

Response to: Consultation of the West Dunbartonshire Licensing Policy Statement

Thank you for the opportunity to respond to the West Dunbartonshire Licensing Policy Statement. We hope that the following comments are useful in formulation the licensing policy for the three year period commencing 30th November 2013.

1. Occasional Licenses- limit on number that can be applied for by any one premises.

- Q.1 Should the Board in its policy restrict the number of occasional license applications that any one premise can apply for in circumstances where, in effect, the premises are being operated as a business and a premises license application would be appropriate? YES

Should the Board in respect of repeated occasional applications for the same premises require that the application be heard by the Board who will require to be addressed on why a premises license has not been applied for?

Yes, though we are not able to advise on the number of time that an occasional license be applied for before the board addresses why this has not been included as a variation to the premises license. Taking this approach would provide greater protection to the local population in terms of allowing them to express their views on the impact that the proposed variation would have on their neighbourhood in line with the licensing objectives.

2. Occasional Licenses- Training Requirement

Currently, Clerk to the Board can impose training requirements (Licensing (Training of Staff) Regulations 2007) on persons that apply for occasional licenses where there is deemed to be a high risk to the Licensing Objectives. If a blanket training requirement were imposed for all persons to be trained to this standard, it would apply to events that are high risk and also low risk event.

- Q.2 Should the Board extend this training requirement to all events that require an occasional license, or should the Board continue to impose training requirements only for events that are viewed to be a high risk to the licensing objectives?

Evaluating risk is not a straight forward process. It is not always possible to foresee the occurrence of untoward events. The safest option is to require all those who apply for occasional licenses to be trained to the standard regulations of the 2007 guidance. This is particularly important where there are vulnerable people, e.g. children or large crowds or sporting events are involved.

3. National and International Events and Festivals and Special Events- Extended Hours Applications.

Currently, the Board in its policy do not formally recognise any specific international events, and festivals which the Board will, in its policy, automatically grant extended licensing hours to if applicants apply and meet specific conditions. The Board have, however, delegated authority to the Clerk to grant applications for extended hours on St Patrick's Day/Night.

Applicants, accordingly, (other than in respect of St Patrick's Day) need to have applications considered by the Board at a Hearing rather than by the Clerk under delegated powers. It is sought to provide certainty in its policy to applicants as to what specific event the Board would automatically consider as "national and international event and festival".

The Board currently has a wide definition of "special events". Events that do not provide significant entertainment are generally not considered to fall within the policy. "Special events" are currently defined in the Board's policy as activities such as dances, discos and dinner dances, wedding receptions and parties where a disco or band is provided generally fall within the description of a special event. Events where there is not "significant entertainment" such as darts, dominoes or pool competitions, karaoke evening or private parties e.t.c. would generally not be considered to fall within the definition.

Q.3 Should the Board in its policy formally recognise certain national and international events and festivals such as St Patrick's Day and St Andrews Day? YES/NO
(Delete as appropriate) NO

If so, what national and international event and festivals should it recognise? For example, St Patrick's Day/St Andrew's Day/Burns' night e.t.c.

No.

There is already a major problem with overconsumption of alcohol in the area and extending drinking hours will only make matters worse. There is international evidence that even routinely extending drinking hours by one or two hours can have a significant impact on alcohol related crime.

Q.4. (a) What should the Board recognise in its policy as "special events"?

Q.4. (b) Does the current definition of "special events" need to be amended at all? If so, to what?

The current definition of wedding receptions, anniversaries, and dinner dances or discos adequately describes special events. There is concern that providing alcohol licenses for significant birthdays may lead to exposure of persons under the legal drinking age to alcohol, particularly 18th and 21st birthdays.

4. Responsibility of Landlords/Parties/Persons that hold Premises Licenses

Over the duration of the current Statement of Licensing Policy, a number of issues with regard to the question of the responsibility of the Landlord (or person or party) who hold premises licenses have been raised. These include premises (that have been leased out) where utilities such as gas and electricity have been bypassed.

It is asked as part of this Policy Consultation whether the Board in its policy wish to specify that if a Premises License Holder appears in front of a Licensing Board, either because alleged condition have been breached, or due to any other ground relevant to one or more of the licensing objectives, that the Board will require to be satisfied as to the steps taken by the Premises License Holder to ensure that premises are run in accordance with conditions and licensing objectives i.e. steps may include periodic checks on the premises, including, for example, verifying that safe utility supplies are in place.

- Q.5. Should premises where the license is held by another party, and not in direct control of the management of the premise on a day to day basis, have to exhibit and satisfy to the Board (where they are subject to a review of the Premises License) that on an ongoing basis they are ensuring that the premises are being run in a manner consistent with the licensing objectives, in particular protecting public safety and preventing crime and disorder? Yes/No YES

If so, what measure of compliance by the Premises License Holder should the Board suggest in the policy?

Gas, electricity and fire safety checks should be carried out on an ongoing basis, both routinely and at unscheduled visits. Relevant certificates should be available for inspection.

5. Categories of Licensed Premises

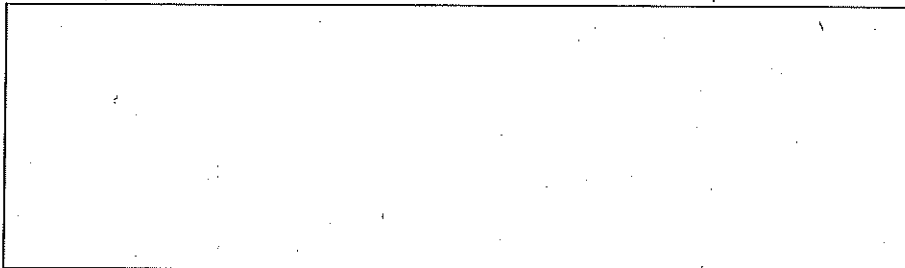
The Board wishes to formally clarify in its policy the categories of licensed premises that it will consider and this is relevant also to the assessment of overprovision that is contained within Part 2 of this consultation document. The categories are as defined in the report to the Board dated 11 June entitled "Licensing Policy Statement- Overprovision" at points 4.10, and 4.11. The categories are:-

- Public Houses ("Pubs");
- Restaurants;
- Nightclubs;
- Town Hotel;
- Large Supermarkets;
- Off Sales and local convenience stores; and
- In relation to mixed use of hybrid premises these will be considered by reference to their underlying use.

The definition is changing to refer to public houses rather than "vertical drinking establishments" which is not helpful or reflective of the current on-sales trade in the area which is currently specified in the policy as including public houses.

Q.6 Are the categories of licensed premises propose by the Board in its 11 June 2013 report appropriate and sufficiently clear? YES/NO YES

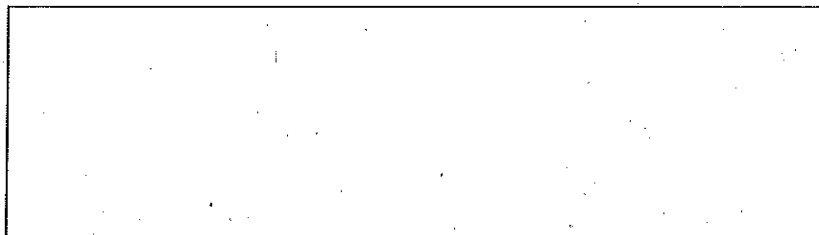
If not, how should premises be categorised for the purposes of their definition for overprovision assessment purposes?



6 .Home Deliveries

The Board's current policy specifies that home deliveries need to be specified in the premises operating plan however:-

Q.7. Should the Board require that persons doing home deliveries are trained formally to "Challenge 25" requirements? Yes/No YES



7. Licensed Hours/ Hours of Trading

There are no formal proposals in this regard and the hours of Licensed Hours/Hours of Trading are specified at part 5 of the Board's current licensing policy.

Q.8. (a) Is the current position of the Board in its policy with regard to Licensed Hours/Hours of Trading appropriate? Yes/No NO

(b) If no, please specify what the hours should be changed to and why attaching any available.

The standard opening hours or 11.00am are satisfactory. Earlier opening hours such as for funerals and bowling clubs should not be necessary as earlier opening encourages earlier drinking. In all day events such as sports events, drinking is likely to continue throughout the day. Alcohol should not be necessary for participation at sporting events, and there is adequate evidence for poor health effects due to chronic overconsumption of alcohol, therefore, where the licensing board chooses to permit these events to be licensed, standard licensing hours should be expected. There is also no justifiable reason for serving alcohol before 11.00am at a funeral for the above reasons.

Closing hours of 1.00am for non food based premises is late, and alcohol related violence is more common in the public drinking environment. Levels of alcohol related violence could be significantly reduced by the reversal of licensed hours by even one or two hours. References to support this are:-

1. Rossow K, Norstrom T. The Impact of Small Changes in Bar Closing Hours on Violence. The Norwegian Experience from 18 cities. Addiction. 2011; 107: 530-7.
2. Kypri K, Jones C, McElduff P, Barker D. Effects of Restricting Pub Closing Time on Night-Time Assaults in an Australian City. Addiction. 2010; 106: 303-10.

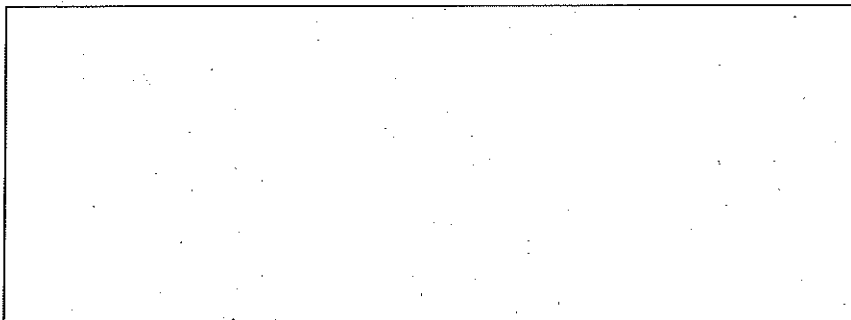
8.

The Board's current policy recognises the position of tourism at point 8.1 of its Statement of Licensing Policy as being a major contributor to parts of the Board's

area and the ability for reports on the needs of the local tourist area to be put in front of the board as required. There are not proposals to change this.

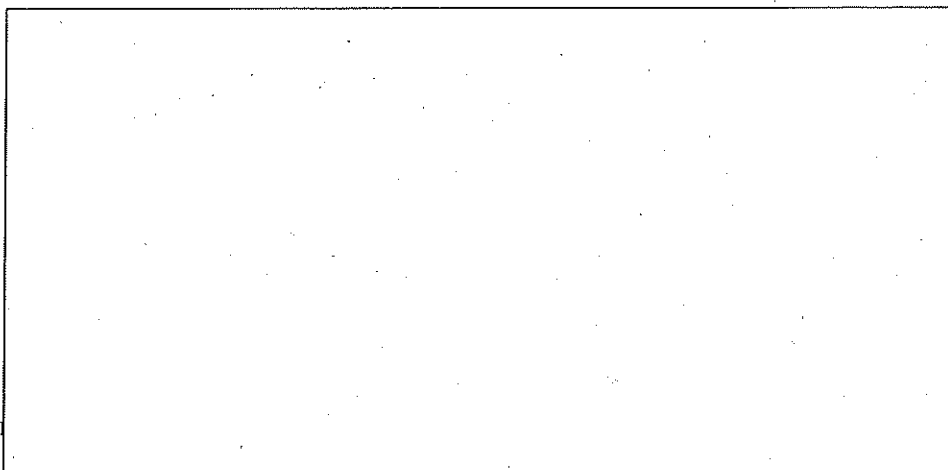
Q.9 Is the current Board Policy Statement on its policy with regard to tourism sufficient? Yes/No (Delete as appropriate) YES

If not, what should be reflected further in the Board's Policy Statement with regard to tourism and the needs of the local tourist economy?



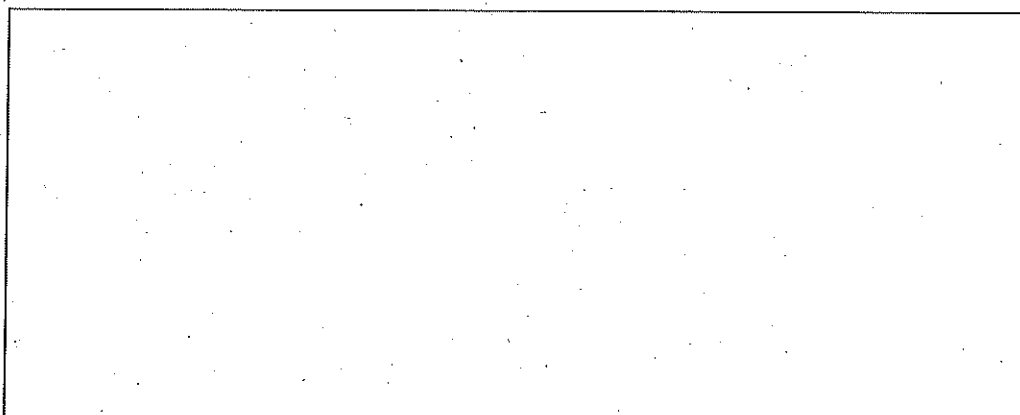
9. Miscellaneous Matters

A number of miscellaneous changes which do not change the substance of the Board's Policy are made in the referred to report to the Licensing Board on 11th June 2013 entitled "Review of Licensing Policy Statement". The link is on page 9 below. References should be made to the report and any comments inserted below.



Other

Whilst intending to focus on the issues described above, the Board welcomes all comments and proposals in relation to its Licensing Policy Statement and will give these due consideration.



Further information

Further information in the reasons behind these changes can be viewed in the report to the Licensing Board on 11 June 2013 on the link below:-

<http://wdccmis.west-dunbarton.gov.uk/cm5/Committees/May2012toPresent.aspx>

West Dunbartonshire Licensing Policy Statement 2010-2013

<http://www.west-dunbarton.gov.uk/law-and-licensing/west-dunbartonshire-licensing-forum/licensing-guidelines-policies/>