

# 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 Policy on Licensed Hours

## 5.1 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 and the entertainment district areas in Shawlands and Hillhead/Great Western Road, late night alcohol-related crime, disorder and antisocial behaviour can have a detrimental impact on the lives of local residents and the communities as a whole. 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 in any application at the Board, whether it be a premises licence application, variation application or an application for Review of a premises licence. This approach is reflected in the Licensing Board's decision to seek to maintain a differential in the terminal licensed hour for on-sales between late opening premises located in the City Centre area and those located outwith the City Centre area.

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 Strathclyde Police regarding issues for policing in terms of dealing with the dispersal of large numbers of people late at night throughout the city.

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 Centre can be managed. In the view of the Board, maintaining a differential between the trading hours of restaurant/bar type premises and primarily entertainment based premises leads to a twin staged dispersal of customers from the City Centre. 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 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.

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.

## 5.2 Presumption against 24 hour licences

In terms of section 64 of the Act, there is a presumption against the routine 24 hour opening of licensed premises. Any application received by the Licensing Board in respect of premises to be open for 24 hours will only be granted where it is demonstrated to the satisfaction of the Licensing Board that there are exceptional circumstances for doing so and that the granting of such hours would not be inconsistent with one or more of the Licensing Objectives. The Licensing Board is of the view that such exceptional circumstances will only be capable of being demonstrated in a very limited number of cases.

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.

### 5.3 Standard Policy on Licences Hours – On Sales

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

- 11am until 12 midnight, Mondays to Saturdays; and
- 12.30pm to 12 midnight on Sundays.

Outside areas:

- 11am until 10pm, Mondays to Saturdays; and
- 12.30pm to 10pm on Sundays.

Having taken into account views expressed by Strathclyde Police and Licensing Standards Officers, balanced against representations received from the licensed trade, the Licensing Board considers that these standard licensed hours are appropriate in terms of the Licensing Objectives of Preventing Crime and Disorder and Preventing Public Nuisance.

### 5.4 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.

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

#### 5.4.1 Early Morning Hours

The Licensing Board is generally of the view that early morning licensed hours prior to 11am Monday to Saturday, and 12.30pm on a Sunday are inconsistent with the Licensing Objectives of Protecting and Improving Public Health, Preventing Crime and Disorder and Preventing Public Nuisance as they can encourage people to consume alcohol for longer periods of time and can lead to public nuisance and disorder issues at times where Police and other such resources are not normally targeted to deal with such issues. As such, the Licensing Board considers that early morning licensed hours will only be granted in **exceptional circumstances** where it is shown to the satisfaction of the Licensing Board that there is a demonstrable and significant demand for these hours that is not already suitably catered for by other premises in or around the locality. In such cases, it would require to be demonstrated to the satisfaction of the Licensing Board that the sale of alcohol is ancillary to that other activity or facility.

#### **5.4.2 Late Opening Premises**

Applicants seeking premises licences to provide facilities which will operate as part of the city's night time economy and which, as such, will generally only open late evening / early morning e.g. nightclubs, adult entertainment venues etc may be given licensed hours until **3am** if the premises are within the defined City Centre Area and until **2am** if the premises are outwith the City Centre.

#### **5.4.3 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**. To benefit from these hours at least 75% of the floor area of the premises must be given over to the provision of the full restaurant facilities at all times and that area must be clearly shown on the layout plan.

#### **5.4.4 Hybrid Premises**

Applicants seeking premises licences to provide facilities during the 'standard' licensed hours and also thereafter as part of the city's night time economy - the so called 'hybrid' licensed premises – may be granted hours beyond 12 midnight if it can be demonstrated that the sale of alcohol will be ancillary to other substantial entertainment activities taking place on the premises. In considering such applications, the Licensing Board will have regard to the size and layout of the premises, particularly in considering the issue of the provision of substantial forms of entertainment. For the avoidance of doubt the mere sale and supply of food, provision of table meals or DJs/recorded music will not generally be considered to constitute 'substantial entertainment'.

#### **5.4.5 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. In relation to premises operating as hotels, the Licensing Board will also consider allowing additional licensed hours in relation to pre-booked functions at the hotel, again subject to appropriate conditions. Such applications will be determined on their merits.

### **5.5 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 exemption from the standard licensed hours are being met.

If it is found that the premises are not being operated in accordance with the terms of the exemption, 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.

## 5.6 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**.

## 5.7 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 by any Police report provided in terms of section 21(3)(b)) 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.
- The impact additional licensed hours may have on police operational demands in conjunction with resources available to deal with such needs.