

WEST DUNBARTONSHIRE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

STATEMENT OF LICENSING POLICY



November 2023 to November 2027

Came into effect TBC

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Foreword

[TO BE UPDATED POST CONSULTATION]

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PART 1

INTRODUCTION

1. The purpose of the Policy

- 1.1 This document is the West Dunbartonshire Licensing Board's ("the Licensing Board") Statement of Licensing Policy and primarily sets out how the Licensing Board will deal with the licensing of premises in West Dunbartonshire in relation to the sale and supply of alcohol. Applicants and existing licence holders should carefully assess the entirety of this document as it will inform them as to the Licensing Board's expectations in terms of both applications and operational standards. Those wishing to make an objection or representation in relation an application or to request a review of a premises licence may wish to have regard to part 1 and 6 of the Statement of Licensing Policy, in particular.
- 1.2 The Licensing Board's Assessment of Overprovision is set out in Part 4. Given that the effect of the Licensing Board finding that a locality has an overprovision of licensed premises is to introduce a rebuttable against the grant of an application. This Part of the Policy should be carefully read by all applicants prior to the submission of an application for the grant or variation of a premises licence so to avoid any abortive costs.

2. Legal Background

- 2.1 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.
- 2.2 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 Licensing Board Members being elected into office. Section 7 of the Act provides that the Licensing Board's Statement of Licensing Policy ("the Policy") will include a statement as to the extent to which the Licensing Board considers there to be overprovision of (a) licensed premises or (b) licensed premises of a particular description in any locality within the Licensing Board's area. In considering whether there is overprovision of licensed premises the Licensing Board must take into account the number and capacity of licensed premises and may have regard to such other matters as the Licensing 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.

3. West Dunbartonshire Licensing Board and Licensing Forum

- 3.1 West Dunbartonshire Licensing 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 87,790, concentrated in the main settlements of Clydebank, Dumbarton and Alexandria. A map of the Council area is appended to this Statement of Licensing Policy at Appendix 2.

3.2 The 2005 Act requires that each council establishes a Licensing Forum. The Licensing Forum's functions are:-

- keeping under review:
 - the operation of this Act in the Forum's area, and
 - in particular, the exercise by the relevant Licensing Board or Boards of their functions, and
- giving such advice and making such recommendations to that or any of those Boards in relation to those matters as the Forum considers appropriate.

3.3 It is important to note that the Licensing Forum cannot, by law, comment or review a particular case.

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

3.5 The Licensing Board recognises the import of the Forum especially given that it brings together a cross section of stakeholders and as noted at para 9.2, the Licensing Board expects the Licensing Forum to report to it any developments relating to alcohol policy matters that it should be aware of including but not limited to those relating to the health impacts of alcohol consumption as well as any material relating to anti-social behaviour with a link to the sale and supply of alcohol.

3.6 Any person wishing to learn more about the Licensing Forum, including the dates of meetings, can contact licensing@west-dunbarton.gov.uk.

4. Licensing Objectives

4.1 In exercising their functions under the Act and in preparing their statement of licensing policies, 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; and
- protecting children and young persons from harm

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

5. Licensing Board Functions

5.1 The Licensing Board is responsible for various functions under the Act including, for example considering applications for:-

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

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

The Licensing Board is now required to prepare annual reports detailing its functions and finances. This report, referred to as the annual functions report is a summary of the Licensing Board's business and can be viewed online via the Council's committee management information system [here](#).¹

5.2 The Licensing Board is also responsible for certain gambling licensing functions. The Licensing Board's Gambling Policy is contained in a separate document available [here](#).²

6. Declaration

6.1 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 dated January 2023 and the responses from those consulted on the Statement of Licensing Policy and the Assessment of Overprovision.

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

7. Development of Statement of Licensing Policy

7.1 On 1 November 2022, the Licensing Board instructed the Clerk to the Licensing Board to commence a pre-consultation exercise in relation to the development of the Statement of Licensing Policy and Assessment of Overprovision. The purpose of this exercise was to inform the Licensing Board as to matters that may require particular attention when developing a new Statement of Licensing Policy and Assessment of Overprovision.

¹ <https://wdccmis.west-dunbarton.gov.uk/cm5/5/Home.aspx>

² <https://www.west-dunbarton.gov.uk/business/licences-permits-and-permissions/>

- 7.2 An extensive pre-consultation exercise was carried out with targeted engagement with a range of key stakeholders as well as information requested from Police Scotland and the NHS Greater Glasgow and Clyde via the West Dunbartonshire Health and Social Care Partnership. Of particular importance was the report from the Licensing Forum. At its meeting on 29 November 2022, the Licensing Forum delegated authority to a working group made up of Forum members. This wide-ranging report made various recommendations in relation to the Statement of Licensing Policy and Assessment of Overprovision.
- 7.3 As part of the development of the Statement of Licensing Policy, Licensing Board members visited a range of licensing premises in West Dunbartonshire including premises located within those intermediate zones where changes were being considered in regards to the Assessment of Overprovision. Members took the opportunities to speak to licence holders and in particular hear how business has changed since the covid-19 pandemic.
- 7.4 Responses to the foregoing consultation and information request were analysed by officers and recommendations made to the Licensing Board meeting of 9 May 2023. At this meeting a representative of NHS Greater Glasgow and Clyde delivered a presentation to members in elaboration of the report submitted by NHS Greater Glasgow and Clyde. Having considered all material in front of it at that meeting, members of the Licensing Board agreed to the recommendations.
- 7.5 Drafts of the new Statement of Licensing Policy and Assessment of Overprovision were considered by members of the Licensing Board at its meeting of 27 June 2023. Having reviewed their terms, the Licensing Board approved the documents and instructed that the Clerk consult on their terms.
- 7.6 In terms of the Statement of Licensing Policy, the Licensing Board consulted with the public, statutory consultees (the West Dunbartonshire Licensing Forum, and NHS Greater Glasgow and Clyde), and other stakeholders. And in terms of the Assessment of Overprovision, the Licensing Board consulted with the public, statutory consultees (including Police Scotland and the NHS Greater Glasgow and Clyde and persons representative of residents and licence holders within the localities relevant to the Assessment of Overprovision), community councils, tenant groups, Alcohol Focus Scotland and other stakeholders.
- 7.6 The Clerk developed an online survey together with an explanation of the consultation. That online survey and covering note was circulated to the statutory consultees, community groups, trade bodies, the [Citizen's Panel](#)³ and stakeholders. The consultation was also advertised via the Council's webpage. Alternative consultation measures were employed including the asking of various questions relating to alcohol licensing via a telephone

³ <https://www.west-dunbarton.gov.uk/community/have-your-say/citizens-panel/>

survey⁴ and a workshop was held with members of the licensed trade to discuss the practical impact of the changes to the Statement of Licensing Policy.

- 7.7 The responses to the public consultation exercise along with a revised drafts of the new Statement of Licensing Policy and Assessment of Overprovision were considered at the Licensing Board meeting of 11 October 2023.
- 7.8 When preparing this Policy particular regard was had to the terms of the updated statutory guidance issued by the Scottish Ministers in terms of Section 142 of the Act as well as developments to the licensing jurisprudence by way of recent caselaw.

8. The Statement of Licensing Policy and Individual Applications

- 8.1 A clear policy has a number of advantages. It promotes consistency of decision and gives advance notice to applicants as to the Licensing Board's likely approach to certain decisions. When dealing with individual applications there is a presumption that the Licensing Board will follow the terms of its Policy Statement. However applicants may make applications which are contrary to the Licensing Board's Policy. Such applications will be determined on their own merits. 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 Licensing Board to make a decision which is inconsistent with the terms of this Statement of Policy, the Licensing Board expects such persons to fully address it on why the Statement of Policy should not be followed. In particular it would be helpful if such persons addressed the Licensing Board on the benefit to the licensing objectives of the decision which they seek.

9. Relationships with other Strategies

- 9.1 The Licensing 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 Framework \(2018\)](#)⁵, the [West Dunbartonshire Development Plan, Community Planning West Dunbartonshire Local Outcome Improvement Plan 2017-2027](#)⁶, [West Dunbartonshire Alcohol and Drug Partnership Delivery Plan](#)⁷, [West Dunbartonshire Community Health & Social Care Partnership Strategic Plan](#)⁸, West Dunbartonshire Joint Health

⁴ As part of the Council's Reputation Tracker.

⁵ <https://www.gov.scot/publications/alcohol-framework-2018-preventing-harm-next-steps-changing-relationship-alcohol/>

⁶ <https://www.west-dunbarton.gov.uk/media/4313518/west-dunbartonshire-plan-for-place.pdf>

⁷ <http://www.wdhscp.org.uk/mental-health-services-for-cyp-adults/west-dunbartonshire-alcohol-drug-partnership-wdadp/>

⁸ <https://www.west-dunbarton.gov.uk/media/4322598/strategic-plan-2022-27.pdf>

Improvement Plan, the [West Dunbartonshire Integrated Children's Services Plan](#)⁹, and [Public Health Scotland Strategic Plan 2022-2025](#)¹⁰.

- 9.2 In order to keep up to date with developments relating to the foregoing strategies, the Licensing Board will request that the Licensing Forum to report to it with details of any matters that it thinks relevant to the Licensing Board's role. The Licensing Board will thereafter consider such reports and any appropriate action.

10. Tourism

- 10.1 Tourism is a major contributor to parts of the Licensing Board's area, particularly in the Loch Lomond area. While the Licensing Board recognises the health harms caused by alcohol consumption, the Licensing Board is of the view that tourism brings considerable benefits to the West Dunbartonshire area. Hospitality premises that have a premises licence authorising the sale and supply of alcohol play a legitimate role in this industry supporting jobs and the wider West Dunbartonshire economy. Accordingly, the Licensing Board's Statement of Licensing Policy sets out to recognise the particular needs of the tourist area. Arrangements will be made for the Licensing 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.

11. Duplication

- 11.1 Insofar as possible the Licensing Board shall avoid duplication with other regulatory regimes. Where other legislation or powers exist, the Licensing Board will endeavour, as far as reasonably possible, to avoid using the powers under licensing legislation to achieve that same outcome. Where there is a duplication of powers between those of the Licensing Board and another regulatory agency, the Licensing Board's decision on who should exercise the regulatory powers will be based on which body has primary authority for that area.
- 11.2 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.

⁹ <https://wdccmis.west-dunbarton.gov.uk/CMIS5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=+4ETxHznRBS0NyuW5w/11sKWcGCF3i1mdVIMpOK0UpXsD1K5DlG/2Q%3D%3D&rUzwRPf+Z3zd4E7lkn8Lyw%3D%3D=pwRE6AGJFLDNih225F5QMaQWctPHwdhUfCZ/LUQzgA2uL5jNRG4jdQ%3D%3D&mCTIbCu bSFfXsDGW9IXnlg%3D%3D=hFflUdN3100%3D&kCx1AnS9/pWZQ40DXFvEw%3D%3D=hFflUdN3 100%3D&uJovDxwdjMPoYv+AJvYtyA%3D%3D=ctNJFf55vVA%3D&FgPIIEJYlotS+YGoBi5oIA%3D% 3D=NHdURQburHA%3D&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3D&WGewmoAfe NR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3D&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ct NJFf55vVA%3D>

¹⁰ <https://publichealthscotland.scot/our-organisation/a-scotland-where-everybody-thrives-public-health-scotland-s-strategic-plan-2022-to-2025/>

12. Equalities

- 12.1 The Licensing 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; and
 - fostering good relations between people who share a protected characteristic and those who do not.
- 12.2 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.
- 12.3 The Licensing 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.
- 12.4 The Licensing Board also expects licence holders to be aware of and address equality issues during the operation of their business including the submission of detailed and accurate disabled access and facilities statements by applicants for the grant of premises licences.
- 12.5 Having regard to the material ingathered during the development of this Policy, the Licensing Board has a particular concern in relation to social-economic inequality and in particular concerns around the association between inequalities and alcohol harm. As a consequence, the Licensing Board has considered the information presented to it in regards to the Scottish Index of Multiple Deprivation when preparing its Assessment of Overprovision.
- 12.6 Reports relating to both the development of the Statement of Licensing Policy and Assessment of Overprovision have been accompanied by Equality Impact Assessments. All other reports, where appropriate, will be accompanied by a Equality Impact Assessment.
- 12.7 More on the Licensing Board and Equalities is available in the Council's Equality Outcomes and Mainstreaming Report 2021-2025 (and subsequent editions) available [here](#).¹¹

¹¹ <http://www.west-dunbarton.gov.uk/media/4312487/appendix-eq-mainstreaming-report-2017.pdf>

PART 2

THE LICENSING OBJECTIVES

13. General approach to promoting licensing objectives

- 13.1 The following sub-sections set out the Licensing Board's general approach to how it will seek to promote each of the licensing objectives. The Licensing Board expects applicants to be able to demonstrate that they have addressed these issues and measures set out in this part. Similarly the Licensing 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 Licensing 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 Licensing 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.

14. Preventing Crime and Disorder

- 14.1 In carrying out the functions under the Act the Licensing Board will have regard to the impact licensed activities may have on crime and disorder in the area. In particular, the Licensing Board has, as one of its objectives, making the Licensing Board's area a safe environment for residents and visitors. The Licensing Board will expect Police Scotland where appropriate to submit to provide information – in particular details of antisocial behaviour in the area - where appropriate to allow it to evaluate where the grant of a licence or variation to an existing licence may cause an inconsistency with this licensing objective. When evaluating any information provided by Police, the Licensing Board will have particular regard to crimes and incidents relating to alcohol.
- 14.2 The Licensing 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.
- 14.3 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;
- being an active member of a Pubwatch group 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;
- ensuring that staff can monitor the immediate vicinity of the premises so to combat the risk of agent purchases, for example, external CCTV or clear line of sight via windows;
- toughened glass;
- taking advantage of the drugs awareness training provided by the Licensing Standards Officer; and
- the operation of an incident book on the premises.

15. Securing Public Safety

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

15.2 The Licensing 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;
- the profile of the customer at the premises; and
- evacuation policy.

15.3 The Licensing Board will consult with the Council's Building Standards and Environmental Health officers to identify any issues relating to the safety of the premises and the capacity requested with particular regards to fire, escape and sanitary factors as well as issues around public nuisance.

15.4 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.

16. Prevention of Public Nuisance

- 16.1 The Licensing Board recognises that licensed premises can have an impact on the amenity of the local area. The Licensing Board intends to protect local communities from any negative impact from the operation of licensed premises. In doing so the Licensing Board will be mindful that its essential function is licensing the sale of alcohol.. The Licensing 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. Where it is alleged that a licensed premises is causing or contributing towards creating a public nuisance, the Licensing Board will expect there to be probative evidence to substantiate these complaints. Note that in line with Section 9. Duplication, the Licensing Board will take cognisance of other regulatory regimes. Regarding the Prevention of Public Nuisance, Licensing Standards Officers may be directed by the Licensing Board to work in conjunction with Environmental Health to ensure speedy resolution of instances of public nuisance.
- 16.2 The Licensing 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:-
- 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;
 - the occupancy capacity of the premises; and
 - the provision of outdoor drinking and measures in place to minimise the impact of noise emanating from such areas.
- 16.3 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.

17. Protecting and Improving Public Health

- 17.1 The Licensing Board acknowledges the harm caused by alcohol consumption in West Dunbartonshire. This is a matter of concern to the Licensig Board. The Licensing Board’s Assessment of Overprovision (see Part 4 of the Policy) is a key component in its efforts to protect and improve public health. The Licensing

Board appreciates the input from the NHS Greater Glasgow and Clyde and West Dunbartonshire Health and Social Care Partnership in providing extensive information that has allowed the Licensing Board, again, to adopt an evidence led approach.

- 17.2 The Licensing Board's Assessment of Overprovision is just one aspect of its response to the health harms caused by alcohol in its area. The Licensing Board will carefully consider how every application impacts on the licensing objective of protecting and improving public health and will in particular have regard to any information submitted to it by the NHS Greater Glasgow and Clyde as well as the Licensing board's local knowledge as to the particular circumstances of that area.
- 17.3 The Licensing Board welcomes and values the input made by NHS Greater Glasgow and Clyde in relation to specific applications. Further the Licensing Board will have regard to the views of any other bodies responsible for or having an interest in public health.
- 17.3 The Licensing 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 Licensing 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.
- 17.4 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;
 - 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.
- 17.5 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 Licensing 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.
- 17.6 Licence holders are in particular 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.

18. Protecting Children and Young Persons from Harm

- 18.1 The Licensing Board welcomes applications from licensed premises that are family friendly with an environment that is appropriate for Children and Young persons to socialise with their families. The Licensing Board, however, recognises the requirements for such premises to have suitably appropriate and robust measures to protect children and young people from harm.
- 18.2 The Licensing Board will require 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 Operating Plan must set out the terms on which children and young people are permitted access to the licensed premises.
- 18.3 When considering an application for Children and Young Persons' access the Licensing Board will have regard to the following matters:
- the nature of the premises;
 - the primary activity of the premises;
 - the layout of the premises, including what parts of the premises children and young persons are to be permitted;
 - the hours sought for children and young persons' access;
 - whether there will be gambling taking place on the premises; and
 - the location of any gaming machines.
- 18.4 Where an application is made for children and young persons' access the Licensing Board will expect to be addressed on what control measures the licence holder will have in place. The Licensing Board expects that these measures will include:-
- safeguards 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.
- 18.5 The Licensing Board further acknowledges the need to involve young people in the licensing decision making process. Accordingly, the Licensing Board is supportive of the Licensing Forum's efforts to include and engage with underrepresented groups including young people. The Licensing Board hopes that this will act as a platform for these groups to feed into the licensing process.

PART 3

LICENCES

19. Purpose of this Statement of Licensing Policy

- 19.1 The purpose of this Statement of Licensing Policy is to state the Licensing 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.

20. Access to premises by Children and Young Persons

- 20.1 The Licensing 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 private pre-booked function; or
 - c) Hotels – the Licensing 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 private pre-booked function. A condition to this effect will be imposed by the Licensing 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 Licensing 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 bar area;
 - Children and young persons must 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 the Licensing Board's Statement of Licensing Policy in this regard (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. Young Persons may be unaccompanied until 10pm (unless attending a private pre-booked function) subject to the Licensing Board being satisfied that the operation and environment of the licensing premises are suitable. Separate criteria apply to sports clubs as specified at paragraph e above.
- 20.2 Given the need to promote the licensing objective of protecting Children and Young Persons from harm, the Licensing Board will, where Children and Young Persons access is sought, determine whether to attach conditions to make sure that this licensing objective is upheld. The standard conditions are listed at Appendix 1, Part A.
- 21. Off sales premises and refusal book**
- 21.1 The Licensing Board having regard to the issues around proxy purchase, underage sales, and intoxicated persons purchasing alcohol expects the holders of off sales type premises licences to have robust control measures in place to combat these issues.
- 21.2 In order to promote the licensing objectives of preventing crime and disorder and protecting Children and Young Persons the Licensing Board will require the licence holder to have a refusal register (either in a physical or electronic form). Normally the Licensing Board will attach conditions to regulate this (see Appendix 1, Part B).

22. Home deliveries of alcohol

- 22.1 The Licensing Board recognises the increasing prevalence of home deliveries of alcohol over the past number of years (in part owing to technological advances and the impact of the covid-19 pandemic). Having had regard to the views expressed during the development of this Statement of Licensing Policy, the Licensing Board has determined that it is appropriate to attach conditions where an applicant seeks permission for home deliveries of alcohol so to promote the licensing objectives of protecting and improving public health and protecting Children and Young Persons from harm. In doing so, the Licensing Board acknowledges the import of taking steps to make sure that alcohol is neither delivered to persons nor accessible to persons under 18.
- 22.2 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” as well what measures are in place to make sure that the alcohol is delivered to an appropriate person.
- 22.3 The Licensing Board will – having given the applicant an opportunity to address it – consider attaching the conditions set out in Appendix 1, Part C.

23. Outside drinking

- 23.1 In relation to outside drinking areas there shall be no amplified music, or other amplified media in outside drinking areas except where the premises are a club in the context of the Act and the activity of outdoor drinking directly relates to the primary object or purpose of the club as defined in its constitution (e.g. a PA system to announce a bowling competition).
- 23.2 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 as well as narrating a separate capacity for the area at Question 7 of the Operating Plan. 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.
- 23.3 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. To make sure that the aforementioned licensing objectives are complied with, the Licensing Board –

having heard from the applicant – will consider attaching the conditions set out in Appendix 1, Part D.

- 23.4 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.
- 23.5 The Licensing Board is of the view that the appropriate terminal hour for outdoor drinking areas in residential areas is 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.
- 23.6 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. Evidence of the 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.
- 23.7 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.
- 23.8 A copy of the docketed layout plan of outdoor drinking area must be on display at a prominent location within the outdoor drinking area where it is capable of being read by passing members of the public.

24. Miscellaneous matters

Plastic Glasses

- 24.1 The Licensing 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.
- 24.2 Having regard to the adverse environmental impact, the use of single use plastics or similar in licensed premises must be avoided. The Licensing Board commends the use of alternatives that may be more environmentally friendly.

Local amenity

- 24.3 The Licensing Board requires doorways and fire escapes of premises to be kept free from obstruction at all times.
- 24.4 The Licensing Board expects licence holder to make sure, where appropriate, that litter bins are 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

- 24.5 The Licensing 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

- 24.6 In their Operating Plan, applicants are required to provide a figure showing the proposed capacity of the premises for consumption of alcohol. The Licensing 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; and
- the staff availability to supervise customers both ordinarily and in the event of an emergency.

The Licensing 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.

- 24.7 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 exceeded.

Confirmation of Provisional Premises Licences

- 24.8 Holders of a provisional premises licence should note that under section 46 of the Act, the Licensing Board has the power to make a variation to the conditions of the licence for the purposes of "*ensuring consistency with any statement of licensing policy since the licence was issued*". The Licensing Board will consider this on a case by case basis.

25. Personal Licence

Training

- 25.1 Personal Licence Holders are reminded that it is mandatory for them to undertake prescribed refresher training every five years and to provide the Licensing 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 Licensing Board then the personal licence will be revoked.

Renewal

- 25.2 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.

26. Occasional Licence

- 26.1 The policy of the Licensing 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.
- 26.2 The Licensing Board having regard to views expressed during the development of the Statement of Licensing Policy has concerns around unlicensed premises using occasional licences on a frequent basis. This concern is primarily threefold: (1) occasional licence applications are not subject to the extensive notification process required for premises licence applications; (2) the conditions imposed on occasional licences are not as extensive as premises licence and this may be problematic where occasional licences are used for extended periods; and (3) the impact on the resources of the Licensing Board.
- 26.3 The Licensing 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 Licensing 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 Licensing 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 Licensing Board will expect that Section 50 certificates are obtained from Building Standards, Environmental Health and Planning. The Licensing Board authorises the Clerk to consider such applications under delegated authority in such circumstances where the

premises has sought, and been issued with the aforementioned Section 50 certificates.

- 26.4 The Licensing Board considers that the commencement of the sale of alcohol under an Occasional Licence shall not normally be earlier than 11 a.m. The Licensing 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.

- 26.5 For applications for licensed hour's outwith these times applicants will require to demonstrate that the additional hours requested are necessary in the circumstances. The Licensing 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.
- 26.6 The Licensing Board will attach local conditions to an occasional licence where it considers it necessary or expedient for the purposes of any of the licensing objectives. In order to give applicants clarity and advanced notice of the Licensing Board's expectations, standard conditions are set out at Appendix 1, Part E. In preparing these conditions, the Licensing Board has had regard to the fact that occasional licences are by their very nature designed to be light touch. Therefore, care has been taken not to impose conditions that are overly onerous. In determining what conditions to attach, regard will be had to the responses from Police and the Licensing Standards Officer. The conditions will be put to the applicant for comment prior to the application being granted. The ultimate determination of what conditions should be attached as well as their wording is delegated to the Clerk to the Licensing Board.
- 26.7 For the avoidance of doubt, the presence of standard conditions does not restrict the Licensing Board or its Clerk's ability (when exercising their delegated authority) to attach bespoke conditions having regard to the licensing objectives and objections, representations or reports received in relation to the application.

27. Extended Hours Applications

Special Events

- 27.1 The Licensing 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

- 27.2 The Licensing 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 Licensing 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 Licensing 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 Licensing Board will endeavour to hold a Special Meeting to enable the application to be considered.

Hours

- 27.3 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 Licensing 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.

Conditions

- 27.4 When granting an extended hours application, the Licensing Board may where it considers necessary or expedient for the purposes of any of the licensing objectives vary the conditions of the premises licence (all in accordance with section 70A of the Act). The variation of such conditions is delegated to the Clerk to the licensing Board.

28. Premises that are tenanted out and the Premises Licence Holder is the Landlord

- 28.1 The Licensing 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.
- 28.2 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.

- 28.3 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.
- 28.4 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.
- 28.5 The Licensing 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 Licensing 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

- Paragraphs 29 to 30

[See separate document for details of the Licensing Board's Assessment of Overprovision.]

DRAFT

PART 5

LICENSED HOURS/HOURS OF TRADING

The Licensing Board's general policy is as follows:-

31. Off-Sales

- 31.1 For applications relating to premises licences and to occasional licences, the standard 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.
- 31.2 The Licensing 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's Office. 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. Licence holders are reminded that video recording should comply with any relevant guidance issued by the Information Commissioner. The Licensing 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 Licensing Board also expects that an appropriate proof of age scheme, including a refusals book will have been put in place and rigorously enforced.
- 31.3 The Licensing 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 Licensing Board may require proof of enhanced control measures for individual premises where circumstances merit it. The Licensing 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.

32. On-Sales

- 32.1 The Licensing Board will consider each application on its own merits having regard to the application, the submissions made by the applicant, and any representations or objections received. This part of the Policy sets out the Licensing Board's general approach to licensed hours and its rationale for its approach. In doing so, the Licensing Board notes that the Licensing Forum is supportive of its approach to licensed hours as set out in its previous Statement of Licensing Policy.
- 32.2 For applications relating to premises licences where the consumption of alcohol is a main activity and significant entertainment facilities throughout the licensing

hours are not provided (on-sale hours), subject to paragraph 32.4, the Licensing Board considers that the commencement of the sale of alcohol shall ordinarily be:-

- no earlier than 11 a.m.; and
- no later than 12 midnight Sunday to Thursday and 1a.m. Friday and Saturday other than when an occasional extension is in place, and in accordance with paragraph 34 of this policy.

The Licensing Board will recognise the importance of tourism in certain locations within the Licensing Board's area and other determining factors such as the location of the licensed premises and may allow exceptions to this general rule.

32.3 The Licensing Board recognises that earlier opening hour from 10am may also be appropriate for certain types of premises, for example, bowling clubs during the bowling season and also for events such as funerals. The earlier hour must be linked to the activity taking place on the premises. If the Licensing 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.

324 The Licensing Board as part of its Policy will consider granting a later terminal hour than the terminal hour noted at paragraph 32.2 for premises that are restaurants or offer significant entertainment facilities. When determining that a later terminal hour should be restricted to particular types of premises, the Licensing Board has had regard to:-

1. restricting the availability of alcohol by limiting the times which it is available so to protect and improve public health and prevent crime and disorder noting health studies in this regard; and
2. the benefits of a staggered terminal hour so to manage the dispersal from licensed premises so to ease pressure on both the local transport infrastructure and the resources of Police Scotland.

The later terminal hour is as follows:-

Type of premises	Requirements	Terminal hour	
		Days	Time
Restaurant	The supply of alcohol must be ancillary to a table meal taken by persons within the premises. Snacks, sandwiches and crisps are not considered to constitute table meals.	Mondays to Sunday	1 a.m.

Significant entertainment facilities	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. For example, Nightclubs would fall within this category.	Monday to Wednesday	1 a.m.
		Thursday to Sunday	3 a.m.

- 32.5 Where the Licensing Board grants premises operating as a restaurant type premises the above noted terminal hour it will expect that the premises will only sell or supply alcohol to persons taking table meals and where the consumption of that alcohol is ancillary to the meal. The Licensing Board will normally attach a condition regulating this (see Appendix 1, Part F).
- 32.6 In relation to those premises offering significant entertainment facilities, the Licensing Board will interpret the phrase “significant entertainment” strictly and will only grant a licence if the entertainment offered is an integral part of the premises’ operation and where the sale of alcohol is ancillary to this significant entertainment. The entertainment should be provided at all times during the licensing hours. For example, a nightclub where the significant entertainment is dancing. 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. It should be noted that only the part of the premises providing entertainment will normally benefit from the later licensed hours. The Licensing Board will normally attach a condition regulating this (see Appendix 1, Part F).
- 32.7 Where a premises applies for licensed hours in excess of 14 continuous hours, the Licensing Board will closely examine the application and in particular how the premises will comply with licensing objectives. Applicants should note that, as narrated above, the Licensing Board is of the view that exceptions from its policy in regards to standard licensed hours is normally only justified in two particular circumstances; both where the sale of alcohol is ancillary to another activity.

33. Festive period

- 33.1 The Licensing Board may allow longer licensing hours over the festive period. This may be facilitated by way of a statement under section 67 of the Act or by inviting applications for extended hours certificates. The Licensing Board will make a determination as to its approach in advance of the festive period. The Licensing Board may at its own discretion impose additional conditions on such premises in order to promote the five licensing objectives (see paragraph .27.4).

33.2 The festive period for the purposes of this aspect of the policy will be determined by the Licensing Board on an annual basis in consultation with the Local Licensing Forum. The Licensing 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.

33.3 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 34 and 35 of this policy.

34. Late Opening

34.1 Late opening will be considered as any on-sales type 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 Licensing Board may attach additional conditions. The applicant will be required to justify their request for late hours bearing in mind the licensing objectives and the Licensing Board's policy in regards to licensed hours as set out in paragraph 32. The Licensing 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.

35. Early Opening

35.1 Where any on-sales type 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 Licensing Board – notwithstanding that each application will be considered on its own merits – is of the view that it will be difficult for an applicant to justify a commencement hour prior to 11am outwith the context set out in paragraph 32.2.

36. British Summer Time

36.1 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.

37. Presumption against 24 hour licensing

37.1 The Licensing Board acknowledges the terms of section 64 of the Act namely that there is a presumption against licensing a premises for a continuous period of 24 hours.

PART 6

BOARD PROCEDURE

38. General

38.1 The Licensing 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 Licensing Board recognises the importance of the licensed trade to the local economy but proportionate and firm action will be taken against licence holders where it is established that their conduct is inconsistent with the licensing objectives. .

38.2 The Licensing 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 Licensing Board Agenda and Minutes of Board Meetings will be made available on the Licensing Board's website, maintained by West Dunbartonshire Council [here](#).¹²

38.3 It is recognised by the Licensing Board that persons making objections or representations to it may be unfamiliar with the procedure of a quasi-judicial hearing. The Licensing Board is of the view that a level of formality is required to make sure that the decisions it makes withstand judicial scrutiny. However, measures will be in place to assist objectors and representors understand and participate in proceedings. For example, a guide to attending Licensing Board hearings is available online at [TO BE UPDATED]. Further, Licensing Standards Officers are able to discuss the process and hearing with members of the public and make sure that they are comfortable with the format. At the outset of the consideration of each application, the Clerk to the Licensing Board will set out the procedure.

39. Procedure for submitting an objection or representation in relation to a premises licence application

39.1 Any person may make an objection or representation in relation to an application for the following:

- grant of a Provisional premises licence/Premises licence;
- major variation of a provisional premises licence/premises licence; and
- grant of an occasional licence.

39.2 The objection or representation must be submitted to the Licensing Board by post or email¹³. The objection or representation should be submitted within the objection period for the application. Failure to do so may mean that the Licensing Board is unable to consider the submission. Where the submission

¹² http://wdccmis.west-dunbarton.gov.uk/cm5/Committees/May2017-Present/tabid/141/ctl/ViewCMIS_CommitteeDetails/mid/608/id/535/Default.aspx

¹³ licensing@west-dunbarton.gov.uk

is late the objector or representator will be required to provide reasons for its lateness.

39.3 The objection or representation should clearly specify the grounds for the submission. Any objector or representor should bear in mind that the Licensing Board's essential remit relates to the sale of alcohol. It would be helpful if the submission sets out how the objection or representation relates to the licensing objectives. For the avoidance of doubt, it should be noted that the terms of this Policy does not override the rights of any person to object to an application.

39.4 Objectors and representators should note that the Licensing Board is obliged to send a copy of all objections and representations to the applicant. Objectors and representators should further note that the correspondence will be published online. You should be aware that objections and representations may be discussed openly at the Licensing Board where members of the public and the media may be present.

39.5 The objector or representator will be invited to the meeting of the Licensing Board at which the application is considered. They will be given an opportunity to address the Licensing Board but only in relation to the terms of the submission made. Any person – other than an instructed solicitor – speaking on behalf of an objector or representator will require a signed letter of authorisation from the objector or representator.

40. Procedure for hearing in relation to the grant and variation of premises licences

40.1 The Convenor will introduce the Members and Officials present. If any representations/objection(s) submitted was done so timeously then proceed directly to paragraph 40.3.

40.2 Where a representation/objection (from the Police or any other party) has been received late the Licensing Board must hear details as to why the representation/objection was late and be satisfied that there is sufficient reason why it was not made in the time required. If they agree that the representation/objection can be heard, otherwise it should be disregarded. The process to be followed should be that the objector/representor is invited to provide reasons as to why the submission was late. Members may ask any follow up questions of the objector. The applicant must then be asked if they have any objections to the late submission being accepted. The Licensing Board must take all submissions into account when deciding whether to accept the late submission.

40.3 The hearing procedure below should now be followed:

a	The Clerk will present the report to the Licensing Board
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b	Any objector/representor will speak to the terms of the correspondence submitted to the Licensing Board.
c	Any other interested party, for example, the Licensing Standards Officer or a Council officer, will speak to the terms of the correspondence submitted to the Licensing Board.
d	The applicant shall be entitled to provide information in support of their application.
e	The Licensing Board Members will have the opportunity to ask the applicant, the objector/representor or any interested party any questions.
f	The Convenor will invite the objector/representator to briefly summarise their points if they wish.
g	The Convenor will invite the applicant to briefly summarise their points if they wish.
h	At the sole discretion of the Members, the Licensing Board may decide to retire to consider the application and representations/objections in private.
i	<p>The Committee will invite the parties to return to the meeting and the Chair will invite Members to take a decision.</p> <p>NOTE: If during private deliberations, the Committee receive advice on a legal submission from the Clerk which is contrary to the view of the party making the submission or the Committee believe additional information would be relevant, then these points should be raised with the parties, in public, prior to any decision being made.</p>

40.4 A determination of the case will be made at the conclusion of the hearing and all parties will be notified of the decision in writing within seven days of the hearing and shall be advised of his/her right to seek written reasons and appeal to the Sheriff Court.

40.5 The procedure for review applications is outlined below:

a	The Licensing Board will first determine if the review application is vexatious or frivolous, or does not disclose any matter relevant to any ground for review.
b	Should the Licensing Board determine that a review application is vexatious or frivolous or does not disclose any matter relevant to any ground for review, then the Licensing Board will consider whether it should look to recover any expenses incurred by the Licensing Board in considering the application.
c	The person making the review application will be given an opportunity to speak to its terms of the application lodged.
d	The Licensing Standards Officers will speak to their report.
e	The licence holder will be given an opportunity to respond to the review application

f	Board Members will have the opportunity to ask the applicant, the licence holder or Licensing Standards Officer any questions.
g	Having heard from all parties the Licensing Board will determine whether the grounds of review have been upheld.
h	Where the grounds of review are upheld then the applicant and licence holder will be invited to address the Licensing Board on the appropriate disposal of the application.
i	Board Members will have the opportunity to ask the applicant, the licence holder or Licensing Standards Officer any questions.
j	All parties will be given an opportunity to sum up.
k	The Licensing Board will determine the steps that it is necessary and appropriate for it to take. This can include: no action, issuing of a written warning, suspension, revocation.

40.6 Notification of the outcome of the review application will be notified in accordance with the Act.

40.7 It should be noted that the procedure of any hearing will ultimately be at the discretion of the Clerk of the Licensing Board. All parties will be advised by Clerk as to the procedure.

41. **Delegation of Functions**

41.1 It is of importance to the Licensing Board that the service they provide is efficient and cost effective to all those involved in the licensing process. The Licensing Board has agreed that only those matters which are required by statute to be considered by the Licensing Board will be put before them. Decisions on all other applications will be delegated to the Clerk to the Licensing Board who will refer the matter to the Licensing Board as and when necessary.

41.2 Those applications and matters which require to be submitted to the Licensing 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.

42. **Enforcement**

42.1 The Licensing 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.

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

42.3 The strategy to be employed to ensure that the Licensing 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; and
- 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.

43. Licensing Standards Officers

43.1 At the time of the Policy being adopted, there are two Licensing Standards Officers. These Officers are be employed by West Dunbartonshire Council. The Licensing Standards Officers will have three main roles:-

- Guidance
- Mediation
- Compliance

43.2 The Licensing Standards Officers can be contacted at licensing.standards@west-dunbarton.gov.uk or 01389 738741.

- 43.3 The Licensing Standards Officer will also be a member of the Local Licensing Forum. The Licensing Board recognises that the Licensing Standards Officers will have a key role to play in the 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.
- 43.4 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; and
 - providing a mediation service in order to try to resolve disagreements and disputes.
- 43.5 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.
- 43.6 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.

44.1

Appendix 1

Style conditions

Part A – Children and Young Persons Access

The holder of the premises licence must make sure that:-

1. Children are supervised at all times by an appropriate adult while on the licensed premises.
2. Children and Young Persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal or attend a private pre-booked function [or insert reason].
3. No gaming and/or amusements with prizes machines are to be located in the part or parts of the licensed premises where children and young people are permitted.
4. In the case of events which are to be held exclusively for children, or children and young persons, such as a discotheque, adequate supervision and stewarding arrangements should be in place in relation to children attending the event.
5. 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.
6. Toilets should be of a suitable type and standard for children.
7. When meals are sold within licensed premises, a children's menu shall be available or the menu should clearly state that children portions are available. This would not be satisfied by the provision of for example soft drinks and snacks but would require to be of the plated food variety in addition to any form of sandwiches etc, which may be available.
8. Electrical sockets within the part or parts of the premises to which children have access should, when not in use, have plug caps thereon.
9. 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 B - Off sales

The holder of a premises licence shall ensure that:-

1. A refusal register is maintained in the premises recording all incidences of refused sales, including the date and time, the reason for refusal and the member of staff refusing the sale.
2. The refusal register is inspected by the Designated Premises Manager, or his nominated representative, at least on a fortnightly basis.
3. The refusal register is made available for inspection by the Police and Licensing Standards Officers on request.
4. The refusal register may be kept in electronic form, in which event the obligation imposed by condition 3 above may be discharged by making available for inspection as aforesaid a printed copy of the refusal register's entries.

Part C - Home deliveries

The holder of the premises licence must make sure that:-

1. A robust age verification policy requires to be in place for deliveries that include alcohol and must be strictly adhered to by all delivery staff, incorporating a Challenge 25 approach. All delivery staff must be trained in the operation of the foregoing policy.
2. Any documentation presented as verification of age is of a type prescribed in the Licensing (Scotland) Act 2005 or Regulations under that Act as suitable for that purpose.
3. An order register must be kept on the premises containing details of the items ordered/despached, with details of when the order was placed and when the alcohol was despatched.
4. A delivery/refusal register requires to be maintained by the delivery driver containing details of the person accepting delivery or, if delivery was refused, the reason for any refusals.
5. No delivery of alcohol should be left unattended (including in a safe place) or with Children or Young Persons where there is no adult available to accept delivery.
6. Where a third party carries out deliveries, an written agreement must be in place between the holder of the premises licence and the third party setting out that the measures narrated at the foregoing points 1 to 5 are to be complied with.

Part D - Outdoor areas

The holder of the premises licence/occasional licence [delete as appropriate] for a licensed outdoor area must make sure that:-

1. The outdoor area complies with the area permitted by the relevant tables and chairs permit and it is clearly defined and enclosed by suitable barriers and controlled so that no drinks are allowed to be taken from it. All tables and chairs are removed from the street in accordance with the relevant Tables and Chairs Permit's approved hours of operation.
2. The use of the tables and chairs area shall cease at [TIME TO BE ADDED AS APPROPRIATE] hours each evening.
3. All street furniture including tables and chairs, barriers, etc. must be off the street and in storage by [TIME TO BE ADDED AS APPROPRIATE] hours.
4. The premises licence holder and premises manager will have management procedures in place to supervise admissions and to objectively monitor the occupant capacity, and to have an effective means of communication between the outdoor area and the premises.
5. The outdoor area will be regularly serviced and must be kept clear of empty receptacles, unattended glassware and all refuse removed.
6. All drinks will be supplied or decanted into suitable containers.
7. No amplified sound or music shall be played in, or relayed to, the outdoor area.
8. The capacity of the outdoor area shall not exceed [number of persons].

Part E - Occasional licences

The holder of the occasional licence must make sure that:-

1. The licence holder or another suitably trained person with managerial responsibility is present throughout the licensed hours and when alcohol is served. A contact phone number will be readily available at all times.
2. The licence holder will ensure that their contact details including a contact phone number, or those of a personal licence holder if application is made in their name, will be readily available at all times for Police, Licensing Standards Officers or other Authorised Officers.
3. The occasional licence is to be kept on the premises and made available for inspection when requested by a Licensing Standards Officer or Police Officer, and any reasonable request by them is complied with.
4. Children permitted within the venue must be accompanied by a responsible adult at all times.
5. If not already provided, baby-changing facilities will be made available for children under the age of 5 years.

6. All staff employed in a position involving the sale or service of alcohol to undergo a minimum of two hours training prior to commencing duty (as defined in the Licensing (Training of Staff)(Scotland) Regulations 2007) with a record of this training being kept at the location and available for inspection by Police or Licensing Standards Officers. [Will not be applied to licences held by voluntary organisations.]
7. A notice advising whether children and young persons are admitted, and the terms of admission is displayed at each point of entry.

Part F - Licensed hours

Off sale type premises

Premises trading after 8.00 pm must have a CCTV system that:-

- (a) is recordable and viewable at source and does so during all hours that the premises is open.
- (b) records images that are date and time coded for the purposes of crime prevention.
- (c) has suitable surveillance is offered of the licensed area of the premises as denoted on the Layout Plan.

Throughout the licensed hours a member of staff fully trained on the operation of the CCTV is present on the premises.

Premises licence holders must note that camera footage should be retained for a period of time that complies with recommendations made by the Information Commissioner in terms of GDPR.

Restaurants

The sale or supply of alcohol to persons is only to be authorised where the person is taking a table meals and the consumption of said alcohol is ancillary to the meal and no bar counter-service-should be available.

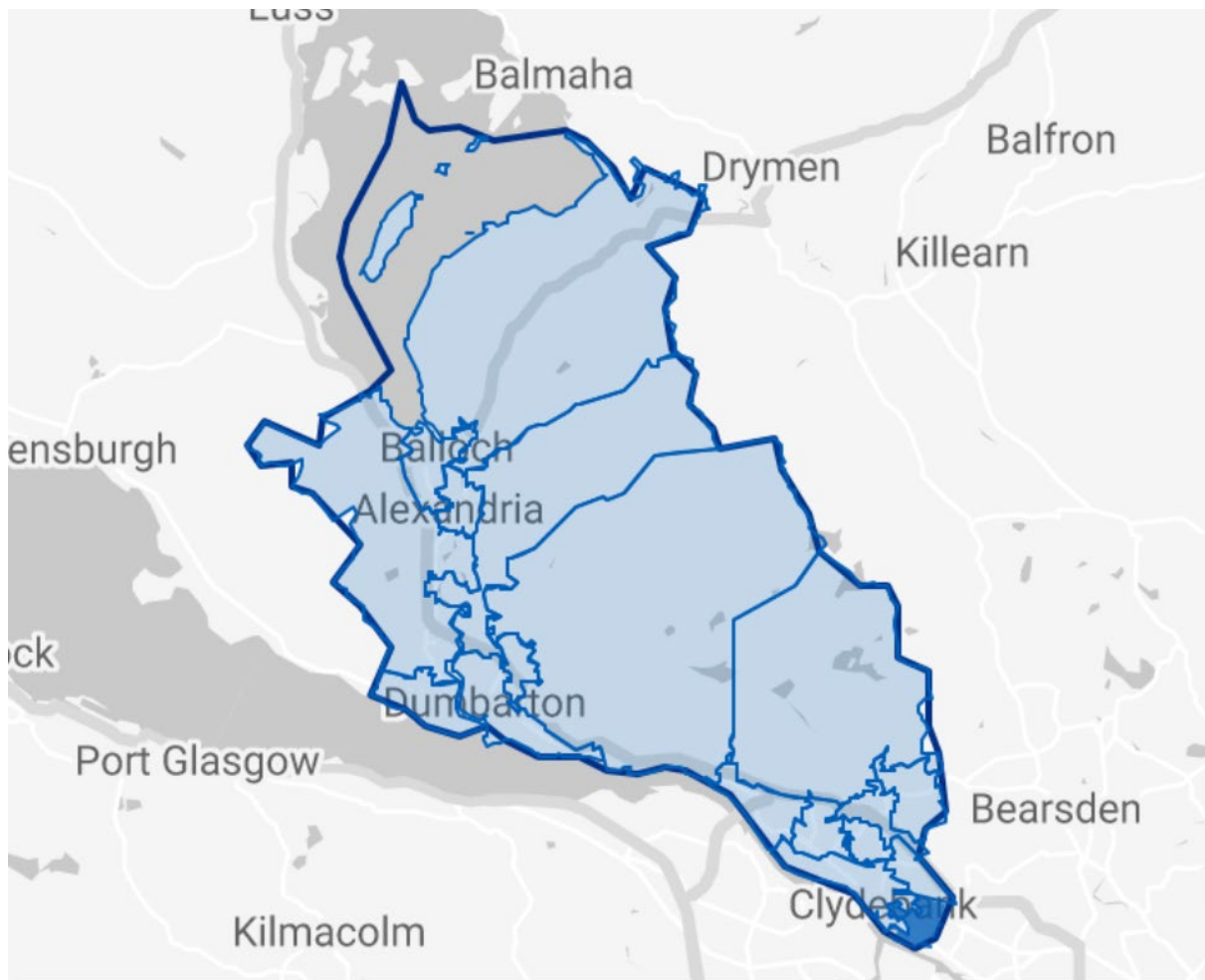
Premises offering significant entertainment

The sale or supply of alcohol is only authorised as an ancillary to the entertainment provided.

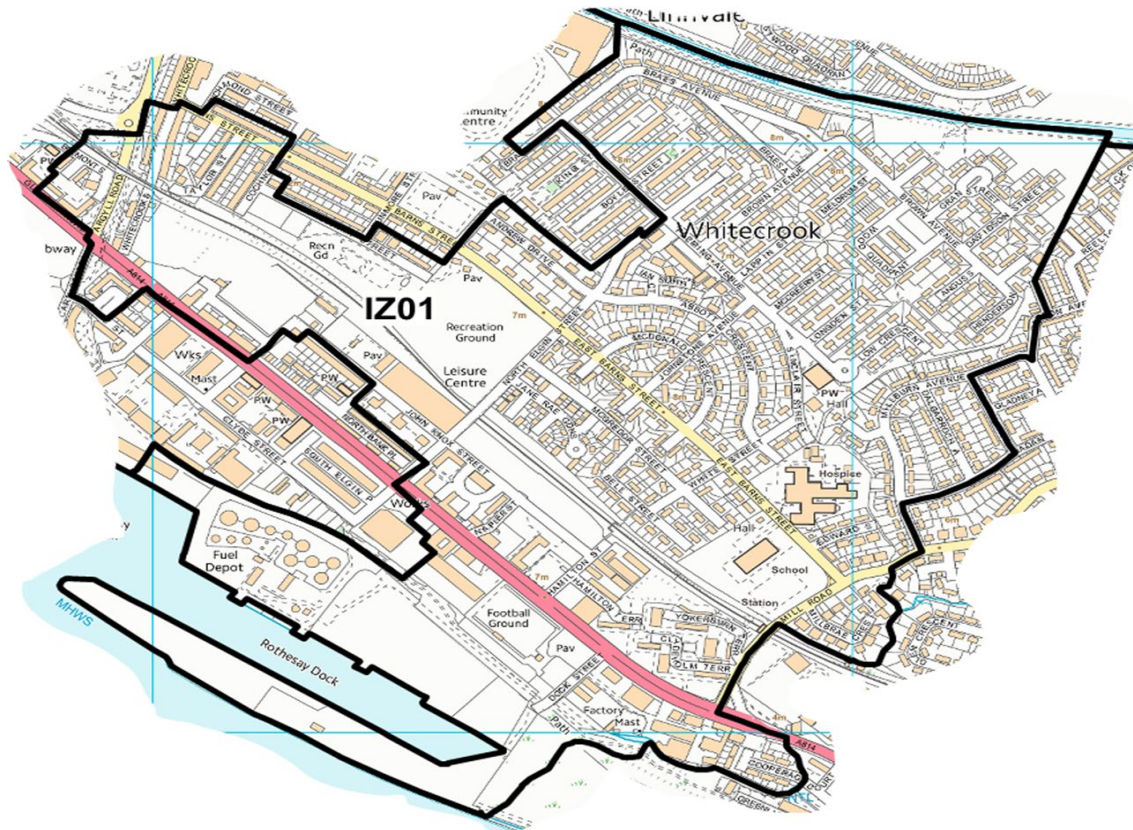
APPENDIX 2

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



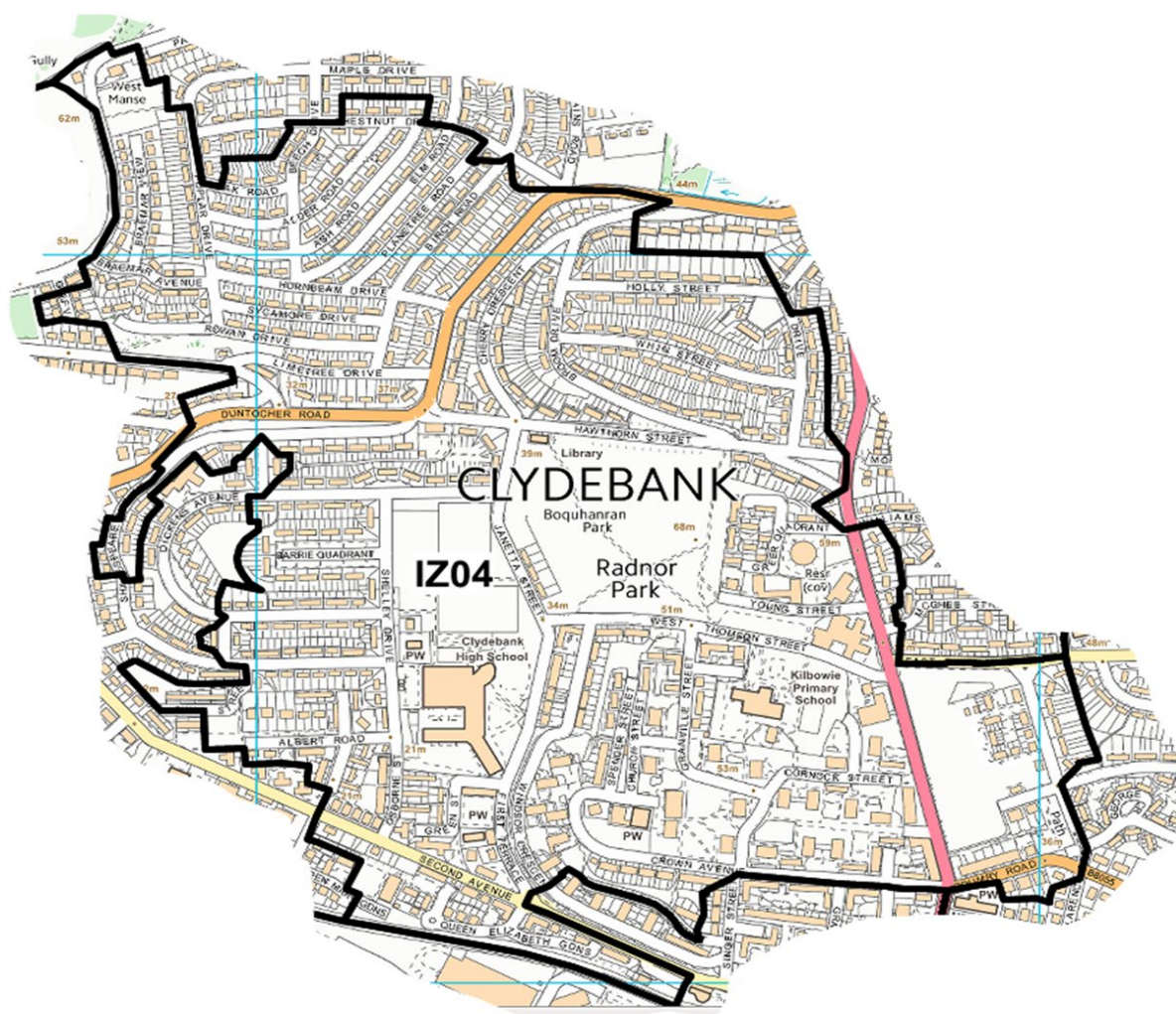
IZ 01 - Clydebank East inc. Whitecrook (part)



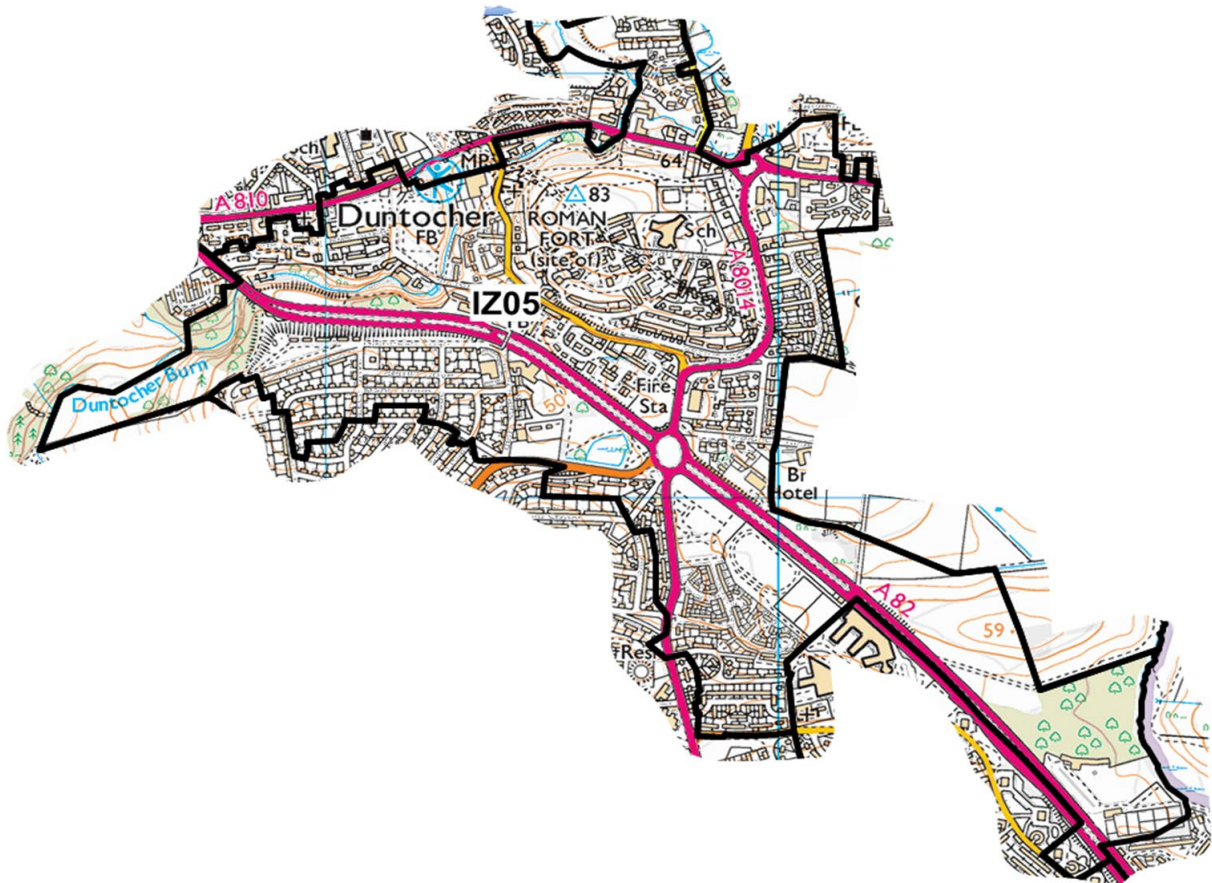
IZ 03 – Drumry & Linnvale



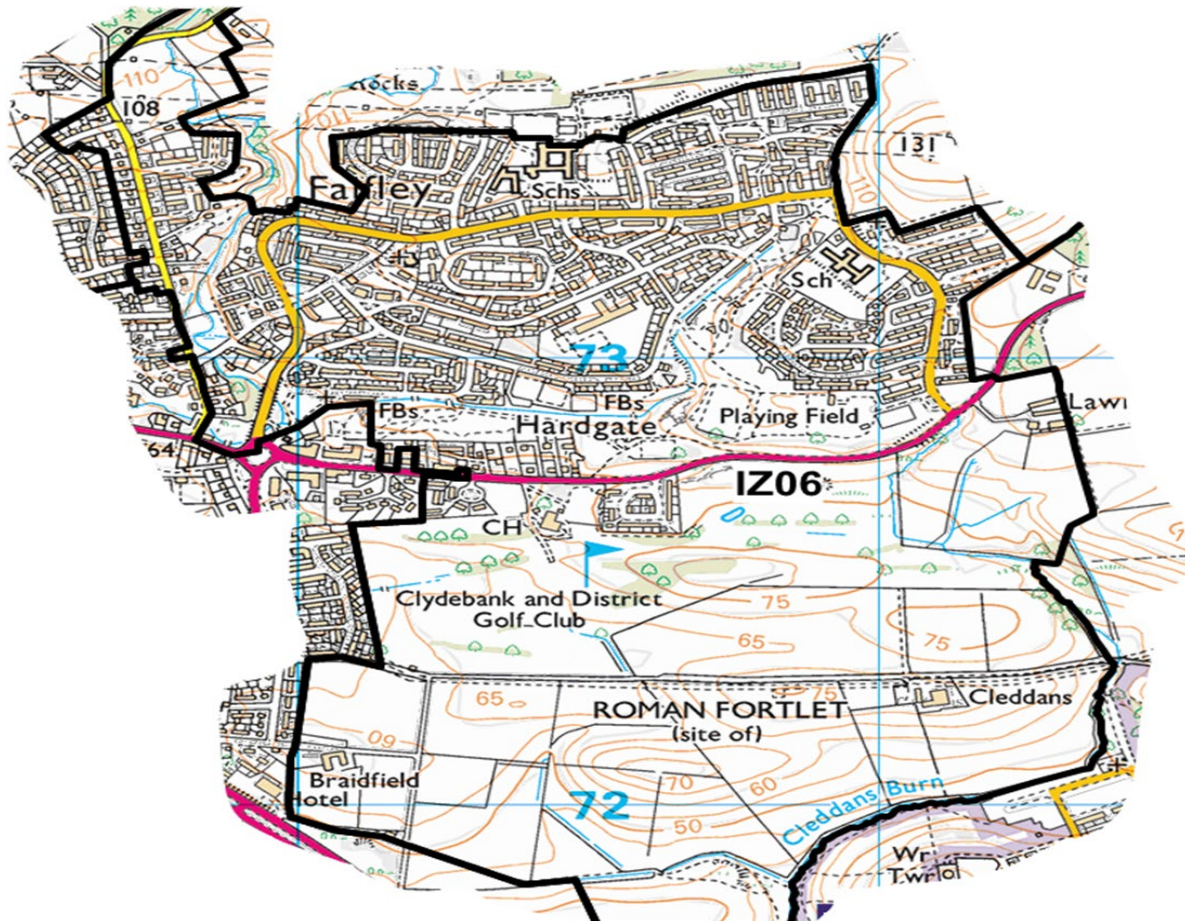
IZ 04 – Parkhall South, Radnor Park and North Kilbowie



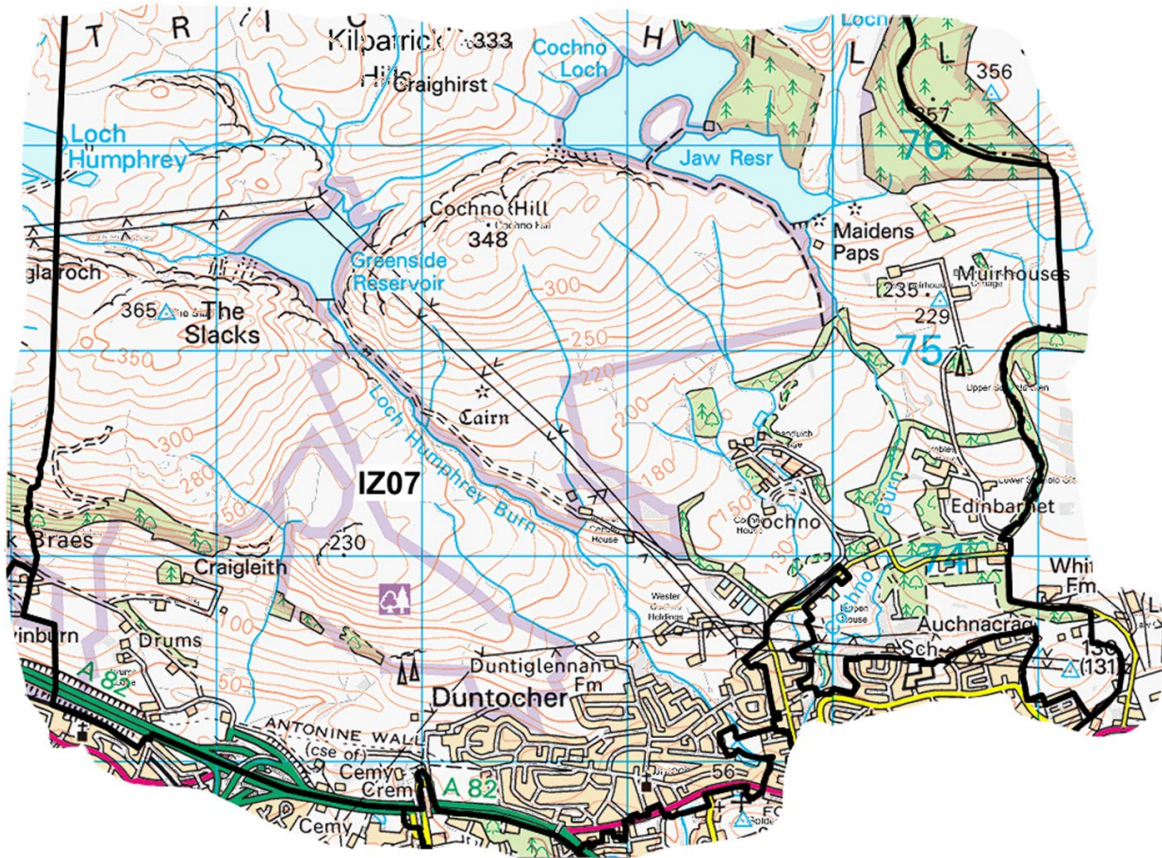
IZ 05 – Goldenhill, Parkhall North, East Kilbowie & Hardgate Central



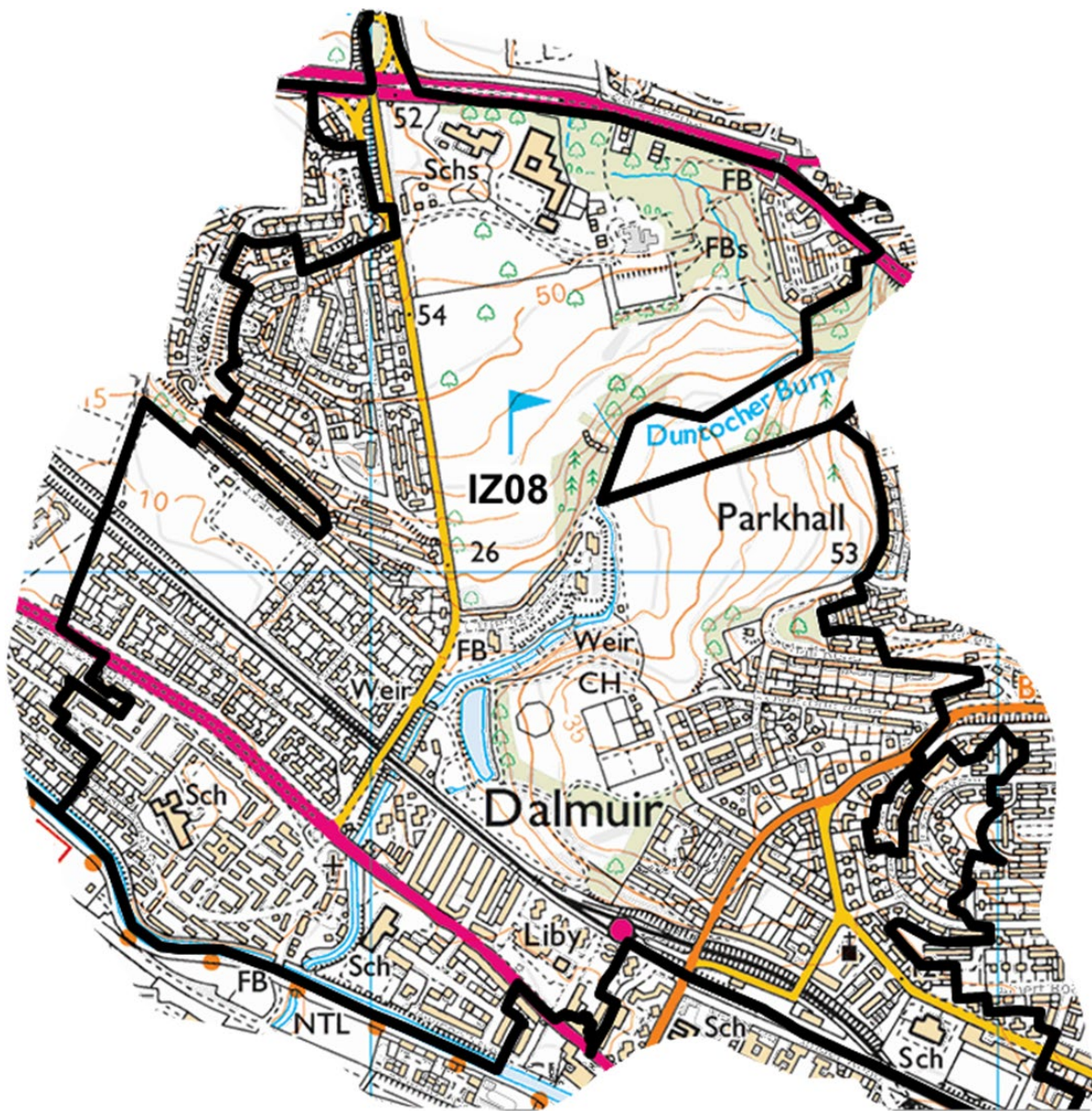
IZ 06 – Faifley& Hardgate East



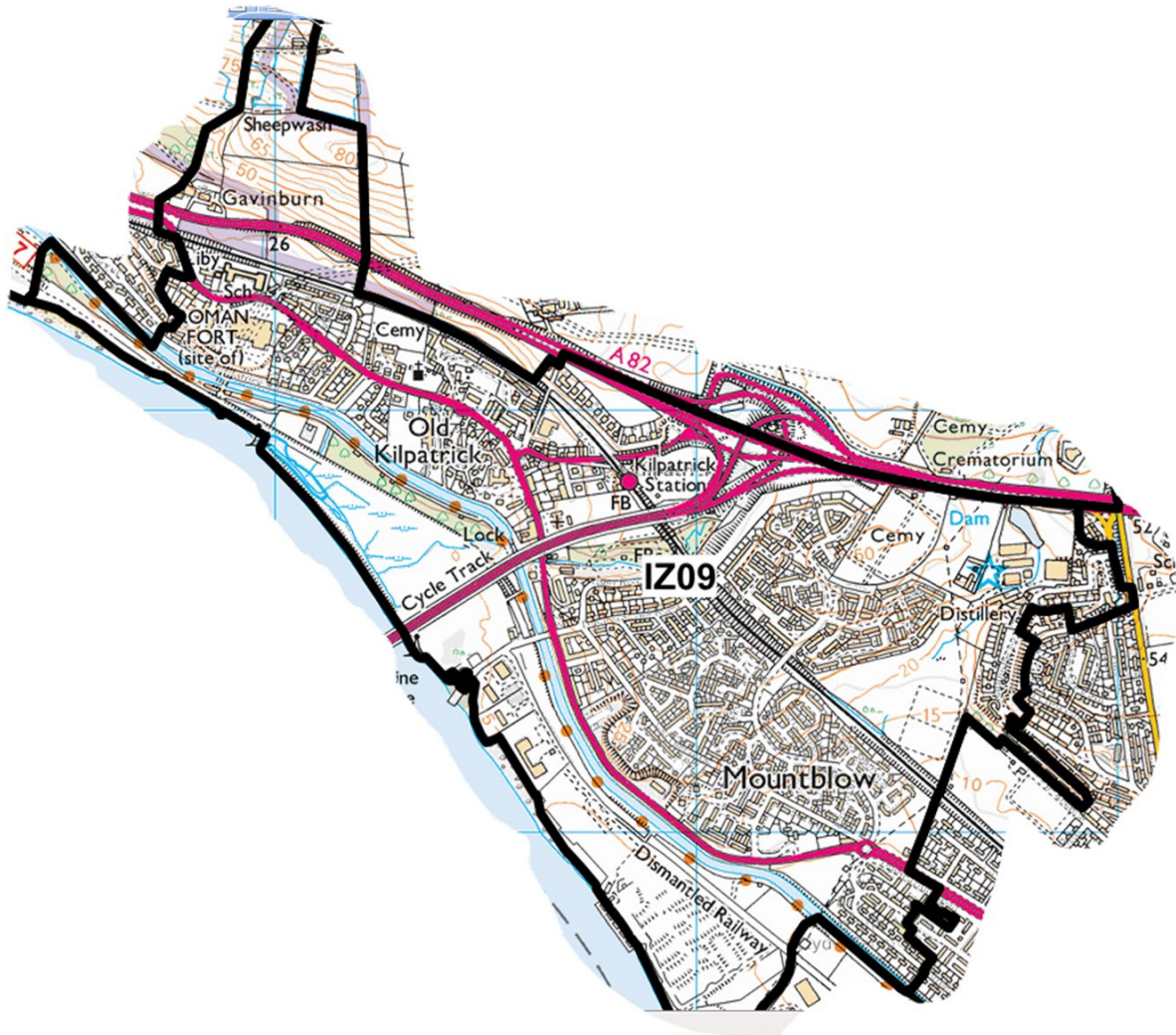
IZ 07 – Duntocher & Cochno



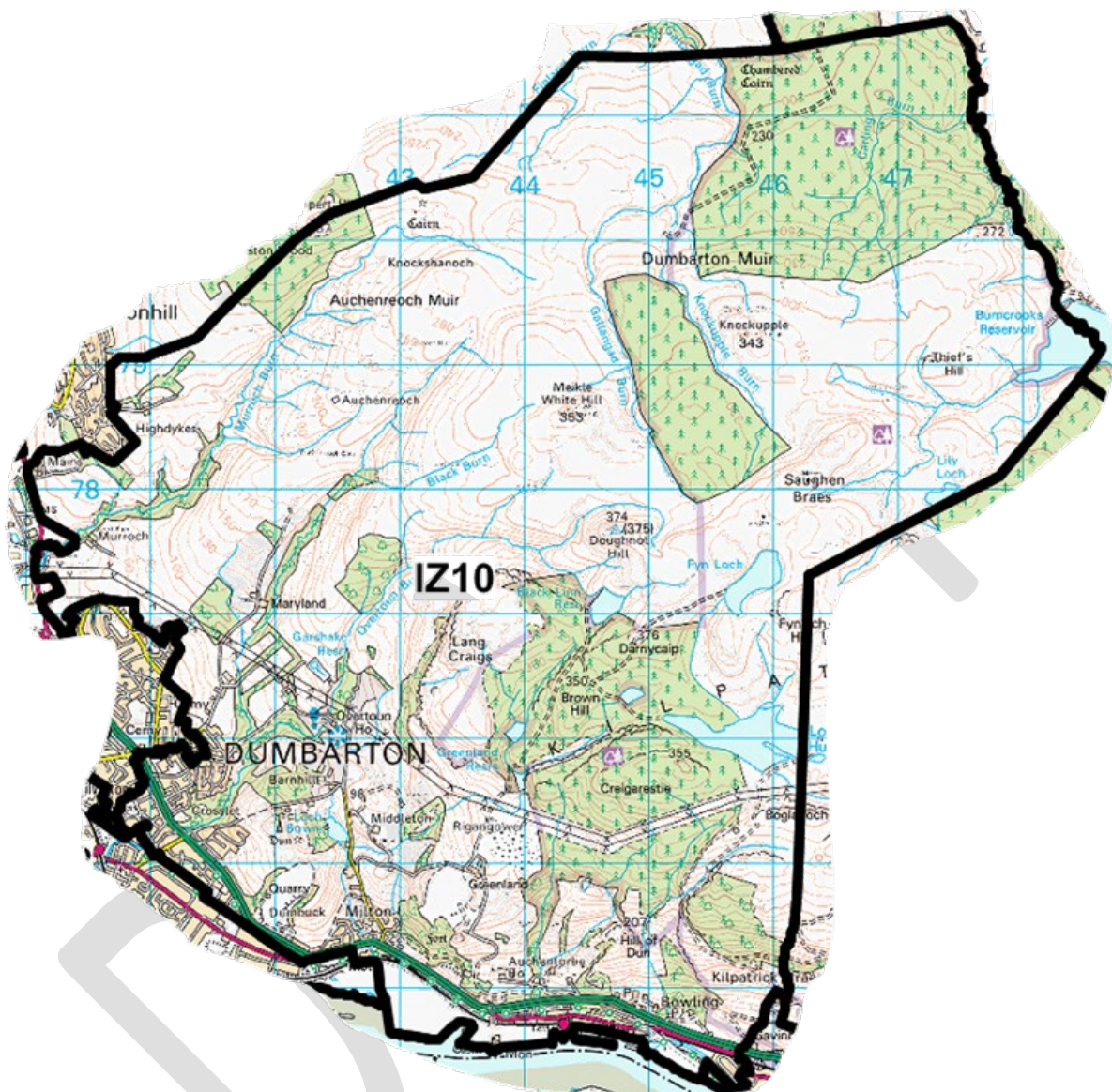
IZ 08 – Mountblow, Parkhall West and Dalmuir Central



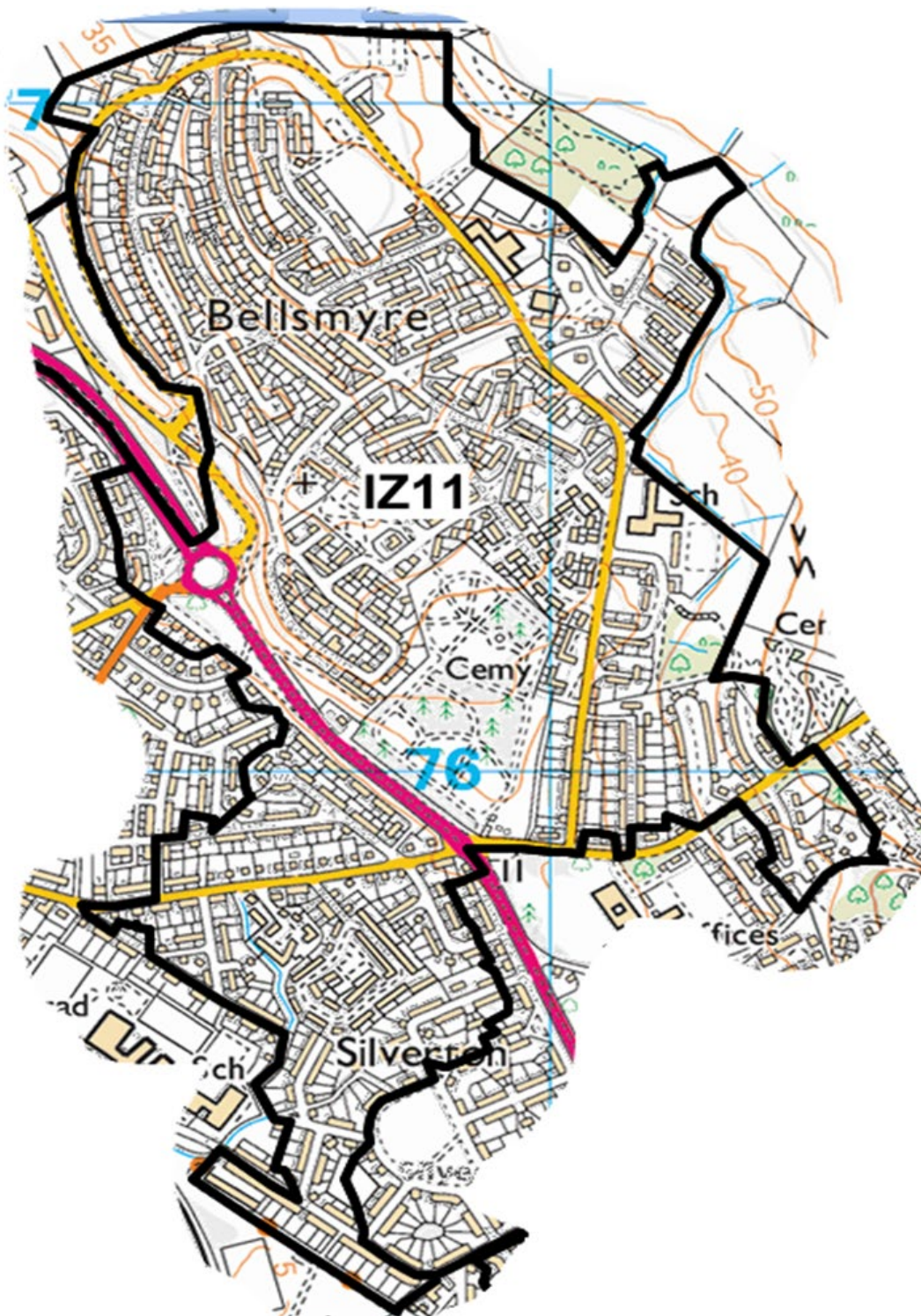
IZ 09 – Old Kilpatrick



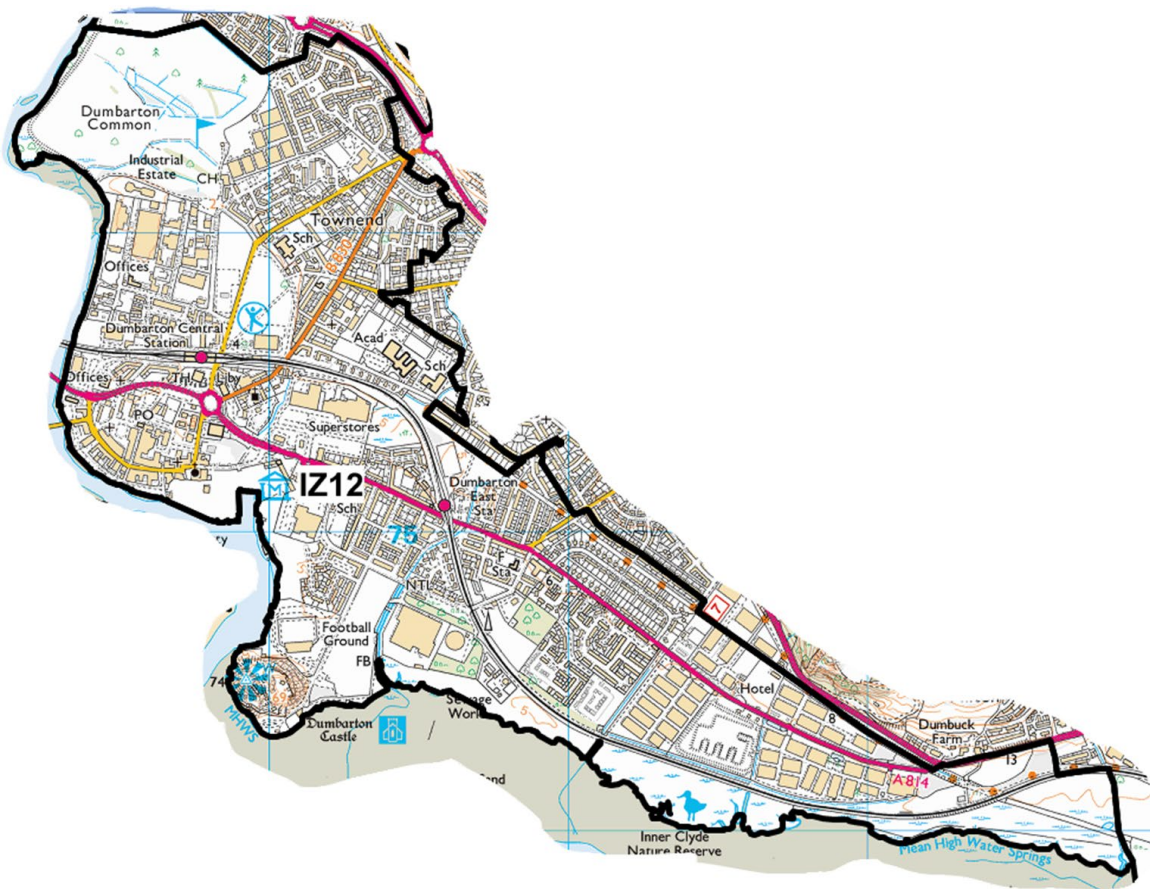
IZ 10 – Barnhill, High Overtoun, Milton & Bowling



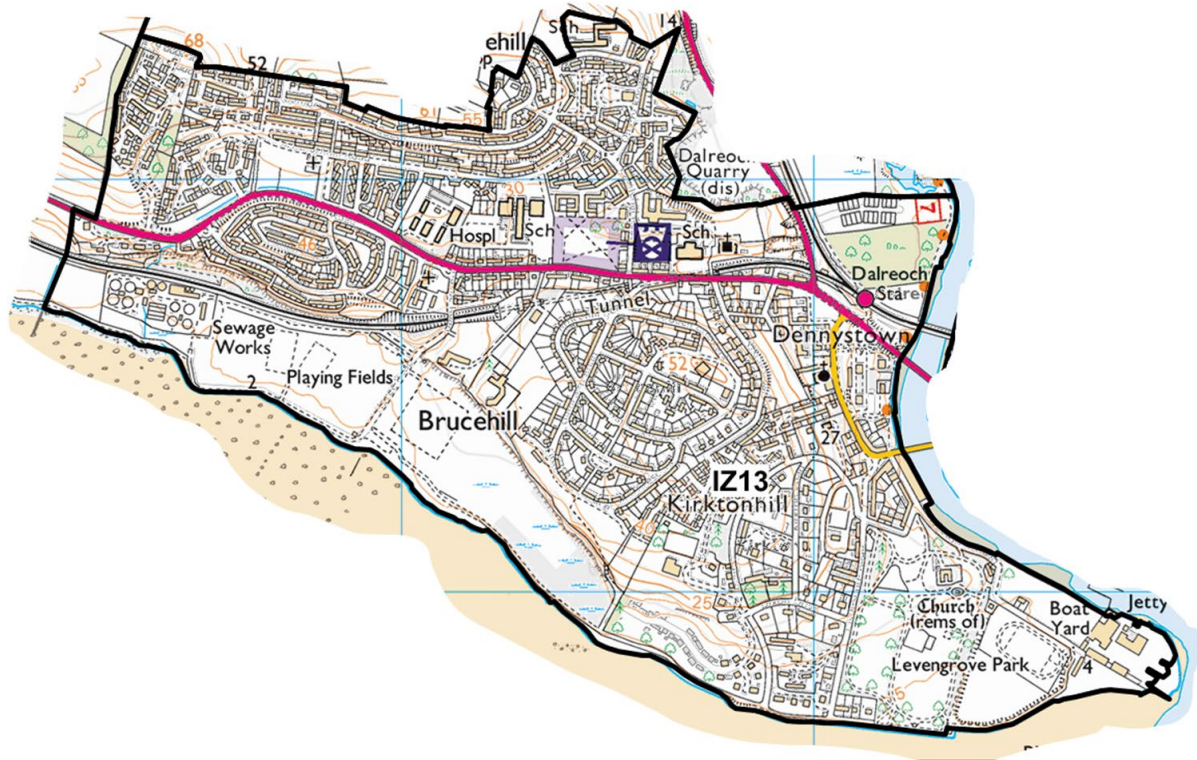
IZ 11 - Dumbarton North East – Bellsmyre & Silverton East



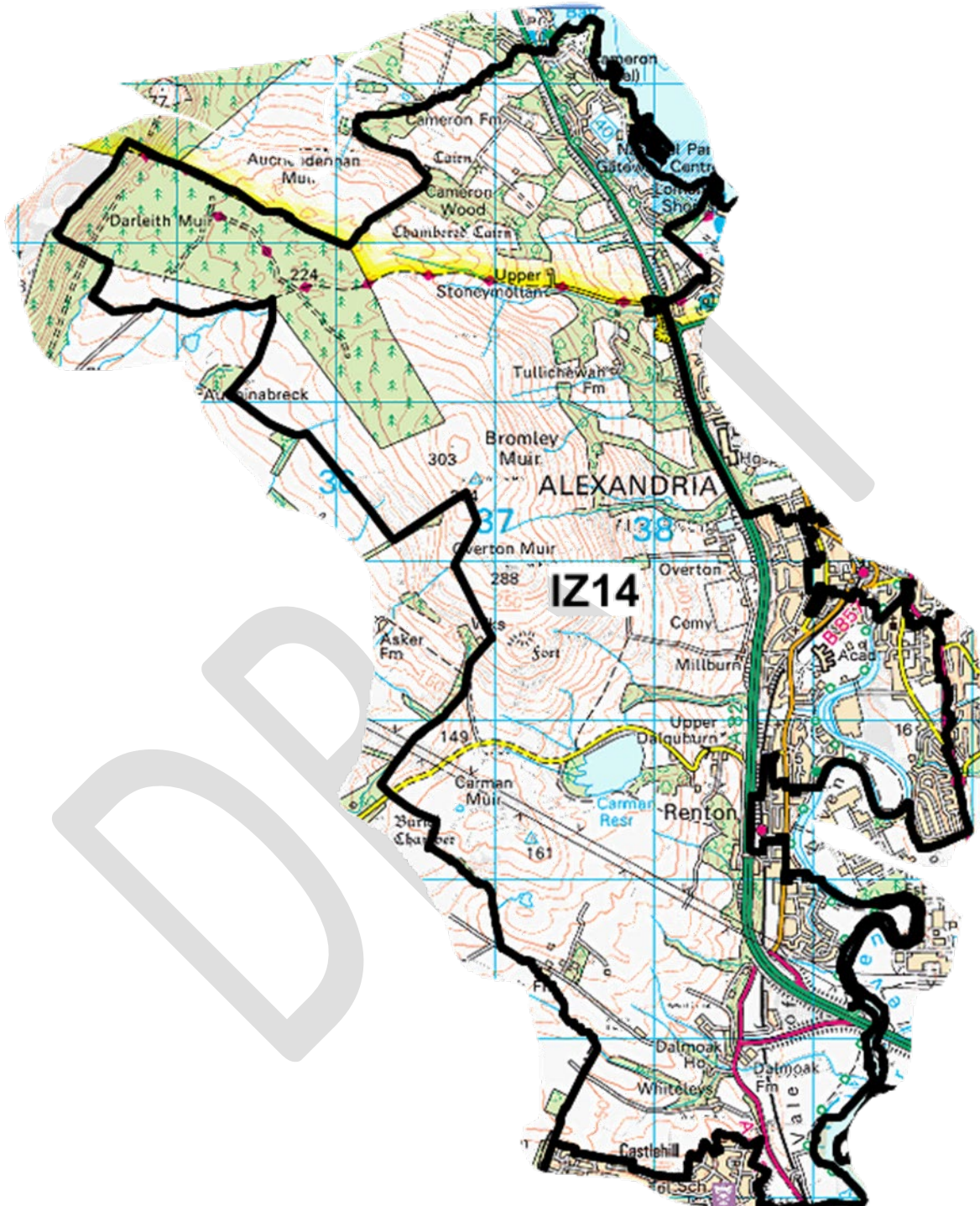
IZ 12 – Dumbarton Central, Dumbarton East & Townend



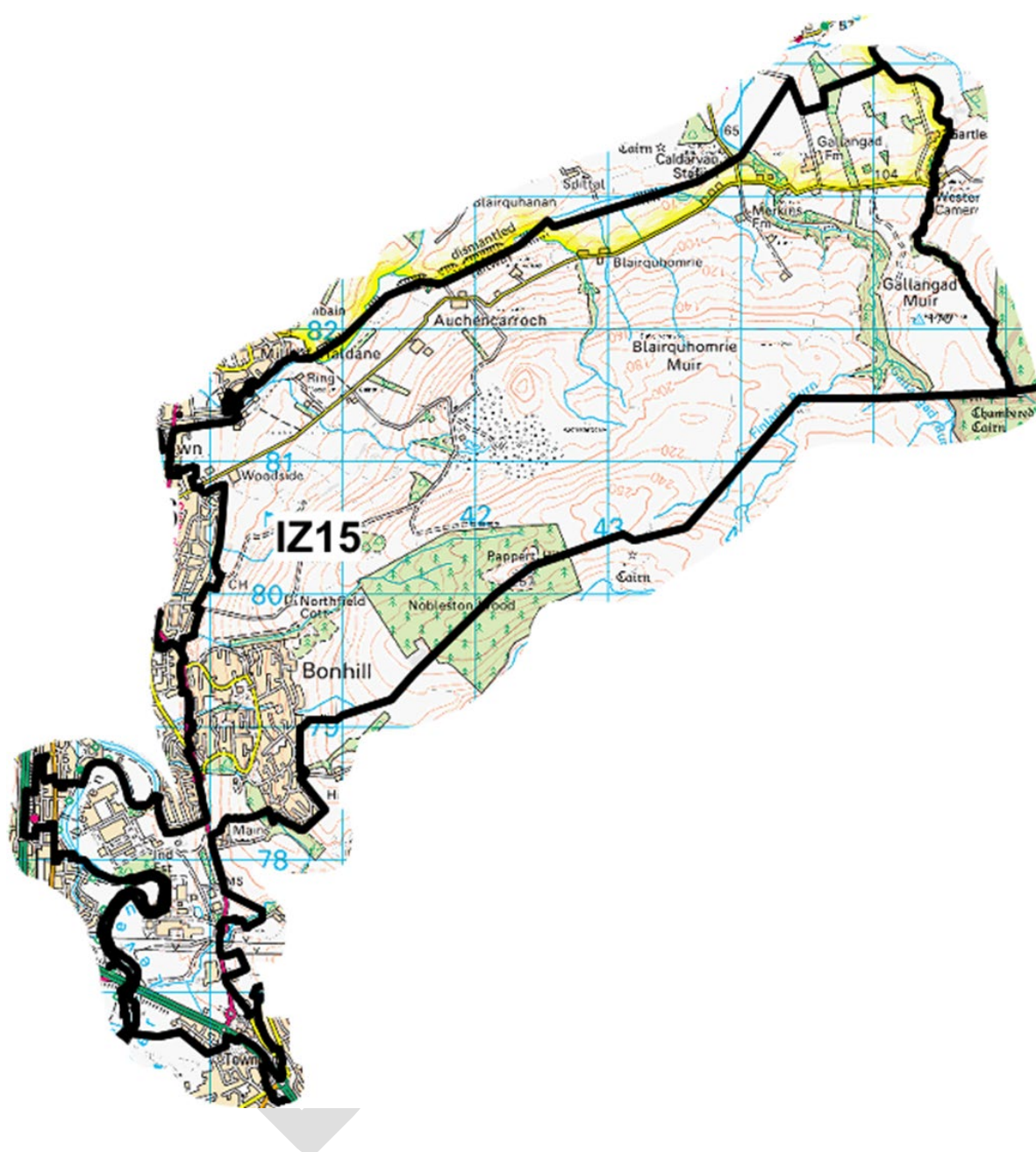
IZ 13 – Dumbarton West



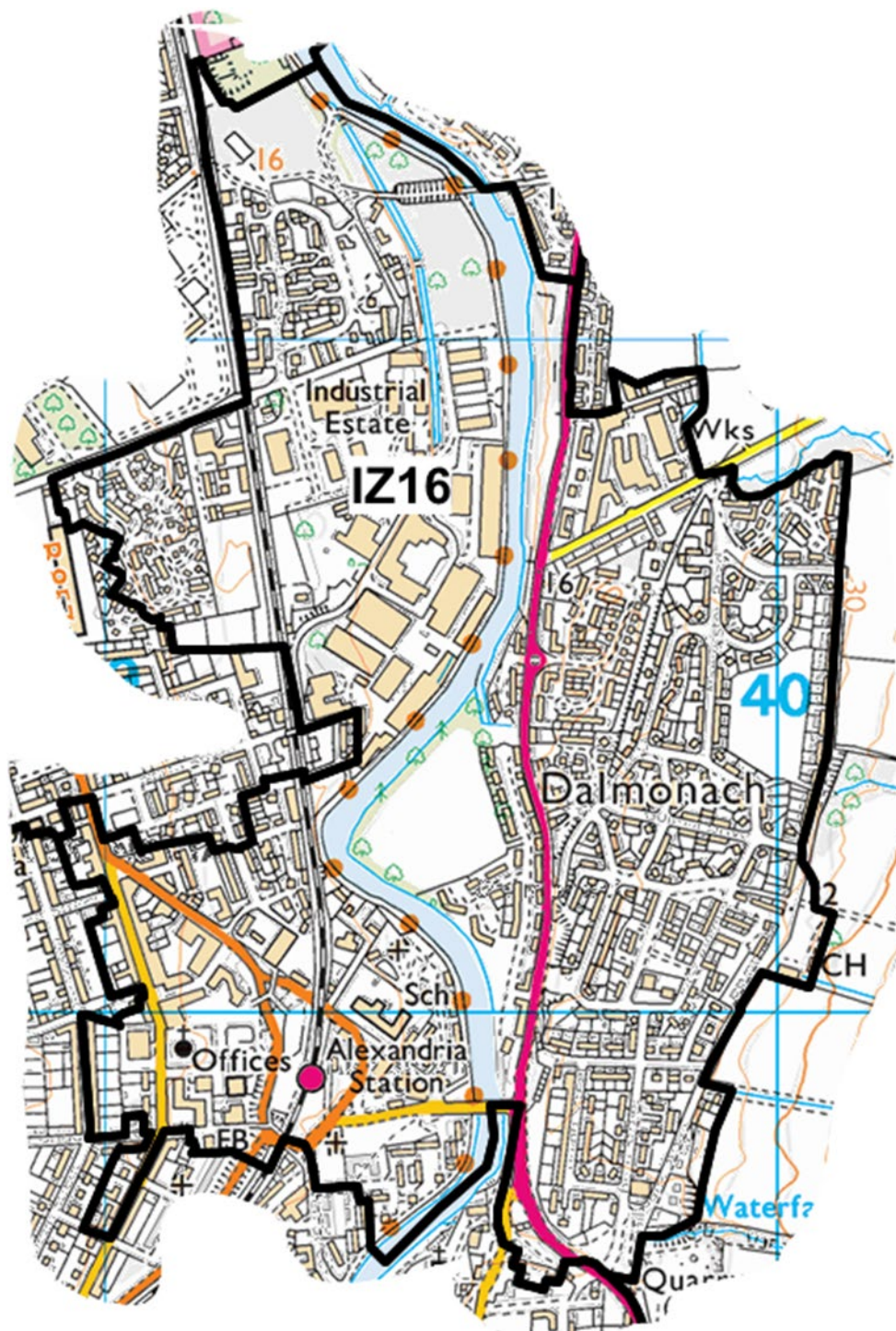
IZ 14 – Renton, Old Bonhill & Loch Lomond West.



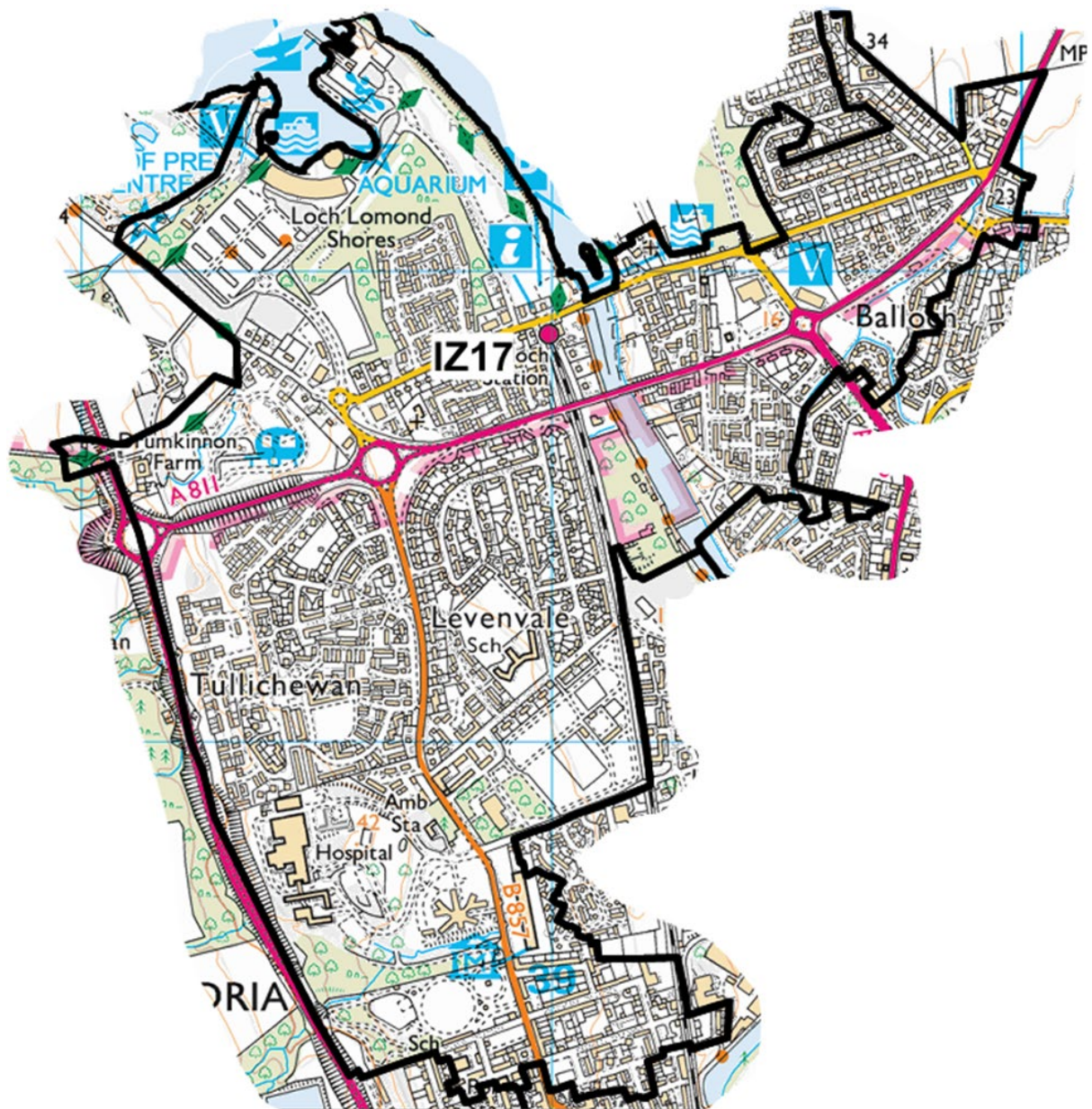
IZ 15 – Bonhill, Lomondgate & Renton North



IZ 16 – Alexandria Central, Rosshead & Dalmonach



IZ 17 – Balloch & Alexandria North



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

