

West Dunbartonshire Licensing Board

*Alan Douglas, Clerk to the Licensing Board
Council Offices, 16 Church Street, Dumbarton G82 1QL
Email: alan.douglas@west-dunbarton.gov.uk*

19 October 2022

MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:- TUESDAY, 1 NOVEMBER 2022

Notice is hereby given that a Meeting of West Dunbartonshire Licensing Board will be held at 10.00 a.m. on Tuesday, 1 November 2022.

The Convener has directed that the powers contained in Section 43 of the Local Government in Scotland Act 2003 will be used and Members will have the option to attend the meeting remotely or in person at the Civic Space, 16 Church Street, Dumbarton, G82 1QL.

The business is shown on the attached agenda.

I shall be obliged if you will advise committee.admin@west-dunbarton.gov.uk if you are unable to attend the meeting.

Yours faithfully

ALAN DOUGLAS

Clerk to the Licensing Board

Distribution:-

Councillor Ian Dickson
Councillor Gurpreet Singh Johal
Councillor Jonathan McColl
Councillor June McKay
Councillor John Millar
Councillor Lawrence O'Neill
Councillor Chris Pollock
Councillor Hazel Sorrell

All other Councillors for information
Chief Executive
Chief Officer – Regulatory and
Regeneration

Date issued: 19 October 2022

LICENSING BOARD – TUESDAY, 1 NOVEMBER 2022

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members are invited to declare if they have an interest in any of the items of business on this agenda and the reasons for such declarations.

3 MINUTES OF PREVIOUS MEETING 5 - 10

Submit for approval, as a correct record, the Minutes of the Joint Meeting of the Licensing Board and Local Licensing Forum held on Tuesday, 6 September 2022.

4 LICENSING POLICY STATEMENT 11 - 67

Submit report by the Clerk to the Licensing Board informing the Licensing Board (“the Board”) of the requirement to publish a Licensing Policy Statement (“Policy”) by November 2023 and setting out the issues that the Board will have to consider when preparing its Policy and the work that it is proposed that officers will undertake. This report also advises the Board of a proposed timetable for publishing its Policy and an Assessment of Overprovision.

5 APPLICATION FOR VARIATION OF PREMISES LICENCE 69 - 86

Submit for consideration, application for Variation of Premises Licence for Stevie’s Super Save, 46 Beeches Road, Clydebank, G81 6HS.

6 ARGYLL AND WEST DUNBARTONSHIRE POLICE LICENSING REPORT 2021 – 2022 87 - 92

Submit for noting, the Argyll and West Dunbartonshire Police Licensing Report 2021 – 2022 from the Chief Constable of Police Scotland.

JOINT MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD AND LOCAL LICENSING FORUM

At a Hybrid Joint Meeting of West Dunbartonshire Licensing Board and Local Licensing Forum held in the Civic Space, 16 Church Street, Dumbarton on Tuesday, 6 September 2022 at 10.00 a.m.

Present: Councillors Gurpreet Singh Johal, June McKay, Chris Pollock and Hazel Sorrell.

Attending: Peter Clyde and Lawrence Knighton, Licensing Standards Officers; Robert Mackie, Senior Officer (Licensing Services); Sergeant David Holmes, Police Scotland; Paul Smith, Chair of Local Licensing Forum; Sylvia Chatfield, Head of Mental Health, Learning Disabilities and Addiction, West Dunbartonshire HSCP; Isobel Plunkett, Representative of Old Kilpatrick Community Council; Christine Anderson, Health Improvement - Health and Social Care Partnership; Alan Douglas, Manager of Legal Services and Lynn Straker and Nicola Moorcroft, Committee Officers.

Apologies: Apologies for absence were intimated on behalf of Councillors Ian Dickson, Jonathan McColl, John Millar and Lawrence O'Neill.

Councillor June McKay in the Chair

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005 DURING THE PREVIOUS 12 MONTH PERIOD

Members of the Licensing Board and Licensing Forum discussed the operation of the Licensing (Scotland) Act 2005 during the previous 12 month period. Mr Smith noted that due to the current 'Cost of Living' crisis and lurching from the Covid-19 pandemic, it was understandable there was no real change in terms of the Act as current licensed businesses were struggling to remain open.

RELATIONSHIP BETWEEN THE LICENSING BOARD AND LICENSING FORUM

Mr Smith noted the purpose of this joint meeting was to maintain a strong relationship between Members of each body and share knowledge and policy information. He noted that it also gave a greater understanding of what was discussed and agreed at regular meetings. It allowed Elected Members in West Dunbartonshire to sit in on a Forum discussion and hear relevant updates with

regards to licensed premises in West Dunbartonshire and the future crisis these businesses potentially face.

LICENSING BOARD FINANCIAL STATEMENT 2021 – 2022

A report was submitted by the Clerk to the Licensing Board advising Members of the terms of the Board's Statement of Income and Expenditure in relation to its liquor licensing function for 2021-2022.

After discussion, the Board noted the terms of the Financial Statement 2021-22 as detailed in Appendix 1 of the report.

LICENSING BOARD ANNUAL FUNCTIONS REPORT 2021 – 2022

A report was submitted by the Clerk to the Licensing Board advising Members of the Board's Annual Functions Report in relation to the period 2021-2022.

After discussion, the Board approved the terms of the draft Functions Report for 2021-2022 as detailed in Appendix 1 of the report.

LICENSING BOARD ANNUAL FESTIVE HOURS REPORT

A report was submitted by the Clerk to the Licensing Board on the above.

After discussion and having heard the Licensing Standards Officer in further explanation and in answer to questions, the Board agreed:-

- (1) that the period for granting applications for extended hours in respect of the 2022/2023 Festive Period should be from Friday, 9 December 2022 to Tuesday, 3 January 2023 inclusive;
- (2) that premises licence holders without significant entertainment (public houses, hotel bars and members' clubs fall into this category) may apply for 1 hour more than the normal licensed hours during the festive period with the exception of Hogmanay;
- (3) that premises licence holders without significant entertainment (public houses, hotel bars and members' clubs) may apply for extended hours to 3 am on Hogmanay on condition that last entry to the premises is 11pm and the event is pre-ticketed;
- (4) that premises licence holders offering significant entertainment (Nightclubs) may apply until 4 am during the festive period;
- (5) that authority for the granting of applications for extensions to licensing hours over the Festive Period is delegated to the Clerk to the Licensing Board, if in accordance with the foregoing agreed recommendations;

- (6) that should applications for extended hours be submitted which fall out-with the agreed hours, or aforementioned recommendations, within the time period defined and agreed at point (1) above, then any such applications may require to be submitted to the Board for consideration, particularly where objections are forthcoming; and
- (7) that this item should feature on the Licensing Board agenda earlier in 2023 to enable discussion to 'feed into' policy decision making for 2023/24.

Note:- Councillor Chris Pollock left the meeting after discussion of this item.

ADJOURNMENT

The Chair adjourned the meeting for a short comfort break. The meeting reconvened at 10.31 a.m. with all those listed in the sederunt present with the exception of Councillor Chris Pollock. Mr Paul Smith took the position of Chair.

Paul Smith in the Chair

Mr Smith, Chair of Licensing Forum, welcomed everyone to the joint meeting and provided an update on the Forum for 2022/23.

MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting of the Licensing Forum held on 14 June 2022 were submitted to Members of the Licensing Forum and approved as a correct record.

COVID-19 AND IMPACT ON LICENSING IN SCOTLAND UPDATE

Mr Smith, Chair, provided a verbal update on the impact of Covid-19 on Licensing in Scotland. He noted the Licensing Trade and industry was essentially lurching from the Covid-19 pandemic into the Cost of Living crisis with a real threat of a lot of premises that may have to close due to the cost of energy and products.

LICENSING STANDARDS OFFICERS

The Licensing Standards Officers provided a verbal update on issues and events that may be of interest to the Forum. Mr Clyde noted there was a further increase in Occasional License applications with 160 in the last quarter and that it was positive to see many small and large events taking place again in West Dunbartonshire, including the Kiltwalk, the Highland Games and the Pipe Band Championships. He advised that work was ongoing to get Pubwatch up and running again and thanked

the Forum for its ongoing support after the Covid-19 pandemic in getting the licensed trade back up and running.

Mr Clyde advised that the annual Licensing Fee for licensed premises was due on 1 October 2022 and measures were being put in place for those who may be struggling to pay, that included allowing more time to pay it. He noted there was potential to look into setting this up as a monthly fee rather than an annual one to make it more affordable and that he would advise the Forum of the progress of this at the next meeting.

Mr Clyde, seconded by Councillor Johal, finally asked to pass on his condolences to the friends and family of Drew Busby who was a License holder at the Waverley pub in Dumbarton.

LICENSING (SCOTLAND) ACT 2005 – STATISTICAL INFORMATION: PERSONAL AND PREMISES LICENCES

The Forum was advised that premises and personal licence applications, in terms of the Licensing (Scotland) Act 2005 for the period 22 February 2022 to 20 May 2022, had been received as follows:-

Premises Licence Applications **No.**

Applications for Premises Licences granted	266
Applications for Premises Licences refused	13
Applications for Premises Licences (Members' Clubs) granted	32
Applications for Major Variation of Premises Licence granted	205
Applications for Variation of Premises Licence pending Hearings	1
Applications for Provisional Premises Licence pending Hearings	0
Application for Provisional Premises Licence (Members' Club)	0
Application for Temporary Premises Licence pending Hearing	0
Application for Premises Licence pending	0
Premises Licences revoked	0

Personal Licence Applications **No.**

Applications for Personal Licences received	1438
Personal Licences issued	1431
Application for Personal Licence refused	4
Application for Personal Licence revoked	3

UPDATE FROM POLICE SCOTLAND

Sergeant David Holmes, Licensing Sergeant, Police Scotland, provided a verbal update on policing in the West Dunbartonshire area. He noted there had been a number of hotspots in the summer months, in particular Dalmuir and Balloch Park and popular 'staycation venues' where they were concentrating on having a Police

presence and focusing anti-social campaigns in the vicinity. Police officers were also engaging with a number of anti-spiking campaigns in local night hotspots in West Dunbartonshire and ensuring the public remain aware and vigilant when out.

PROPOSAL FOR NEW MEMBER OF WEST DUNBARTONSHIRE LICENSING FORUM

A proposal was submitted by the Licensing Standards Officer for a new Member of West Dunbartonshire Licensing Forum.

Mr Clyde, LSO, proposed Mr Ronnie McColl to sit as a local premises License holder, as he currently runs The Waterside Inn, Balloch. He referred to Mr McColl's good character, noting that he had in the past been an Elected Member of West Dunbartonshire Licensing Committee.

Members agreed to formally invite Mr McColl to sit as a member of the Forum.

CURRENT TRENDS IN LICENSING

Mr Smith noted the worrying uncertainty in the Licensing trade and industry regarding the increasing cost of energy and the cost of living crisis generally. He advised that up to 70% of premises in West Dunbartonshire could potentially not continue to trade as costs outweighed any profit or income and he hoped that the government would step in soon to assist local businesses as intervention is needed now.

ANY OTHER BUSINESS

Members were asked to consider any other business for the Forum. Mr Clyde noted the Positive Returns Scheme whereby there had been a proposal to encourage recycling where local license traders in West Dunbartonshire would be charged an additional 20p per glass, bottle, can etc. and would then be given the 20p back when they recycled it correctly. There were concerns as many traders felt they could not afford the additional 20p per item and also the logistics and storage of all the recycled items had presented a problem. Mr Clyde advised there would be a consultation on this proposal shortly and he would provide an update of the outcome of the consultation at the next meeting.

Mr Clyde also noted that the new Depute Clerk to the Licensing Board would be joining the team on Friday, 9 September 2022 and he looked forward to welcoming him to the next meetings of the Licensing Board and the Licensing Forum.

DATE OF NEXT MEETING

It was agreed that the next meeting of the Licensing Forum would be held on Tuesday, 29 November 2022 at 2.00 p.m. as a hybrid meeting, with Members having

the option of attending in person in the Civic Space, 16 Church Street, Dumbarton, or remotely via Zoom Video Conference.

The meeting closed at 11.09 a.m.

DRAFT

WEST DUNBARTONSHIRE LICENSING BOARD

Report by the Clerk to the Licensing Board

1 November 2022

Subject: Licensing Policy Statement

1 Purpose

- 1.1 To inform the Licensing Board (“the Board”) of the requirement to publish a Licensing Policy Statement (“Policy”) by November 2023.
- 1.2 To set out the issues that the Board will have to consider when preparing its Policy and the work that it is proposed that officers will undertake.
- 1.3 To advise the Board of a proposed timetable for publishing its Policy and an Assessment of Overprovision.

2 Recommendations

It is recommended that the Board:-

- 2.1 Carries out an informal consultation so to gather statistical evidence to inform its Overprovision Assessment and to identify particular issues to consider when preparing its Policy;
- 2.2 Requests the assistance of West Dunbartonshire Council, Police Scotland, West Dunbartonshire Alcohol Drug Partnership, and NHS Greater Glasgow and Clyde in providing statistical evidence;
- 2.3 Requests that the Licensing Forum considers any statistical evidence provided to it and produces a report outlining its recommendations regarding, first, any issues that the Board might wish to consider as part of its next Policy and, second, localities where Overprovision may exist;
- 2.4 Calls on the Licensing Standards Officers to produce a report that outlines the numbers of licensed premises within localised intermediate data zones and that this report also includes details of licensed hours and capacities of premises;
- 2.5 Agrees that the Clerk is authorised to work along with the West Dunbartonshire Alcohol and Drugs Partnership and other partners in the Council, Police Scotland, NHS Greater Glasgow and Clyde, and any other relevant body to identify and agree on the exact data which is to be gathered;
- 2.6 Seeks views from Police, NHS Greater Glasgow and Clyde, Community Councils, the West Dunbartonshire Alcohol Drug Partnership, and trade

on any issues that the Board might wish to consider as part of its next Policy; and

- 2.7 Notes the proposed timetable for preparation of the next Policy.

3 Background

- 3.1 Section 6 of the Licensing (Scotland) Act 2005 requires that a licensing board within 18 months of the Local Government elections has a Policy in place. The existing Policy will continue until it is superseded by said updated Policy.
- 3.2 In terms of Section 7 of the Act, the Policy must include a statement as to the extent to which the Board considers there to be overprovision of: (a) licensed premises; or (b) licensed premises of a particular description, in any locality within the Board's area ("Assessment of Overprovision"). It is for the Board to determine the localities within its area and in doing so, the Board may determine that the whole of its area is a locality.

4 Main issues

Requirement to consult

- 4.1 The Act requires that the Policy seeks to promote the licensing objectives. It is therefore necessary for the Board to build a robust evidence base that underpins the Policy and the decisions made as part of that Policy.
- 4.2 As part of this duty, the Board must consult, at a minimum, with the following parties:-
- The Licensing Forum;
 - The Health Board; and
 - Such other persons as the Board thinks appropriate.
- 4.3 A copy of the current Policy is attached at Appendix 1. It is recommended that views are sought from stakeholders including Police, NHS, the West Dunbartonshire Alcohol Drug Partnership, Community Councils and trade are asked for any comments on the operation of the Board's policy over the past four years.

Assessment of Overprovision

- 4.4 It is important any determination the Board makes as to the extent or otherwise of Overprovision in any locality is founded on robust statistical evidence. Therefore, on receiving and analysing said material, the Board will consider whether any, or all, of its localities show indicators of overprovision and thereafter formally consult on these.

- 4.5 In its last Assessment of Overprovision, the Board determined that there was overprovision of public house, nightclub, off sale and local convenience stores, and supermarket type licensed premises within West Dunbartonshire in 16 of the 18 localities. This policy statement allowed the Board to give regard to the health benefits of increased employment opportunities when considering whether to overturn the rebuttable presumption against the grant of a licence. This policy was tested in the reported case of *Martin McColl v West Dunbartonshire Licensing Board*.
- 4.6 In order to allow the Board to prepare a new Assessment of Overprovision, it is recommended that the Board requests that West Dunbartonshire Alcohol Drug Partnership co-ordinate the gathering of statistical evidence relating to the five licensing objectives to inform the next Policy and Overprovision Assessment. Thereafter, it is proposed that the Local Licensing Forum consider the evidence and make recommendations to the Board.
- 4.7 Details of the number and capacity of different types of premises in each of the intermediate data zones and the total of premises within the authority wide area will be produced to the Board as these are matters that the Board must have regard to. It is proposed that this report also outlines the licensed hours of premises within the data zone localities identified. The Board is entitled, if it wishes, to consider licensed hours in terms of its Assessment of Overprovision and also have regard to any matters it “thinks fit”.
- 4.8 The Board can also consider, if it wishes, to consult upon whether the entirety of its area is overprovided for in respect of any premises category. It is recommended that at this stage that the Board looks at information on a localised basis and then makes the decision as what to consult upon with regard to Overprovision, after fully considering the terms of information produced to it.

Legal issues

- 4.9 There are various legal tests with which a new policy must comply. The key points are: that the Board's policy must be based on grounds which relate to and are not inconsistent with, or destructive of the purposes of the Licensing (Scotland) Act 2005. The function of the Board is to regulate the sale of alcohol and therefore, there should be a clear link between the Policy and the licensing of the sale of alcohol.
- 4.10 The Board, in preparing a Licensing Policy Statement, also has to have regard to the guidance by the Scottish Government further to section 142 of the Licensing (Scotland) Act 2005. The current guidance was produced in 2007 and is now some 15 years old. It is hoped that new guidance is produced in time for the Board to consider it when this Policy is being formulated. The Clerk will provide an update report to the Board as and when this guidance is ready. It is understood that the Government's preparations for issuing updated guidance is at a late stage.

Proposed timescales

4.11 The proposed timescales are as follows:-

- The Clerk meets with representatives of West Dunbartonshire Alcohol Drug Partnership and Police Scotland to identify and agree the statistical data which is necessary – November to January 2022.
- Key stakeholders are informally consulted to seek their views on policies which would merit specific review – November to December 2022.
- Statistical data reported by West Dunbartonshire Alcohol Drug Partnership to Local Licensing Forum – Further discussions required.
- The Board is asked to consider the statistical evidence and any comments received from the Police and Local Licensing Forum, and identify parts of the Licensing Policy Statement which it would wish to review - Meeting of Licensing Board meeting in April 2023.
- The Clerk will report back to the Board with the terms of the proposed draft policy or the issues paper for consultation- Meeting of Licensing Board in or around May 2023. Formal public consultation period - three months – May 2023 to July 2023.
- Consideration of consultation responses and adoption of new Licensing Policy Statement – Meeting of Licensing Board meeting in or around September 2023.
- Publication of new Policy – November 2023.

5 People Implications

5.1 The work involved in gathering evidence and preparing the Policy has workload implications for the Board during 2022/23 but this can be accommodated within existing staffing resources.

6 Financial and Procurement Implications

6.1 The Policy will allow applicants to assess whether there are sufficient prospects of success should they proceed with an application. Therefore, a clear policy will assist applicants in avoiding unnecessary expenditure on lodging and legal fees.

6.2 A policy that is legally unsound or based on erroneous material is more likely to be legally challenged. Such a challenge, should it be successful, will leave the Board liable to possibly substantial legal fees. A well-

evidenced Policy will diminish the chances of a successful legal challenge.

7 Risk Analysis

- 7.1 It is a legal requirement to adopt a new Policy. This requires to be done by November 2023. Failure to do so would result in reputational loss for the Board. Furthermore, the lack of a Policy could undermine the Board's ability to scrutinise applications.

8 Equalities Impact Assessment (EIA)

- 8.1 An EIA will be required for the new Policy.

9 Environmental Sustainability

- 9.1 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 9.2 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 9.3 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

10 Consultation

- 10.1 The preparation of the Policy will be undertaken in consultation with the Local Licensing Form which will involve representatives from different parts of the trade, community, police, health. young people etc. Community Planning partners will be involved in preparation of the data and the Forum, Police, licensed trade and Council will be asked for preliminary views on areas to be reviewed. Thereafter there will be a full public consultation on either a proposed Policy or Issues Paper middle of 2023.

11 Strategic Assessment

- 11.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.

Alan Douglas
Clerk to the Licensing Board
14 October 2022

Person to Contact:	Michael McDougall, Depute Clerk to the Licensing Board, Regulatory and Regeneration, West Dunbartonshire Council, Municipal Buildings, Dumbarton G82 1NR e-mail: michael.mcdougall@west-dunbarton.gov.uk
Appendices:	Appendix 1: West Dunbartonshire Statement of Licensing Policy 2018 - 2023
Background Papers:	West Dunbartonshire Licensing Board Statement of Licensing Policy 2018.
Wards Affected:	All

WEST DUNBARTONSHIRE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

STATEMENT OF LICENSING POLICY



November 2018 to November 2023

Came into effect 4 November 2018

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Foreword

Welcome to West Dunbartonshire Licensing Board's fifth Licensing Policy Statement, which will be in operation from November 2018.

The Board in this Policy Statement has continued its established approach to the formation of its Policy. The Board is thankful to all parties who contributed to this process.

Since the last Statement of Licensing Policy the issues with regard to West Dunbartonshire's relationship with the harm caused by the misuse of alcohol sadly remain. The statistics and figures show that West Dunbartonshire fares poorly against the Scottish standard in relation to alcohol related admissions/discharges, alcohol related deaths and alcohol related brain damage admissions/discharges.

Against this background, the Board has continued its approach to the assessment of overprovision, and has declared that 16 out of 18 areas within the West Dunbartonshire are overprovided with certain types of licensed premises.

The Licensing Board is committed to ongoing consultation with West Dunbartonshire Licensing Forum and all other interested parties on the content of this document and will continue to monitor the effectiveness of the Statement of Licensing Policy throughout the duration of the policy and implement any supplementary statements as required. The Board is pleased to note the contribution of the Local Licensing Forum and partner agencies to the local community, and fostering and maintaining a good working relationship with the licensed trade.

Councillor Jim Brown
Chair of West Dunbartonshire Licensing Board

PART 1

INTRODUCTION

1. Legal Background

- 1.1 The Licensing (Scotland) Act 2005 (“the Act”) makes provision for the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold.
- 1.2 Section 6 of the Act places a requirement on every Licensing Board to publish a Statement of their Policy in respect of their functions under the Act. Section 6 has been amended to require a Licensing Board’s policy to be in place within 18 months of the Board Members being elected into office. Section 7 of the Act provides that the Board’s Licensing Policy Statement (“the Policy”) will include a statement as to the extent to which the Board considers there to be overprovision of (a) licensed premises or (b) licensed premises of a particular description in any locality within the Board’s area. In considering whether there is overprovision of licensed premises the Board must take into account the number and capacity of licensed premises and may have regard to such other matters as the Board thinks fit including, in particular, the licensed hours of licensed premises in the locality. This statement fulfils these statutory requirements for West Dunbartonshire Licensing Board. The Board is committed to ongoing consultation with West Dunbartonshire Licensing Forum and all other interested parties on the content of this document.

2. West Dunbartonshire Licensing Board

- 2.1 West Dunbartonshire Licensing Board (referred to in this Statement of Licensing Policy as “the Board”) is the licensing authority for the West Dunbartonshire Council area for the purposes of the Licensing (Scotland) Act 2005 and any subsequent regulations and guidance. Located in the West of Scotland and stretching from the outskirts of Glasgow to the Banks of Loch Lomond, According to the National Records for Scotland, the most recent population figure for West Dunbartonshire is 89,860, concentrated in the main settlements of Clydebank, Dumbarton and Alexandria. A map of the Council area is appended to this Statement of Licensing Policy.

3. Licensing Objectives

- 3.1 In exercising their functions under the Act and in preparing their Licensing Policy Statements, licensing authorities must have regard to the licensing objectives, as set out in Section 4 of the Act. The licensing objectives are:-
 - preventing crime and disorder
 - securing public safety
 - preventing public nuisance
 - protecting and improving public health
 - protecting children and young persons from harm

Further details of how the Board will seek to promote these objectives are set out in Part 2.

4. Licensing Board Functions

4.1 The Board is responsible for various functions under the Act including, for example granting:-

- Premises Licences
- Personal Licences
- Occasional Licences
- Provisional Licences
- Temporary Licences
- Extension to Licensing Hours
- Transfers of Licences
- Variations of Licences

In respect of the sale of alcohol for retail consumption on or off the premises.

The Licensing Board is now required to prepare an annual report detailing its functions. This report, referred to as the annual functions report is a summary of the Boards' business and can be viewed here:

<https://www.west-dunbarton.gov.uk/media/4314861/final-licensing-board-functions-report-v3-with-appendices-1-and-2.pdf>

4.2 The Board is also responsible for certain gambling licensing functions. The Board's Gambling Policy is contained in a separate document available at <https://www.west-dunbarton.gov.uk/media/4309575/statement-of-principles-gambling-act.pdf>.

5. Declaration

5.1 In producing this Statement, the Licensing Board declares that it has had regard to the licensing objectives set out in the Act, to the guidance issued by the Scottish Government and the responses from those consulted on the Policy Statement, the Statement of Overprovision and on the Licensing Policy Statement generally. At the time this statement of licensing policy was being prepared the Scottish Government guidance was under review. Sections of this guidance were subsequently released in draft, and this draft guidance was considered in the writing of this policy.

5.2 This policy covers a wide variety of issues including procedural matters, licensed hours and the protection of children. It cannot provide for every eventuality but the intention is to outline the general policy that will be followed by the Board. If issues arise which are not fully covered by this policy the Board may issue guidance and may also publish a supplementary Policy Statement during the licensing policy period, in terms of Section 6 of the Act.

6. The Licensing Policy Statement and Individual Applications

- 6.1 A clear policy has a number of advantages. It promotes consistency of decision and gives advance notice to applicants as to the Board's likely approach to certain decisions. When dealing with individual applications there is a presumption that the Board will follow the terms of its Policy Statement. However it is perfectly open to applicants to seek decisions which are contrary to the Board's Policy. Similarly the Statement of Policy does not override the right of any person to make objections or representations on an application or to seek the review of a licence. However where applicants, objectors or representees wish the Board to make a decision which is inconsistent with the terms of this Statement of Policy, the Board expects such persons to fully address the Board on why the Statement of Policy should not be followed. In particular it would be helpful if such persons addressed the Board on the benefit to the licensing objectives of the decision which they seek.

7. Relationships with other Strategies

- 7.1 The Board may have regard to and work in partnership with other national strategies or local policies insofar as they impact on the licensing objectives or the licensing function. These include the Changing Scotland's Relationship with Alcohol: A Framework for Action (2009), the West Dunbartonshire Development Plan, Community Planning West Dunbartonshire Local Outcome Improvement Plan 2017-2027, West Dunbartonshire Alcohol and Drug Partnership Delivery Plan, West Dunbartonshire Community Health & Social Care Partnership Strategic Plan, West Dunbartonshire Joint Health Improvement Plan and the West Dunbartonshire Integrated Children's Services Plan.

8. Tourism

- 8.1 Tourism is a major contributor to parts of the Board's area, particularly in the Loch Lomond area. The Board's Licensing Policy Statement tries to recognise the particular needs of the tourist area. Arrangements will be made for the Board to receive, when appropriate, reports on the needs of the local tourist economy for the area to ensure that these are reflected in their consideration.

9. Duplication

- 9.1 Insofar as possible the Board shall avoid duplication with other regulatory regimes. Where other legislation or powers exist, the Board will endeavour, as far as reasonably possible, to avoid using the powers under the Licensing Act to achieve that same outcome. Where there is a duplication of powers between those of the Board and another regulatory agency, the Board's decision on who should exercise the regulatory powers will be based on which body is best placed to promote the licensing objectives.
- 9.2 It is recognised that the Planning, Building Standards and Licensing regimes require to be kept separate and are dealt with in accordance with their own

statutory provisions. In particular it is recognised that the planning system deals with the suitability of land for a particular use and tests for the granting of planning permission are different from those relating to the grant of a licensing application.

10. Equalities

- 10.1 The Board is committed to the fulfilling the three key elements of the general equality duty as defined in the Equality Act 2010:-
- Eliminating discrimination, harassment and victimisation
 - Advancing equality of opportunity between people who share a protected characteristic and those who do not
 - Fostering good relations between people who share a protected characteristic and those who do not.
- 10.2 The protected characteristics are; age, disability, gender reassignment, pregnancy and maternity, race - this includes ethnicity, colour and national origin, religion or belief, sex, sexual orientation, and marriage/civil partnership.
- 10.3 The Board recognises the links between Equality, Human Rights and fairness; and seeks to help improve the quality of life for everyone in West Dunbartonshire by working with Community partners and the way in which it grants and regulates licences.
- 10.4 The Board also expects licence holders to be aware of and address equality issues during the operation of their business.
- 10.5 More on the Licensing Board and Equalities is available at <http://www.west-dunbarton.gov.uk/media/4312487/appendix-eq-mainstreaming-report-2017.pdf>

PART 2

THE LICENSING OBJECTIVES

11. The following sub-sections set out the Board's general approach to how it will seek to promote each of the licensing objectives. The Board expects applicants to be able to demonstrate that they have addressed these issues and measures set out in this part. Similarly the Board expects existing licence holders to be able to demonstrate that they have addressed these issues and measures in their operation of premises. Failure to do so may be taken into consideration by the Board in any Review Hearing. Measures and steps detailed in this part are not an exhaustive list of best practice and part of the education role of the Board's Licensing Standards Officers will be to encourage and share areas of best practice throughout the licensed trade. It is encouraged that applicants and Licence Holder's view the statements below as not exhaustive and are encouraged to come up with new and imaginative ways to promote the licensing objectives.

12. Preventing Crime and Disorder

- 12.1 In carrying out the functions under the Act the Board will have regard to the impact licensed activities may have on crime and disorder in the area. In particular, the Board has, as one of its objectives, making the Board's area a safe environment for residents and visitors.

- 12.2 The Board encourages licence holders to demonstrate both within their Operating Plan and in everyday practice the measures which will be put in place to promote the prevention of crime and disorder. These include addressing problems associated with:-

- Underage drinking including agent purchases;
- Public disorder or violent behaviour;
- Drink driving;
- Anti-social behaviour and illegal possession, supply and/or use of drugs; and
- The sale of illegal, stolen or counterfeit goods on the premises.

- 12.3 Suggested control measures might include:-

- Appropriate training of staff members;
- Installation of CCTV equipment;
- Effective and responsible management and supervision of the premises;
- Suitable internal and external lighting;
- Employment of SIA licensed door supervisors;
- Membership of Pubwatch or another similar scheme where such a scheme is in operation;
- Display of prominent notices which set out the management's policy on illegal substances;
- Ensuring displays of alcohol in off-sales premises are situated in areas which can be monitored by a member of staff;

- Promoting awareness of schemes such as the designated driver scheme;
- Training staff members on the correct way to pour a measure by hand as required under the Weights and Measures Act 1985.
- Premises instigate test purchases themselves as part of staff training where appropriate.
- Toughened glass.
- Taking advantage of the drugs awareness training provided by the Licensing Standards Officer.
- The operation of an incident book on the premises

13. Securing Public Safety

13.1 One of the Board's priorities is ensuring that the licensed premise is a safe environment for members of the public.

13.2 The Board encourages licence holders to demonstrate both within their Operating Plan and in their everyday practice the measures which will be put in place to ensure public safety on the premises. Such measures should take account of the following:-

- the occupancy capacity of the premises;
- the design and layout of the premises;
- the hours of operation; and
- the profile of the customer at the premises.
- Evacuation policy.

13.3 Suggested control measures might include:-

- Carrying out risk assessments;
- Installation of CCTV equipment and images retained as long as possible in terms of data protection legislation;
- Membership of Pubwatch or another similar scheme where such a scheme is in operation;
- Employment of adequate numbers of suitably trained staff; and
- Proof of regular testing of procedures or equipment which are in place.

14. Prevention of Public Nuisance

14.1 The Board recognises that licensed premises can have an impact on the amenity of the local area. The Board intends to protect local communities from any negative impact from the operation of licensed premises. The Board will take a wide view of the phrase "public nuisance" to include noise, light, odour, amenity of area and anti-social behaviour where they impact adversely on the local community. Note that in line with Section 9. Duplication, the Board will take cognisance of other regulatory regimes. Regarding the Prevention of Public Nuisance, Licensing Standards Officers may be directed by the Board to work in conjunction with Environmental Health to ensure speedy resolution of instances of public nuisance.

14.2 The Board encourages licence holders to demonstrate both within their Operating Plan and in their everyday practice the measures which will be put in place to prevent public nuisance. Such measures should take account of the following:-

- Any proposed curfew times;
- The location of the premises;
- The type of neighbouring properties in the vicinity;
- The nature of the activity to be carried out on the premises;
- The licensed hours; and
- The occupancy capacity of the premises.
- The provision of outdoor drinking and measures in place to minimise the impact of noise emanating from such areas.

14.3 Suggested control measures include:-

- Appropriate management of people entering and leaving the premises;
- The installation of sound-proofing and sound-limiting devices following engagement with Environmental Health;
- The control of operating hours for different parts of the premises;
- Restricting use of outside areas (e.g. beer gardens) at night;
- Supporting local schemes which encourage safe dispersal of patrons at closing time, for example, taxi marshalling;
- Liaising with the providers of public transport; and
- Additional training of staff members.

15. Protecting and Improving Public Health

15.1 The Board has, as a priority, the health and well-being of patrons of the licensed premises. The Board will have regard to the views of any other bodies responsible for or having an interest in public health.

15.2 The Board encourages licence holders to demonstrate both within their Operating Plan and in their everyday practice the measures which will be put in place to protect public health. The Board commends to Licence Holders the examples of good practice detailed in documents published by Alcohol Focus Scotland and the Scottish Health Action on Alcohol Problems.

15.3 Suggested measures might include:-

- Making available information which promotes moderate drinking along with awareness of units of alcohol and recommended guidelines;
- Clearly displaying the alcoholic content of products at the point of sale and on price lists.
- Providing information on contact details where assistance for alcohol related problems may be sought;
- Displaying anti drink driving materials and promoting awareness of campaigns such as designated driver schemes;
- Having in place a policy to deal with patrons who have consumed excessive alcohol;

- Providing tap water fit for drinking, free of charge, and a wide selection of non-alcoholic drinks at reasonable prices at all times whilst the licensed premises are open; and
 - Additional training of staff members.
- 15.4 There is evidence that those involved in the licensed trade can be more likely to suffer from an alcohol related problem than those in other professions. Therefore the Board would like to see businesses in the licensed trade having in place a workplace alcohol policy in order to raise awareness, minimise harm and ensure that staff are able to access help (without fear of a job loss) when an alcohol related problem arises.
- 15.5 Licence holders especially are reminded of the offences relating to the sale of alcohol; especially the offences of sale of alcohol to a drunk person and allowing drunkenness to take place on the premises.

16. Protecting Children and Young Persons from Harm

- 16.1 The Board welcomes applications from licensed premises which will accommodate children and young people. However, the Board recognises the additional responsibilities placed upon such premises and the importance that such premises have in place appropriate measures to protect children and young people from harm.
- 16.2 The Board encourages licence holders to demonstrate both within their Operating Plan and in their everyday practice the measures which will be put in place to protect children and young people from harm. The Plan should also set out the terms on which children and young people are permitted access to the licensed premises.
- 16.3 Suggested control measures may include:-
- Appropriate measures to ensure children or young people do not purchase or consume alcohol on the premises (unless such consumption is permitted by a young person in terms of the restricted provisions of Section 105(5) of the Act);
 - Appropriate checks for staff who will be working in premises where children or young people are present;
 - Acceptance of accredited proof of age schemes and training in spotting counterfeit or forged identity documents;
 - Means to ensure that children and young people are not exposed to strong language, violence or disorder; and
 - Additional training of staff members.

16.4 In addition the Board recommends the following:-

- a) The part or parts of the licensed premises where children and young people are permitted should be free of gaming and/or amusements with prizes machines and pool tables;
- b) Gaming and amusements with prizes machines preferably should not be located in walkway areas of the parts of the premises which children or young people will have access to;
- c) Premises should exercise their discretion reasonably when live entertainment is in place and children are present on the premises in respect of the suitability of such for families with children. It is the case however, that no use of karaoke is permitted in the part or parts of the premises where children or young people have access to.
- d) Where televisions or video machines are intended to be used in areas where children are permitted, the programmes or video films must be of a type suitable for family and children's viewing;
- e) Toilets should be of a suitable type and standard for children;
- f) When meals are sold within licensed premises, a children's menu shall be necessary. This would not be satisfied by the provision of e.g. lemonade and crisps but would require to be of the plated food variety in addition to any form of sandwiches etc, which may be available;
- g) Electrical sockets within the part or parts of the premises to which children have access should, when not in use, have plug caps thereon;
- h) Where open fires or electrical or gas fires or radiators are within part or parts of the premises to which children have access, it is expected that such fires and radiators etc. will be securely guarded.

PART 3

LICENCES

17. The purpose of this Statement of Licensing Policy Statement is to state the Board's Policy. It is not a comprehensive statement of the law or procedures relating to liquor licensing. Accordingly this statement needs to be read alongside the provisions of the Licensing (Scotland) Act 2005, the Statutory Guidance and Statutory Instruments made thereunder and the developing volume of case law. This statement tries to avoid where possible repeating provisions already detailed in the Act, Guidance or Regulations.

18. Premises Licence

- 18.1 The Board policies relevant to premises licences and applications for such licences, or variations thereto, are:-

Access to premises by Children and Young Persons

- 18.2 The Board's Policy is that children and young people under the age of 18 will only be permitted into licensed premises which are considered to be restaurants or into other licences premises where:-

- a) The primary purpose of allowing them access is to consume a meal; or
- b) To attend a pre-booked function; or
- c) Hotels – the Board accepts that children and young persons under the age of 18, who are resident in the premises, are allowed free access throughout the premises with the exception of the bar area. No children or young persons will be permitted in the bar area except where the primary purpose of allowing them access is to consume a meal or to attend a pre-booked function. Within the bar area, children and young persons will not be permitted to remain after 10 p.m. other than in exceptional circumstances, for example a wedding or other pre-booked function being held in the bar where the presence of children or young people after 10 p.m. can be justified. A condition to this effect will be imposed by the Board on the licences of all premises where children may be resident; or
- d) In tourist areas children may be present in premises other than for the purpose of attending a pre-booked function or having a meal providing that individual premises can satisfy the Board that tourism is a very significant part of their trade. In such cases children shall not be entitled to remain after 10 p.m. nor to remain in the vicinity of the bar.
- e) In relation to clubs whose primary object is sport, children and young persons under the age of 18 are permitted to have the following access to the premises:-

- Children and young persons who are junior members of such a club, plus junior guests, are permitted to access all areas of the premises (excluding the bar) until half an hour after closure of the sporting facilities to which they have access;
 - In relation to the bar area, children under 16 are permitted to purchase non-alcoholic drinks at the bar area but are not permitted to drink in the bar area. Young persons aged 16 to 18 are permitted to purchase and consume non-alcoholic drinks in the bar area providing there are no gaming machines or pool tables in the area;
 - Children and young persons should not be permitted to access any area of the premises in which gaming machines are located.
 - Children under 16 are permitted to remain in the bar area in compliance with paragraph 5.5 of the Board's Licensing Policy Statement (i.e. for the purpose of consuming a meal or attending a pre-booked function).
- f) Children should be accompanied by an adult whilst, on the Premises and this should be specified in the operating plans. Separate criteria apply to sports clubs as specified at paragraph (e) above.
- 18.3 Children and young people will not be permitted in the licensed premises after 10 p.m. (other than as detailed in paragraph (c) hereof or in exceptional circumstances, for example a wedding or other pre-booked function being held on a licensed premises where the presence of children and young people after 10 p.m. can be justified).
- 18.4 For the avoidance of doubt paragraph 18.2 does not apply to premises where no on-sales takes place and the sale of alcohol is for consumption off the premises only.

Garages

- 18.5 Under Section 123 of the Act, premises or parts of premises used as a garage are excluded from authorising the sale of alcohol. The Act permits the Board to make exceptions to this rule if they determine that in relation to such premises persons resident in the locality are, or are likely to become, reliant to a significant extent on the premises as the principal source of (a) petrol or Derv or (b) groceries.
- When considering an application for a premises licence for a garage the Board would remind the applicants that they would expect the premises to satisfy this test.

Home Deliveries

- 18.6 Premises which intend to provide home deliveries of alcohol must specify this in their Operating Plan (in response to Question 5(f)) and provide details of how

this will operate. These details should include the hours of delivery, the steps taken to identify the age of the person ordering and taking delivery of the goods, in terms of “Challenge 25”.

Outside Drinking

- 18.7 In relation to outside drinking areas there shall be no amplified music, or other amplified media in outside drinking areas except where this directly relates to the primary object or purpose of the club as defined in its constitution (e.g. to announce a bowling competition).
- 18.8 West Dunbartonshire Council has introduced bye-laws prohibiting the consumption of alcohol in designated public places within West Dunbartonshire. In accordance with regulation 5 (3)(a) of The Premises Licence (Scotland) Regulations 2007, applicants must ensure that their Operating and Layout Plans clearly refer to and show which outside area or areas form part of the licensed premises. Any outside areas not clearly identified as part of the licensed premises will, if it falls within the boundaries of the bye-laws, be a “public place” for the purposes of the bye-laws.
- 18.9 The Licensing Board will expect applicants to demonstrate their intention to put in place effective management controls, supervision and other measures to ensure the use of such outdoor areas by patrons does not have an adverse impact on the locality, particularly to occupiers of premises in the vicinity of the premises. 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 nor live music to be played within these areas.
- 18.10 Applicants and Licensees will also be expected to follow wherever possible the guidance contained in the document ‘Good Practice Guide on the Control of Noise from Pubs and Clubs (2003)’ published by the Institute of Acoustics.
- 18.11 The Board is of the view that unless outside drinking areas are outwith earshot range of neighbouring premises that there should be no sale or consumption of alcohol in outside areas after 10 p.m. Glasses and other receptacles must be cleared away by 10.15 p.m. A condition to this effect will be included in Premises Licences.
- 18.12 Where the proposed outdoor area is situated in a public footway, the Licensing Board will require applicants applying for such an area to have obtained consent from the Council’s Roads Services under Section 59 of the Roads (Scotland) Act 1984. The Licensing Board expects that Premises Licence Holders will comply with all conditions which may be attached to that consent. Section 59 consent will require to be submitted along with any application which includes an outdoor area situated on a public footway. 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.

- 18.13 Applicants must be able to advise as to how the proposed licensed outdoor area will be delineated on the ground. If delineated by a removable barrier this should allow access and egress for disabled persons.

Plastic Glasses

- 18.14 The Board retains the option, where glassing attacks occur in individual premises to require these premises to only serve drink from toughened glass, plastic or polycarbonate receptacles.

Smoking

- 18.15 The Board requires doorways and fire escapes of premises to be kept free from obstruction at all times. The Board may also require litter bins to be provided outside premises, the responsibility for cleaning and maintenance of which would be that of the individual premises. Premises, as part of recognising the amenity of the area, should undertake to sweep up outside the premises as part of their daily cleaning procedure.

Race Nights

- 18.16 The Board's policy is to permit race nights in licensed premises, subject to the content of individual premises' operating plans and providing that these events are not undertaken for the direct commercial benefit of the licensee. For the avoidance of doubt, the sale of increased volumes of drink or food through the presence of race night customers will not necessarily be viewed as being such a direct commercial benefit. Licence Holders are advised to seek advice from the Gambling Commission prior to allowing any gambling on their premises.

Capacity

- 18.17 In their Operating Plan, applicants are required to provide a figure showing the proposed capacity of the premises for consumption of alcohol. The Board will expect applicants to consider various factors when assessing this including:-

- design and layout of the premises
- location, availability and size of the exits and emergency exits
- the nature of the premises or events
- the staff availability to supervise customers both ordinarily and in the event of an emergency

The Board will determine the capacity in accordance with Buildings Standards Regulations. Applicants are recommended to consult with West Dunbartonshire Council's Building Standards Service if they are in any doubt as to the capacity of their premises.

- 18.18 Applicants will be expected to have sufficient measures in place to monitor the number of persons on the premises at any point to ensure the occupancy capacity is not exceed.

19. Personal Licence

Training

- 19.1 Personal Licence Holders are reminded that it is mandatory for them to undertake prescribed refresher training every five years and to provide the Board with evidence that they have undertaken this training. Should a Personal Licence Holder fail to undertake the necessary training and provide a copy of this training to the Board then the personal licence will be revoked.

Renewal

- 19.2 Personal Licence holders are reminded that personal licences are granted for a 10 year period. In order to renew their personal licence, a licence holder must sit and pass a further refresher training course. Thereafter the licence holder can apply for the renewal of the licence. A licence holder should be aware that the earliest that they can apply to renew their licence is 1 year prior to the expiry date, and that the latest that they can apply for the renewal of the licence is 3 months before the expiry date.

20. Occasional Licence

- 20.1 The policy of the Board is that an Occasional Licence is needed for each separate occasion. For example, if premises have a 21st party on Friday evening, a live band on Saturday evening and a charity race night on the Sunday evening, three separate Occasional Licences will be needed. This reflects the fact that the nature of the events is different, raising different considerations and requiring different conditions.

Occasional Licence – Repeated Applications in Lieu of a Premises Licence

- 20.2 The Board recognises that the terms of the Licensing (Scotland) Act 2005 does not permit a Licensing Board to impose any limits on the number of occasional licences applied for, except where the applicant is a voluntary organisation. However, the Board is concerned that some premises may seek to avoid the requirements of the Act by applying to trade under repeated occasional licences. Accordingly, the Board may require in respect of repeated applications from the same premises to be addressed by the applicant as to why an application for an occasional licence is appropriate rather than an application for a premises licence. Note that in the circumstances where an operator is seeking to commence trading in advance of a premises licence being considered, that the Board may seek assurances from the Building Standards and Planning Departments that the premises are suitable for the sale of alcohol. The Board authorises the Clerk to consider such applications under delegated authority in such circumstances where the premises has sought, and been issued with S50 certificates for Planning and/or Building Standards.

Hours

- 20.3 The Board considers that the commencement of the sale of alcohol under an Occasional Licence shall not normally be earlier than 11 a.m. The Board considers the following closing times to be appropriate beyond which alcohol must not be sold on the premises:-

Sunday to Thursday – 12 midnight

Friday and Saturday – 1 a.m.

- 20.4 For applications for licensed hours outwith these times applicants will require to demonstrate that the additional hours requested are necessary in the circumstances. The Board considers that it would be difficult for any application to justify the sale of alcohol after 3 a.m. other than in exceptional circumstances.

Recommended Training Requirements for Persons Operating under an Occasional Licence who do not hold a Training Qualification

- 20.5 The Board reserves the right to attach a condition on the grant of Occasional Licences which will require any person selling, pouring or delivering alcohol in terms of the Occasional Licence to either hold a training qualification, or alternatively to be trained to the standard prescribed in the Licensing (Training of Staff)(Scotland) Regulations 2007. Such a condition will be applied to an Occasional Licence event which the Board feels may pose a higher risk to the licensing objectives. The Board will impose such a condition on events such as weddings, birthday parties, and other celebratory events and concerts or large public events where the consumption of alcohol forms a significant aspect of the occasion. The Board will not attach, under normal circumstances, such a condition on small community events, such as PTA fund raisers where the consumption of alcohol is ancillary to the event. The determination of whether such a condition should be imposed is delegated to the Clerk to the Board.

21. Extended Hours Applications

Special Events

- 21.1 The Board considers activities such as dances, discos and dinner dances, wedding receptions and parties where a disco or band is provided generally falls within the description of a special event or occasion to be catered for on the premises. Darts, dominos or pool competitions, karaoke evenings, parlour derbies or private parties where there is no significant entertainment are generally not considered to fall within the definition and there would be a presumption against granting any Extended Hours Applications in respect of such events.

National and International Events and Festivals

- 21.2 The Board believes that in many cases such events can be appropriately accommodated within normal licensing hours and should not routinely be regarded as a need for extended licensing hours. The Board however, recognises that both St Patrick's and St Andrews days are significant cultural events and authority is granted to the Clerk on those dates to grant extended

hours applications for an extension of one hour to normal licensed hours in respect of specific ticketed events. The Board further allows for a one off extension to normal licensed hours for an event related to the celebration of Halloween, and grants delegated authority to the Clerk to authorise the grant of one such application per premises. Any decision on an extension of normal licensing hours will only be taken after careful consideration of the particular event and may require increased control measures to be put in place aimed at preventing/limiting problems. Should the need for a special event arise at short notice the Board will endeavour to hold a Special Meeting to enable the application to be considered.

Hours

- 21.3 Other than during the festive period as defined within Section 26, or in relation to recognised events in the previous paragraph of this policy, the Board considers that it would be difficult for any application to justify the sale of alcohol earlier than 11 a.m. or after 3 a.m. other than in exceptional circumstances.
22. **Premises that are tenanted out and the Premises Licence Holder is the Landlord**
- 22.1 The Board acknowledges the unique circumstances of premises which are leased out by a licence holder to a third party who operate the day to day management of the premises. Notwithstanding these circumstances the responsibility for ensuring that the licence is operated responsibly and in obedience with the licence conditions, requirements of the Act or this Statement of Licence Policy rests with the licence holder.
- 22.2 Landlord licence holders should be prepared to display to Licensing Officers on a day to day basis robust procedures to ensure that compliance with all requirements of the licence can be achieved, and evidence of any policies, procedures or control measures employed to this end should be made available in the instance of a premises licence review request relating to any premises licence which is operated by a third party. This should include matters such as compliance with the mandatory conditions, such as staff training and irresponsible promotions, inspections of utilities and processes in place to review the management of the premises are carried out in compliance with the licensing objectives. Licence holders should note that these examples do not form an exhaustive list and they are encouraged to be innovative in order to ensure compliance with all requirements.
- 22.3 In order to assist licence holders in this aim, the Licensing section will always strive to ensure that any correspondence relating to the operation of premises is sent to both the licence holder and the tenant, with the aim of ensuring that landlord licence holders are fully aware of any issues relating to premises. Further to this the Licensing Standards Officers shall ensure where appropriate that proactive contact is made with landlord licence holders in the first instance where any issues or concerns are noted with the operation of the licence.

- 22.4 Licence holders are also encouraged to inform the Licensing section should they lease out their premises, or should there be any change in circumstances of this lease such as it terminating the lease or transferring it to another leasee. West Dunbartonshire Licensing Board accepts that whilst there is no current requirement to provide such details this would be seen to be good practice.
- 22.5 Finally, Licence Holders who may be seeking to lease out their premises are encouraged to ensure that thorough checks are carried out on any prospective tenant to ensure that they are suitable to operate licensed premises within the licensing objectives.
- 22.6 The Board in review hearings with regard to Premises that are tenanted out shall expect to be addressed that the Premises Licence Holder can exhibit due diligence with regard to the premises notwithstanding, the fact that the premises are tenanted out. In particular, the Board would expect that the Premises Licence Holder should be able to demonstrate that the premises are being run in accordance with the licensing objectives. This includes matters such as, but not limited to regular checks of utilities and processes in place to supervise the management of the premises in compliance with the licensing objectives.

PART 4

OVERPROVISION

- 23.1 Section 7 of the Act requires each Licensing Board to include in its Policy a statement as to the extent to which the Board considers there to be overprovision of licensed premises, or licensed premises of a particular description, in any locality within the Board's area.
- 23.2 It is for the Licensing Board to determine which localities within the Board's area are considered for the assessment of overprovision.

23.3 In its assessment of overprovision, the West Dunbartonshire Licensing Board has continued its established approach of utilising the Scottish Neighbourhood Statistics intermediate data zone (IDZ) geographies as the localities for this purpose.

23.4 The West Dunbartonshire area can be broken up in to 18 distinct IDZ localities. These IDZs represent small geographical sections of the WDC area equivalent to an average of 4000 household residents, and allow for the easy compilation of various data, in consideration of which the Board makes its assessment on the provision of licensed premises.

23.5 The Board, having examined data regarding;

- Alcohol Related Hospital Admissions
- Alcohol Related Death Rate
- Alcohol Related Mental Health
- Alcohol Related Brain Damage
- Police incidents including assaults, domestic incidents, disorder & alcohol specific crimes
- Fire statistics
- Information regarding the number, capacity and licensed hours of licensed premises;

and having regard to its duty to promote the licensing and objectives the Board is of the view, having undertaken a full consultation, that there is overprovision of certain types of licensed premises within several localities in the WDC area.

23.6 A summary of the evidence considered by the Board in assessing overprovision can be found within the addendum at page 31.

23.7 The Board considers there to be overprovision of the following types of licensed premises namely:-

- Public Houses.
- Nightclubs
- Off-sales and local convenience stores
- Supermarkets

23.8 The Board will determine, as a matter of fact whether the subject premises in a premises licence application fits within one of the foregoing categories of licensed premises. The Licensing Board will come to a view on a premises category based on the consideration of any evidence presented to it and having regard to the information disclosed within the application, the operating plan and the layout plan.

23.9 The Board considers there is an overprovision of the foregoing types of licensed premises within West Dunbartonshire in the following 16 localities:-

- IZ01 Clydebank East inc. Whitecrook (part)

- IZ02 Clydebank Central inc. Dalmuir (part) & Whitecrook (part)
- IZ03 Drumry & Linnvale
- IZ04 Parkhall South, Radnor Park and North Kilbowie
- IZ05 Goldenhill, Parkhall North, East Kilbowie & Hardgate Central
- IZ06 Faifley & Hardgate East
- IZ07 Duntocher & Cochno
- IZ08 Mountblow, Parkhall West and Dalmuir Central
- IZ10 Barnhill, High Overtoun, Milton & Bowling
- IZ11 Dumbarton North East – Bellsmyre & Silverton East
- IZ12 Dumbarton Central, Dumbarton East & Townend
- IZ13 Dumbarton West
- IZ15 Bonhill, Lomondgate & Renton North
- IZ16 Alexandria Central, Rosshead & Dalmonach
- IZ17 Balloch & Alexandria North
- IZ18 Jamestown, Balloch North East, Haldane & Gartocharn

Maps of all 18 localities which make up the West Dunbartonshire area can be found in the appendices section of this policy.

- 23.10 The effect of this policy is to create a rebuttable presumption against the grant of an application within these localities for the foregoing types of licensed premise. Each application still requires to be determined on its merits and there may be exceptional cases in which an applicant is able to demonstrate that the grant of the application would not undermine the licensing objectives, or the objectives would not be undermined if the applicants operating plan were to be modified. The Board will expect applicants who are seeking the grant of a new premises licence within the foregoing categories of premise and locality to provide robust and reliable evidence to the Board why the benefit to the licensing objectives through the grant of their application outweighs the detriment to the licensing objectives and the Overprovision Policy. The Board recognises the positive health benefits associated with increased employment opportunities as a factor that applicants may use in support of their application and a factor that may in appropriate circumstances rebut such a presumption. In particular the Board will expect to be addressed on the benefits of granting the application in terms of each licensing objective.
- 23.11 If an existing licence ceases to be in force this does not necessarily mean that there is capacity for a new licence of a similar capacity. The data and consultation responses considered by the Board provide evidence that there is presently an overprovision of licensed premises in West Dunbartonshire but does not quantify the extent of that overprovision. In these circumstances any application seeking to replace capacity relinquished by other premises will be subject to an individual overprovision assessment. This will have particular

regard to the data relating to the sub locality to which the new application or application for increased capacity relates. It will also have regard to the type of premises capacity relinquished compared to the type of premises applied for.

- 23.12 There are 2 localities within West Dunbartonshire where the Board considers that there is not presently overprovision of licensed premises. This is IZ 09; Old Kilpatrick and also IZ14 Renton, Old Bonhill & Loch Lomond West. The Board is aware that most of the 18 sub localities are in close proximity to areas with significant alcohol related health, crime and disorder problems. The Board is also aware that there is local evidence to suggest that persons in West Dunbartonshire, wishing to obtain alcohol from off-licences will travel up to two miles across sub-localities to purchase alcohol. Similarly persons will travel across the whole of West Dunbartonshire to attend nightclubs. Accordingly any application outwith the overprovision locality for new premises or increased capacity of existing premises may be subject to an overprovision assessment. This assessment will have regard to the alcohol related crime, disorder and health data relating to both the sub locality in which the application premises are located and the sub localities from where the customers are likely to be drawn.

PART 5

LICENSED HOURS/HOURS OF TRADING

The Board's general policy is as follows:-

24. Off-Sales

- 24.1 For applications relating to premises licences and to occasional licences, the licensed hours for the sale of alcohol for the consumption off the premises (off-sales hours) are 10 a.m. to 8 p.m. every day.
- 24.2 The Board may consider extending the closing time for off-sales up to 10 p.m. if suitable enhanced control measures have been put in place to promote the licensing objectives. Enhanced control measures must include CCTV cameras covering the interior of the premises and the exterior area adjacent to the entrance to the premises. Premises Licence Holders should note that camera footage should be retained for a period of time that complies with recommendations made by the Information Commissioner in terms of the Data Protection Act. CCTV cameras should provide cover for areas of high footfall, customer staff interaction areas, and areas immediately adjacent to the premises to give clear recognisable images of all persons as defined in the "Home Office CCTV Operational Requirements Manual". The Board also requires that all staff shall be trained in accordance with The Licensing (Training of Staff) Scotland Regulations 2007 and that premises should have a written training plan in place, to include ongoing refresher training for staff. The Board also expects that an appropriate proof of age scheme, including a refusals book will have been put in place and rigorously enforced.
- 24.3 The Board will not generally require proof of enhanced control measures for any on-sales or club applying to have off-sales approved to 10 p.m. However the Board may require proof of enhanced control measures for individual premises where circumstances merit it. The Board will normally expect that the off-sales hours for premises seeking or holding an on-sales licence will not commence prior to or finish after the hours for on-sales.

25 On-Sales

- 25.1 For applications relating to premises licences including extensions of hours for the sale of alcohol for consumption on the premises (on-sale hours) the Board considers that the commencement of the sale of alcohol shall ordinarily be no earlier than 11 a.m., and no later than 1a.m other than when an occasional extension is in place, and in accordance with paragraphs 27 and 28 of this policy. The Board will recognise the importance of tourism in certain locations within the Board's area and other determining factors such as the location of the licensed premises and may allow exceptions to this general rule.
- 25.2 The Board also recognises that earlier opening hours may also be appropriate for certain types of premises, for example, bowling clubs during the bowling season and also for events such as funerals. However, the Board will not allow

opening any earlier than 10 a.m. If the Board grants a licence which permits premises to be open prior to 11 a.m. for the purposes of funerals, it will impose a condition that on each occasion when it is intended that alcohol will be sold on the premises before 11 a.m. in connection with a funeral, 24 hours notice must be given to the Office of the Clerk to the Licensing Board and the Local Police Authority.

- 25.3. The Board considers the following closing times to be appropriate beyond which alcohol must not be sold on the premises:-

Restaurants

- 25.4 The Board considers that restaurants are premises where the supply of alcohol is ancillary to a table meal taken by persons within the premises. Licence holders should note that snacks, sandwiches and crisps are not considered to constitute table meals.

Monday to Sunday – 1a.m.

Premises offering no significant entertainment facilities

- 25.5 For premises or parts of premises where the consumption of alcohol is a main activity and significant entertainment facilities throughout the licensing hours are not provided. Public houses, hotel bars and members clubs would fall within this category.

Sunday to Thursday – 12 midnight

Friday and Saturday – 1 a.m. the following day

Premises offering significant entertainment facilities and subject to conditions the Board may impose

- 25.6 Premises or parts of premises where the provision of alcohol for consumption on the premises is ancillary to the significant entertainment provided and subject to such conditions that the Licensing Board sees fit to impose in relation to such premises. Nightclubs would fall within this category.

Monday to Wednesday – 1 a.m. the following day

Thursday to Sunday – 3 a.m. the following day

- 25.7 The Board will interpret the phrase “significant entertainment” strictly and will only grant a licence if the entertainment offered is an integral part of the application. The entertainment should be provided at all times during the licensing hours. The Board considers that entertainment such as dances, discos, dinner dances, and parties where a disco or band is provided would fall within the scope of significant entertainment. Pool competitions, karaoke evenings or darts would not be acceptable. Where entertainment is provided only on part of the premises, applicants should ensure that their Operating Plan reflects this.

26. Festive period

- 26.1 The Board may allow longer licensing hours over the festive period. This will not be an automatic right and an application for extended hours will have to be made for each business wishing to open for longer hours. The Board may at their own discretion impose additional conditions on such premises in order to promote the five licensing objectives.
- 26.2 The festive period for the purposes of this aspect of the policy will be determined by the Board on an annual basis in consultation with the Local Licensing Forum. The Board has previously calculated the festive period as being the two weeks prior to Christmas Day until the 3rd or 4th January depending on which day of the week New Year's Day falls.
- 26.3 Where applicants are applying for licensed hours for times outwith this general policy, they will require to demonstrate to the Licensing Board, that these additional hours are reasonable and do not unduly conflict with the Licensing Objectives. Any such applications will be considered in line with paragraphs 27 and 28 of this policy.

27. Late Opening

- 27.1 Late opening will be considered as any premises which apply to remain open after 1.00 a.m. Where appropriate, such premises will be subject to mandatory late opening conditions and the Board may attach additional conditions. The applicant will be required to justify their request for late hours bearing in mind the licensing objectives. The Board considers that it would be difficult for any application to justify the sale of alcohol after 3 a.m. other than in exceptional circumstances.

28. Early Opening

- 28.1 Similarly, if any premises wish to open before 11 a.m., the applicant will be required to justify the need for early opening. The applicant will be expected to demonstrate that sufficient measures will be in place to promote the licensing objectives. The Board considers that it would be difficult for any application to justify the sale of alcohol before 10 a.m., other than in exceptional circumstances.

29. British Summer Time

- 29.1 Applicants should note that in relation to the changing of the clock for British Summer Time the closing times of those licensed premises which are authorised to open later than the hour when the change takes place, should be determined by reference to the number of hours after midnight when they are authorised to be open rather than by the actual time shown on the clock.

PART 6

BOARD PROCEDURE

30. General

- 30.1 The Board will follow the principles of openness and transparency when carrying out its functions. It shall provide all reasonable assistance and information to those wishing to apply for a licence, those wishing to make representations or to object to an application, for example, providing information in different languages/formats. The Board recognises the importance of the licensed trade to the local economy but proportionate and firm action will be taken against those who commit offences.
- 30.2 The Board will meet in public to determine both policy matters and applications. It may however adjourn at times to take legal advice. Copies of the Board Agenda and Minutes of Board Meetings will be made available on the Board's website, maintained by West Dunbartonshire Council at http://wdccmis.west-dunbarton.gov.uk/cm5/Committees/May2017-Present/tabid/141/ctl/ViewCMIS_CommitteeDetails/mid/608/id/535/Default.aspx

31. Delegation of Functions

- 31.1 It is of importance to the Board that the service they provide is efficient and cost effective to all those involved in the licensing process. The Board has agreed that only those matters which are required by statute to be considered by the Board will be put before them. Decisions on all other applications will be delegated to the Clerk to the Board who will refer the matter to the Board as and when necessary.
- 31.2 Those applications and matters which require to be submitted to the Board are:-
- A premises licence application;
 - A premises licence variation where the variation sought is not a minor one;
 - An application for a transfer of a premises licence where the applicant has been convicted of a relevant offence or a foreign offence;
 - Determining a personal licence application or a personal licence renewal application where the applicant has been convicted of a relevant offence or a foreign offence;
 - Conducting a hearing including issuing a written warning, revoking or suspending a licence, making a variation of a licence, or in respect of a personal licence making an order revoking, suspending or endorsing a personal licence;
 - Making a closure order; and
 - Refusing an application for confirmation of a provisional premises licence.

32. Enforcement

32.1 The Licensing Board's Enforcement Policy is available at https://www.west-dunbarton.gov.uk/media/4015382/enforcement_policy_final_03-02-10.pdf.

The Board will apply this policy in dealing with all enforcement issues. The Board's aim in undertaking enforcement or compliance work is to:-

- Ensure that regulated persons take action immediately to deal with serious risks;
- Promote and achieve sustained compliance by regulated persons;
- Treat all regulated persons fairly;
- Be helpful to regulated persons who wish to comply;
- Support those who comply by targeting those who don't, in particular by taking firm action against those who flout the law or act irresponsibly;
- Protect the public in a way which does not stifle enterprise, hinder economic progress or place unnecessary burdens on businesses;
- Communicate this policy effectively to those people who are affected by it.

32.2 The Enforcement Policy is based on the principals of helpfulness, openness, proportionality, consistency, fairness and equality and targeted action.

32.3 The strategy to be employed to ensure that the Board meets its obligation will be to:-

- Undertake a risk and priority based inspection program;
- Investigate all complaints in accordance with West Dunbartonshire Council Complaints Procedure;
- Provide advice and guidance on request;
- Strive to achieve consistency in enforcement standards through staff training, equality procedures and active participation in liaison arrangements with other local authorities, both locally and nationally;
- Provide advice and guidance to new businesses during the planning stage of their venture;
- Seek to educate those with an interest in licensed premises to promote the licensing objectives;
- Work in partnership with Police Scotland for specific enforcement initiatives and the development of a formal enforcement protocol;
- Particular initiatives will be undertaken in response to local intelligence and/or when there is sufficient evidence from inspection activity to demonstrate a need for specific targeted action.

33. Licensing Standards Officers

33.1 Licensing Standards Officers will be employed by West Dunbartonshire Council. The Licensing Standards Officers will have three main roles:-

- Guidance
- Mediation
- Compliance

33.2 The Licensing Standards Officer will also be a member of the Local Licensing Forum. The Board recognises that the Licensing Standards Officers will have

a key role to play in the new licensing regime and that they will be the first port of call for most licensing matters. However, they will not give legal advice nor make any applications or objections on behalf of any party.

33.3 The Licensing Standards Officer will carry out the roles and responsibilities set out under the Act including:-

- Providing guidance and information on the Act.
- Checking that licence holders are complying with the terms of the legislation and their licence conditions.
- Providing a mediation service in order to try to resolve disagreements and disputes.

33.4 Section 15 of the Act gives Licensing Standards Officers power to enter and inspect licensed premises to establish compliance with the premises or occasional licence and any other requirements of the Act. In addition, along with the police, they have powers under Section 137 to enter premises for the purposes of assessing the likely effect on the promotion of the licensing objectives of the grant of the application or the effect of the sale of alcohol under the licence. The Act also provides that anyone preventing those persons from undertaking this task will be guilty of an offence.

33.5 Licence holders and those managing and working on the premises are under a duty to co-operate with and assist the Licensing Standards Officers in the performance of their functions and to provide any information or documents requested. It is an offence not to provide such co-operation and assistance.

34. **West Dunbartonshire Local Licensing Forum**

34.1 The Board recognises and values the work of West Dunbartonshire Local Licensing Forum and will consult with it on policy matters wherever possible.

Addendum

Summary of Evidence Considered by the Board in Consideration of its Statement of Licensing Policy.

The Board consulted on its Statement of Licensing Policy by way of an initial pre-consultation between 4th December 2017 and 5th January 2018. There was full consultation from 18th May until 16th August 2018. The Board has considered the responses made to it in the consultation process.

The Board in preparation of its Fifth Statement of Licensing Policy has considered reports to it as outlined below. These reports can be found online at the links below. These reports to the Board considered relevant local data produced to it by Police Scotland, NHS Greater Glasgow and Clyde, and the Board considered data regarding alcohol related hospital admissions, alcohol related death rate, alcohol related mental health, alcohol related brain damage, police incidents, including assaults, domestic incidents, disorder and alcohol specific crimes and relevant fire statistics. The Board also full considered information presented to it regarding the number, capacity and licensed hours of licensed premises.

Note Referred to:

West Dunbartonshire Licensing Board – Review of Licensing Policy Statement Reports to Licensing Board 2017/2018

Tuesday, 19 September 2017

[Licensing Policy Statement](#)

Tuesday, 12 December 2017

[Licensing Policy Statement Update](#)

Tuesday, 23 January 2018

Number, Capacity and Licensed Hours of Licensed Premises in the West
Dunbartonshire area

Statement of Licensing Policy – Overprovision
Review of Statement of Licensing Policy – General

[Document Pack for above reports can be accessed here](#)

Tuesday, 20 March 2018

Proposed Titles for Intermediate Datazone Localities in the West Dunbartonshire
Board area

Review of Licensing Board Policy Statement – Overprovision
Review of Licensing Board Policy – General

[Document Pack for the above reports can be accessed here](#)

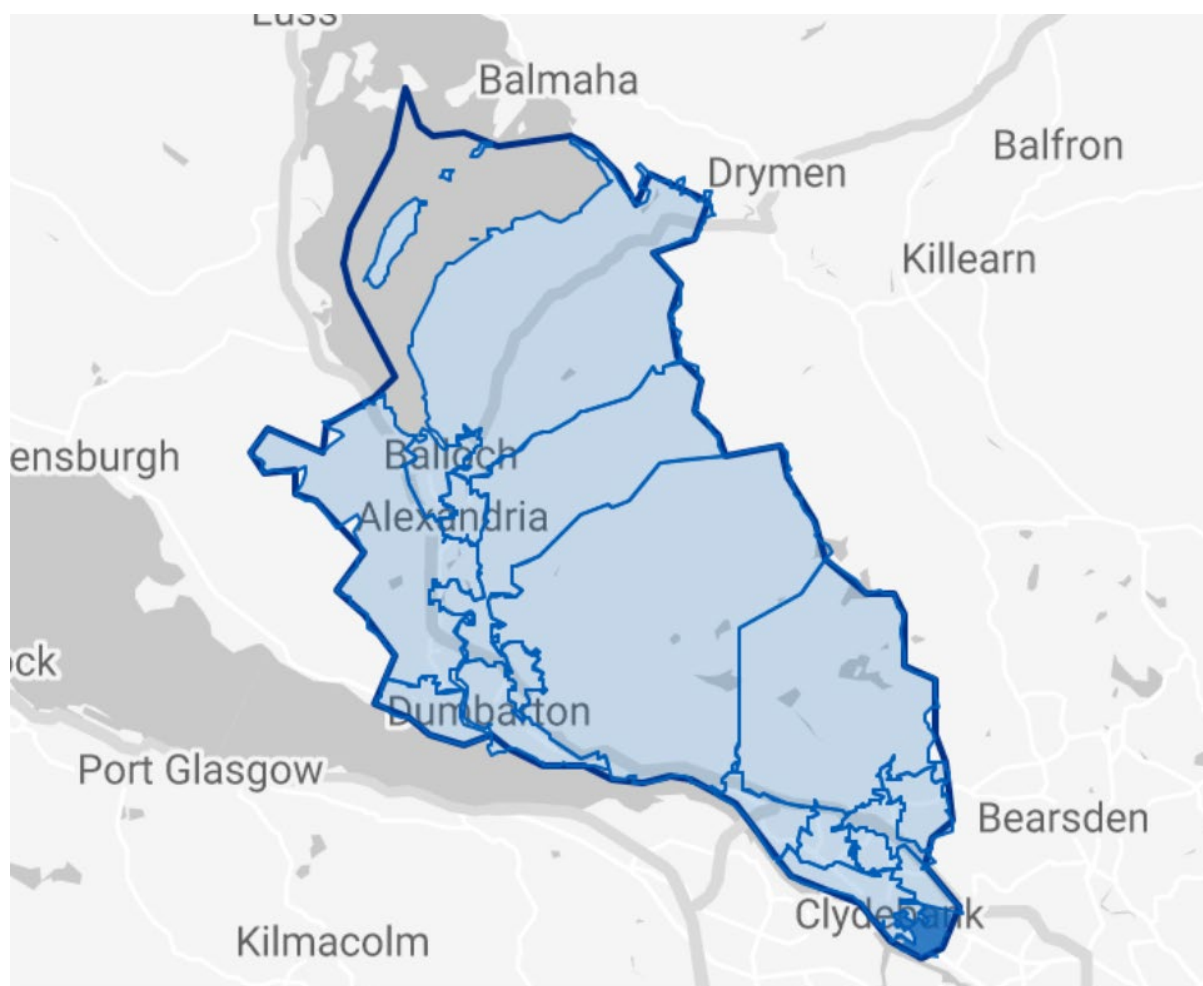
Tuesday, 18 September 2018

Review of Licensing Policy Statement 2018: General
Review of Licensing Policy Statement – Overprovision

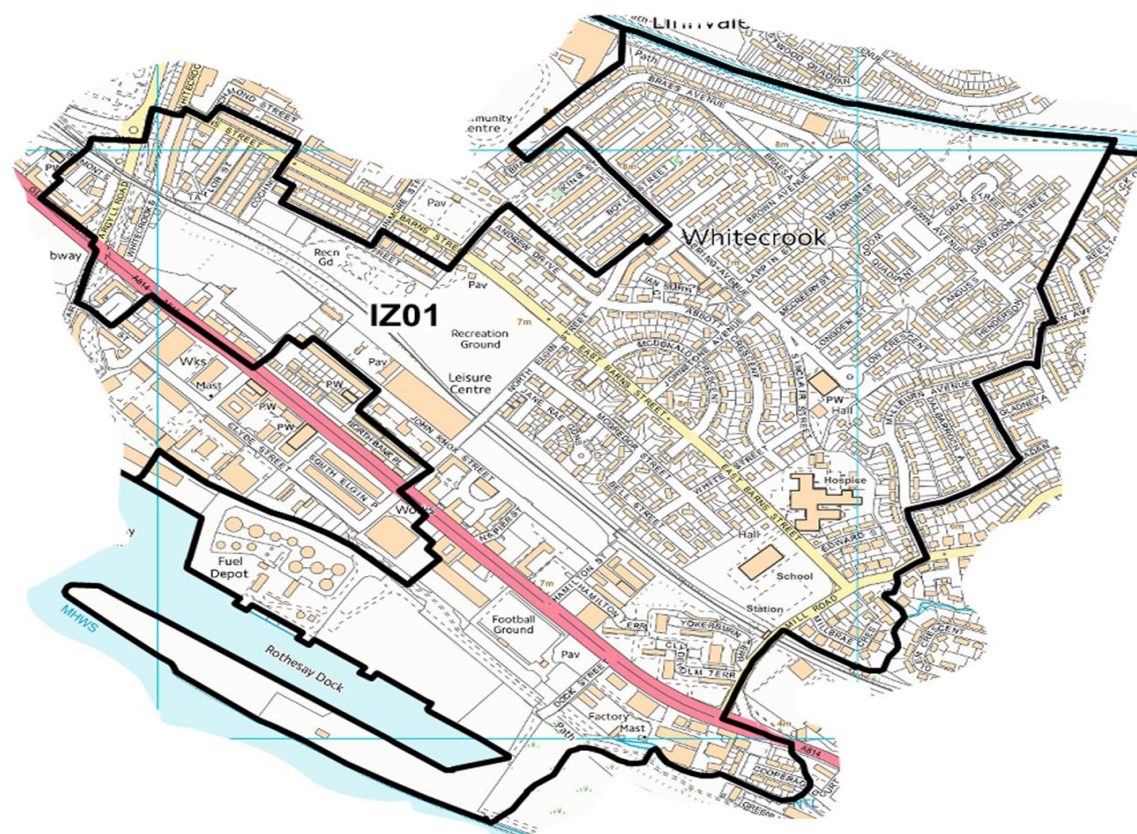
[Document Pack for the above reports can be accessed here](#)

APPENDIX 18 Intermediate Data Zone Localities used for the consideration of Overprovision in West Dunbartonshire. *Note that all maps are provided for illustrative purposes only.*

West Dunbartonshire Council Area



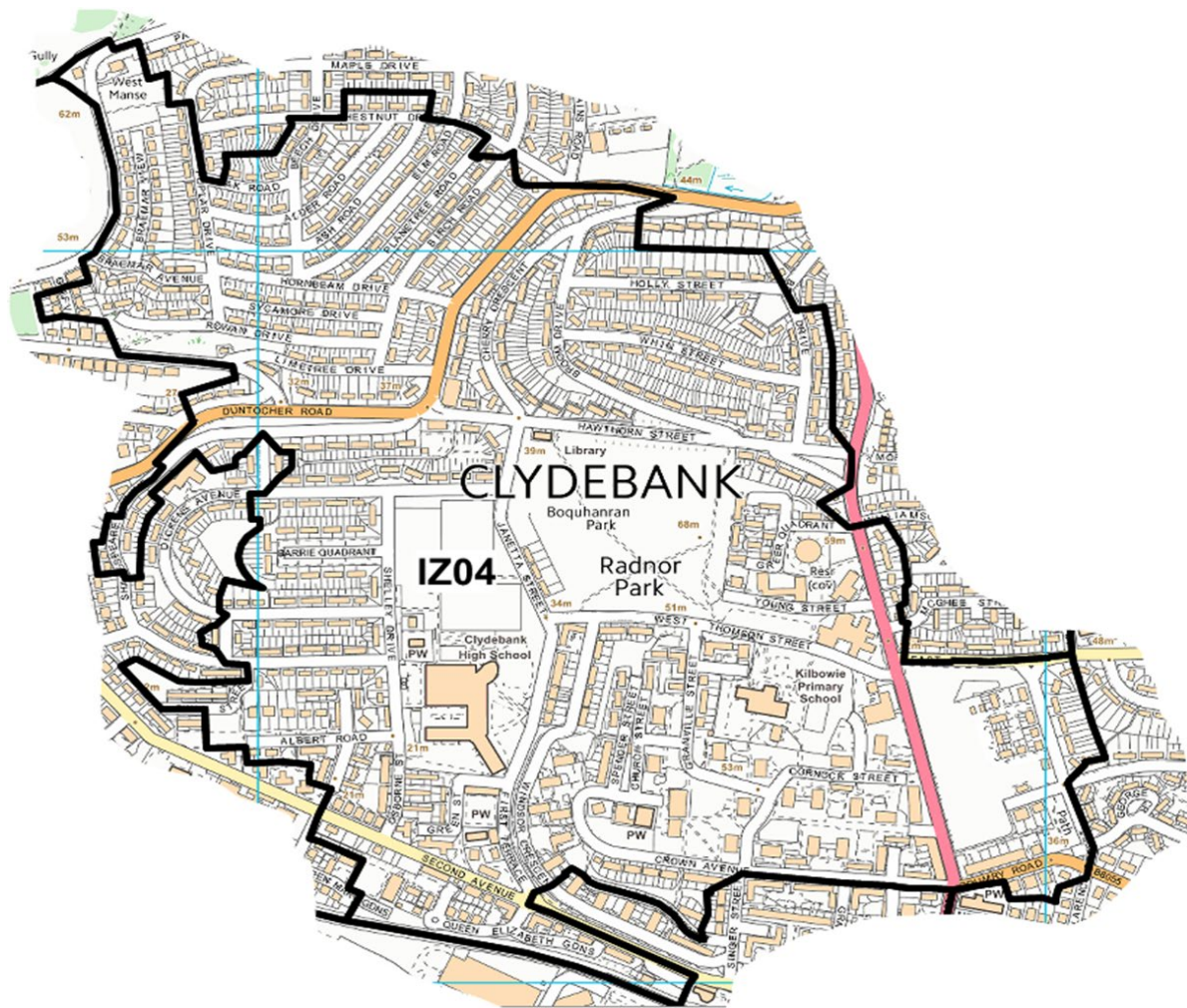
IZ 01 - Clydebank East inc. Whitecrook (part)



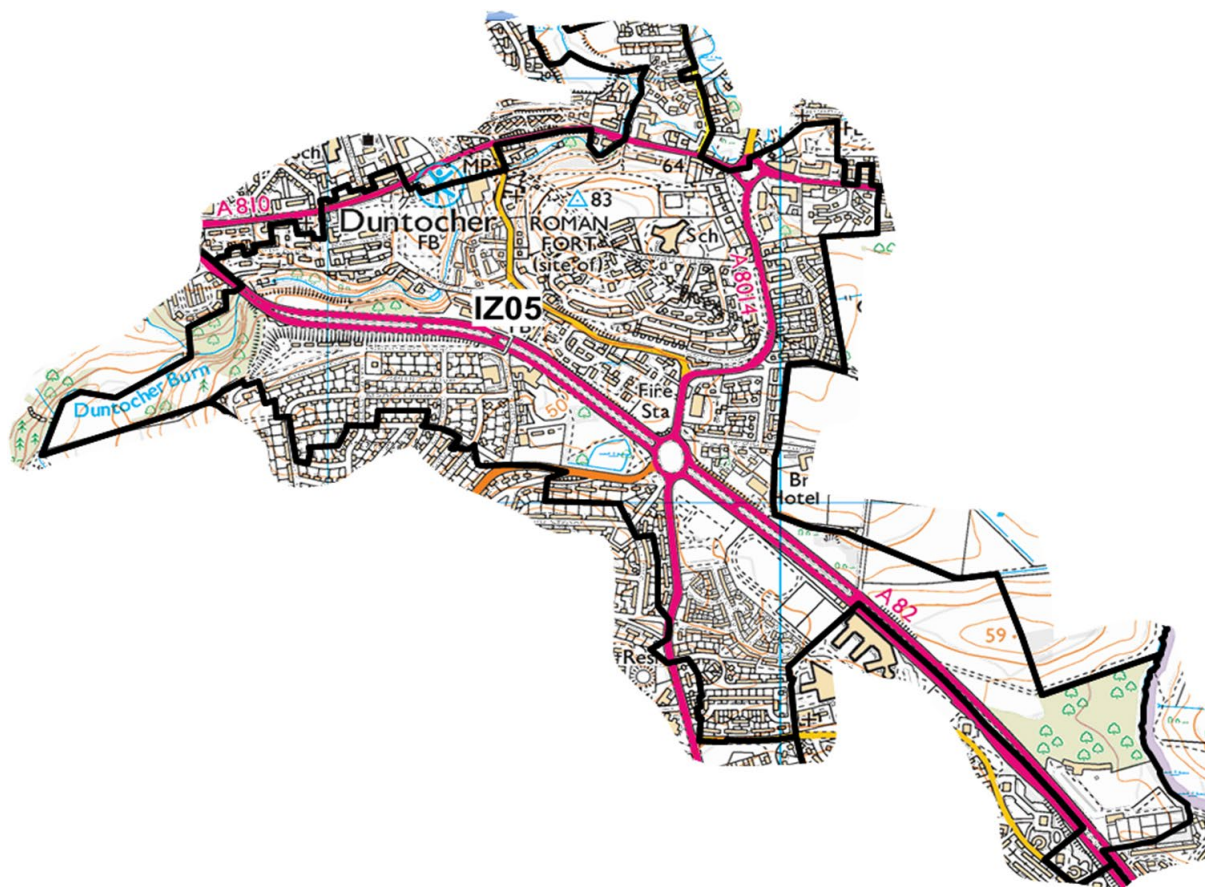
IZ 03 – Drumry & Linnvale



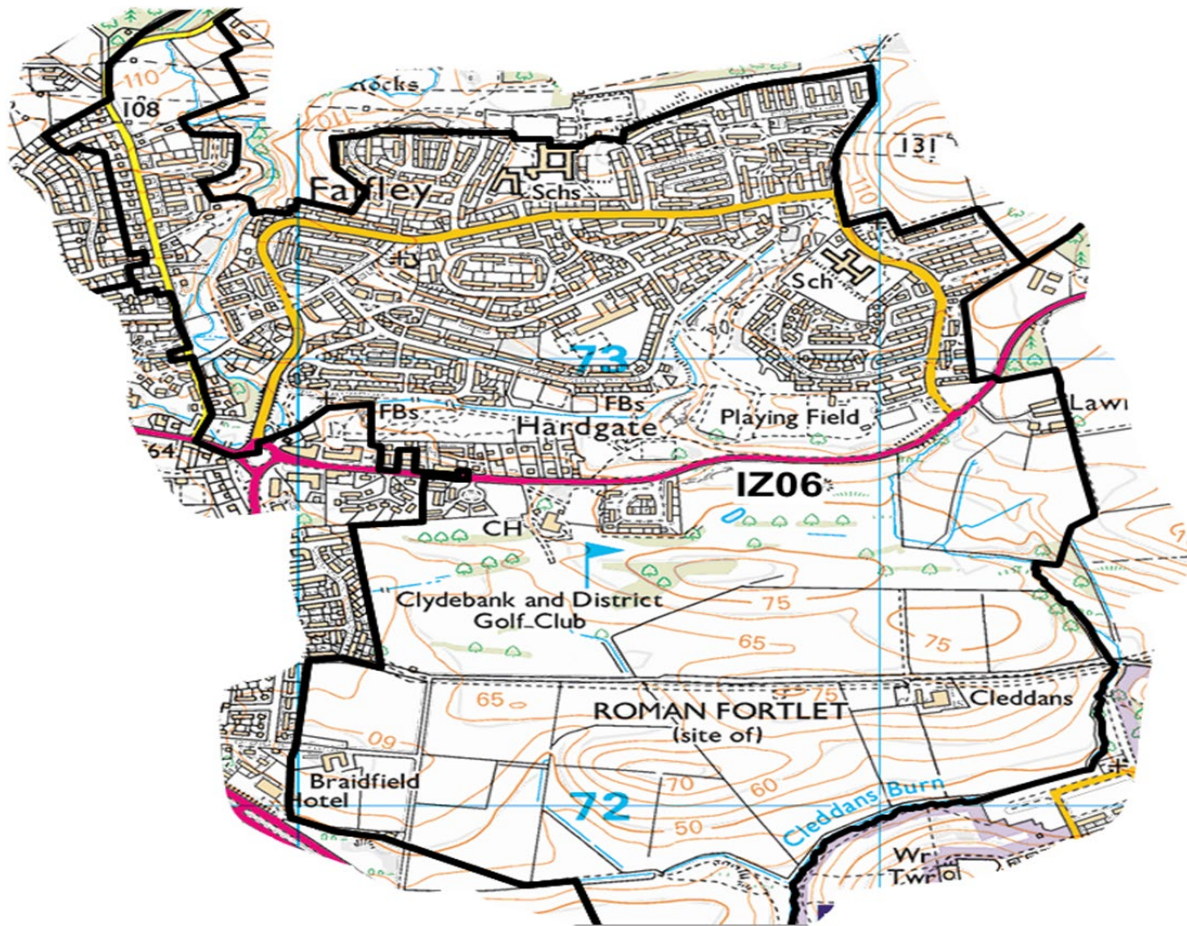
IZ 04 – Parkhall South, Radnor Park and North Kilbowie



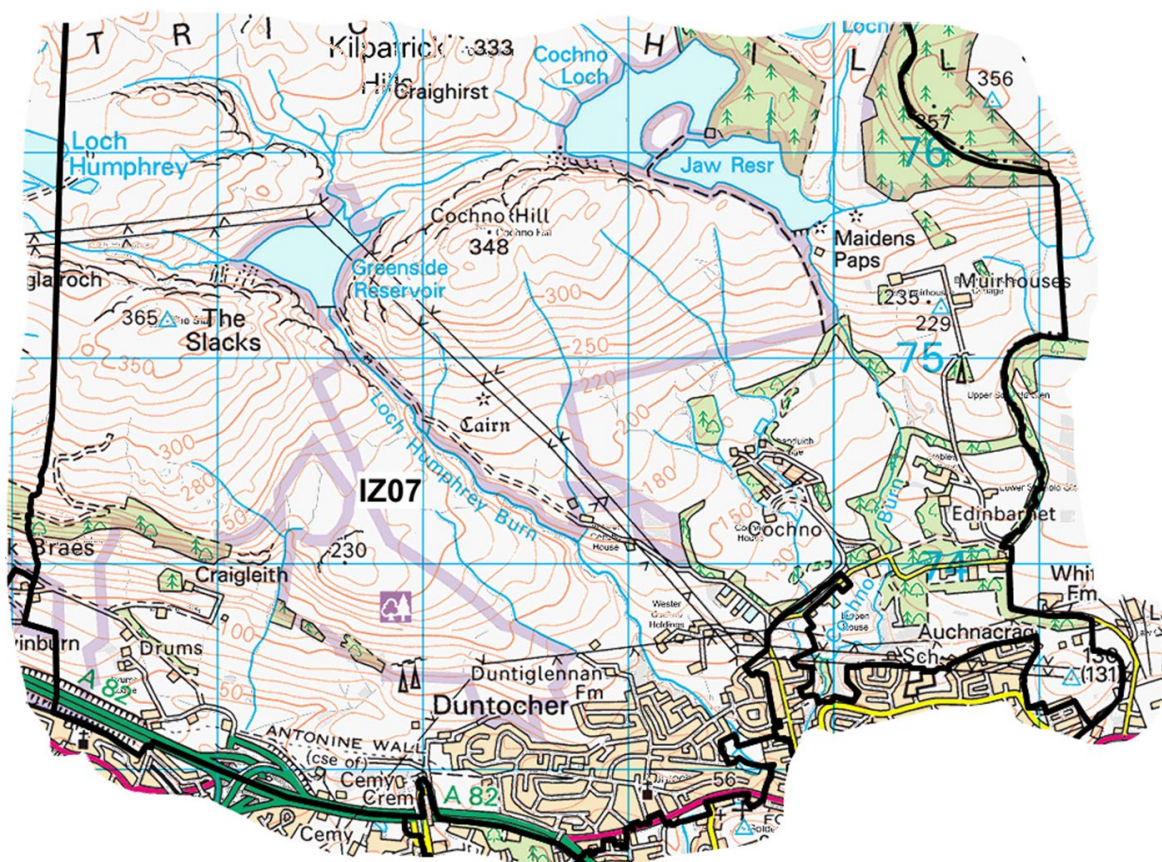
IZ 05 – Goldenhill, Parkhall North, East Kilbowie & Hardgate Central



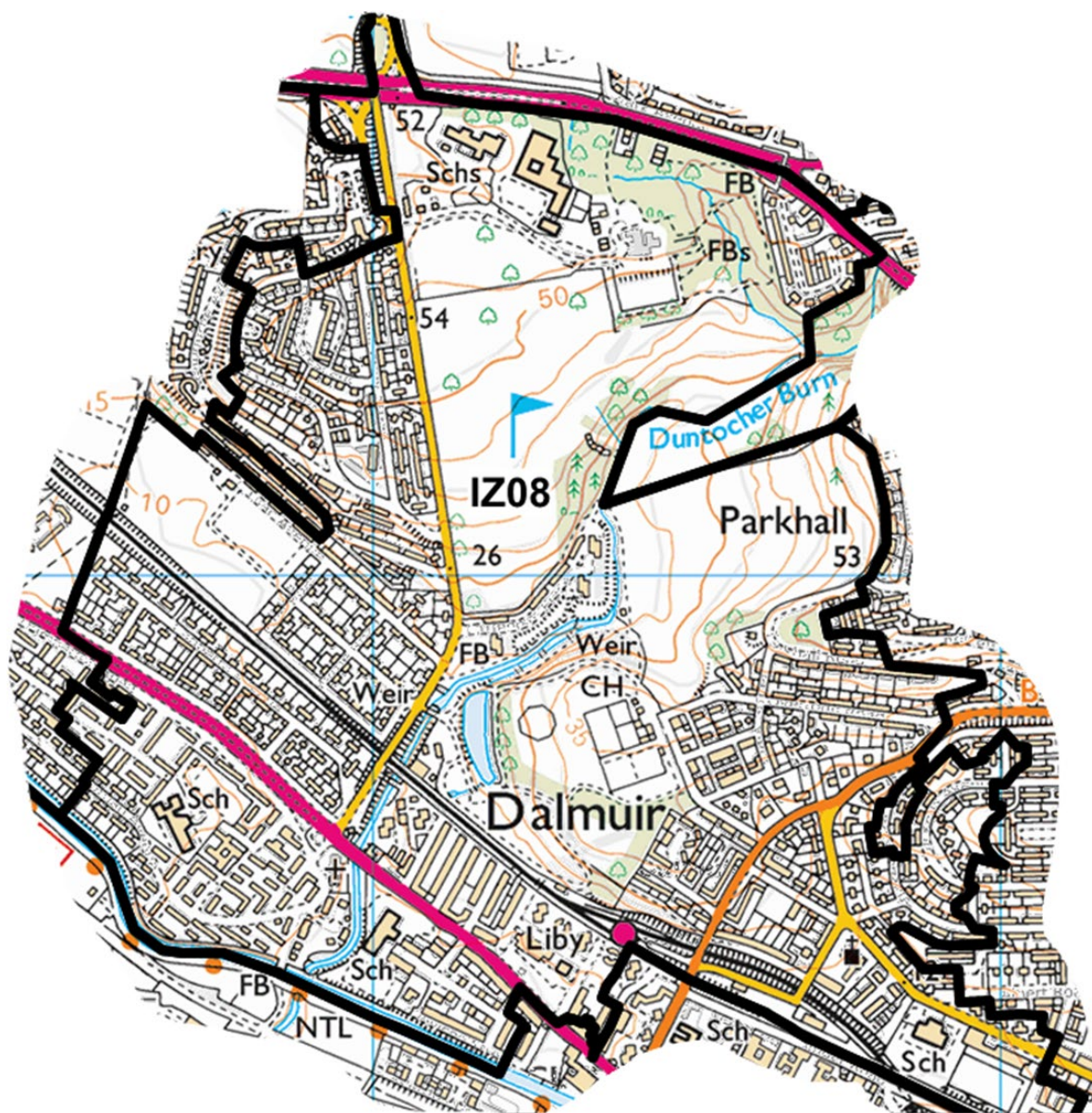
IZ 06 – Faifley& Hardgate East



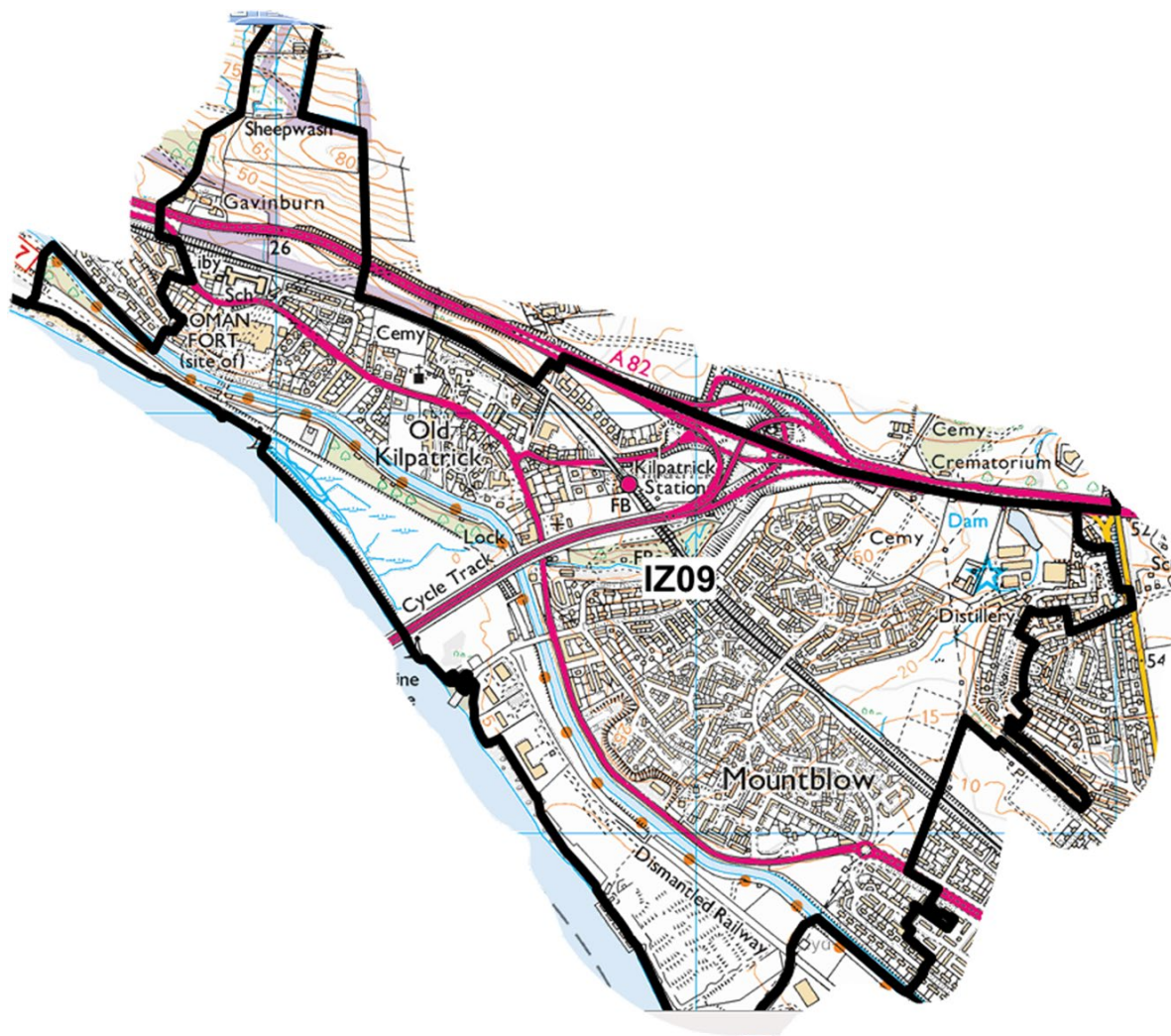
IZ 07 – Duntocher & Cochno



IZ 08 – Mountblow, Parkhall West and Dalmuir Central



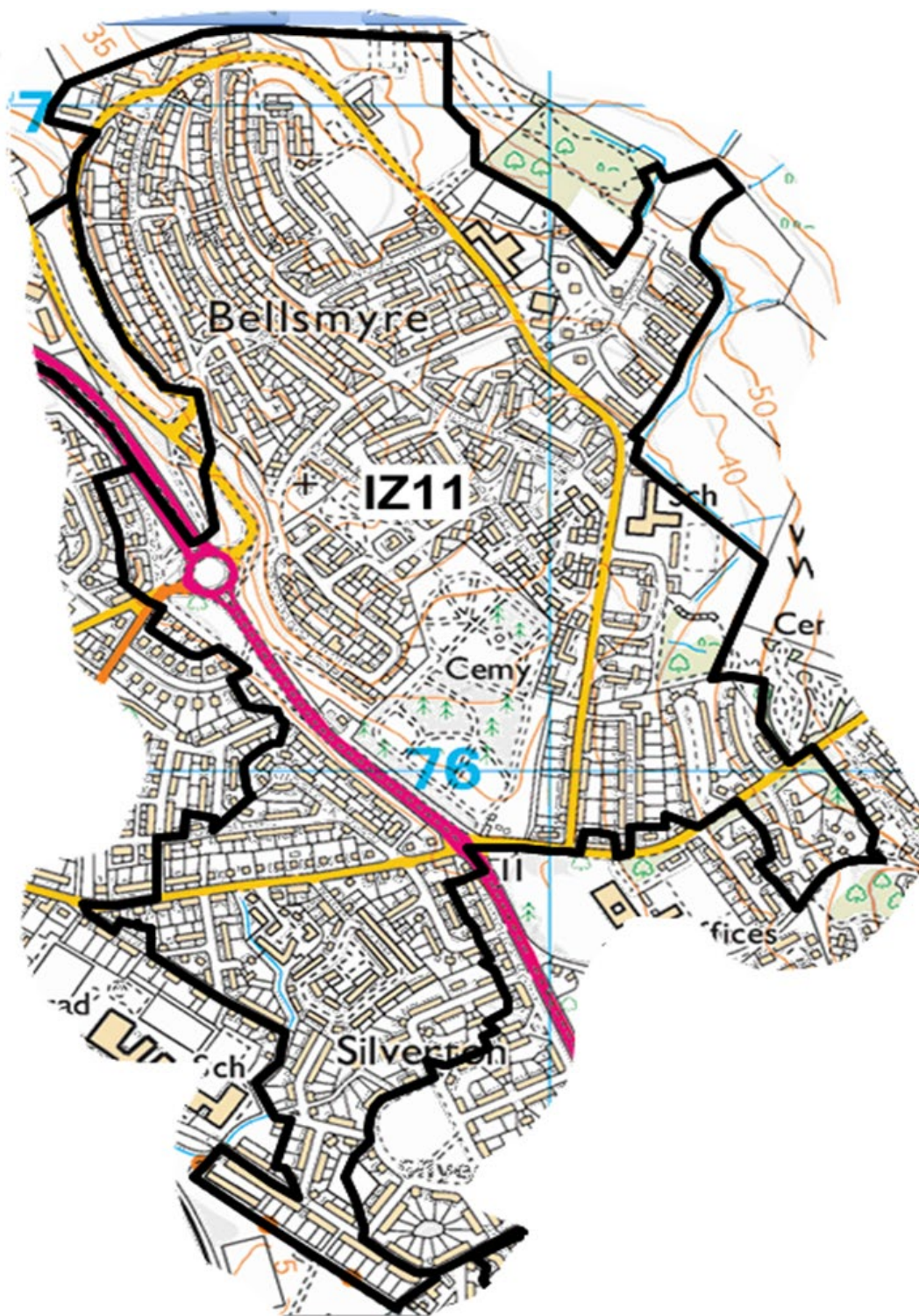
IZ 09 – Old Kilpatrick



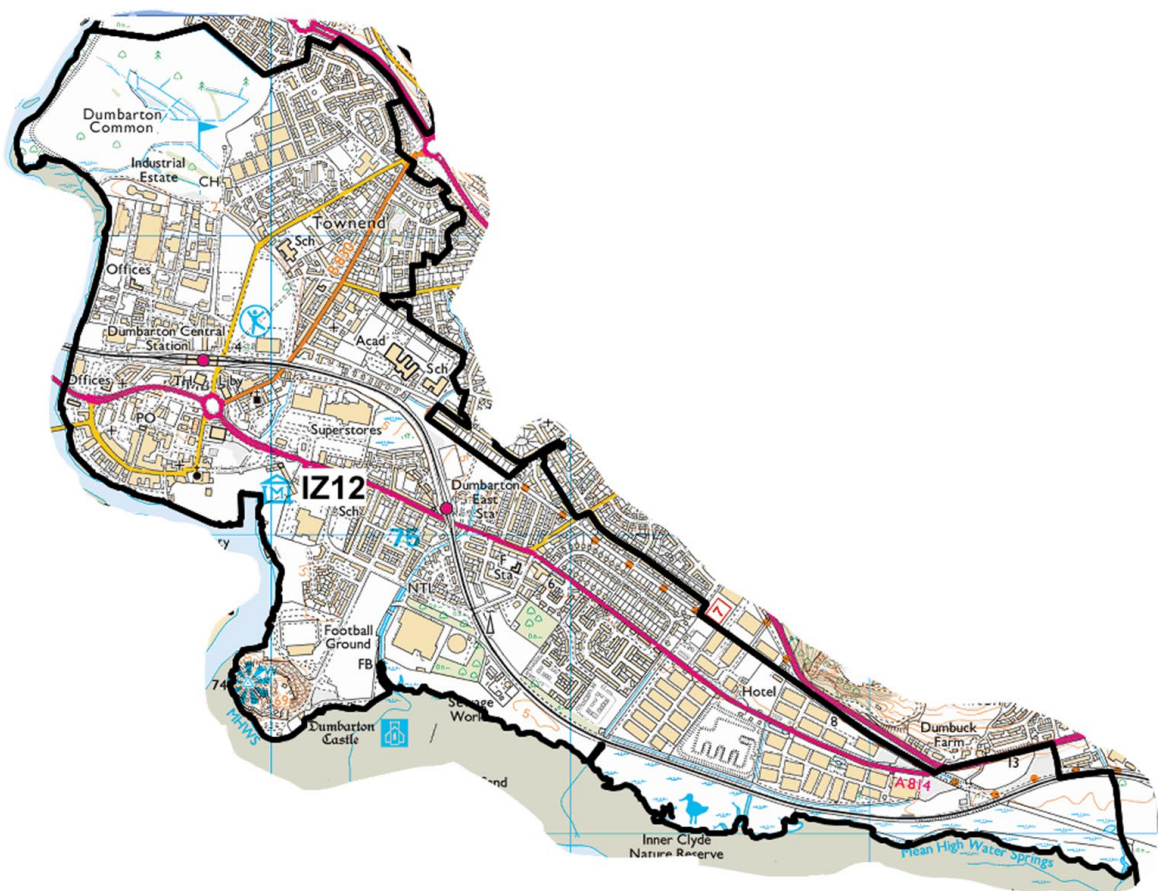
IZ 10 – Barnhill, High Overtoun, Milton & Bowling



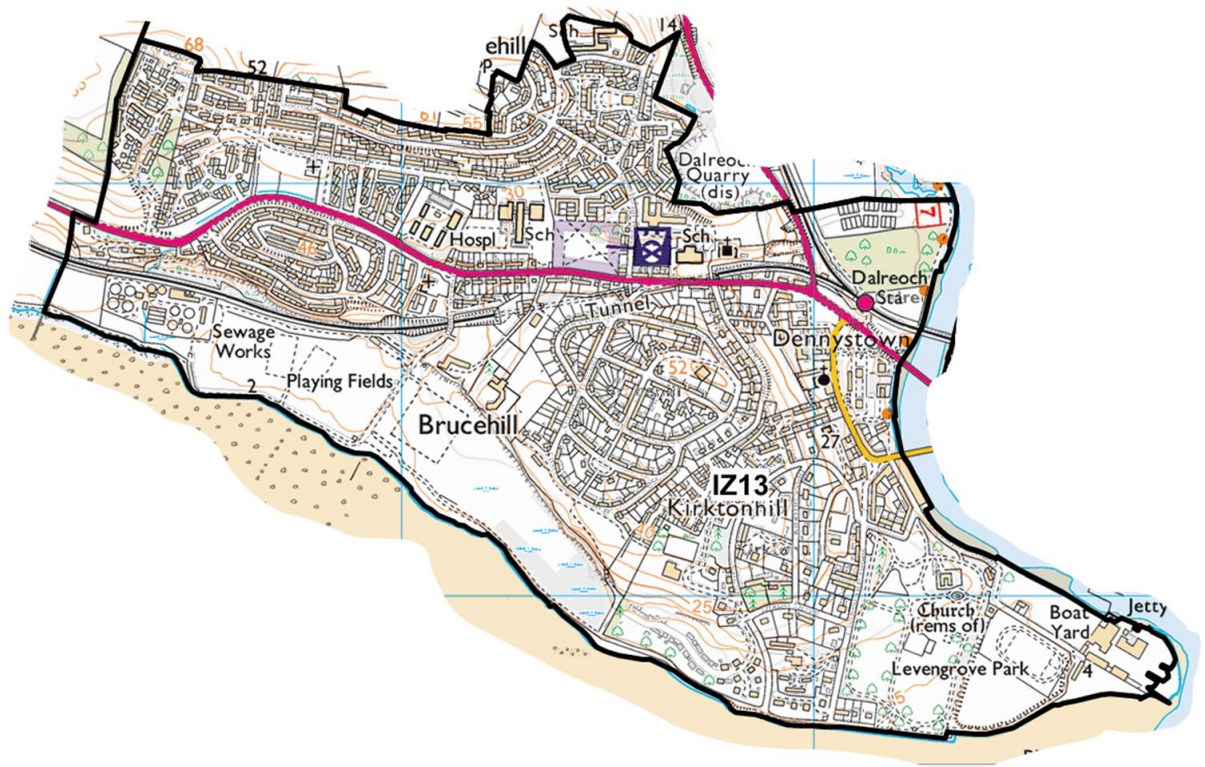
IZ 11 - Dumbarton North East – Bellsmyre & Silverton East



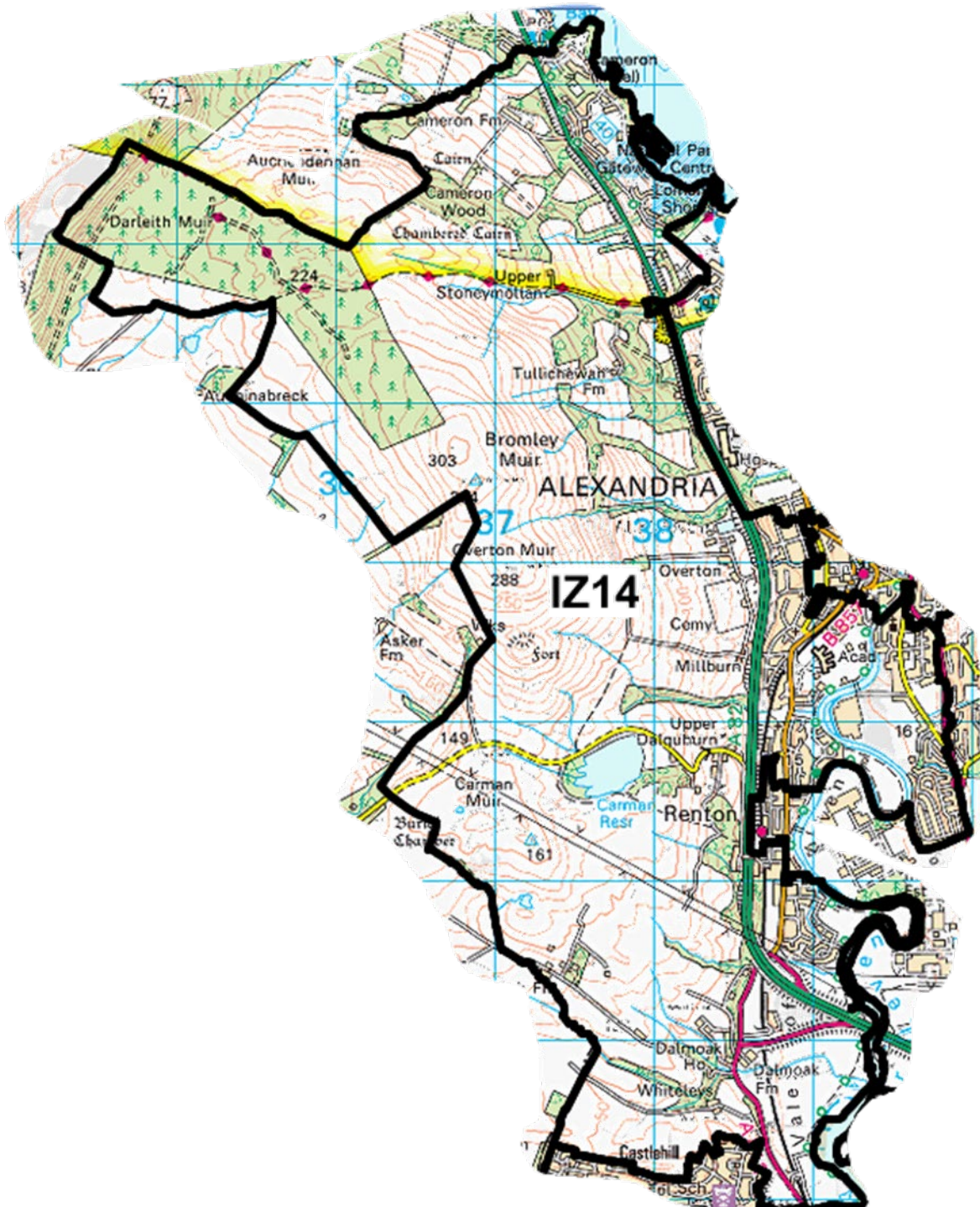
IZ 12 – Dumbarton Central, Dumbarton East & Townend



IZ 13 – Dumbarton West



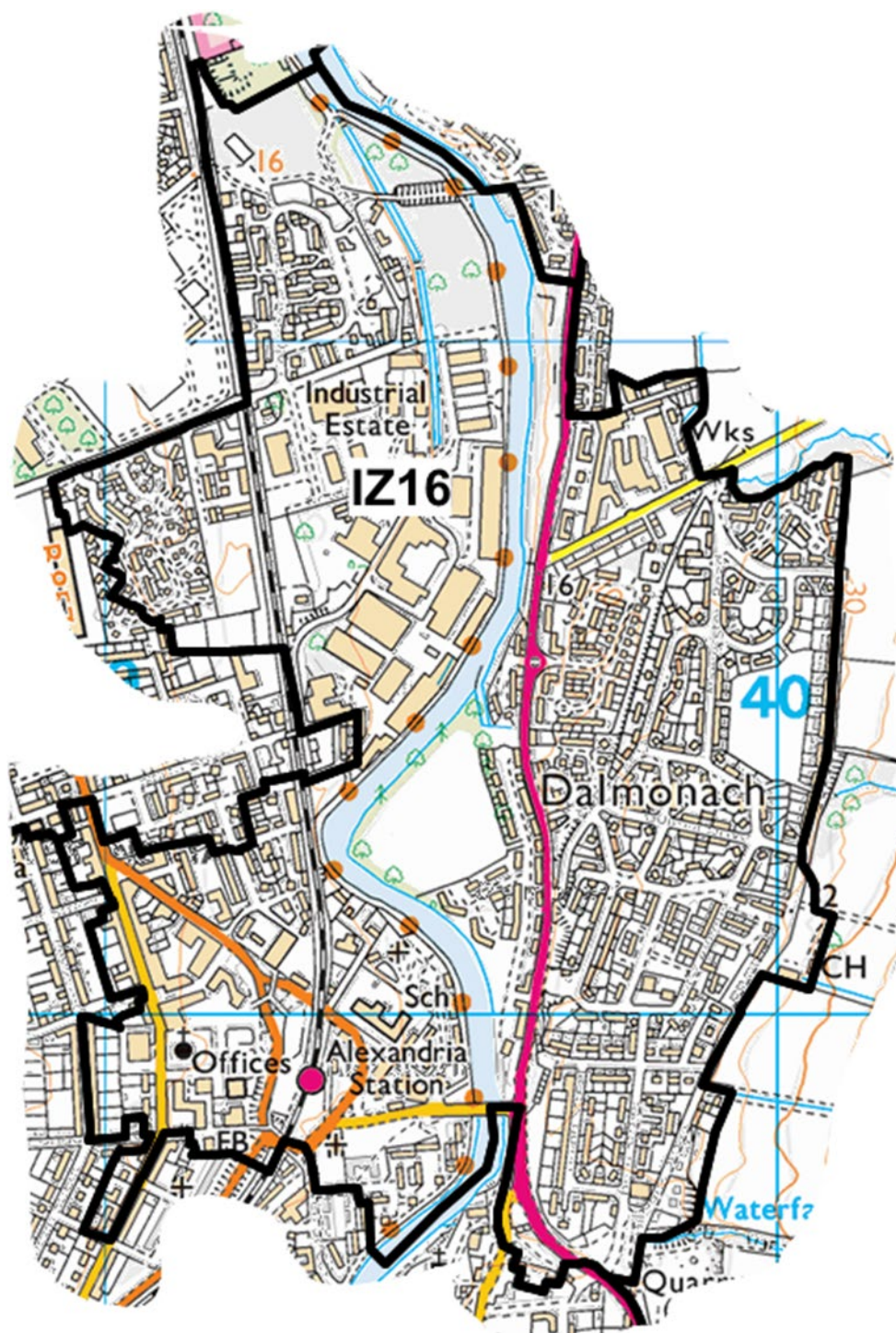
IZ 14 – Renton, Old Bonhill & Loch Lomond West.



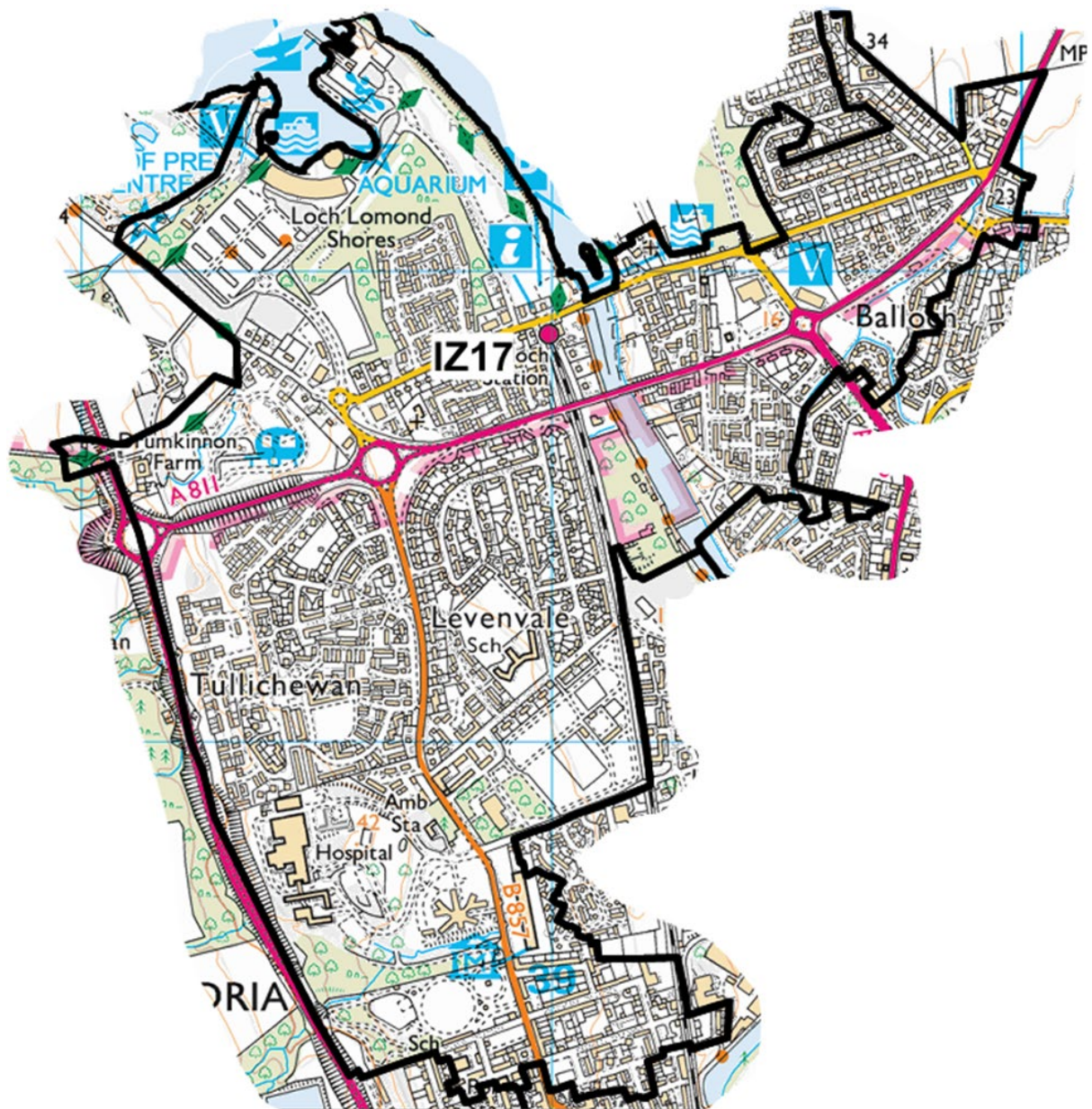
IZ 15 – Bonhill, Lomondgate & Renton North



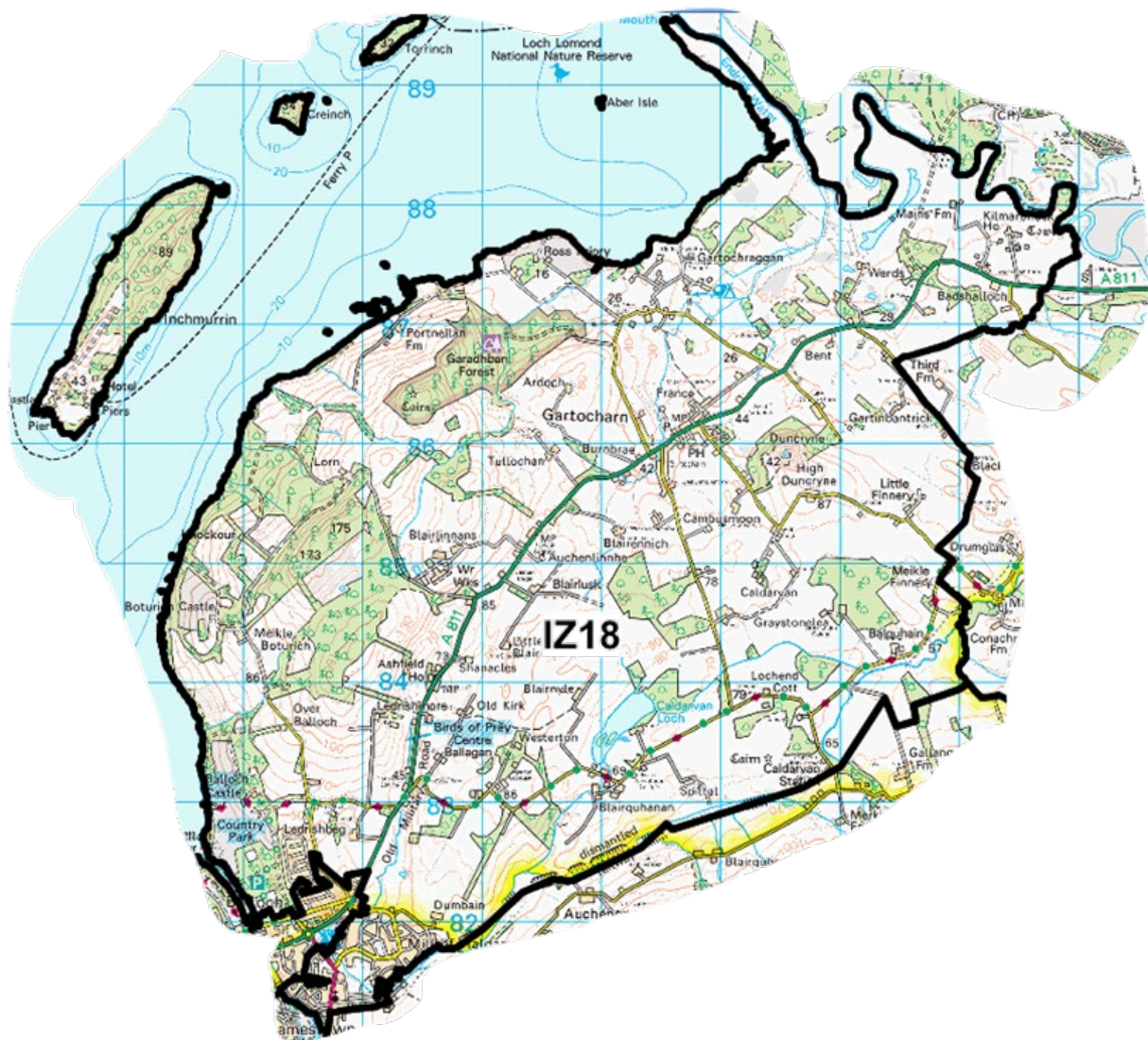
IZ 16 – Alexandria Central, Rosshead & Dalmonach



IZ 17 – Balloch & Alexandria North



IZ 18 – Jamestown, Balloch North East, Haldane & Gartocharn



THE LICENSING (SCOTLAND) ACT 2005

Application for Variation of Premises Licences

Ref: WDLBPREM/0015.

Name and Address of Premises: Stevie's Super Save, 46 Beeches Road, Clydebank, G81 6HS.

Applicant/Licence Holder: Black Hay Solicitors.

Type of Premises: Off Sales.

Proposed Application: Amend core times **from** 10am to 8pm Monday to Saturday and 12.30pm to 3pm Sunday **to** 10am to 10pm seven days a week.

Police Authority Comments: No Police objections.

Licensing Standards Comments:

In terms of paragraph 24.2 of the Board's Statement of Licensing Policy, the Board may consider extending the terminal hour for off sale type premises up to 10pm provided that suitable enhanced control measures have been put in place to promote the licensing objectives. Enhanced control measures must include CCTV cameras covering the interior of the premises and the exterior area adjacent to the entrance to the premises. Following an inspection on 28th September 2022 the LSO is satisfied that the following condition is able to be complied with by the applicants;

PREMISES LICENCES: ADDITIONAL CONDITIONS APPROVED BY WEST DUNBARTONSHIRE LICENSING BOARD

4 Off Sale Premises and CCTV

The minimum CCTV requirements for off sales premises wishing to trade after 8.00 pm will be that:-

- (a) The system is recordable and viewable at source and does so during all hours that the premises is open.

- (b) The images recorded should be date and time coded for the purposes of crime prevention.
- (c) Suitable surveillance is offered of the licensed area of the premises as denoted on the Layout Plan.

Premises Licence Holders should note that camera footage should be retained for a period of time that complies with recommendations made by the Information Commissioner in terms of the Data Protection Act.

Fire Authority Comments:	No comments.
Regulatory Services Comments:	Environmental Heath - no comments.
Community Council Comments:	No active Community Council.
Health Board Comments:	No comments.
Access Panel:	No comments received
Additional Comments:	None
Section 50 Certificates:	Not required.
Decision:	

WEST DUNBARTONSHIRE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

APPLICATION FOR VARIATION OF PREMISES LICENCE/ PROVISIONAL PREMISES LICENCE*

*Delete as appropriate

If you are completing this form by hand, please write legibly in block capitals using ink.

SECTION 1: APPLICANT INFORMATION

1(a) Name, address, postcode and premises licence number of premises.

Stevie's Super Save
46 Beeches Road
Duntocher
Clydebank

Post Code	G81 6HW	Premises Licence Ref. No.	WDLBPREM/0015
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1(b) Please provide full name, address, postcode, telephone number and e-mail address of applicant.

Mazher Rasheid

Post Code		Telephone No.		E-mail address	
-----------	--	---------------	--	----------------	--

SECTION 2: MINOR VARIATIONS

2(a) Do you consider the proposed variation to be a minor variation? YES ☐ NO ☒

(If the answer is YES, please complete the rest of Section 2. If NO, please go to Section 3)

2(b) Do you propose a variation to the layout plan which is not inconsistent with the operating plan for the Premises?

YES ☐ NO ☐

(If the answer is YES, please give details of the proposed variation below)

- 2(c) Do you propose to restrict the terms on which children and young persons are admitted to the premises?

YES ☐ NO ☐

(If the answer is YES, please give details of the proposed variation below)

- 2(d) Do you propose to vary the information contained in the licence relating to the premises manager, including variation to substitute a new premises manager?

YES ☐ NO ☐

(If the answer is YES, please complete Section 4 below)

- 2(e) Do you propose any other variation as prescribed by Section 29(6)(d) of the 2005 Act?

YES ☐ NO ☐

(If the answer is YES, please give details of the proposed variation below)

SECTION 3: OTHER VARIATIONS

- 3(a) Do you propose a variation to any of the conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1))?

YES ☐ NO ☒

(If the answer is YES, please give details of the proposed variation below)

3(b) Do you propose to vary any of the information contained in the operating plan contained in the licence?

YES ☒ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

Core times for sale of alcohol for consumption off the premises shall be:-

10.00am to 10.00pm each day

3(c) Do you propose a variation to the layout plan contained in the licence?

YES ☐ NO ☒

(If the answer is **YES**, please give details of the proposed variation below)

3(d) Do you propose to vary any other information contained or referred to in the licence, including an addition, deletion or other modification?

YES ☐ NO ☒

(If the answer is **YES**, please give details of the proposed variation below)

SECTION 4: VARIATION TO SUBSTITUTE NEW PREMISES MANAGER

Please provide details below of the name, address and personal licence number of the Existing Premises Manager.

Reference Number of Personal Licence	

PROPOSED PREMISES MANAGER

4(a) Name and telephone number

Telephone No.	

4(b) Date and place of birth

--

4(c) Contact address, including postcode

Postcode	

4(d) Email address

--

4(e) Details of Personal Licence held by Proposed Premises Manager

Date of issue	Name of Licensing Board issuing	Reference Number of Personal Licence

(Please enclose a photostat copy of the Personal Licence if it was not issued by West Dunbartonshire Licensing Board).

4(f) Is the variation to substitute a new Premises Manager to take effect during the application period?

YES ☐ NO ☐

(If the answer is **NO**, please provide the proposed date from which the variation is to take effect).

--

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

(If signing on behalf of the applicant please state in what capacity.)

I confirm that the contents of this application are true to the best of my knowledge and belief.

The application fee is

Signature (See Note 1 below)

12th September 2022

Date

Capacity AGENT

If agent, please provide name, address, telephone number and email address:

[Redacted area for agent details]

I have enclosed the relevant documents with this application – please tick the relevant boxes

Premises Licence (See Note 2)	
Operating Plan (see Note 3)	✓
Layout Plans (see Note 3)	
Planning certificate (See Note 4)	
Building standards certificate (See Note 4)	
Food hygiene certificate (See Note 4)	
Copy of Personal Licence	

Notes

Note 1:

Data Protection Act 1998

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in this form may be held on an electronic public register which may be available to members of the public on request.

Note 2:

The application must be accompanied by the Premises Licence to which the application relates, or if that is not practicable, a statement of the reasons for failure to produce the licence.

Note 3:

Where the proposed variation affects the current operating plan, please submit an operating plan including the proposed variations. Where the proposed variation affects the current layout plan, please submit 6 sets of plans showing the proposed new layout of the premises.

Note 4:

Applicants for variations involving structural alterations should submit the relevant Section 50 certificates with their application.

Data Protection Act 1998

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

**West Dunbartonshire Licensing Board
Council Offices
16 Church Street
Dumbarton
G82 1QL**

**Phone: 01389 738741
Email: licensing@west-dunbarton.gov.uk**

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>NO</i>
<i>*Delete as appropriate</i>	

Question 2

*STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **ON** PREMISES*

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

Question 3

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF**
PREMISES

Day	OFF Consumption	
	Opening time	Terminal hour
Monday	10.00am	10.00pm
Tuesday	10.00am	10.00pm
Wednesday	10.00am	10.00pm
Thursday	10.00am	10.00pm
Friday	10.00am	10.00pm
Saturday	10.00am	10.00pm
Sunday	10.00am	10.00pm

Question 4

SEASONAL VARIATIONS

Does the applicant intend to operate according to seasonal demand	NO
---	----

**If YES – provide details*

[illegible]

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>	N/A	N/A	N/A
<i>Conference facilities</i>	N/A	N/A	N/A
<i>Restaurant facilities</i>	N/A	N/A	N/A
<i>Bar meals</i>	N/A	N/A	N/A
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions including</i> <i>Weddings, funerals,</i> <i>birthdays, retirements</i> <i>etc.</i>	N/A	N/A	N/A
<i>Club or other group</i> <i>meetings etc.</i>	N/A	N/A	N/A
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see</i> <i>5(g)</i>	N/A	N/A	N/A
<i>Live performances –</i> <i>see 5(g)</i>	N/A	N/A	N/A
<i>Dance facilities</i>	N/A	N/A	N/A
<i>Theatre</i>	N/A	N/A	N/A

<i>Films</i>	N/A	N/A	N/A
<i>Gaming</i>	N/A	N/A	N/A
<i>Indoor/outdoor sports</i>	N/A	N/A	N/A
<i>Televised sport</i>	N/A	N/A	N/A
5(d) <i>Activity</i>	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	N/A	N/A	N/A
5(e) <i>Activity</i>	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Adult entertainment</i>	N/A	N/A	N/A

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

The premises operate as a convenience store/supermarket and will continue to be open for the sale of groceries, other household products and generally all items made available for sale on such premises although no alcohol will be sold outwith core hours.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	YES/NO*
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When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES/NO*
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

--

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

--

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

--

6(e) *Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry*

--

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

Display capacity as existing

Question 8

PREMISES MANAGER (*NOTE: not required where application is for grant of provisional premises licence*)

Personal details

8(a) *Name*

Mazher Rasheid

8(b) *Date of birth*

[REDACTED]

8(c) *Contact address*

[REDACTED]

8(d) *Email address*

[REDACTED]

8(e) Personal licence

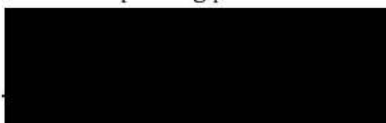
<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
18/12/2020	City of Glasgow	GC12613

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature .



Date: 12 September 2022

Capacity AGENT (delete as appropriate).

Telephone number and email address of signatory



*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

Contact Us:

West Dunbartonshire Licensing Board
Council Offices
16 Church Street
Dumbarton
G81 1QL

Phone: 01389 738741
Email: licensing@west-dunbarton.gov.uk

ARGYLL & WEST DUNBARTONSHIRE Licensing Report 2021-2022



**POLICE
SCOTLAND**
Keeping people safe

Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2021/22, in accordance with Section 12(A) Licensing (Scotland) Act 2005. Throughout this year Local Authorities and Police Scotland worked hard to support licensed premises in their road to recovery as Covid-19 restrictions were being lifted.

Collaboration is vital to ensure these businesses can flourish, providing much needed employment for our communities as well as a safe environments for people to socialise. Police Scotland will continue to work closely with Local Authorities, as well as other stakeholders, to ensure there is a fair and consistent approach across all 32 Local Authorities throughout Scotland to aid this recovery. Preventing alcohol fuelled violence, disorder and antisocial behaviour remains a priority for Police Scotland and I believe that working together we can reduce this through early intervention and enforcement.

I would like to take this opportunity to thank our local partnerships and the good work they carry out. With their support Police Scotland and partners can continue to drive improvements in licensing. I will continue to ensure that all officers and staff recognise the importance of working together with key partners, including the Licensing Trade, in an effort to improve licensing standards nationally.

Mr Iain Livingstone QPM

Chief Constable

Police Service of Scotland

Police Scotland Licensing Overview

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Safer Communities based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the

illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2020/2021, from a licensing perspective, our particular focus will be on the following;

Each of the 13 Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

Licensing Board Area

The Licensing Board area is policed by Argyll and West Dunbartonshire Division

Chief Superintendent Lynn Ratcliff is the Local Police Commander who has the responsibility for all day-to-day policing functions.

Local Policing Priorities

Following our public consultation process, the policing priorities for West Dunbartonshire, as set out in our Local Policing Plan are as follows;

- Public Protection
- Serious Organised Crime
- Violent Crime
- Road Safety and Road Crime
- Acquisitive Crime

Description of Board Area

The Area Commander for West Dunbartonshire is Chief Inspector Coleen Wylie, who is based at Dumbarton Police Station. Uniformed Response Police Officers for West Dunbartonshire deploy from Dumbarton Police Station, supported by Community Police Officers based in Clydebank Police Station, Dumbarton Police Station and Alexandria One Stop Shop. All officers are provided with specialised support from the Licensing Team, working together to create strong and positive relationships with both residential and business premises, with the aim of creating a safer environment for people to live and work in.

There are 331 licenced premises in West Dunbartonshire, which are concentrated in the built up areas of Clydebank, Dumbarton and Alexandria. Each area has a nightclub venue, with the concentration of the night time economy within the town centre environs. In the summer season, the area of Balloch and Loch Lomond receives an influx of tourists, including large groups of young persons, with Balloch Country Park receiving a particularly high concentration of visitors. A multi-agency

operation including West Dunbartonshire Council, British Transport Police, Loch Lomond & Trossachs National Park and Police Scotland was carried out in the Balloch area to target and deter anti-social behaviour and ensure that underage drinking and associated proxy purchasing was prevented and detected.

Operation of the Licensing (Scotland) Act 2005

The Argyll & West Dunbartonshire Divisional Licensing Team provides guidance and support to Local Policing in relation to the prevention of underage sales at licensed premises and to ensure adherence to this Act.

All crimes, incidents and inspections of licensed premises are recorded by officers on the Police “Innkeeper” system. This system provides a means for licensing staff to review such matters, supporting premises where necessary and giving positive feedback where appropriate.

The Licensing Team also collaborate with a variety of partner agencies, including Licensing Standards Officers, Ministry of Defence Police, Environmental Health Officers, Trading Standards and Border Control, to ensure that licensed premises are running safe and legitimate businesses. Working together ensures that licensing objectives are fully met in conjunction with local and national policing priorities.

The Licensing Standards Officers and Licensing Sergeant work together in order to resolve issues at the earliest possible stage. A recent example of this was working with licensed premises for the new outside areas due to Covid 19 restrictions. This involved meeting at premises to view and discuss applications as well as making suggestions to ensure all applicants were operating within the guidance set out by the Scottish Government.

Preventing the sale or supply of alcohol to children or young people

In the last year across West Dunbartonshire, the unlawful sale and supply of alcohol to young people frequently resulted in anti-social behaviour.

This resulted in several persons being reported to the Procurator Fiscal for purchasing alcohol for persons under 18 years of age. Numerous young persons had alcohol seized after being observed with alcohol in public places during targeted operations, with referrals being made to partner agencies to further support and educate young persons in respect of the dangers connected to alcohol abuse.

Community Police Officers continue to monitor and target hotspot areas disrupting this activity as appropriate.

There are 4 dedicated Youth Engagement Officers in West Dunbartonshire who work closely with schools and youth organisations in order to educate young people on the significant risks associated with the consumption of alcohol. First year pupils are all able to attend the Choices for Life Programme which tackles a number of issues for young people including the effects of alcohol. The YEO's also hold small working groups for S4-S6 discussing habits, affects and risks associated with alcohol consumption.

Tackling Serious and Organised Crime

Serious and Organised Crime Groups pose a risk within the West Dunbartonshire area, in respect of public safety and community wellbeing. The licensed trade, particularly on sales, is viewed as an area of interest to such groups due to their primarily cash orientated business model and the ability to launder money from the proceeds of crime in such establishments.

The Argyll & West Dunbartonshire Divisional Licensing Team, in conjunction with both Divisional and National Intervention support, continue to robustly ensure checks are carried out in relation to all relevant applications. Particular attention is paid to those which may be of interest to Organised Crime Groups, in order to reduce opportunities for these groups to infiltrate legitimate businesses within the West Dunbartonshire Licensing Board area.

Police Scotland also continue to work with licence holders in relation to the dangers around substance misuse that can be found within premises. Where issues are identified, these are highlighted to the licence holders and/or responsible persons, with advice and guidance provided to assist in addressing said issues. Where inadequate action is taken, premises and individual licence holders will be reported to the Licensing Board.

Proposed activity for the year ahead

During the next year Police Scotland will continue to work in all areas of licensing in line with the Divisional and National Policing Priorities to ensure that we continue in our commitment to the safety and wellbeing of the people and communities of West Dunbartonshire.

As outlined, the Divisional Licensing Team have strong working relationships with our partners and we will continue to build on these in the forthcoming year. We will continue to share information where appropriate and consult other agencies to assist in solving problems or concerns that arise involving licence holders.

Police Scotland will continue to monitor all incidents in and around licensed premises and where shortcomings are identified, will provide support and/or plans in respect of tackling these issues. Divisional Licensing Teams will use interaction, intervention and support prior to requesting a review of a premises licence unless the matter, due to its severity, requires to come before the Licensing Board immediately.

We will continue to tackle agent purchasing of alcohol on behalf of children and young persons through intelligence led policing and community education. The hope will be that the National Proxy Purchase campaign will go ahead and information in relation to the campaign will be made available to the Board when available.

We will support the Licensed Trade in their efforts to prevent and deter violence in premises. This will continue to be carried out by tasking visits to premises where

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violence has been identified as an issue and by ensuring that staff are well prepared for dealing with any such incidents. We will continue to seek exclusion orders for persons convicted of committing acts of violence on licensed premises.

The Licensing department will continue to work with licensees and attend Pubwatch meetings when requested.

Conclusion

To conclude we would like to thank you for your continued support and stress the importance of this collaborative problem solving approach. This ensures that police, license holders and licensed premises staff have a better understanding of their responsibilities. We look forward to furthering this partnership over the coming year.