

# Licensing (Scotland) Act 2005

## Consultation on Draft Licensing Policy Statement

The City of Glasgow Licensing Board would like to hear your views and comments on its new draft Policy Statement on the licensing and regulation of the sale of alcohol in Glasgow.



## INTRODUCTION

- 1.1** The City of Glasgow Licensing Board is responsible for the licensing and regulation of the sale of alcohol in Glasgow.
- 1.2** The Licensing Board is required to have a licensing policy statement setting out the ways in which it will exercise its functions under the Licensing (Scotland) Act 2005 in order to promote each of the five licensing objectives.
- 1.3** 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.
- 1.4** The current licensing policy statement was adopted in November 2013 and will continue to apply until a new version is published. The new version of the licensing policy statement must be published no later than 2 November 2018.
- 1.5** The current policy statement can be viewed online at: [www.glasgow.gov.uk/licensingboard](http://www.glasgow.gov.uk/licensingboard)
- 1.6** The Licensing Board is committed to engaging with our communities and businesses to ensure that the final policy takes into account as wide a range of views as possible.

## SEEKING YOUR VIEWS

- 2.1** In developing the new draft licensing policy statement, the Licensing Board has carried out an extensive pre-consultation exercise with key stakeholders that have a particular interest or expertise in the licensing process.
- 2.2** This pre-consultation and evidence gathering process began in September 2017 and provided a range of different stakeholders with opportunities to provide their views on what has worked well within the current policy, what should be changed and what new policy areas should be considered. The draft licensing policy statement includes further information on the consultation and evidence gathering process undertaken by the Licensing Board.
- 2.3** This draft licensing policy statement has been produced as a result of extensive consultation, with an evidence based approach having been taken throughout the process.
- 2.4** The Board is now keen to open the consultation process up to everyone in Glasgow, whether your interest is as a local resident, a community representative, a licence holder or a special interest group with a particular focus on the licensing and regulation of alcohol.
- 2.5** All of the views and comments provided as part of this public consultation will be taken into account before the final version of the new Licensing Policy Statement is published in November.

## HOW TO RESPOND

- 3.1** This document is designed to assist you in considering the draft Licensing Policy Statement by setting out the key areas it covers. Each section highlights what changes have been proposed to the current policy statement and details a number of questions that you might wish to consider in responding to the consultation.
- 3.2** All of the proposed changes to the current policy have been highlighted in yellow in the draft policy statement.
- 3.3** You can respond to as many or as few of the questions as you choose depending upon your particular area of interest or expertise. Where possible, please try to explain why you have a certain view, providing any evidence you have in support of that view.
- 3.4** Your response should be in written form and can be sent to the Board as follows:
- Post:** The Clerk  
City of Glasgow Licensing Board  
City Chambers  
George Square  
Glasgow G2 1DU
- Email:** [licensingboard@glasgow.gov.uk](mailto:licensingboard@glasgow.gov.uk)
- 3.5** Your response should be received by the Board by **Friday 5 October 2018** to ensure your views are taken into account.

## NEXT STEPS

- 4.1** In addition to this consultation document, the Licensing Board will be holding a series of community engagement events, providing both local residents and licence holders with an opportunity to speak directly with representatives of the Licensing Board. At these sessions you will be able to ask questions about the draft policy and provide us with your views. Details of these events will be available on the Consultation Hub and on the Licensing Board pages of the Council's website.
- 4.2** The Board recognises that it is proposing a number of changes to its current policy, particularly in relation to licensed hours for late night entertainment venues in the city centre and in terms of additional overprovision localities. It is also proposing to extend the existing policy on off-sales to take into account concerns and evidence in relation to public health and to introduce additional requirements for alcohol deliveries.
- 4.3** At this stage, all of the changes are proposals and no final decision will be taken until all of the consultation responses have been considered. If you support or object to a particular change to the policy, or feel that a change should have been made where no changes have been proposed, it is important that you provide the Board with your feedback.
- 4.4** All of the feedback received will be reviewed and evaluated before the final version of the new policy statement is published.

## CONFIDENTIALITY & DATA PROTECTION

**5.1** The Licensing Board will process any personal data you provide in your response appropriately in accordance with current data protection law. Read our privacy statement for more information.

<https://www.glasgow.gov.uk/index.aspx?articleid=22793>

**5.2** The Licensing Board may publish a summary of responses received– this would include your name if you submit a response.

**5.3** The Freedom of Information (Scotland) Act 2002 gives the public a right of access to information held by the City of Glasgow Licensing Board; this includes any responses we receive to the consultation.

**5.4** The Board may disclose your response to third parties on request. In disclosing responses the Board will take appropriate steps to redact personal data subject to the relevant data protection law.

**5.5** The Licensing Board will hold your response for a period of 5 years from the date it is received. At the end of this period your response will be destroyed unless there are exceptional circumstances that require the response to be retained for a longer period.

## FURTHER INFORMATION

**6.1** If you would like further information on the pre-consultation exercise or to discuss any other aspect of the Board’s approach to developing the new policy statement, please contact Mairi Millar, Clerk to the Licensing Board:

**Email:** mairi.millar@glasgow.gov.uk

**Phone:** 0141 287 5509

## A.1

### Appendix 1: Introduction – Background to the Policy Statement

Part one of the final version of the policy statement will be prepared taking into account themes which emerge from the consultation process and will provide background to the development of the policy and an introduction to the City of Glasgow and the issues particular to it in relation to alcohol.

#### Issues for Consideration:

- **Are there any particular policy themes that you believe should be highlighted in the introduction? For example should there be an emphasis on supporting the night time economy, rewarding great practice within the licensed trade or better protecting local communities by emphasising the promotion of the licensing objectives in regulating the sale of alcohol?**

## A.2

### Appendix 2: The Licensing Board's approach to the Licensing Process

Part two of the draft policy statement sets out the way in which the Licensing Board will aim to integrate its policies with a number of local and national strategies and initiatives.

Proposed changes include recognition of the importance of the city's reputation as a UNESCO City of Music, emphasis on licence holders taking responsibility for waste disposal and litter, encouraging the licence trade to reduce reliance on single use plastic and promoting the safety of workers and employees within licensed premises.

Reference has also been included to the "Agent of Change" principle.

#### Issues for consideration:

- **Are the initiatives and strategies relevant and appropriate, particularly the new proposals highlighted in yellow?**
- **What impact do you think these should have, if any, on the Board's general approach to the licensing and regulation of the sale of alcohol?**
- **Do you have any other comments on this part?**

## Appendix 3: The Licensing Objectives

Part three of the draft policy statement explains how the Licensing Board will generally approach the decision making process in meeting its statutory duty to promote the licensing objectives. It explains the way in which the Board tries to balance the commercial interests of licensed premises while at the same time seeking to ensure that the public interest is protected by mitigating, so far as possible, the potential for alcohol related harm.

The part of the draft policy reflects the inclusion of young persons within the Licensing Objectives. It also proposes to include recognition under the Public Health objective of the difficulties faced by the licenced trade in relation to the use of drugs within licensed premises and to the role the licensed trade can play in helping to tackle child sexual exploitation.

### Issues for consideration:-

- **Has the Board achieved the right balance in how it seeks to promote each of the licensing objectives? If you feel the right balance hasn't been struck, please explain how you feel this could be better achieved in this part of the policy.**
- **What do you think about the proposed changes to this part of the policy highlighted in yellow? We are particularly keen to hear your views on the proposals in relation to highlighting the problems associated with the use of New Psychoactive Substances and other illegal substances and whether the Board should consider hearing how licence holders respond to these issues.**
- **Should we consider adding a local condition in relation to requiring licence holders to provide training to staff regarding signs of child sexual exploitation?**
- **Do you have any other comments to make on this part of the policy?**

Part four of the draft policy statement sets out the Licensing Board's general approach to the attachment of conditions to premises licences in order to promote the licensing objectives. No significant changes to this part of the draft policy statement have been proposed.

Style conditions are set out in Appendix One of the draft policy statement and are intended to regulate matters such as the operation of outdoor licensed areas, the terms on which children are permitted access to licensed premises, the operation of late opening premises and the operation of off-sales licensed premises.

The style conditions are not intended to be exhaustive and will be applied on a case by case basis.

### Issues for consideration:

- **What do you think about the general approach set out in the draft policy for attaching conditions to licensed premises?**
- **Do you think the style conditions set out in Appendix One are appropriate? Do you think any are too onerous or do not go far enough in regulating matters relating to the sale of alcohol?**
- **Are there any other matters you think should be controlled or regulated by additional style conditions?**
- **Do you have any other comments to make on this part of the policy?**

Part five of the draft policy statement deals with licensed hours. It is proposed that the Board's standard policy licensed hours for on-sales should remain 11am to 12 midnight each day of the week across the city.

There are a number of existing exceptions to that policy for nightclubs, restaurants, function rooms and casinos:-

- nightclubs or other late night entertainment premises are generally licensed to 3am where the premises are located in the city centre and 2am in all other areas
- where later licensed hours are granted to new or existing licensed premises, the commencement licensed hours will generally be restricted to 7pm, thereby maintaining the move away from previous policy on so-called "hybrid premises" which were licensed throughout the day and into the early morning hours
- restaurants are generally granted licensed hours until 1am
- dedicated function rooms are generally granted licensed hours until 1am
- casinos have been granted licensed hours until 6am

With regard to on-sales licensed hours prior to 11am, the draft policy statement proposes to continue its current approach that there are generally no circumstances under which it would consider granting early morning licensed hours.

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

One new significant proposal is to have a pilot scheme of allowing late night entertainment premises within the city centre to apply for licensed hours **until 4am**, which, if granted, would be reviewed after a period of 12 months.

If this proposed pilot scheme is taken forward in the final version of the policy, the Licensing Board would expect licence holders applying for such a variation to their licence to be able to demonstrate evidence of a commitment to safety and security measures as well as a focus on social responsibility in the existing operation of the premises.

The 12 month review would take account of any evidence from Police Scotland and the NHS with regard to any measurable impact on crime or health data which can be linked with premises having an increase to their terminal licensed hour.

This part of the draft policy on the reasons behind the proposed pilot scheme is deliberately detailed in order to highlight the approach taken by the Licensing Board in putting forward this proposal. If adopted in the final version of the policy, the background information will be streamlined and summarised.

If the pilot scheme is successful, the Licensing Board will consider the development of a supplementary policy statement to consult on a more

permanent change to its policy on late night entertainment licensed hours in the city centre.

The draft policy also sets out suggested criteria for determining where DJs might constitute a substantial form of late night entertainment.

The draft policy also sets out a more robust approach to ensuring that the terminal licensed hour of 1am granted to premises operating as a restaurant is not being used as a device by bars to stay open later.

#### **Issues for consideration:-**

- **Do you think the Board's standard policy for on-sales licensed hours continues to be appropriate? If not, please explain what hours you feel would be more appropriate.**
- **What do you think about the exceptions granted to certain premises, such as nightclubs, casinos, restaurants and function rooms? Are there any other types of premises where exceptions to the standard licensed hours should be considered as a matter of policy?**
- **Do you think the policy should continue to apply different licensed hours for nightclubs and other later opening premises located within the city centre from those located in other parts of the city?**
- **What do you think about maintaining the presumption against granting on-sales licensed hours prior to 11am?**
- **We are particularly keen to hear your views on the proposed pilot scheme of granting certain late night entertainment licensed**

**premises within the city centre a terminal licensed hour of 4am instead of 3am.**

- **If you support this proposal, what criteria do you think should be applied in determining such applications?**
- **If you are against the proposed pilot scheme, what impact do you think it might have and why?**
- **What do you think about the proposed criteria for recognising DJs as a substantial form of late night entertainment?**
- **What do you think about the proposed more robust approach to the terminal licensed hour for restaurants?**
- **Do you think the policy approach to off-sales licensed hours is still appropriate? If not, please explain why it should be changed.**
- **Do you think 10pm continues to be the appropriate terminal licensed hour for outdoor areas? Should later hours only be granted in exceptional circumstances? Should a different approach be taken in relation to those in the city centre from those located in other parts of the city?**
- **Generally, do you think that a policy on licensed hours is important to reducing the potential for alcohol related harm or public nuisance?**
- **Do you have any other comments to make on this part?**

## Appendix 6: Children and Young Persons' Access to On-sales Licensed Premises

Part six of the draft policy statement has been updated to include the reference to Young Persons aged 16 and 17 within the Licensing Objective of Protecting Children from Harm.

The draft policy continues to set out the Board's general 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.

In particular, it provides that where children are permitted access to licensed premises, the terminal licensed hour will generally be 9pm, but that greater flexibility will be considered on a case by case basis taking into account the nature of the licensed premises.

In relation to young persons, the Licensing Board is proposing a terminal licensed hour of 11pm.

### Issues for consideration:

- **Do you think the general approach to children and young persons' access to licensed premises is appropriate?**
- **Do you think the standard terminal hour of 9pm remains appropriate for children? If not, do you think it should be earlier or later and if so, why?**
- **What do you think about the proposal to allow a terminal licensed hour of 11pm for young persons aged 16 and 17?**
- **Do you have any other comments to make on this part of the policy?**

Part seven of the final policy statement will include the Licensing Board's approach to overprovision, including details of the localities where the Board considers there to be an overprovision of licensed premises and the factors it will consider when determining individual applications.

The Board is required to make a proactive assessment of localities within the city where it considers that there is an overprovision of licensed premises, or licensed premises of a particular description.

A draft Overprovision Assessment document has been published along with the draft Licensing Policy Statement and the Board would welcome views on the proposed overprovision localities, the data used to support these being identified as overprovision localities and its general approach to considering overprovision when dealing with individual licence applications.

**Issues for consideration:-**

- **Do you think that the Board should continue to include the current localities within the pro-active assessment on overprovision? (Only Whiteinch has been excluded)**
- **What impact do you think the current policy has had on any of these existing overprovision localities? Do you consider that any of these localities have changed to any significant extent since the current policy was adopted in November 2013?**
- **What do you think of the proposed new Overprovision Localities and the data used to support them being identified as such?**
- **Do you think the city centre should have been proposed as an overprovision locality?**
- **Do you think the city as a whole should have been proposed as an overprovision locality?**
- **Do you think the Licensing Board should take into account the licensed hours of premises when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?**
- **Are there any other matters you think the Licensing Board should take into account in considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?**

## Appendix 8: Occasional Licences and Extended Hours Applications

Part eight of the draft policy statement sets out the approach to the processing of applications for occasional licences and extended hours applications and the factors it will take into account when determining these.

The draft policy statement continues to provide for an annual statement being issued by the Licensing Board as to its policy on extensions for the festive period, public holidays and other events of national or local significance.

While the draft policy statement continues with the approach of restricting the number of extended hours it will grant in each calendar year to 10 occasions, the Licensing Board is proposing to grant extended hours for up to an additional 10 occasions to those premises who have been awarded Gold Status or above in the Best Bar None awards scheme in the previous year. This is seen by the Board as a way to encourage and reward great practice in the operation of on-sales licenced premises.

The Licensing Board is also proposing to tighten up its approach to the timescales for lodging occasional licence applications (no later than 6 weeks prior to the starting date) and extended hours (no later than 4 weeks prior to the starting date).

Applications will only be accepted outwith these timescales with the prior agreement of the Clerk to the Licensing Board or the Licensing Manager.

### Issues for consideration:

- **Do you think the general approach to processing and determining applications for occasional licences and extended hours is appropriate?**
- **Do you think the Board should continue to have a policy restricting the number of extended hours applications it will grant in any one calendar year?**
- **What do you think about the proposal to grant up to 10 additional extended hours applications to premises which have been awarded Gold Status or above in the Best Bar None scheme?**
- **What do you think about the proposals to tighten up the timescales for lodging applications for occasional licences and extended hours?**
- **Do you have any other comments to make on this part of the policy?**

Part nine of the draft policy statement sets out the Licensing Board's approach to the consideration of applications for off-sales licensed premises with regard to conduct, suitability and use and the factors it will take into consideration in determining such applications.

Due to evidence gathered during the consultation, the Licensing Board is proposing to update this part of the policy to set out its specific concerns with regard to the grant of further off-sales premises in areas which suffer from higher than average levels of alcohol related health harms. This also includes a statement as to the Board's view that there is a causal link between availability of alcohol in premises intending to sell alcohol to people living within the local area and existing issues in the area with regard to alcohol related health harm.

The Licensing Board is also proposing to introduce additional requirements in relation to alcohol deliveries, reflecting the increase it has seen in recent years in the number of premises now providing this facility.

### Issues for consideration:

- **Do you think the proposed policy for considering the suitability of off-sales licensed premises is appropriate?**
- **We are particularly keen to hear your views on the proposed approach to applications for off-sales licensed premises in areas which already suffer from higher than average alcohol related health harm.**
- **What do you think about the proposed additional requirements for alcohol deliveries? Do you think these are necessary? Are they too onerous, or do they not go far enough?**
- **Do you have any other comments to make on this part of the draft policy?**

## A.10

### Appendix 10: Toughened glass and other recognised safety products

Part ten of the draft policy statement sets out the Licensing Board's longstanding approach to the use of toughened glass and other recognised safety products in licensed premises in pursuance of the licensing objective of securing public safety.

The only proposed change to this part of the policy is to highlight that due to the range of products now available, it is no longer considered appropriate for premises to rely on single use plastic in order to comply with this policy except in exceptional circumstances where no alternative products are reasonably available.

#### Issues for consideration:-

- Do you think this policy continues to remain appropriate?
- What do you think about the proposed change regarding reliance on single use plastic?
- Do you have any other comments to make on this part of the policy?

## A.11

### Appendix 11: Prevention of malicious or ill-intentioned conduct

Part eleven of the draft policy statement continues to set out the Licensing Board's longstanding 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.

No changes have been proposed to this part of the draft policy statement.

#### Issues for consideration:-

- Do you think this part of the policy continues to remain appropriate? If so, could it be improved? Are there any other types of malicious or ill-intentioned conduct that should be specifically referenced in the policy?
- Do you have any other comments to make on this part of the policy?

## A.12

### Appendix 12: Management of Outdoor Drinking Areas

Part twelve of the draft policy statement sets out the Board's approach to the regulation of outdoor licensed areas in pursuance of the licensing objective of preventing public nuisance.

The Board continues to recognise that outdoor licensed areas provide an enjoyable experience for customers, but that this should be balanced against the needs of local residents and the impact that outdoor drinking areas might have on local communities.

The only proposed change to this part of the policy is to include a new condition requiring licence holders to display a copy of the approved layout plan in the outdoor area at a place which can be readily seen by members of the public and relevant officers.

#### Issues for consideration:-

- Do you have any comments to make in relation to the Board's policy on outdoor drinking areas?
- What do you think about the proposed new condition?
- Are there any other conditions you think should be added?

## A.13

### Appendix 13: Monitoring, Compliance and Enforcement

Part thirteen of the draft policy statement sets out the Licensing Board's general approach to monitoring, compliance and enforcement, taking into account the general principles of openness, proportionality and fairness. It also recognises that while there is a need to monitor levels of compliance within licensed premises, a risk based approach to visits and inspections of licensed premises should be taken. No changes are proposed to this part of the policy.

#### Issues for consideration:-

- Do you have any comments to make on this part of the policy?