out here in the final version of the new Licensing Policy Statement]

Part Eight

Policy on Occasional Licences and Extended Hours Applications

This part set out the Licensing Board's approach to the processing of Occasional Licences and Extended Hours Applications and the factors it will consider when determining individual applications.

8 Policy on Occasional Licences and Extended Hours Applications

8.1 Occasional Licences

Reasons for the Policy Approach

The Licensing Board considers that as Occasional Licences authorise the sale of alcohol for a period of up to 14 days without having to go through the detailed requirements associated with an application for a Premises Licence, it is appropriate to have a policy setting out the terms on which such applications will normally be granted.

While the Licensing Board is aware that the Act does not refer to the holding of an event in the provisions dealing with Occasional Licences, given their short-term nature and that they are not subject to any requirements for certification, neighbourhood notification or public site notices, it will generally look for the applicant to demonstrate that the Occasional Licence is required for a special event to be catered for on unlicensed premises, with the exception of Occasional Licence applications in respect of outdoor areas associated with licensed premises.

The Board believes that this policy approach is necessary so as to avoid the Occasional Licence process being used as a mechanism to circumvent the full licensing process which would more readily identify any issues of concern in relation to one or more of the Licensing Objectives, and in particular that relating to Securing Public Safety. Each application for an Occasional Licence will be determined on its individual merits.

Where an application is to allow premises to trade on a regular basis prior to a Premises Licence application having been determined, the application will generally be referred to the Board for consideration in the first instance.

8.2 Nature of the Event

The Licensing Board will generally look for the applicant for an Occasional Licence to demonstrate that it is required for a special event, such as a birthday, anniversary party or a wedding reception. Information relating to the event will require to be detailed on the application form and the applicant may be asked to provide appropriate supporting documentation. Where the event relates to a charitable activity, the Licensing Board will require a letter from the charity stating that they are aware of the event and that they are receiving some benefit from it.

Where the application is from a voluntary organisation, the applicant will be required to demonstrate that the event is connected to the organisation's activities, for example, a fund raising dinner-dance.

Where the application for an Occasional Licence is being made in relation to a festival or event of local or national significance, the principles outlined below in relation to the Licensing Board's expectations for applications for extended hours will generally be applied.

8.3 Licensed Hours

Applications for Occasional Licences will generally be determined in accordance with the Board's policy on licensed hours, as set out in Part Five of this Policy Statement.

8.4 Processing Timescales – Occasional Licences

Due to the timescales for reports to be obtained from the Police and Licensing Standards Officers, applications must be submitted to the Licensing Board at least 6 weeks prior to the date, or starting date, of the event. Any applications intended to be lodged outwith that timescale would require the prior permission of either the Clerk or the Licensing Manager and will only be accepted on good cause being shown and not due to mere inadvertence.

The Board considers that applications which require to be dealt with quickly in terms of section 57(4) of the Act, will generally only be considered appropriate in relation to funeral functions.

8.5 Applications for Extended Hours

Reasons for Policy Approach

In developing its policy on licensed hours, the Licensing Board balanced the commercial interests of the licensed trade and its important contribution to the city against the need to take account of issues of concern to local residents and communities, as well as issues relating to policing, all with regard to the Licensing Objectives referred to in that part of the Policy Statement.

It has however been an issue of concern to the Board in the past that a number of premises were applying for extended hours with such regularity that the Board's general policy on licensed hours, and the Licensing Objectives it seeks to promote, particularly Preventing Crime and Disorder, Securing Public Safety and Preventing Public Nuisance, were being undermined. As such the Licensing Board continues to consider it necessary and appropriate in terms of those objectives to have a policy on the principles it will generally apply in considering applications for extended hours.

Where applications for extended hours meet the requirements of this part of the Policy and there are no adverse comments from either the Police or Licensing Standards Officers, there will be a presumption in favour of the grant of the application, subject to the numbers restriction set out at part 8.7 below. The Licensing Board considers that this is a reasonable and proportionate policy which will provide additional certainty to licensed premises in their operational planning of events throughout the year.

Generally, only an additional one licensed hour will be granted by way of extended hours on any given day.

8.6 Festive Period Extensions

Each year the Licensing Board will issue a statement of its policy on extensions for the Festive Period. At the discretion of the Board, this policy may be extended to include recognised public

holidays and events of national significance. Such extensions will apply automatically to all those premises which make reference to the Board's Policy on the Festive Period within Part 4 of the Operating Plan, without the need for an extended hours application.

8.7 Restriction on Number of Extended Hours Applications

Given the Board's concerns in relation to the frequency with which a number of premises apply for extended hours, the Board considers it necessary and appropriate in order to protect its policy on licensed hours and the Licensing Objectives which that part of the policy is designed to promote, to place a restriction on the number of applications for extended hours which will be granted to individual premises each calendar year.

Generally, the Licensing Board considers that it would not be appropriate to grant licensed premises extended hours on more than **10 days** in each calendar year, or on a pro-rata basis in respect of new licensed premises. The maximum of 10 days is in addition to any extended hours for days covered by the policy on Festive Period Extensions referred to at paragraph 8.6 above or any general extension of licensed hours granted by the Board under section 67 of the Act.

8.8 Rewarding Great Practice – Additional Extended Hours Applications

Throughout the consultation process on the development of this Policy Statement, the Licensing Board was greatly impressed by the high standards shown by a number of licensed premises in the city, focused on delivering social responsibility and a duty of care in support of the Licensing Objectives.

The benefits of the Best Bar None award scheme were featured in a number of consultation submissions. The Licensing Board was hugely impressed by the commitment shown by the premises participating in the scheme and the impact that this has had in driving up and maintaining high standards across the city.

The Licensing Board believes that great practice should be encouraged and rewarded. It will therefore grant extended hours for up to a further 10 days in each calendar year to all those licensed premises who were awarded Gold Status, or above, in the Best Bar None awards at the end of the previous year. This will mean that these premises will be permitted extended hours on up to **20 days** in the year, having demonstrated a commitment to delivering the very best service and standards to the people of Glasgow and our many visitors.

8.9 Nature of the Event

An extended hours application may be made by the Premises Licence Holder and may be sought in relation to a special event of national or local significance, or a special event or occasion to be catered for on the premises.

In relation to applications for extended hours for a special event or special occasion to be catered for on the premises, the Licensing Board will generally look for the applicant to demonstrate that the licence is required for a particular event such as special birthdays, for example a 21st, 30th, 40th etc and special anniversaries such as silver, golden etc, or weddings and other such special events or special occasions.

Where an application is made for extended hours in relation to a festival or event of local or national significance, the Licensing Board will expect the applicant to demonstrate that there will be a substantial form of entertainment taking place on the premises which is related to the particular festival or event. In such cases, the applicant will be required to submit a programme of events along with the application form. For the avoidance of doubt, mere sponsorship of the festival or event will not generally be considered sufficient to warrant the granting of extended hours. Every application which seeks extended hours for any associated activities will be treated on an individual basis, based on the nature of the activities to be made available.

The Licensing Board will tend to look favourably on applications for extended hours which are designed to cater for increased numbers of visitors to the city arising from events which are city wide in their appeal, such as international sporting events and city wide festivals. Where the festival or event is localised, such as the West End Festival, East End Festival or the Merchant City Festival, extended hours will generally only be granted to premises in the locality of the festival or event.

8.10 Processing Timescales – Extended Hours

Subject to any changes in the statutory requirements for processing extended hours applications, due to the timescales for reports to be obtained from the Police and Licensing Standards Officers, applications must be submitted to the Licensing Board at least 4 weeks prior to the date, or starting date, for which the extended hours are sought. Any applications intended to be lodged outwith that timescale would require the prior permission of either the Clerk or the Licensing Manager and will only be accepted on good cause being shown and not due to mere inadvertence.

Part Nine

Policy relative to Off-Sales Licensed Premises

This part sets out the Licensing Board's approach to the consideration of applications for off-sales licensed premises with regard to the Licensing Objective of Protecting and Improving Public Health as well as the conduct, suitability and use of the premises.

9 Policy relative to Off-Sales Licensed Premises

9.1 Reasons for the Policy Approach

Throughout the consultation and evidence gathering process, the Licensing Board has heard repeated concerns about the changing habits in alcohol purchasing and consumption, with a number of respondents focusing on the evidence of the link between alcohol availability and harm in Scotland.

Information was provided to the Licensing Board showing that almost three quarters of all alcohol sold in Scotland is sold from off-sales licensed premises, such as supermarkets and local convenience stores. Many respondents expressed concern that in terms of the Licensing Objective of Protecting and Improving Public Health, the consumption of alcohol within the regulated environment of a pub, club or restaurant is safer than the unregulated consumption of alcohol sold from off-sales licensed premises.

The Board is also aware that problems of street drinking are found across the city. While there are some areas with persistent and recurring problems of street drinking, with so called 'drinking dens' being a particular problem in some communities, they also crop up in different areas at different times and seasons. The Board recognises that shops selling alcohol can, in some cases, be a focus of antisocial behaviour, disorder and disturbance and can be associated with the consumption of alcohol by children and young persons. Such issues can therefore cause concern in relation to the Licensing Objectives of Preventing Crime and Disorder, Securing Public Safety, Preventing Public Nuisance and Protecting Children and Young Persons from Harm when considering applications in relation to premises wishing to sell alcohol for consumption off the premises, or in relation to applications for the variation of a Premises Licence or the review of a Premises Licence.

The Licensing Board therefore believes it also has an important role to play in determining whether premises are suitable for the sale of alcohol with particular regard to the location of the premises, their character and condition and the persons likely to frequent the premises and in terms of whether the granting of an application would be inconsistent with one or more of the Licensing Objectives. The Board therefore considers that it is necessary and appropriate in order to promote the Licensing Objectives to have a specific policy relating to its consideration of applications in relation to the sale of alcohol for consumption off the premises.

9.2 Off-sales and the Licensing Objective of Protecting and Improving Public Health

In developing its overprovision assessment, the Licensing Board was particularly concerned by the number of areas in the city which suffer from high levels of alcohol related emergency hospital admissions and alcohol related deaths, in many cases well above the average for the country as a whole.

While many of these areas have been identified as overprovision localities, it was also evident that in some areas there are very few licensed premises and therefore identifying them as an overprovision locality in terms of the number and capacity of licensed premises would not be appropriate. However, overprovision is only one ground for refusal, and the Licensing Board believes that in terms of the alcohol related health data it has considered, it is important to clearly set out its concern regarding the granting of an off-sales licence and the Licensing Objective of Protecting and Improving Public Health.

While each application will be considered on its own merits, in the view of the Board where there is evidence that the locality in which the applicant premises are situated suffers from higher than the national average levels of alcohol related health harms, and there is an intention to sell alcohol for consumption off the premises primarily directed towards those living within that locality, the Licensing Board will carefully consider whether the granting of such a licence would be inconsistent with the Licensing Objective of Protecting and Improving Public Health.

The Licensing Board recognises that through changes in legislation, for example the implementation of Challenge 25, Minimum Unit Pricing and restrictions on irresponsible promotions, there are far greater controls than ever before on the sale of alcohol from off-sales. However these safeguards alone cannot adequately mitigate the link between the availability of responsibly sold alcohol and its unregulated consumption by those living in local communities which already suffer from higher than average alcohol related health harms.

Even where there is little or no existing alcohol provision within the area, it may be inconsistent with the Licensing Objective of Protecting and Improving Public Health to grant a licence which would facilitate and allow easier access to alcohol, thereby having the potential to exacerbate existing alcohol related health problems in the area.

9.3 Alcohol Deliveries

The Licensing Board is aware of the growing trend for alcohol deliveries from licensed premises, either with or without food. While no evidence was provided to the Licensing Board of actual harm associated specifically with this activity, the Licensing Board considers it necessary and appropriate to “future-proof” its policy in order to be able to mitigate the risk of problems arising from such sales.

Section 108 of the Act contains a number of offence provisions relating to the delivery of alcohol by or to a child or a young person with exceptions where the alcohol delivery is made or accepted by a person under 18 who works in a paid or unpaid capacity involving alcohol deliveries.

Section 119 of the Act makes certain requirements in relation to information to be recorded pursuant to an alcohol delivery, including the quantity, description and price of the alcohol and the name and address of the person to whom it is to be delivered.

The Licensing Board believes that the following requirements, in addition to those set out in section 119 of the Act, are necessary to provide for the effective regulation of alcohol deliveries and to ensure that there are similar safeguards to those applied to alcohol sold directly to a member of the public in licensed premises:-

- The Challenge 25 policy for the premises must be implemented at the point of delivery;
- Information must be provided to customers at the point of order that alcohol will only be delivered to a person aged 18 or over, subject to the terms of section 108 of the Act;
- Licence holders should take all reasonable steps to ensure that the person delivering the alcohol has been given appropriate training on the application of the Challenge 25 policy, and in particular on procedures relating to requesting age verification documentation and the acceptable forms of age verification documentation;
- Licence holders should take all reasonable steps to ensure that the person delivering the alcohol has been given appropriate training to mitigate the risk of alcohol being delivered to a person who is drunk.

9.4 Suitability of Premises for Off-Sales: Factors to be taken into account

In considering whether premises are unsuitable for the sale of alcohol for consumption off the premises, or whether the granting of the application would be inconsistent with one or more of the Licensing Objectives, the Licensing Board will consider any reports submitted by the Police, Building Control & Public Safety and the Licensing Standards Officers, as well as the terms of any letters of objection or representation, including representations in support of the application, as well as its own local knowledge of a particular area. In considering the suitability of premises for the sale of alcohol, the Licensing Board may also take into account evidence regarding anti-social behaviour problems in the area which might be exacerbated by the grant of a licence for the sale of alcohol for off-consumption.

The Licensing Board will also have regard to such matters as:-

- (1) the layout and supervision of the premises. For example, whether the display(s) of alcohol are/will be clearly visible to staff from at least one supervised counter and / or cash point on the premises.
- (2) the size of the premises, including whether a secure storage area is / will be provided from which customers are excluded.

- (3) With regard to the location of all alcoholic products on the premises, whether there is/will be a supervised counter and/or cash point situated as near as is practically possible between those products and any entrances or exits at the premises.
- (4) Whether the licensed premises as a whole when not open to customers are / will be properly secured against unlawful entry.
- (5) Whether in providing a suitable layout and proper security arrangements, safety and convenience of access at the premises will be materially affected, particularly in relation to the size of the area where alcohol is displayed at the premises and the parts of the premises to which customers have access.

9.5 Mitigation of issues of concern

The Licensing Board will generally consider attaching conditions to all off-sales licensed premises requiring the installation and operation of a CCTV system and requiring that a refusal book be maintained in the premises. Details of these standard conditions are set out in Appendix One. However, where there are concerns regarding the suitability of premises for the sale of alcohol for off-consumption, or with regard to inconsistency with one or more of the Licensing Objectives, the Board will consider whether these concerns can be sufficiently mitigated or controlled by imposing additional conditions on the licence.

9.6 Determination of applications

It is stressed that all such applications will be assessed on their merits and that the Board as well as having regard to the foregoing policy, will also have regard to the particular circumstances pertaining to each application, Operating Plan and layout plan before reaching its decision.

Part Ten

Policy relative to the use of Toughened Glass and other recognised Safety Products in Licensed Premises

This part sets out the Licensing Board's approach to the use of toughened glass and other recognised safety products in licensed premises in pursuance of the Licensing Objectives of Securing Public Safety and Preventing Crime and Disorder.

10 Policy relative to the use of Toughened Glass and other recognised Safety Products in Licensed Premises

10.1 Reasons for the Policy Approach

It is widely acknowledged that violent crime, particularly that involving glasses and bottles in licensed premises, tends to be spontaneous and invariably involves a link with the consumption of alcohol. Similarly, it is generally accepted that individuals using glasses and bottles as weapons have caused a significant number of serious injuries sustained in or around licensed premises over the past few years.

From statistical information made available to the Licensing Board at the time of originally developing this policy, it was clear that the incidence of glassing attacks was considerably greater in late opening premises, such as nightclubs which attract an almost exclusively younger clientele, as opposed to other licensed premises which do not operate into the early hours of the morning. Indeed, from the statistical information available, the likelihood of a glassing attack in late opening premises was twice that of other licensed premises.

In continuing to apply a policy in this regard it is the Licensing Board's view that the use of toughened glass or other recognised safety products can play a vital part in reducing, significantly, the number of glass inflicted injuries, whether such injuries are inflicted accidentally or as a result of violence and therefore is an important factor in promoting the Licensing Objectives of Securing Public Safety and Preventing Crime and Disorder.

Due to the methods employed during the manufacture of toughened glass and other recognised safety products, the possibility of it causing serious permanent disfigurement when used as a weapon is significantly reduced. By contrast, conventional glass when it breaks can leave large, very sharp, pieces, which can easily be used as weapons in order to inflict horrific and lasting injuries or cause injuries through accidental breakage.

The Licensing Board considers that in terms of the Licensing Objectives of Securing Public Safety and Preventing Crime and Disorder the benefits of using toughened glass and other recognised safety products in late opening premises far outweighs any cosmetic or cost considerations.

With the range of alternative toughened glass and other recognised safety products now widely available, the Licensing Board believes that reliance on single use plastic in order to comply with this policy is no longer necessary except in exceptional circumstances where no alternative products are reasonably available.

10.2 Effect of Policy

Against this background, the Licensing Board considers it desirable to continue to have in place a policy in order to reduce, as far as possible, bottles and other receptacles being used as weapons during any incidents of disorder or the risk of injuries caused through accidental breakage.

'Late opening premises', **for the purposes of this policy**, shall apply if the Operating Plan for the premises specifies that the premises will, on any occasion, be open after **midnight**.

For the avoidance of doubt the requirements of this policy only apply to late opening premises **during the hours of operation after midnight**.

The Policy will operate as follows: -

- (a) In late opening premises all drinks should be served in toughened glass or other recognised safety products.**
- (b) In late opening premises no conventional glass bottles, whether open or sealed, should be given to customers, whether at the bar or by staff service to any area away from the bar.**

Any drinks sold in glass bottles should be decanted into toughened glass or other recognised safety products before being served to the customer. For the avoidance of doubt, this policy only applies to the sale of alcohol or other drinks for consumption on the premises. Sales of alcohol in sealed bottles for off-consumption are not affected.

10.3 Exemptions

In appropriate circumstances, an exemption from the policy requirements may be given in relation to any affected premises or any part thereof. Exemptions may also be given with regard to the use of certain types of receptacle or bottle. Each request for exemption from the policy requirements will be considered by the Licensing Board on its own merits.

The Licensing Board has agreed that a specific exemption be given in the following terms:-

The terms of this policy shall not apply to late opening premises operated exclusively as a restaurant, or any part of such premises which is set aside permanently and exclusively for use as a restaurant, in which the sale or supply of alcohol is solely to persons taking table meals there, or as an ancillary to the table meals. Where this exemption applies to part only of the late opening premises, the licence holder shall ensure that no alcohol or other drink is taken from the restaurant area to any other parts of the premises unless the alcohol or other drink is contained in toughened glass or other recognised safety product.

The terms of this policy shall also not apply to late opening premises which operate principally as hotels and which include at least four apartments set apart exclusively for the sleeping accommodation of travellers.

10.4 Enforcement of Policy

This policy will be taken into account in determining any application for the grant of a Premises Licence or a variation in relation to late opening premises as defined by this Policy. On approval of any such application a condition may be attached to the Premises Licence in terms of section 27 (6) of the Licensing (Scotland) Act 2005 to apply the policy requirements on the grounds that it considers it necessary or expedient for the purposes of the Licensing Objectives of Securing Public Safety and Preventing Crime and Disorder. Regular inspections of affected premises will be carried out by Licensing Standards Officers to check for compliance. Failure to comply with the terms of the Policy could lead to the Licensing Board carrying out a Premises Licence Review.

10.5 The use of Non-Conventional Glassware Generally

Whilst this Policy is principally designed to secure public safety and prevent crime and disorder in late opening premises, it remains the responsibility of all Premises Licence Holders to ensure that a full risk assessment has been carried out with regard to the use of their premises by members of the public. In particular the Licensing Board would expect Premises Licence Holders of any premises providing a dance floor for use by members of the public to pay particular regard to the arrangements in place for glass clearance and stewarding in the premises.

Research carried out by Strathclyde Police in 2010 has shown that glassing and bottling incidents, although still a relatively rare occurrence, do take place prior to midnight in and around licensed on-sales premises. The Licensing Board is aware that the Police, with the support of trade representatives, has written to all Premises Licence Holders setting out that it would be beneficial for premises to replace existing conventional glass drinking vessels with a safer product such as toughened glass, polycarbonate or other recognised safety material. The Licensing Board fully supports that approach.

The Licensing Board does not expect every glass drinking vessel to be toughened but where there is a standard annealed glass with an equivalent design, shape and size in toughened glass or other suitable recognised safety product then it would be expected that the premises would use the safer product. The Licensing Board is aware that pint, ½ pint, and high ball glasses are examples of the types of glasses most frequently used as a weapon and therefore the use of the now readily available forms of toughened glass or alternative recognised safety products should be considered. Standard wine glasses that have an equivalent toughened glass, or other recognised safety product, should also be considered.

Where a Premises Licence Review Application is made to the Board as a result of a glassing incident within licensed premises, the Licensing Board will look to the Premises Licence Holder to explain what steps had been taken in terms of the risk assessment for the premises to address this particular risk and whether replacing conventional forms of glassware with alternative safer products had been considered.

Part Eleven

Policy on the prevention of malicious or ill-intentioned conduct on the basis of race, politics or religion associated with the management of Licensed Premises

This part sets out the Licensing Board's approach to tackling malicious or ill intentioned conduct on the basis of race, politics or religion associated with the management of licensed premises in pursuance of the Licensing Objectives.

11 Policy on the prevention of malicious or ill-intentioned conduct on the basis of race, politics or religion associated with the management of Licensed Premises

11.1 Reasons for the Policy Approach

The Licensing Board is aware of wide public concern within its area and elsewhere in Scotland surrounding sectarian conduct which focuses on the religious divide between allegiance to the Catholic and Protestant expressions of the Christian faith. Very often this type of conduct finds its public expression in support of particular football clubs or references to matters associated with the religious and political divide in Northern Ireland.

The Licensing Board has on occasion had cause to take action in the case of licensed premises where the licence holder has engaged in, or permitted conduct at the premises, which is sectarian or which can reasonably be construed as sectarian. In certain Premises Licence review applications Police Scotland have expressed concern to the Licensing Board on the basis that such conduct constitutes a threat to public order or safety, particularly in an environment where alcohol is available and can exacerbate such issues. The conduct complained of has included:-

- decorating or displaying material at the premises with colours, images, designs, insignia or words associated with, or which can reasonably be construed as being associated with, either the Catholic or Protestant side of the religious divide;
- permitting activities or entertainment at the premises associated with, or which can reasonably be construed as being associated with, either the Catholic or Protestant side of the religious divide.

In some instances, the licence holder, to their credit, has been responsive to requests from the Police, Licensing Standards Officers or the Licensing Board to remedy the conduct. However, the Board believes that in order to assist enforcement measures in future, and to provide clarity to the licensed trade and members of the public, the Licensing Board should set down in this Policy Statement what it considers to be good practice on the part of licence holders in this regard.

On one level, such conduct on the part of a licence holder, whether intentional or unintentional, can cause offence and can lead to members of the public refraining from taking entry or considering themselves excluded from the premises by reason of their religious beliefs or affiliations. The Licensing Board does not consider this to be acceptable and is of the view that when it grants a Premises Licence, the licence holder has a duty to ensure that the premises are

available to any member of the public, who should feel welcomed in those premises. Beyond this, such conduct can in some cases be intimidatory and inflammatory, inciting religious or sectarian hatred, and can constitute a threat to public order or safety or on occasions actually cause or contribute to public disorder, and that this can be exacerbated in an environment where alcohol is available. As such this policy has been adopted in pursuance of the Licensing Objectives of Securing Public Safety, Preventing Crime and Disorder and Preventing Public Nuisance.

The Licensing Board stresses that it is aware that the substantial majority of licence holders do not engage in such conduct and continue to operate their licences responsibly. The Licensing Board believes that there continues to be support from the licensed trade for action being taken against any licence holder who engages in or permits such conduct at licensed premises.

The Licensing Board is in no doubt that such conduct by irresponsible licence holders can constitute a threat to public order or safety, as well as causing public nuisance and therefore a breach of one or more of the Licensing Objectives, which in the most serious cases could render the premises unsuitable for the continued sale of alcohol.

Against this background, the Licensing Board considers it desirable to continue to have in place a policy in order to regulate such conduct on the part of Premises Licence Holders. The scope of the policy has also been widened to encompass conduct or activities which cause offence to a reasonable person or which constitute a threat to public order or safety on racial, political or religious as well as sectarian grounds or which can reasonably be construed as having such effect, such that one or more of the Licensing Objectives is compromised in the operation of the premises.

11.2 Effect of Policy

The policy will operate as follows:-

In general terms, the Licensing Board looks to Premises Licence Holders not to engage in or permit conduct or activities at licensed premises which cause offence to a reasonable person or which constitute a threat to public order or safety, on racial, political, religious or sectarian grounds or which can reasonably be construed as having such effect.

Furthermore, individuals, or particular parts of the community, should not be discouraged from going to licensed premises on the basis of any racial, political, religious or sectarian grounds in relation to the operation and management of the premises.

For the avoidance of doubt, the association of any licensed premises with a particular football club or the display of football programmes or football memorabilia within the licensed premises shall not of itself breach the policy. However, the football memorabilia displayed must not contain any design, insignia, word or groupings of words, which have a political, racial, religious or sectarian content or which could reasonably be construed as inciting political, racial, religious or sectarian hatred or violence.

The Licensing Board would expect, in the interests of public safety, a Premises Licence Holder to comply with any reasonable order or instruction given by a Police Officer or Licensing Standards Officer for the purpose of giving effect to this policy.

11.3 Enforcement

The terms of this policy will be taken into account in the determination of any application for the grant of a Premises Licence in considering whether the application is inconsistent with one or more of the Licensing Objectives.

Where it is alleged that there has been a breach of this policy, either by the Chief Constable, a Licensing Standards Officer or any person entitled to seek a Review of the Premises Licence on any ground relevant to one or more of the Licensing Objectives, the Licensing Board may determine to hold a review hearing and, if necessary and appropriate to do so, take appropriate enforcement action against the premises.

Part Twelve

Policy relative to the management of Outside Drinking Areas

This part sets out the Licensing Board's approach to the regulation of outdoor licensed areas in pursuance of the Licensing Objective of Preventing Public Nuisance and the factors which it will take into account when considering such applications.

12 Policy relating to the management of Outdoor Drinking Areas

12.1 Reasons for the Policy Approach

The Licensing Board recognises that outdoor licensed areas provide an enjoyable experience for customers and that they contribute, in many cases, to the city's reputation as a stylish and vibrant place in which to visit and socialise. The Licensing Board also recognises the need to balance the use of such areas with the needs of local residents and the community in order to ensure that such areas will not cause disturbance or nuisance to the occupiers of other premises in the locality.

The Licensing Board therefore considers that in terms of the Licensing Objective of Preventing Public Nuisance it is both necessary and appropriate to have a policy to regulate the use of such areas in order that they can continue to play their important role in the city.

12.2 Applications for Outdoor Drinking Facilities

Where applicants for a Premises Licence or variation propose within their Operating Plan to provide an outside drinking area or areas, or do so under an Occasional Licence, the Licensing Board will expect the applicant to have regard to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of other premises in the locality. In terms of considering the suitability of outdoor licensed areas associated with licensed premises, and in terms of considering the Licensing Objective of Preventing Public Nuisance, the Licensing Board would generally expect such areas to be abutting, or in very close proximity to, the principal premises.

Where an applicant intends to apply for an outside drinking area to be included within the licensed area of the premises, that area must be included within the layout plan for the premises and clearly indicated as such.

Where the outdoor area is applied for by way of an Occasional Licence, a layout plan of the proposed area must be lodged along with the application. The applicant must also be able to advise as to how the proposed licensed outdoor area will be delineated on the ground by a removable barrier designed to allow access and egress for disabled persons. The requirement for physical delineation on the ground will then be made a condition of the Premises Licence, or Occasional Licence, in respect of outdoor drinking areas. The physical form of delineation must be via substantial barriers and not simply via devices as tied ropes, bunting, intermittently placed flower boxes and suchlike. It is expected that Licensing Standards Officers will monitor for compliance with this particular condition and report to the Licensing Board as appropriate.

It will also be a condition of the Premises Licence, or Occasional Licence, in respect of outdoor areas that sufficient ashtrays and other litter receptacles are to be provided in outdoor areas

which are excluded from the definition of “no smoking premises” as prescribed in the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

The Licensing Board will also expect the applicant to be able to demonstrate their intention to put in place effective management controls, supervision and other measures to ensure that the use of such areas by customers does not have an adverse impact on the locality, particularly to occupiers of premises in the vicinity of the premises.

Due to a number of concerns raised with the Licensing Board regarding outdoor drinking areas going beyond the extent of their licensed footprint, the Licensing Board is introducing a new local condition requiring all holders of premises licences with outdoor drinking areas and those operated under occasional licences to display a copy of the approved layout plan of the outdoor area. This will require to be displayed in the outdoor area at a place clearly visible to members of the public and relevant officers.

In relation to noise control, and in pursuance of the Licensing Objective of Preventing Public Nuisance, generally the Licensing Board will not permit amplified sound or music to be played within, or relayed to, outdoor drinking areas.

Where the proposed outdoor area is situated on a public footway, the Licensing Board expects applicants applying for outdoor areas to have obtained consent from the Council’s Land and Environmental Services under section 59 of the Roads (Scotland) Act 1984. The Licensing Board expects that Premises Licence Holders and Occasional Licence Holders will comply with all conditions which may be attached to that consent. Also such outdoor areas should only be used for the consumption of alcohol by those ***seated*** in the area – no external ‘vertical drinking’ should take place on a public footway. The Board will not generally apply this requirement to external ‘vertical drinking’ areas which are contained within ‘beer gardens’ provided the extent of that facility does not cause public nuisance. Such outdoor areas will also have a fixed capacity, by way of a condition attached to the licence, based on a recommendation made by the Council’s Building Control and Public Safety section.

For the purposes of this policy, and for the avoidance of doubt, ‘beer gardens’ are enclosed areas of private ground included within the licensed premises as per the approved Operating Plan and layout plan and which do not require consent in terms of section 59 of the Roads (Scotland) Act 1984. ‘Public footway’ is the area for which consent is required in terms of that section.

12.3 Removal of Street Furniture

During the development of this Policy Statement, the Board noted concerns raised regarding the practicality of complying with the following condition where the furniture is normally stored within the premises overnight:-

“...If situated on a public footway all street furniture and barriers must be removed immediately after [10pm]”.

The Board has therefore determined that this condition will now be interpreted and applied as follows:-

“...If situated on a public footway all street furniture and barriers must be taken out of use at [10pm] and stored safely and securely in a manner which does not cause an obstruction or nuisance to members of the public and prevents the furniture from being utilised.”

An application for variation of a Premises Licence will not be required to give effect to this change. For the avoidance of doubt, this condition does not supersede or override any other restriction, condition or requirement regulating the use of outdoor areas.

Part Thirteen

Monitoring, Compliance and Enforcement

This part explains the Licensing Board's general approach to issues of monitoring, compliance and enforcement.

13 Monitoring, Compliance and Enforcement

13.1 Monitoring of Policies and Conditions

It is essential that licensed premises are operated in accordance with the Act, the licence conditions, any requirements of this Policy Statement and in pursuance of the Licensing Objectives. The procedures set out in the Act for reviewing Premises Licences represent a key protection for the community where problems associated with crime and disorder, public nuisance, health and safety or activities harmful to children and young persons are occurring.

As such, the Licensing Board recognises the importance of having compliance issues monitored in order to promote the Licensing Objectives and it would expect the Police and Licensing Standards Officers to continue to take a risk based approach to visits and inspections of licensed premises.

Previous fire safety legislation in Scotland has been replaced by the Fire (Scotland) Act 2005 and by regulations made under that Act. As the Scottish Fire and Rescue Service are an enforcing authority for the Fire (Scotland) Act 2005, the Licensing Board will also work in partnership with them to promote the Licensing Objectives. Protocols will be agreed between the Scottish Fire and Rescue Service and the Licensing Board on responsibilities and procedures for joint working and enforcement under the relevant legislation.

13.2 Enforcement Action by the Licensing Board – General Principles

In all cases where enforcement action is deemed necessary and appropriate, the Licensing Board will adopt the following basic principles:-

- **Openness:** The Licensing Board will strive to conduct its business in as open a manner as possible, whilst respecting the confidentiality of those who have contacted it regarding enforcement matters and abiding by the law relating to the disclosure of information under the Freedom of Information (Scotland) Act 2002.
- **Proportionality:** Any enforcement action taken by the Licensing Board will be proportional to the seriousness of the breach or actions and may take into account previous breaches.
- **Fairness:** The Licensing Board will strive to ensure that licence holders are all treated fairly.

The Licensing Board recognises the interests, and occasionally competing interests, of members of the public, local communities and licensed premises. The Licensing Board will therefore work closely with its various partners to assist licence holders to comply with the Act, the Licensing Objectives, and Licensing Board conditions and policies. Proportionate, but fair action will be taken against any licence holder who is found to be in breach of any of these requirements.

Appendix

One Premises Licence Conditions

Style of Conditions which may be attached by the Licensing Board in pursuance of the Licensing Objectives

The following list of conditions is for indicative purposes only and is not exhaustive. Conditions will be tailored according to individual premises.

Style conditions – Preventing Crime and Disorder:

1. In order to prevent or minimise the threat of illegal drugs or other harmful articles or substances being brought into or used on the premises, the Premises Licence Holder shall prominently display at the entrance to the premises, or at a suitable alternative location approved in writing by the Licensing Board, a solid and durable wall-mounted Notice Board, which shall be securely fixed in accordance with the manufacturer's recommendations, the dimensions of which shall be not less than 1800 mm in length by 1050 mm in height (or such lesser dimensions approved in writing by the Licensing Board), with lockable sliding doors in safety glass or polycarbonate material, in like style to the Classic model of Notice Board, as supplied by Filcris Ltd, or similar product brand and model approved in writing by the Licensing Board. There shall be prominently displayed on this Notice Board the information relating to the maximum occupant capacity of the premises and the following information relating to health and safety issues affecting the premises and persons on the premises:-

- (i) the following statement:-

**WARNING
DRUGS
AND
OFFENSIVE WEAPONS**

Under no circumstances will the use of illegal drugs or the carrying of offensive weapons be permitted on these premises.

As part of our commitment to our customers and to achieve a safe and drug-free environment, all persons entering these premises are liable to be asked, as a condition of entry, to submit to a search.

If you are found in possession of drugs or offensive weapons, these will be taken from you and the Police will be informed.

- (ii) Make provision for the prominent display on the Notice Board and as appropriate, within the premises, of any drug prevention or awareness literature provided to the Premises Licence holder by the Greater Glasgow and Clyde Health Board, Glasgow City Council, Police Scotland or any other body authorised for this purpose by the Licensing Board.
- 2. Unless there are good reasons for not implementing a search policy in relation to customers, which reasons shall have been intimated to the Licensing Board in advance of any change in practice, the Premises Licence Holder shall implement a system of searching all customers at the point of entry using appropriate and effective search techniques.
- 3. The Premises Licence Holder shall ensure that regular checks are carried out by management and stewards to establish that no illegal drugs or other harmful articles or substances have been brought into or are being used on the premises.
- 4. In addition to those checks by management and stewards referred to at Condition [3] at least once per annum, the Premises Licence Holder should employ the services of and obtain a Report from independent professional security advisers, to assess the effectiveness of procedures in place for preventing and detecting any drug misuse and the presence or use of other harmful articles or substances on the premises and provide a copy of the said Report to the Board within seven days of its receipt.
- 5. Entertainment in the licensed premises shall not, with the knowledge of the Premises Licence Holder, be promoted, advertised or conducted in such a way which could reasonably be construed as condoning the supply, use or possession of illegal drugs.

Style Conditions - Securing Public Safety:

- 1. The Premises Licence Holder at all times when the premises are open to the public during the permitted hours shall:-
 - (a) Operate a mechanical or electronic counting system which is capable of accurately recording the number of persons entering and leaving the premises and any area of the premises having a separate occupant capacity; and
 - (b) operate such counting system themselves or appoint another person or persons for that purpose.
- 2. In relation to the said counting system, the Premises Licence Holder or person or persons appointed by the Premises Licence Holder for that purpose shall at any time, upon a request being made by a police constable, a Licensing Standards Officer, or any member of or person authorised in writing by the Licensing Board, immediately provide accurate information on the number of persons within the premises and any area of the premises having a separate occupant capacity.
- 3. During the licensed hours when the premises are open to the public, the Premises Licence Holder shall have present on the premises, stewarding personnel, licensed by the Security

Industry Authority, to provide for the maintenance of public order and the proper management, control, safety and general well-being of customers on the premises.

4. The Premises Licence Holder shall prepare a Risk Assessment for Stewarding Personnel in terms of the Management and Health and Safety at Work Regulations 1999, in respect of the premises, which shall make detailed provision for the presence of the requisite number of stewarding personnel on the premises and if appropriate, the gender balance of and functions and duties allocated to those personnel. Said Risk Assessment for Stewarding Personnel shall be produced on request to a Police Constable, Licensing Standards Officer or such other person authorised for the purpose by the Council.
5. The number of such stewarding personnel present on the premises shall at no time be less than the requisite number provided in said Risk Assessment and if appropriate, the gender balance of and functions and duties of those personnel shall be in accordance with said Risk Assessment.
6. In the interests of providing for and maintaining public order and safety in the premises during the permitted hours when the premises are open to the public, the Premises Licence Holder shall ensure:-
 - (i) That empty glasses and bottles from the premises are regularly cleared from areas to which the public have access. Any receptacles provided on the premises for the collection, or disposal by customers, of empty bottles shall be of solid construction, emptied regularly by staff and designed so that bottles already deposited therein cannot be retrieved by customers. No glasses or bottles shall be permitted in cloakrooms, toilets or on dance floors located on the premises. Sufficient shelves, ledges, tables and counters shall be provided on the premises to accommodate glasses and bottles before collection; This condition is without prejudice to the Licensing Board's Policy in relation to the use of Toughened Glass and Safety Products in Late Operating Premises.
 - (ii) At any location within the areas aftermentioned, the following minimum levels of lighting shall be maintained at all times:-
 - Corridor/stairs - 150 lux
 - Toilets - 150 lux
 - Offices - 500 lux
 - Bar counters - 300 lux
 - (iii) Except where the Risk Assessment referred to at Condition [4] hereof provides for the permanent presence of a steward within the sanitary accommodation during the licensed hours when the premises are open to the public, the Premises Licence Holder shall ensure that the sanitary accommodation is regularly inspected by staff to ensure that the facilities and all parts of the accommodation are kept clean and in good condition. In order to satisfy this requirement, a check of the sanitary accommodation shall be made at least once an hour to ascertain if servicing is required or if the accommodation is being used for an improper or unlawful

purpose. There shall be prominently displayed in the sanitary accommodation, a notice containing the following information: (a) the frequency of inspections of the sanitary accommodation, (b) the date and time when the sanitary accommodation was last inspected in terms hereof and (c) the names of the members of staff who carried out each inspection.

Style Conditions – Preventing Public Nuisance:

1. The outdoor licensed area must be delineated on the ground by a removable barrier designed to allow access and egress for disabled persons.
2. Suitable and sufficient ashtrays and other litter receptacles shall be provided in outdoor areas which are excluded from the definition of “no smoking premises” as prescribed in the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 and arrangements made for the regular sweeping and litter collection within the external area.
3. No amplified sound or music shall be played in, or relayed to, the external area.
4. Where the outdoor area is situated on a public footway, it may only be used for the consumption of alcohol by customers seated at tables.
5. The capacity of the outside area shall not exceed [number of persons].
6. The outdoor licensed area must not be used after 10pm for the consumption of alcohol. If situated on a public footway all street furniture and barriers must be taken out of use at 10pm and stored safely and securely in a manner which does not cause an obstruction or nuisance to members of the public and prevents the furniture from being utilised.
7. A copy of the approved layout plan showing the dimensions and extent of the outdoor licensed area must be prominently displayed in the outdoor area at a place clearly visible to members of the public and relevant officers.

Style Conditions – Protecting Children and Young Persons from harm:

The Premises Licence Holder shall ensure that:-

1. While children are in any part of the licensed premises they should remain under the supervision of an accompanying adult.
2. All heating appliances in the public area of the licensed premises should be adequately protected.
3. All electrical sockets in the public area of the licensed premises should be adequately protected.
4. A children’s menu should be available at all times when children are permitted to be on the premises or alternatively the main menu should show that children’s portions are available during such times.

5. Drinks supplied to children should be served in non-glass containers.
6. In the case of events which are to be held exclusively for children, or children and young persons, such as a discotheque, adequate supervision and stewarding arrangements should be in place in relation to children attending the event.
7. Where children under the age of 5 are admitted entry to the premises, a minimum of two baby's high chairs should be provided for very young children.
8. Where children under the age of 5 are permitted entry to the premises, an adequate sized lidded bin should be provided in both the male and female toilet area for the disposal of soiled nappies and the bins should be clearly marked to indicate the purposes for which they are provided.

Style conditions – Preventing Crime and Disorder and Securing Public Safety – Off-Sales

The Premises Licence Holder shall ensure that:-

1. A refusal register shall be maintained in the premises recording all incidences of refused sales, including the date and time, the reason for refusal and the member of staff refusing the sale.
2. The refusal register should be inspected and signed by the Designated Premises Manager, or his nominated representative, at least on a weekly basis.
3. The refusal register should be made available for inspection by the Police and Licensing Standards Officers on request.
4. The refusal register may be kept in electronic form, in which event the obligation imposed by condition 3 above may be discharged by making available for inspection as aforesaid a printed copy of the refusal register's entries.
5. A fully operational CCTV system which complies with all current legislative requirements covering all areas of the premises to which the public have access, including entrances, exists and till areas, is fitted and maintained in full working order in accordance with guidance provided by the Information Commissioner and to the satisfaction of the Chief Constable of Police Scotland.
6. CCTV footage is made available to Police and Licensing Standards Officers on request.
7. Throughout the licensed hours a member of staff fully trained on the operation of the CCTV is present on the premises.

Appendix

Two Scheme of Delegation

This Scheme of Delegation covers the powers of the Licensing Board in terms of the Licensing (Scotland) Act 2005.

These delegations will be subject to any alterations made necessary due to amendments to Legislation, Regulations, Codes of Practice or Government Circulars. In the event of a conflict between the terms of this scheme of delegation and the relevant Legislation, the scheme of delegation shall be amended forthwith to accord with the provisions of the said relevant Legislation.

1. Reserved to the Licensing Board

Decisions on the following matters shall be made by the Licensing Board at a meeting arranged by the Clerk:-

- 1.1 Determining the Licensing Board's policy for the purposes of a Licensing Policy Statement or any Supplementary Licensing Policy Statement
- 1.2 Determining, for the purposes of any such statement, whether there is overprovision of licensed premises, or licensed premises of any particular description, in any locality
- 1.3 Determining a Premises Licence application
- 1.4 Determining a Premises Licence variation application where the variation sought is not a minor variation
- 1.5 Determining an application for the transfer of a Premises Licence where the applicant has been convicted of a relevant or foreign offence
- 1.6 Determining a personal licence application, or personal licence renewal application where the applicant has been convicted of a relevant or foreign offence
- 1.7 Conducting a hearing under the Act, including taking any of the following steps:-
 - 1.7.1 at a Review Hearing in respect of a Premises Licence
 - (i) issuing a written warning to the licence holder; or
 - (ii) revoking or suspending the licence; or
 - (iii) making a variation of the licence; or
 - 1.7.2 making an order revoking, suspending or endorsing a personal licence
- 1.8 Making a closure order

1.9 Refusing an application for confirmation of a provisional licence.

2. Delegation to the Clerk, Depute Clerk or Assistant Clerk of the Licensing Board

Decisions on the following matters are delegated to the Clerk, or the Depute Clerk or the Assistant Clerk:-

- 2.1 Any application for a minor variation of Premises Licences (section 29)
- 2.2 Any application for variation to substitute a new premises manager
- 2.3 Any application to transfer a Premises Licence – where the transferee has *not* been convicted of any relevant or foreign offence (sections 33 to 35)
- 2.4 Any application for confirmation of a provisional Premises Licence – where no variation (other than a minor variation) has been made to the Operating Plan or layout plan for the premises to which the licence relates since the provisional licence was issued or since a variation of the provisional Premises Licence was granted (section 46)
- 2.5 Any application for an Occasional Licence – where no objections or representations have been received, nor a notice recommending refusal from the Chief Constable or any report from the Licensing Standards Officer recommending refusal (sections 56 to 61)
- 2.6 Any application for extended hours - where no objections or representations have been received, nor a notice recommending refusal from the Chief Constable or any report from the Licensing Standards Officer recommending refusal (sections 68 to 70)
- 2.7 The determination in terms of section 70 (2) of the Act as to whether or not the Licensing Board will hold a hearing to determine an application for extended hours where an objection, representation or a notice recommending refusal from the Chief Constable or a report from the Licensing Standards Officer recommending refusal has been received
- 2.8 Where a decision has been taken not to hold a hearing in terms of section 70 (2) of the Act, the determination of the application.
- 2.9 Any application for a personal licence or renewal of a personal licence where the applicant has *not* been convicted of a relevant or foreign offence (section 74)
- 2.10 In terms of Paragraph 9 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007, the decision as to whether, in the case of a Premises Licence application during the transitional period, to request an anti-social behaviour report from the Chief Constable

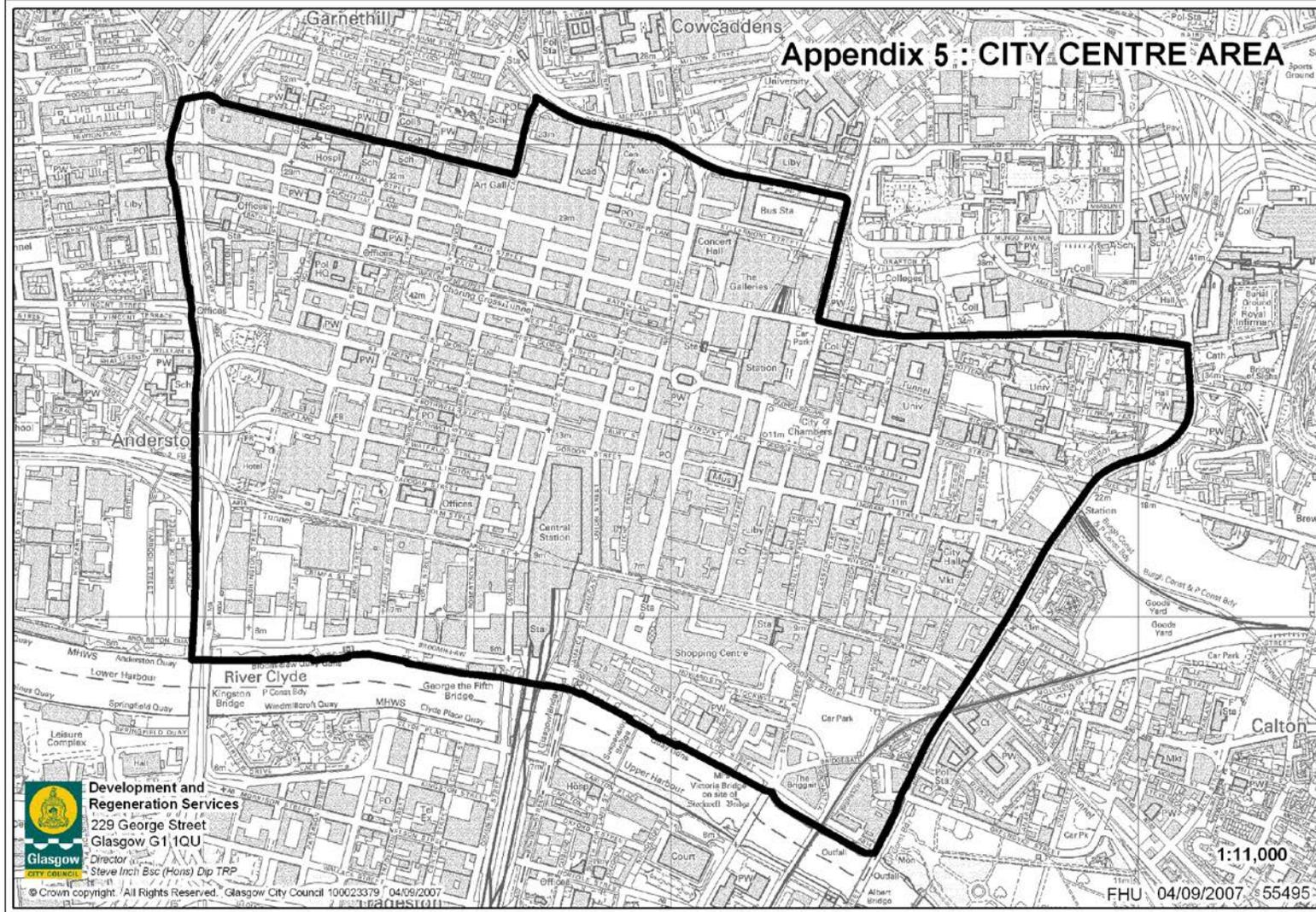
- 2.11 In terms of paragraph 11 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007 – “No requirement for a hearing” - the decision as to whether an objection to a Premises Licence application made during the transitional period should be rejected under section 22(4) of that Act where no other competent objections have been made
- 2.12 In terms of paragraph 11 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007 – “No requirement for a hearing” – the decision as to whether an application for a Premises Licence, made during the transitional period, can be approved via a list at a meeting of the Licensing Board where:-
- (i) there are no valid objections to the application;
 - (ii) the size and capacity of the premises, the general nature of the premises, and any entertainment to be provided on the premises are to be substantially the same as at the date of application;
 - (iii) the hours sought in the Operating Plan are within the Licensing Board’s general policy on Licensing Hours as set out in its Statement of Licensing Policy; and
 - (iv) no request for an anti-social behaviour report in terms of paragraph 6 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007 has been made.

[Note the Clerk, Depute Clerk or Assistant Clerk may elect not to use their delegated powers in a particular case in which case the matter will be referred to the Board]

3. Other matters

Any matters which are not the subject of a specific delegation in terms of this Scheme of Delegation and are not prescribed by the Licensing (Scotland) Act 2005 shall be determined by the Licensing Board at a meeting arranged by the Clerk in consultation with the Convener or Vice Convener of the Licensing Board.

Appendix Three



Map of the City Centre