

West Dunbartonshire Licensing Board

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27 September 2023

SPECIAL MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:- WEDNESDAY, 11 OCTOBER 2023

Dear Sir/Madam

Notice is hereby given that a Special Meeting of West Dunbartonshire Licensing Board will be held at 12.30 p.m. on Wednesday, 11 October 2023.

The Convener has directed that the meeting will be held as an in-person meeting only in the Council Chambers, Town Hall, 5 Hall Street, Clydebank G81 2NR.

The business is shown on the attached agenda.

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

Yours faithfully

ALAN DOUGLAS

Clerk to the Licensing Board

Distribution:-

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

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

Date issued: 27 September 2023

SPECIAL LICENSING BOARD – WEDNESDAY, 11 OCTOBER 2023

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

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

3 NEW STATEMENT OF LICENSING POLICY 5 - 172

Submit for consideration a report from the Clerk to the Licensing Board providing information to allow Members of the Licensing Board to consider the responses received in relation to the public consultation on its draft Statement of Licensing Policy and Assessment of Overprovision and to finalise the said documents.

WEST DUNBARTONSHIRE LICENSING BOARD**Report by the Clerk to the Licensing Board****Licensing Board – 11 October 2023**

Subject: New Statement of Licensing Policy**1 Purpose**

- 1.1** To allow Members of the Licensing Board to consider the responses received in relation to the public consultation on its draft Statement of Licensing Policy and Assessment of Overprovision and to finalise the said documents.

2 Recommendations

- 2.1** It is recommended that Members of the Licensing Board:-
- a) review and consider the responses received as a result of the recent public consultation exercise;
 - b) approves the revised new Statement of Licensing Policy (see Appendix 1) and Assessment of Overprovision (see Appendix 2) subject to any amends as a result of their consideration of the aforementioned responses; and
 - c) to delegate authority to the Clerk to finalise the draft Statement of Licensing Policy (including the Assessment of Overprovision) including finalising the foreword in consultation with the Convenor, the content of paragraph 7 and all other typographic and typesetting matters.

3 Background

- 3.1** The Licensing Board has, since 1 November 2022, been developing a new Statement of Licensing Policy and Assessment of Overprovision.
- 3.2** At the Licensing Board meeting of 9 May 2023, Members considered the outcome of a pre-consultation exercise and authorised the Clerk to the Licensing Board to prepare a new Statement of Licensing Policy and Assessment of Overprovision. These foregoing documents had regard to the responses received throughout the pre-consultation exercise.
- 3.3** At the following Licensing Board meeting of 27 June 2023, Members authorised the Clerk to the Licensing Board to consult on the new Statement of Licensing Policy and Assessment of Overprovision. Members were advised that a public consultation exercise would be carried out involving a range of stakeholders. Members were further advised that the Licensing (Scotland) Act 2005 (“the 2005 Act”) requires

certain parties to be consulted and that this would be done.

4 Main issues

4.1 A public consultation was carried out in relation to both the Statement of Licensing Policy and the Assessment of Overprovision with a range of stakeholders. These stakeholders included:-

- Police Scotland;
- NHS Greater Glasgow and Clyde;
- West Dunbartonshire Health and Social Care Partnership;
- West Dunbartonshire Alcohol and Drug Partnership;
- Alcohol Focus Scotland;
- Elected members;
- all Community Councils;
- tenant groups;
- the Local Licensing Forum;
- the Citizen Panel;
- Unite;
- premises licence holders;
- Building, Planning and Environmental Health Services of the Council;
- Various industry trade bodies; and
- Fire Scotland.

The link to the consultation document was made available via the Council's website and social media.

In addition, additional modes of consultation were utilised, for example:

- questions relating to the development of the Statement of Licensing Policy were asked through a telephone survey; and
- a workshop was held with representatives of the licensed trade to discuss the practical impact of the draft Statement of Licensing Policy and Assessment of Overprovision.

Public responses – Statement of Licensing Policy

4.2 24 responses were received from members of the public. In addition, one response was received from an elected member of West Dunbartonshire Council. The responses received are detailed in full at Appendix 3. The changes proposed by the Licensing Board were by and large welcomed by members of the public responding to the consultation. For example, 79% of respondents agreed with the proposal to tighten the terms of access of Children to pre-booked functions, 75% of respondents supported the addition of bespoke conditions where a licensed premises proposes to carry out home deliveries of alcohol and 88% of respondents felt that the additional information around the Licensing Board procedure

was either very, fairly, or a little useful.

- 4.3** A member of the public suggested that it would be useful for more information to be given as to the role and function of the Licensing Forum. Further wording clarifying the Forum's role has been inserted at paragraph 3 for Members' approval with the existing paragraph relating to the Forum being moved to the introductory part of the Policy for ease of reference.

Public responses – Assessment of Overprovision

- 4.4** The public were supportive of the Licensing Board's position in relation to overprovision with 83% of respondents agreeing with the Licensing Board's approach to identifying the new localities and the data used to do so. A majority agreed with the proposal to clearly capture variations in the Assessment. Varying responses were received in relation to the impact of licensed premises in the localities with no clear consensus as to their impact. There was, however, widespread support from 83% of respondents for the inclusion of licensed hours in the consideration of overprovision and 75% of respondents either agreeing or strongly agreeing to include variation applications in the Assessment of Overprovision. Comments are at Appendix 4.

Trade responses – Statement of Licensing Policy

- 4.5** 13 responses were received from members of the trade (see Appendix 5) including two from trade associations and one licensing agent (see Appendix 6). There was broad support for the Licensing Board's proposals with no negative comment around the conditions proposed in relation to Children and Young Persons access and home deliveries. There was a comment around relaxed Children and Young Persons access for premises catering for tourists. The Clerk suggests that this is something that the Licensing Board can deal with on a case-by-case basis.

- 4.6** The responses from trade associations and a licensing agent have been analysed (along with all other responses) and the following comments are highlighted:-

- A licensing agent expressed concern in relation to the wording of condition 4 of Part D (Outdoor area). It is now proposed to remove the requirement for a member of staff to be present in an outdoor area at all times as this may be overly onerous; instead the premises should make sure that they are satisfied that management of the outdoor area is adequate.
- The Scottish Grocers Federation raised concerns with the Licensing Board's policy in relation to licensed hours for off-sales hours and in particular the requirement for additional control measures post 2000 hours. It is suggested by the Clerk that this

long-standing policy remains fit for purpose.

- A trade association requested that entertainment is deemed sufficient reason for Children and Young Persons to be on premises with reference being made to tourism. It is suggested by the Clerk that this is a matter for Licensing Board members to consider on a case by case basis.

Trade responses – Assessment of Overprovision

- 4.7** Trade members responses are at Appendix 7. Trade association respondents (see Appendix 6) expressed concern that an Assessment of Overprovision that identifies large parts of the authority's area as overprovided for may restrict trade and deter investment. For example, the Scottish Grocers Federation wrote *"Convenience stores provide a range of key services for their customers, and this includes that ability to be able to offer their customers a full range of products...Therefore, a consequence of overprovision is that new entrants to the market are unable to obtain premises licences...and are therefore, disadvantaged."* This point was also made by licence holders in the localities to be declared as overprovided for premises of a particular type during the aforementioned workshop session. Attendees at this workshop expressed concern around overprovision potentially restricting their ability to expand. Members will be aware that the Licensing Board is entitled to introduce a rebuttable presumption against the grant of a licence by way of an overprovision policy provided that it is lawful and evidence based and further, all applications will be considered on their own merits.

- 4.8** In relation to the Licensing Board's proposal to make clear within the Assessment of Overprovision that increasing the capacity of a licensed premises in an area of overprovision will face a rebuttable presumption against grant, a member of the trade asked *"How does a responsible alcohol retailer increase or his alcohol offering if he is sited within a current overprovision zone. Refits [usually involve] increasing or decreasing popular retail categories...the policy appears to suppress the normal means of business improvement."* Notwithstanding confirming that a variation triggers a rebuttable presumption against grant in terms of the Assessment, it would be open to an applicant to argue that their application should be treated as an exception to policy and further increasing the capacity of premises within the overprovision locality is a material consideration for the Licensing Board given that they had regard to the capacity and licensed hours when preparing their Overprovision Assessment.

External bodies

- 4.9** Responses were received from:-
- Police Scotland;
 - a joint response from the Environmental Health service of the

- Council; and
- a joint response from NHS Greater Glasgow and Clyde, West Dunbartonshire Health and Social Care Partnership, and the West Dunbartonshire Alcohol and Drug Partnership.

All responses are at Appendix 8.

4.10 Police Scotland's response indicates that they are broadly content with the terms of the document and does not advocate any amends in relation to either the Statement of Licensing Policy or the Assessment of Overprovision.

4.11 Having considered the joint response from Environmental Health Services, minor amends are proposed at paragraphs 15.3, 16.1, and 24.2 of the draft Statement of Licensing Policy so to clarify matters around the Licensing Board's approach to the licensing objective of preventing public nuisance and the updated statutory position in relation to single use plastics.

4.12 The joint response from NHS Greater Glasgow and Clyde, West Dunbartonshire Health and Social Care Partnership, and the West Dunbartonshire Alcohol and Drug Partnership submits that the new Statement of Licensing Policy very effectively promotes the licensing objectives and supports various amends to the Policy including the tightening of the terms of Children's access to licensed premises, the proposed standard conditions in relation to Children and Young Persons' access, requirement for a refusal register and the inclusion of an expanded section on attendance at Licensing Board meetings.

4.13 The foregoing response does express concern in relation to a number of matters including (but not limited to):-

- it is suggested that delivery staff must have appropriate training to make sure that the Challenge 25 scheme is complied with; the relevant condition has been updated to address this concern (see Condition 1 of Part C (Home deliveries) ;
- concern is expressed around the Policy narrating a 10pm terminal hour for unattended Young Persons in licensed premises with it being suggested that this *"serves to promote this legality rather than consider the impact the policy will have..."*; it is the Clerk's view that it is important that applicants have certainty around the Licensing Board's expectations in relation to Children and Young Person's access;
- the response posits that the standard conditions in relation to occasional licences are *"alone are unlikely to be sufficient to offset the risk that occasional licenses may generate harms in terms of the licensing objectives (particularly if they are used recurrently and are subject to less scrutiny)."*; Members will be aware that the Licensing Board has limited powers under the 2005 Act in relation

to the determination of occasional licences and that this is a matter that the Scottish Government are considering having regard to the impact of *Keasim Ltd v City of Glasgow Licensing Board*; and

- it is noted within the response that the Licensing Board has not refused an application on the grounds of overprovision. The Licensing Board has refused applications on the grounds of overprovision, most notably an application for a premises licence for a convenience store in Clydebank (see *Martin McColl Limited v West Dunbartonshire Licensing Board*) and furthermore, the Assessment of Overprovision has a deterrent effect as Officers heard when consulting with the trade.

West Dunbartonshire Licensing Forum

- 4.14** The West Dunbartonshire Licensing Forum wrote to the Clerk to commend the recommendations it made during the Licensing Board's pre-consultation exercise (see Appendix 9).

Licensed trade workshop

- 4.15** On 16 August 2023 a workshop was held with members of the licensed trade. The principle aim of the workshop was to identify practical issues that may arise as a result of the draft Statement of Licensing Policy and Assessment of Overprovision. There was broad support for the amendments in the draft Statement of Licensing Policy. Attendees did identify potential technical issues with the wording in relation to conditions for home deliveries and the requirement for a refusal book and the updated draft Statement of Licensing Policy has been revised to reflect this feedback. Members of the on-sales licensed trade requested that consideration be given to recognising both the Scottish Pipe Band Championships and Highland Games as significant events where the grant of an extended hours application would be delegated to the Clerk. The Clerk is of the view that sufficient discretion is already contained within the Policy to determine this type of application in the appropriate circumstances.

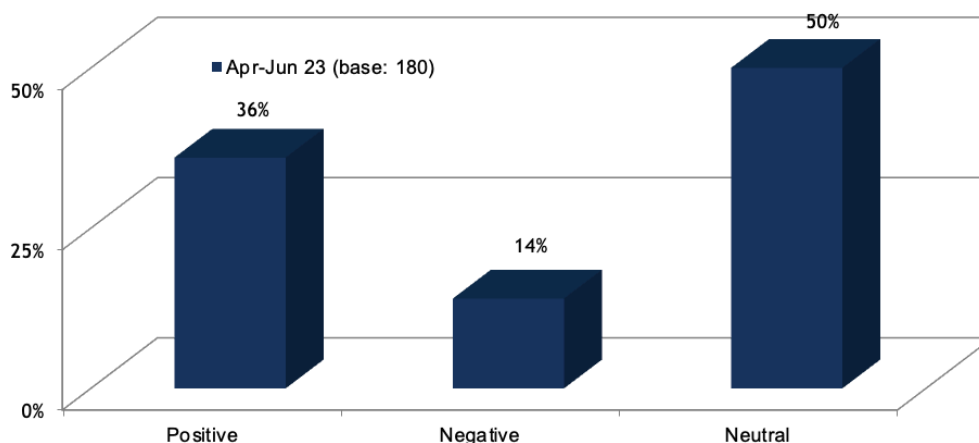
Telephone survey

- 4.16** Respondents were asked to comment on various licensing matters.

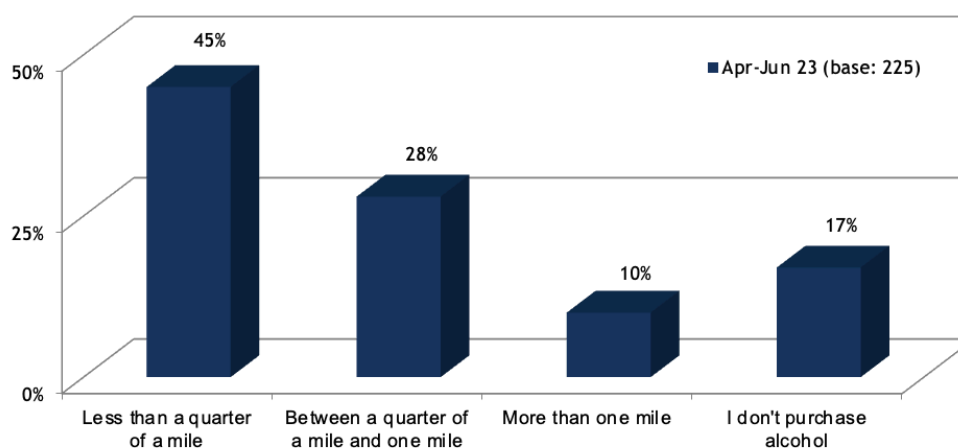
Premises selling alcohol:

	Too many	About right number	Too few
Off-licence Premises (Apr to Jun 23 base: 203)	17%	78%	5%
On-licence Premises (Apr to Jun 23 base: 184)	10%	67%	24%

Perceived impact that licensed premises have on the local area:



Distance usually travelled to purchase alcohol:



4.17 It is suggested that these survey results reinforce the Licensing Board's understanding that the Statement of Licensing Policy is broadly fit for purpose.

Miscellaneous amends

4.18 Various amends have been made to the Statement of Licensing policy. All changes are highlighted. In particular Members should note:-

- paragraphs 32.5 and 32.6 have been amended to clarify that the later terminal hour for restaurants and premises offering significant entertainment facilities are part of the Licensing Board's policy in relation to licensed hours albeit will only be granted to particular types of premises;
- paragraph 7 has been updated to reflect the work carried out by the Licensing Board since the draft copy was prepared; and
- amends at paragraph 32.4 clarifies that where an early commencement hour is granted then it must be linked to the activity taking place on the premises.

- 4.19** The Assessment of Overprovision has been amended as highlighted in the document. These amends have been made to clarify various matters within the Assessment and the Licensing Board's position.

Next steps

- 4.20** The new revised Statement of Licensing Policy including the Assessment of Overprovision – subject to any amends Members instruct – will take affect from November 2023. It is open to the Licensing Board to revisit its Statement of Licensing Policy by way of a Supplementary Statement of Licensing Policy. It is expected that the Local Licensing Forum will alert the Licensing Board to any matters that it thinks requires to be considered by way of a Supplementary Statement of Licensing Policy.

5 People implications

- 5.1** The work involved in gathering evidence and preparing the Policy has workload implications for the Board during 2023 but this can be accommodated within existing staffing resources.

6 Financial and Procurement Implications

- 6.1** The Policy will allow applicants to assess whether there are sufficient prospects of success should they proceed with an application. A clear policy will therefore assist applicants in avoiding unnecessary expenditure on lodging applications and legal fees.
- 6.2** A Policy that is legally unsound or based on erroneous material is more likely to be legally challenged. Such a challenge, should it be successful, will leave the Board liable to possibly substantial legal fees. A well-evidenced Policy will diminish the chances of a successful legal challenge.

7 Risk analysis

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

8 Equalities Impact Assessment (EIA)

- 8.1** EIA 786 refers to the EIA in relation to the Statement of Licensing Policy and concludes that the Policy promotes the licensing objectives and is underpinned by probative evidence. The development of the Policy has been informed by an extensive pre-consultation exercise and then a public consultation exercise. All

material ingathered has been carefully considered by the Licensing Board in formulation of the new Policy.

- 8.2** EIA 785 refers to the EIA in relation to the Assessment of Overprovision. The Licensing Board's Assessment of Overprovision is an important tool in mitigating the health harms and anti-social behaviour caused by alcohol (where it can be shown that there is a link between these factors). The Assessment is based on evidence provided by Police, NHS and LSOs as well as taking into account the views of a wide range of stakeholders. The consultation responses suggested broad support for the Overprovision Assessment.

9 Environmental Sustainability

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

10 Consultation

- 10.1** As set out in this Report, an extensive consultation process has been carried out when developing the Statement of Licensing Policy and Assessment of Overprovision. The Licensing Board's statutory obligations around consultation, as set out in the 2005 Act (primarily sections 6 and 7) and Statutory Guidance issued further to section 142 of the 2005 Act, has been discharged.

Alan Douglas
Clerk to the Licensing Board
15 September 2023

**Person to
contact:**

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Appendices:

Appendix 1: Statement of Licensing Policy
Appendix 2: Assessment of Overprovision
Appendix 3: Public comments re: Statement of Licensing Policy
Appendix 4: Public comments re: Assessment of Overprovision
Appendix 5: Trade comments re: Statement of Licensing Policy
Appendix 6: Trade representatives comments
Appendix 7: Trade comments re: Assessment of Overprovision
Appendix 8: Comments from external bodies
Appendix 9: Licensing Forum response
Appendix 10: EIA 786 - Statement of Licensing Policy
Appendix 11: EIA 785 - Assessment of Overprovision

WEST DUNBARTONSHIRE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

STATEMENT OF LICENSING POLICY



November 2023 to November 2027

INDEX

Section	Page
Foreword	4
PART 1 INTRODUCTION	
1. Legal Background	5
2. West Dunbartonshire Licensing Board	5
3. Licensing Objectives	5
4. Licensing Board Functions	6
5. Declaration	6
6. Statement of Licensing Policy and Individual Applications	7
7. Relationship with other Strategies	7
8. Tourism	7
9. Duplication	7
10. Equalities	8
PART 2 THE LICENSING OBJECTIVES	
11. The Licensing Objectives	9
12. Preventing Crime and Disorder	9
13. Securing Public Safety	10
14. Prevention of Public Nuisance	10
15. Protecting and Improving Public Health	11
16. Protecting Children & Young Persons from Harm	12
PART 3 LICENCES	
17. Licences	14
18. Premises Licence	14
18.2 Access to Premises by Children and Young Persons	14
18.5 Garages	15
18.6 Home Deliveries	15
18.7 Outside Drinking	16
18.14 Plastic Glasses	17
18.15 Smoking	17
18.16 Race Nights	17
18.17 Capacity	17
19. Personal Licence	18
19.1 Training	18
19.2 Renewal	18

INDEX Cont ...

Section		Page
PART 3	LICENCES Cont ...	
	20. Occasional Licence	18
	20.2 Occasional Licence – Repeated applications in lieu of a Premises Licence	18
	20.3 Hours	19
	20.5 Recommended Training Requirements	19
	21. Extended Hours Applications	19
	21.1 Special Events	19
	21.2 National and International Events and Festivals	20
	21.3 Hours	20
	22. Premises that are Tenanted Out and the Premises Licence Holder is the Landlord.	20
PART 4	OVERPROVISION	
	23. Overprovision	22
PART 5	LICENSED HOURS/HOURS OF TRADING	
	24. Off-Sales	25
	25. On-Sales	25
	26. Festive Period	27
	27. Late Opening	27
	28. Early Opening	27
	29. British Summer Time	28
PART 6	BOARD PROCEDURE	
	30. General	28
	31. Delegation of Functions	28
	32. Enforcement	29
	33. Licensing Standards Officers	29
	34. West Dunbartonshire Local Licensing Forum	30
Addendum	Summary of Evidence Considered by the Board in Consideration of its Statement of Licensing Policy.	31
APPENDIX	Overprovision Localities Maps	33

Foreword

[TO BE UPDATED POST CONSULTATION]

DRAFT

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](https://www.west-dunbarton.gov.uk/community/have-your-say/citizens-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-wdadb/>

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=pwRE6AGJFLDNlh225F5QMaQWctPHwdhUfCZ/LUQzgA2uL5jNRG4jdQ%3D%3D&mCTIbCu bSFfXsDGW9IXnlG%3D%3D=hFflUdN3100%3D&kCx1AnS9/pWZQ40DXFvEw%3D%3D=hFflUdN3100%3D&uJovDxwdjMPoYv+AJvYtyA%3D%3D=ctNJFf55vVA%3D&FgPIIEJYlotS+YGoBi5oIA%3D%3D=NHdURQburHA%3D&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3D&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3D&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJFf55vVA%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](http://www.west-dunbarton.gov.uk/media/4312487/appendix-eq-mainstreaming-report-2017.pdf).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 Licenisng 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.

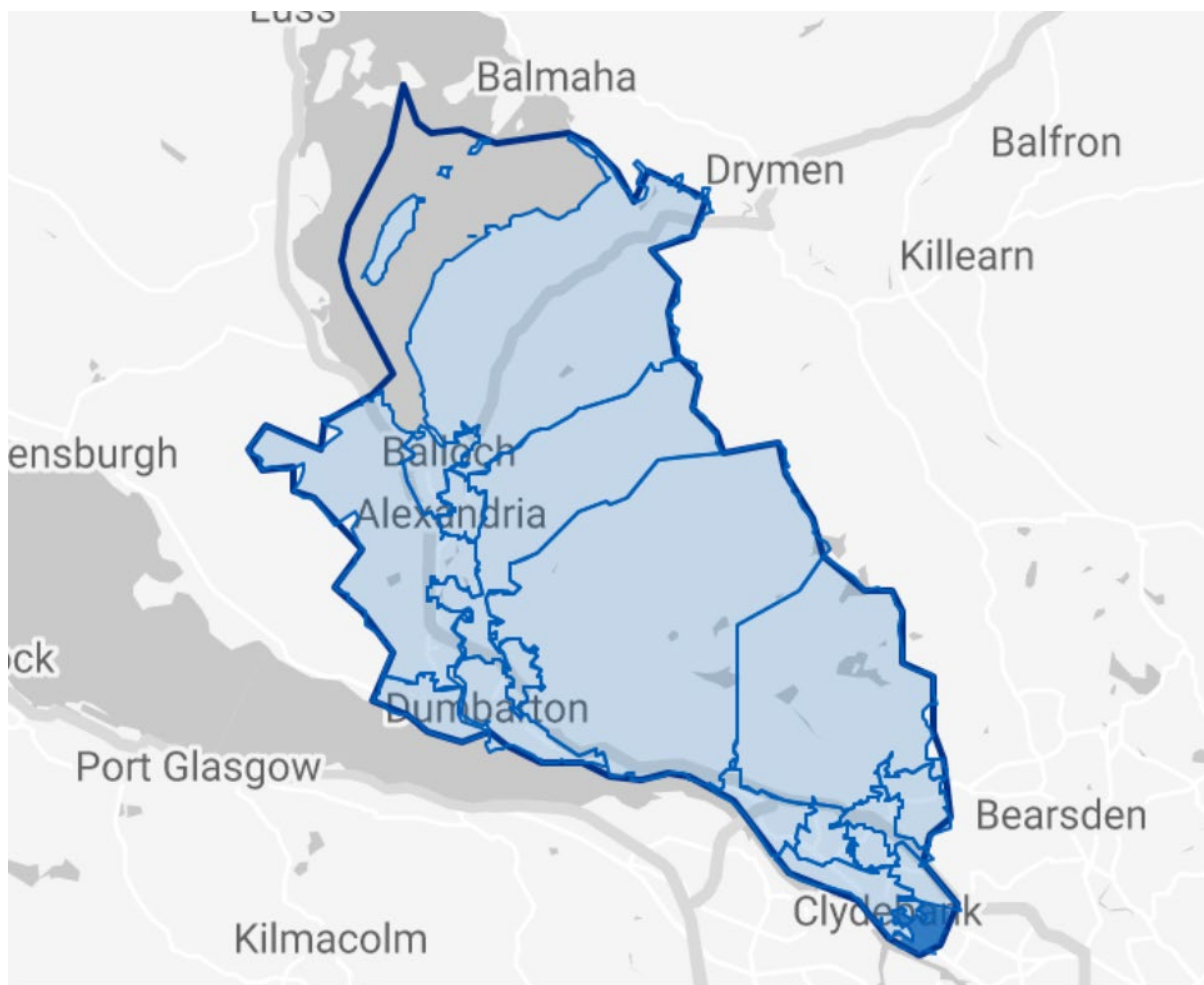
Premises offering significant entertainment

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

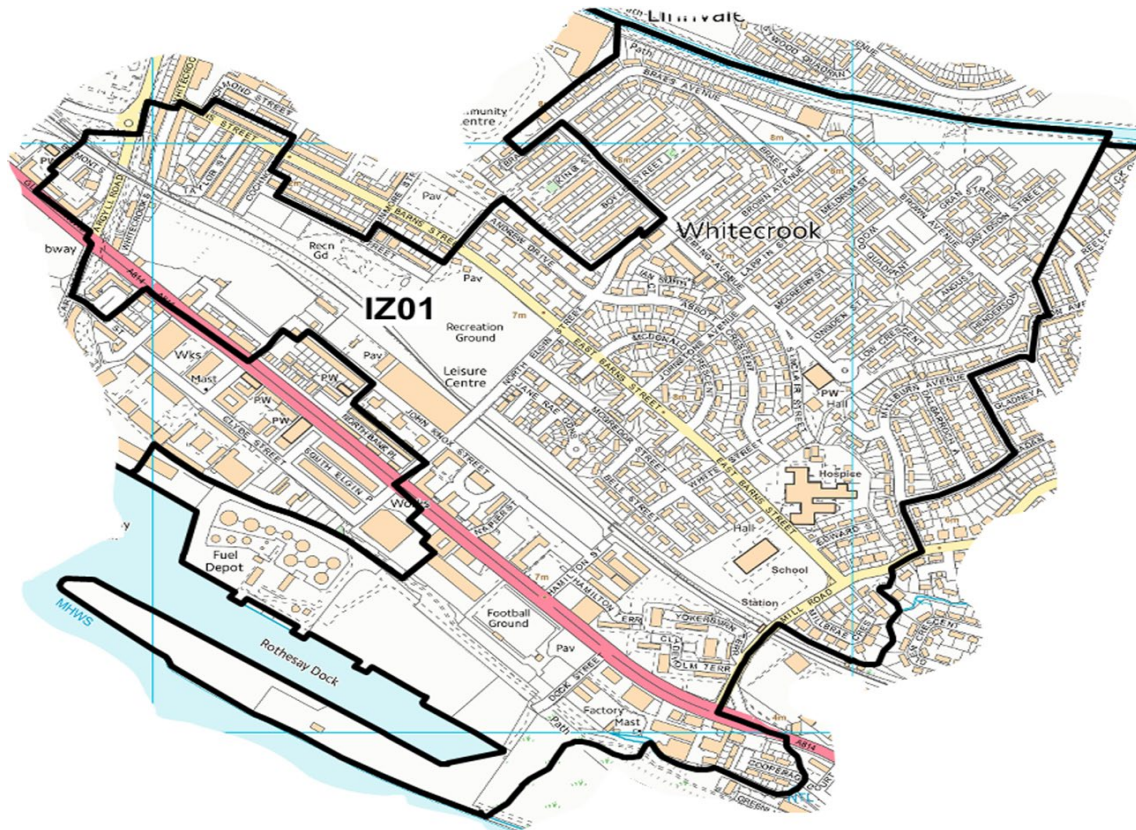
APPENDIX 2

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



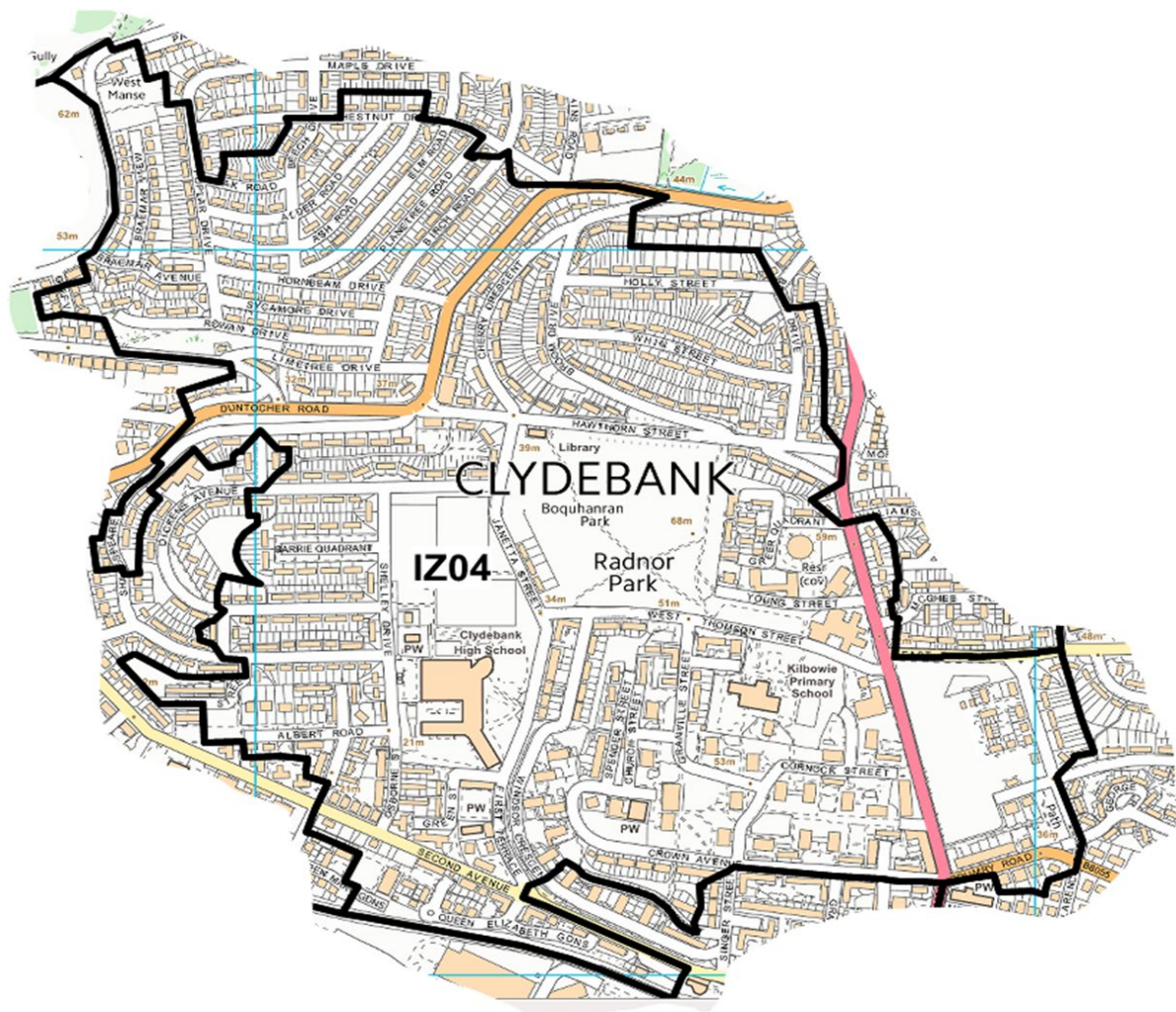
IZ 01 - Clydebank East inc. Whitecrook (part)



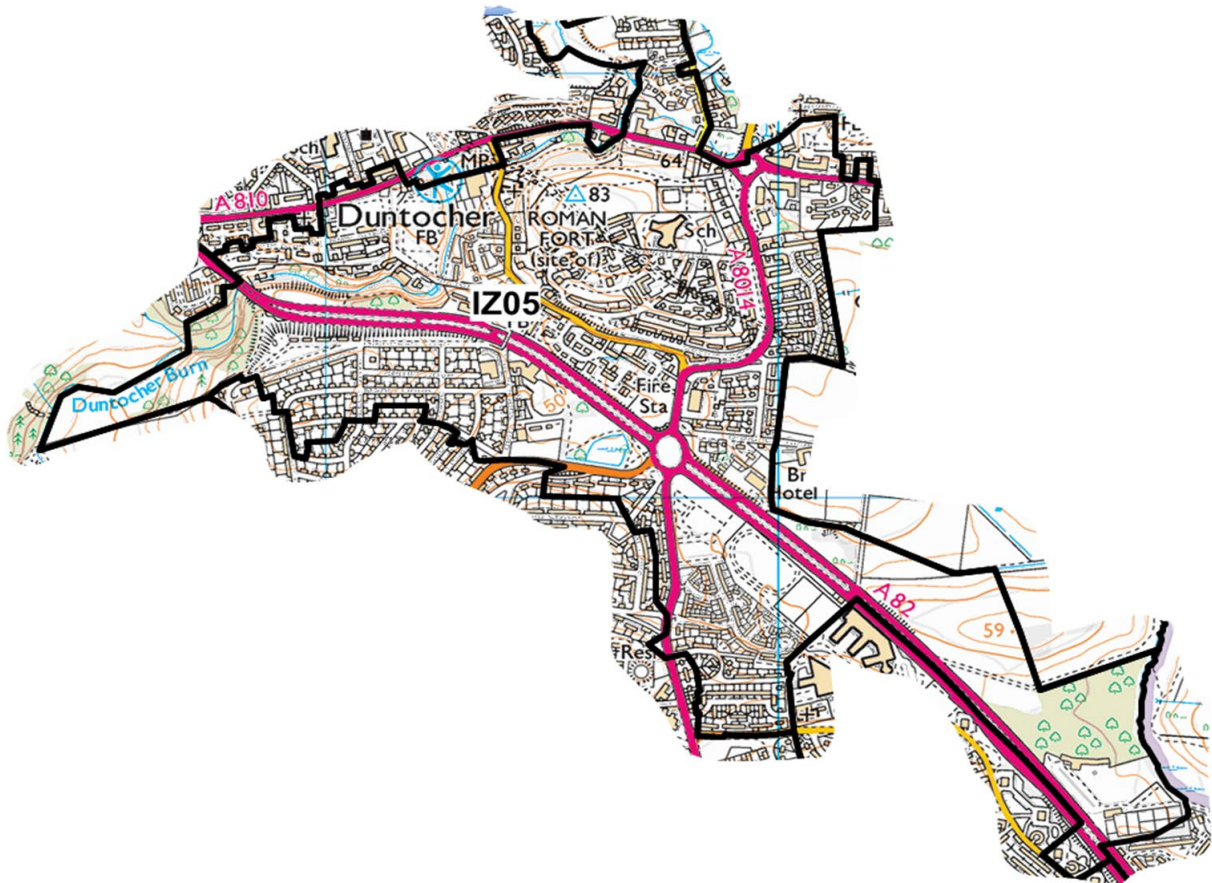
IZ 03 – Drumry & Linnvale



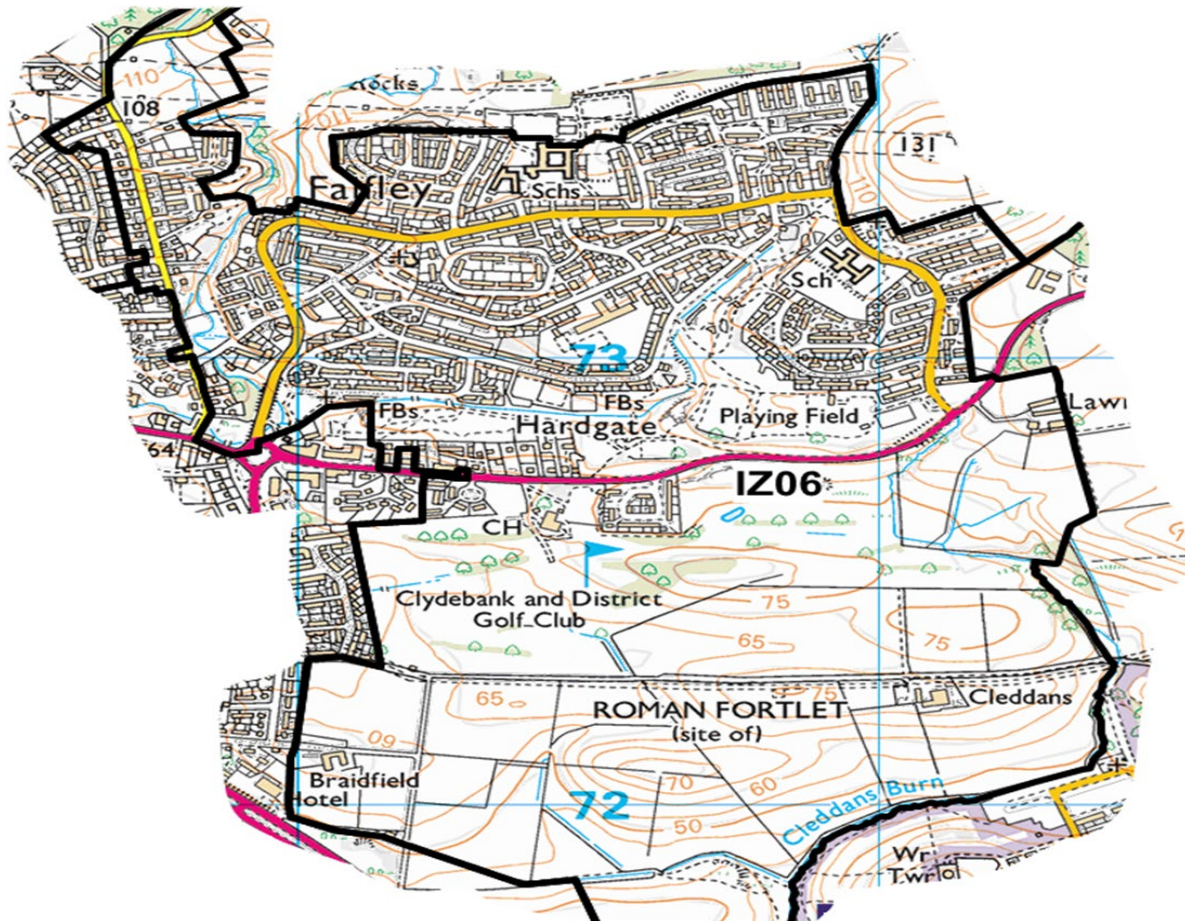
IZ 04 – Parkhall South, Radnor Park and North Kilbowie



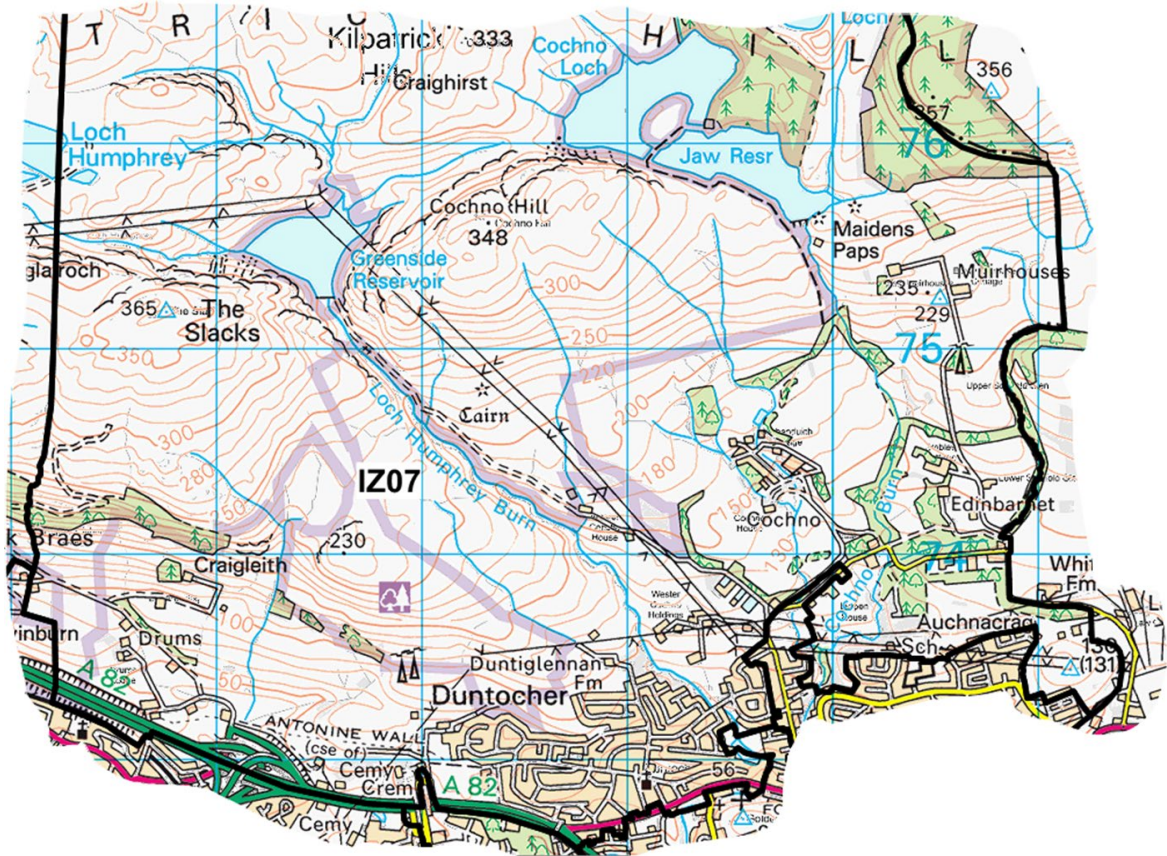
IZ 05 – Goldenhill, Parkhall North, East Kilbowie & Hardgate Central



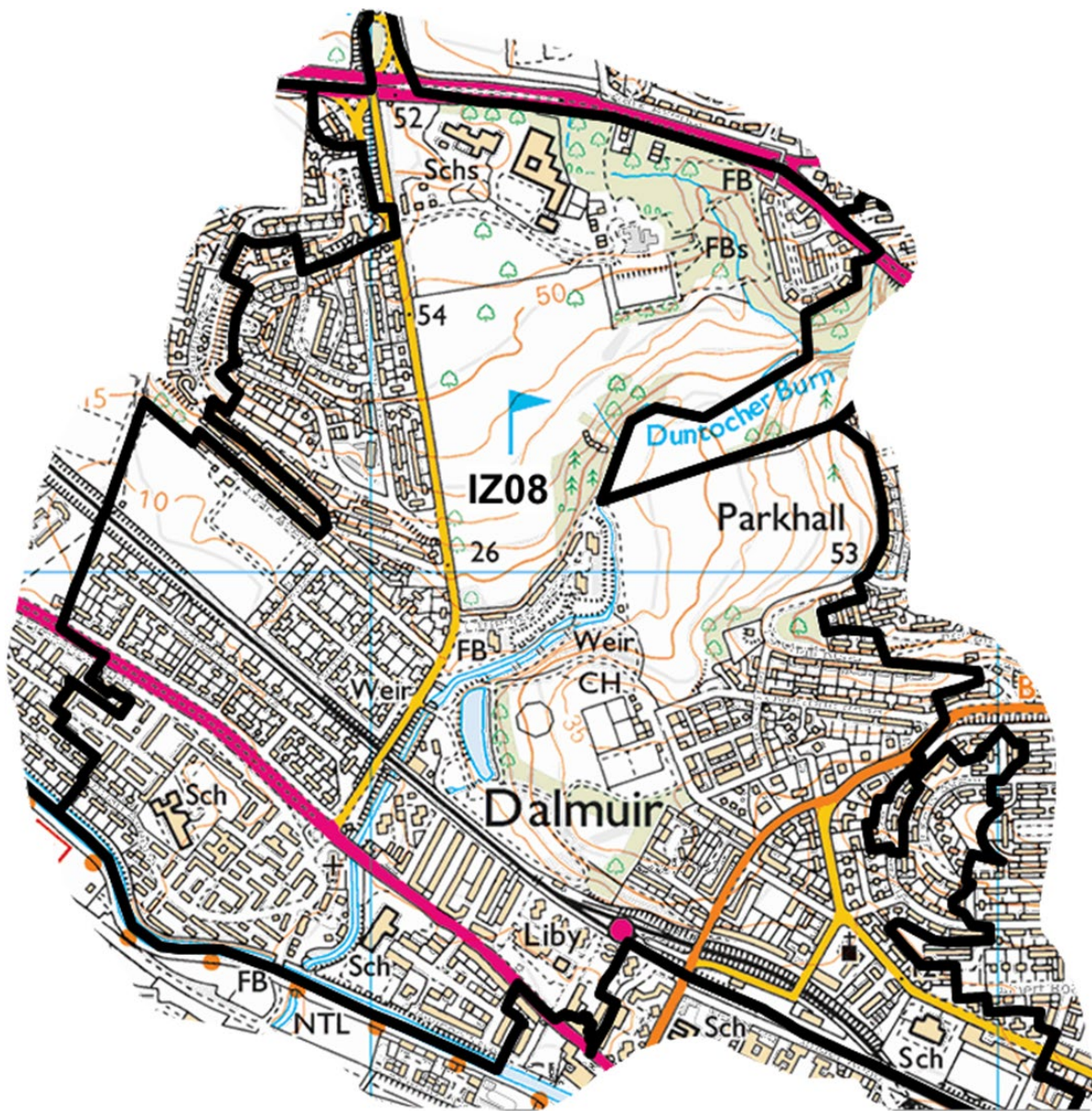
IZ 06 – Faifley& Hardgate East



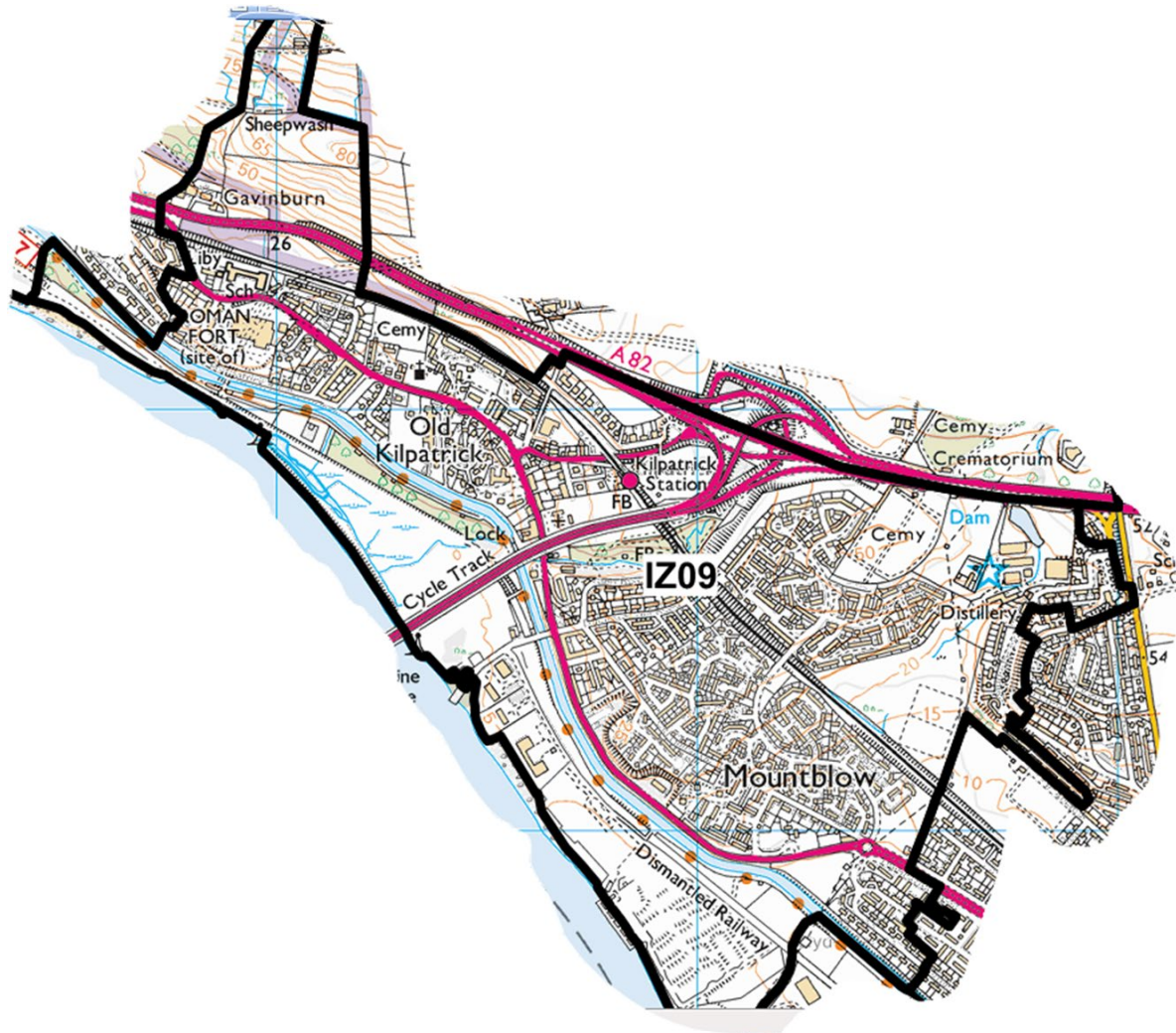
IZ 07 – Duntocher & Cochno



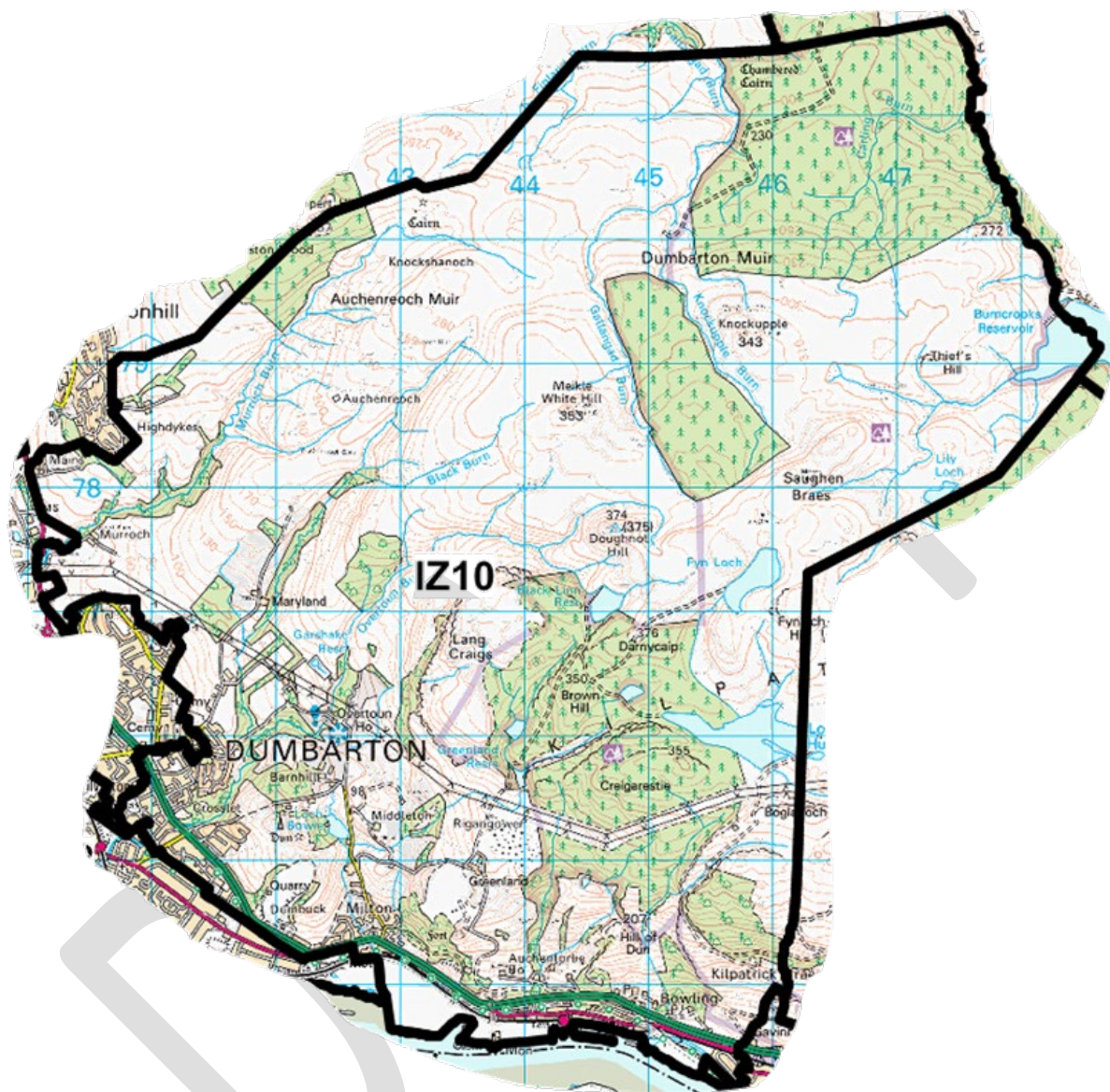
IZ 08 – Mountblow, Parkhall West and Dalmuir Central



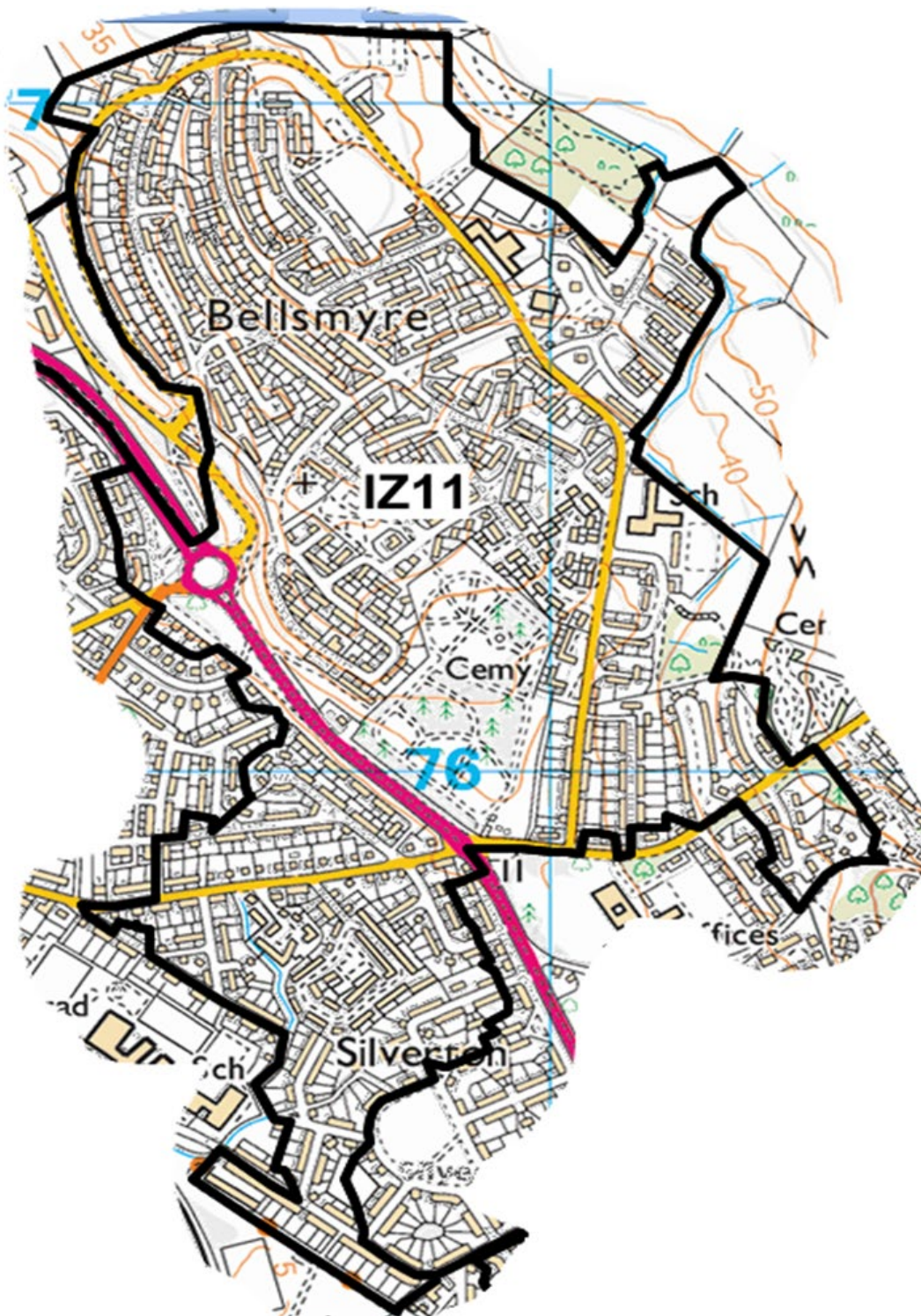
IZ 09 – Old Kilpatrick



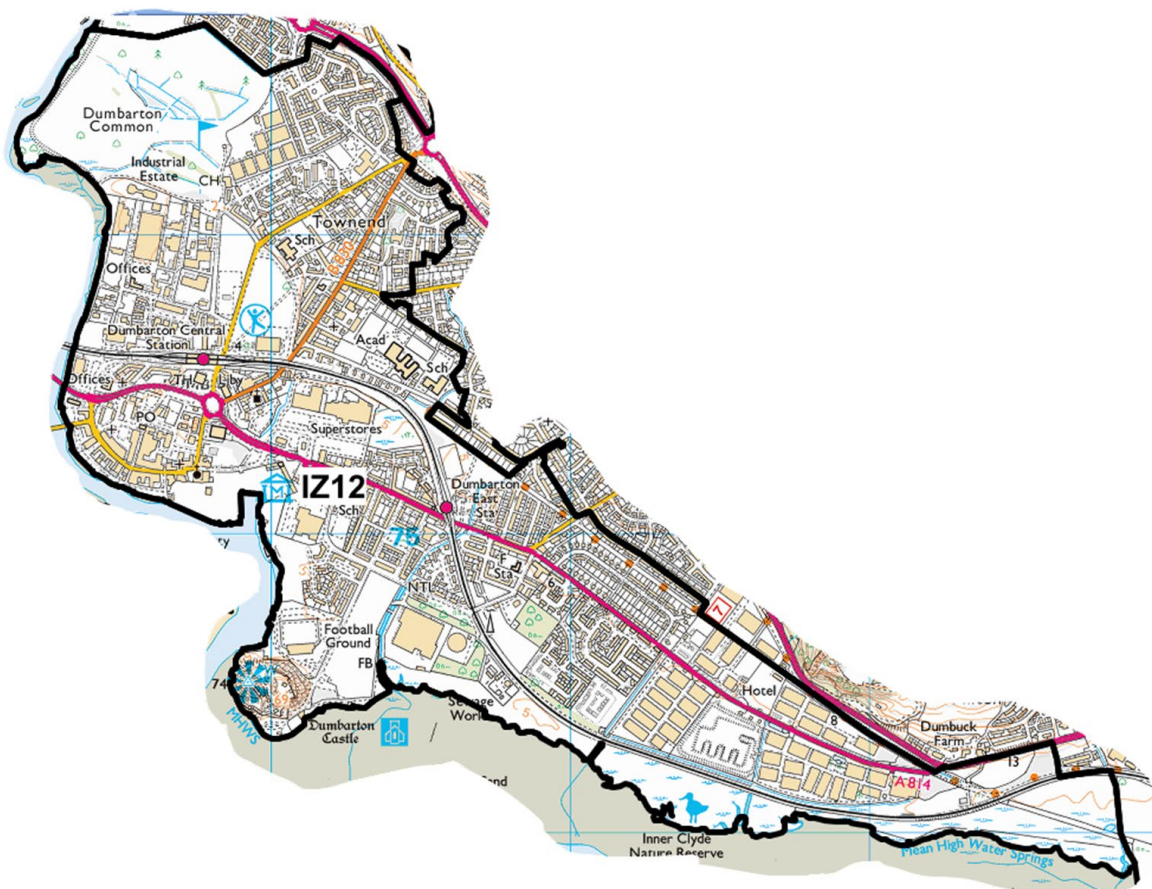
IZ 10 – Barnhill, High Overtoun, Milton & Bowling



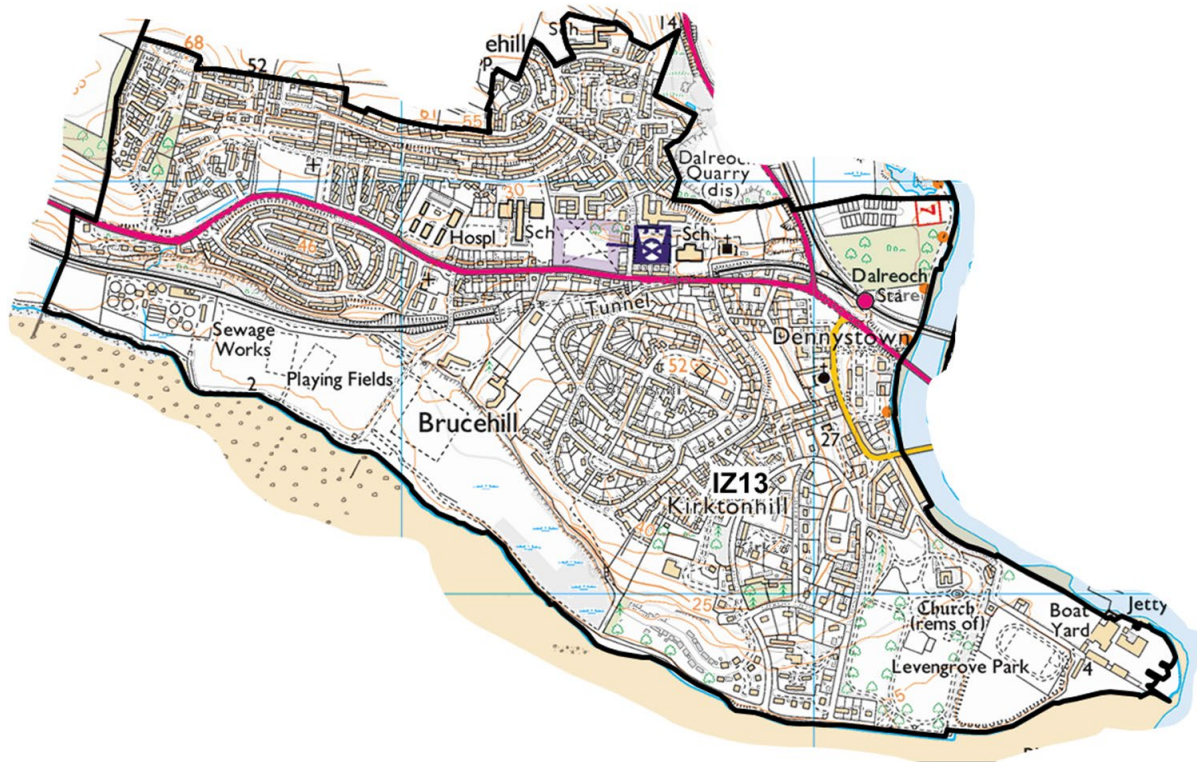
IZ 11 - Dumbarton North East – Bellsmyre & Silverton East



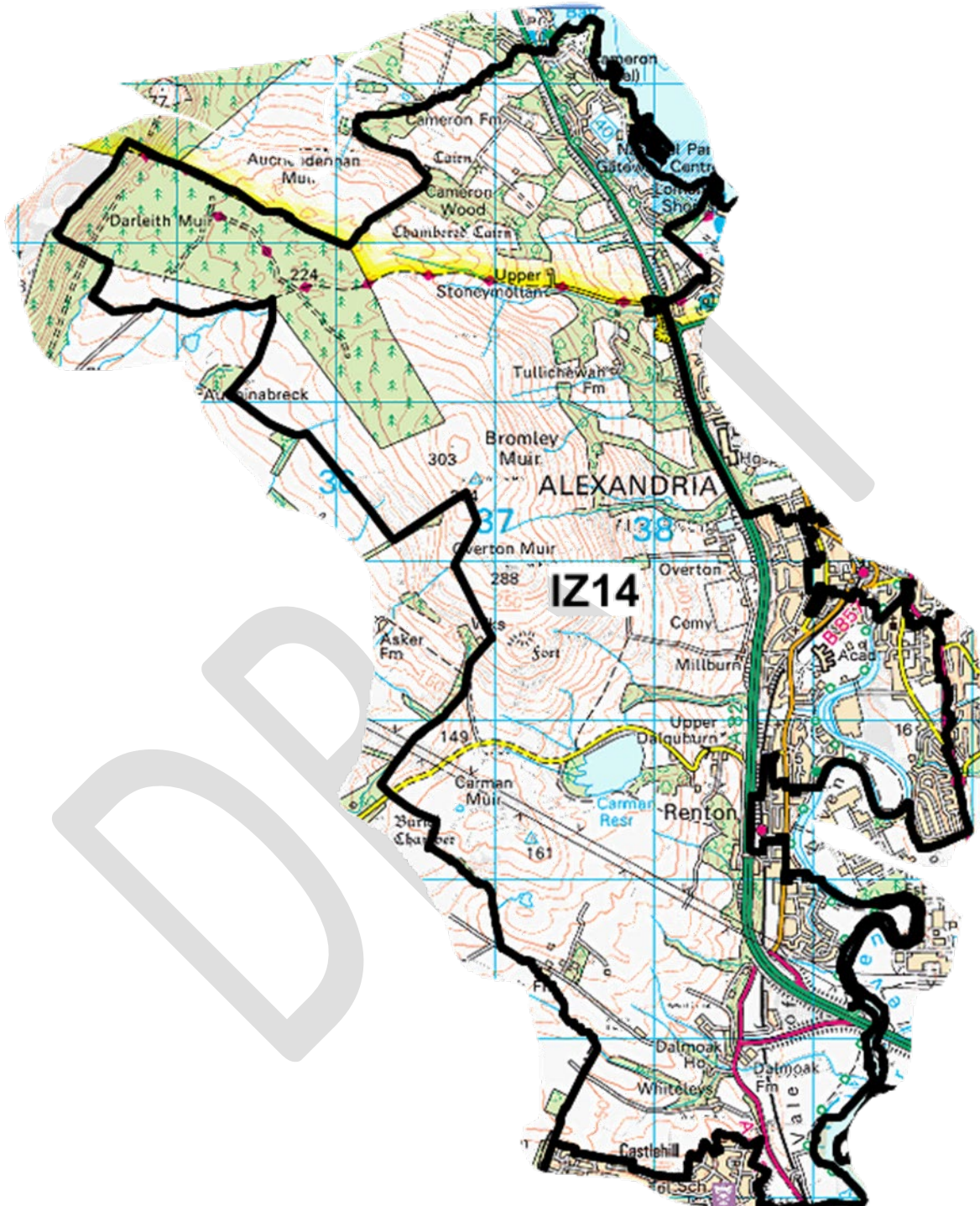
IZ 12 – Dumbarton Central, Dumbarton East & Townend



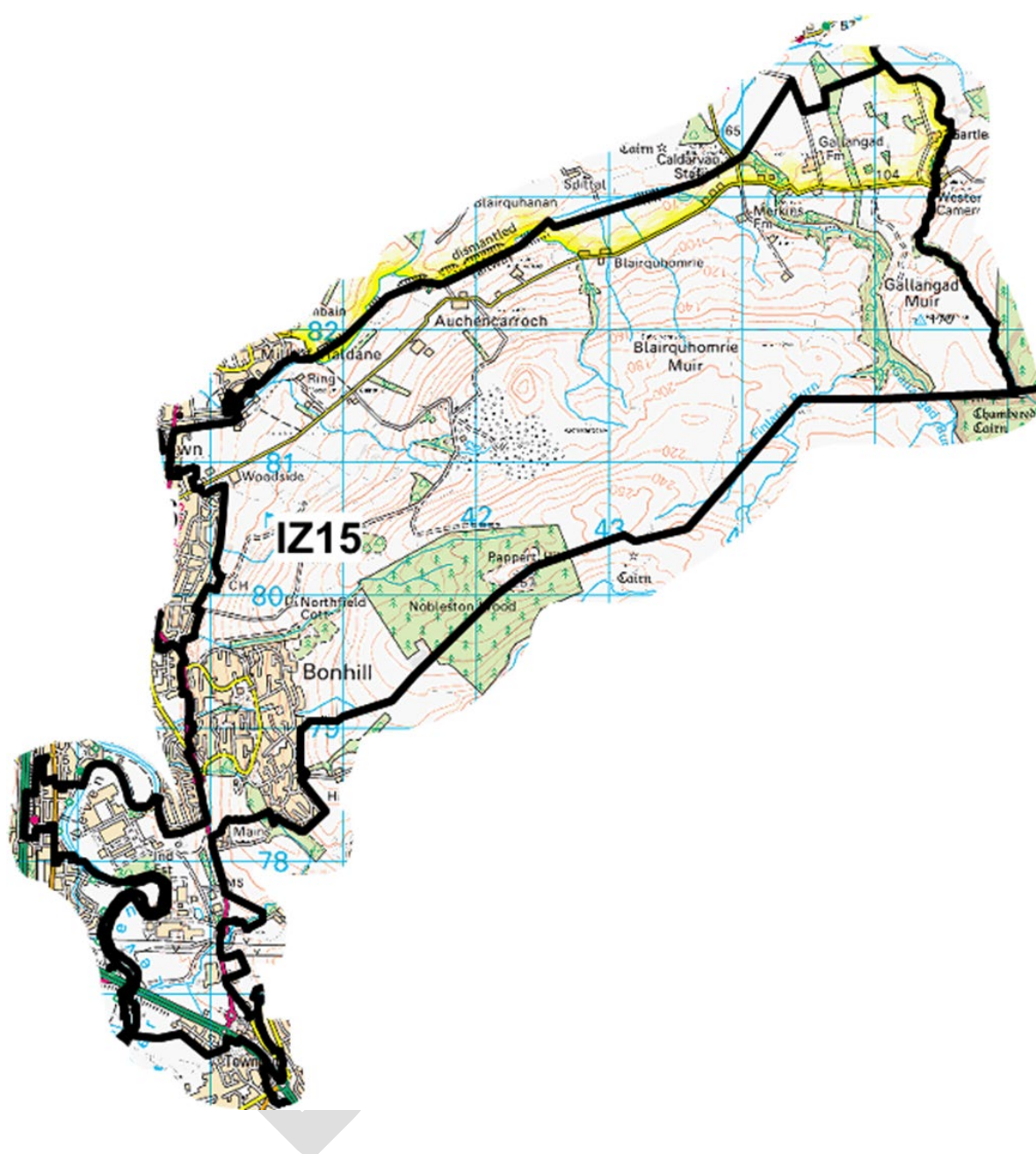
IZ 13 – Dumbarton West



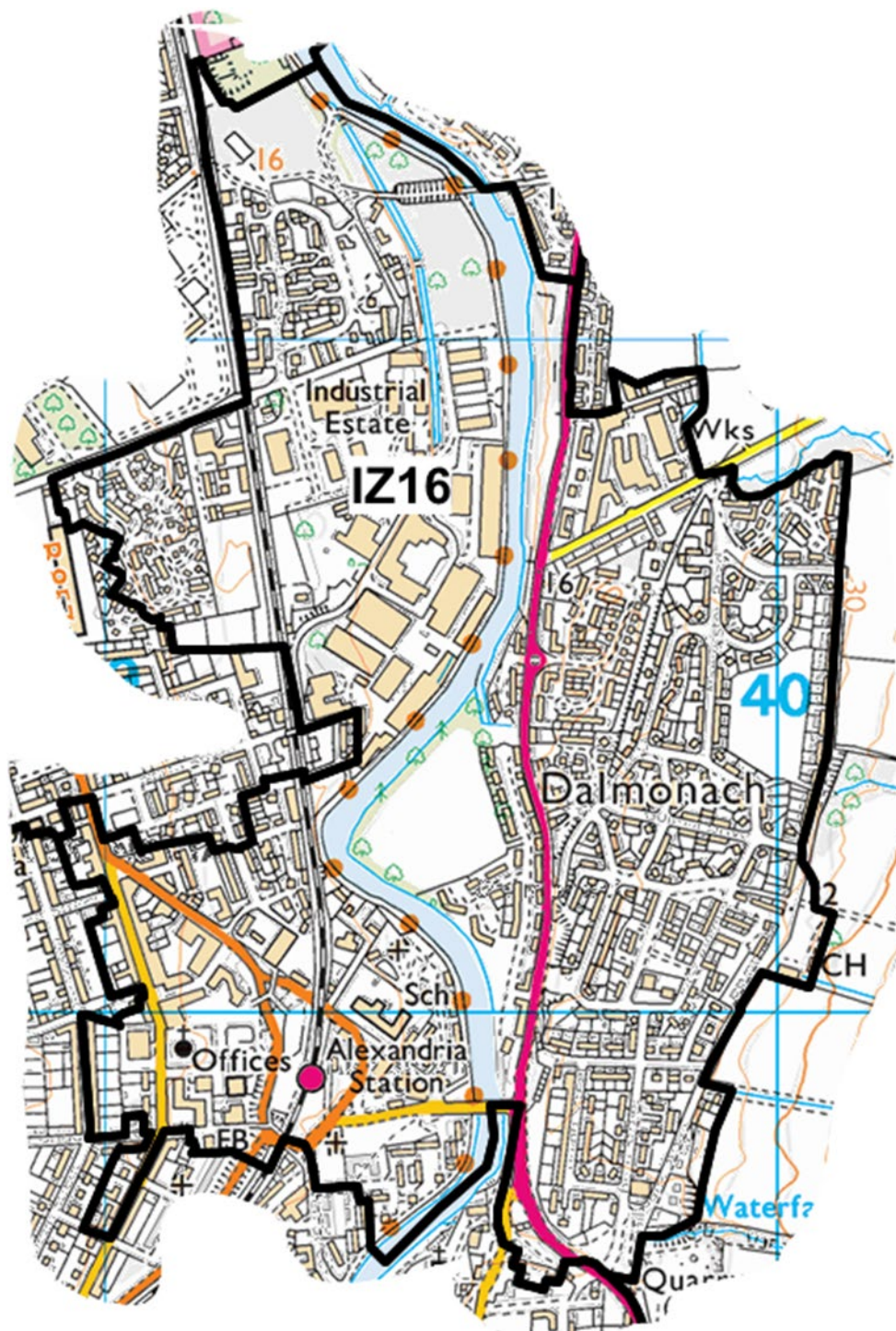
IZ 14 – Renton, Old Bonhill & Loch Lomond West.



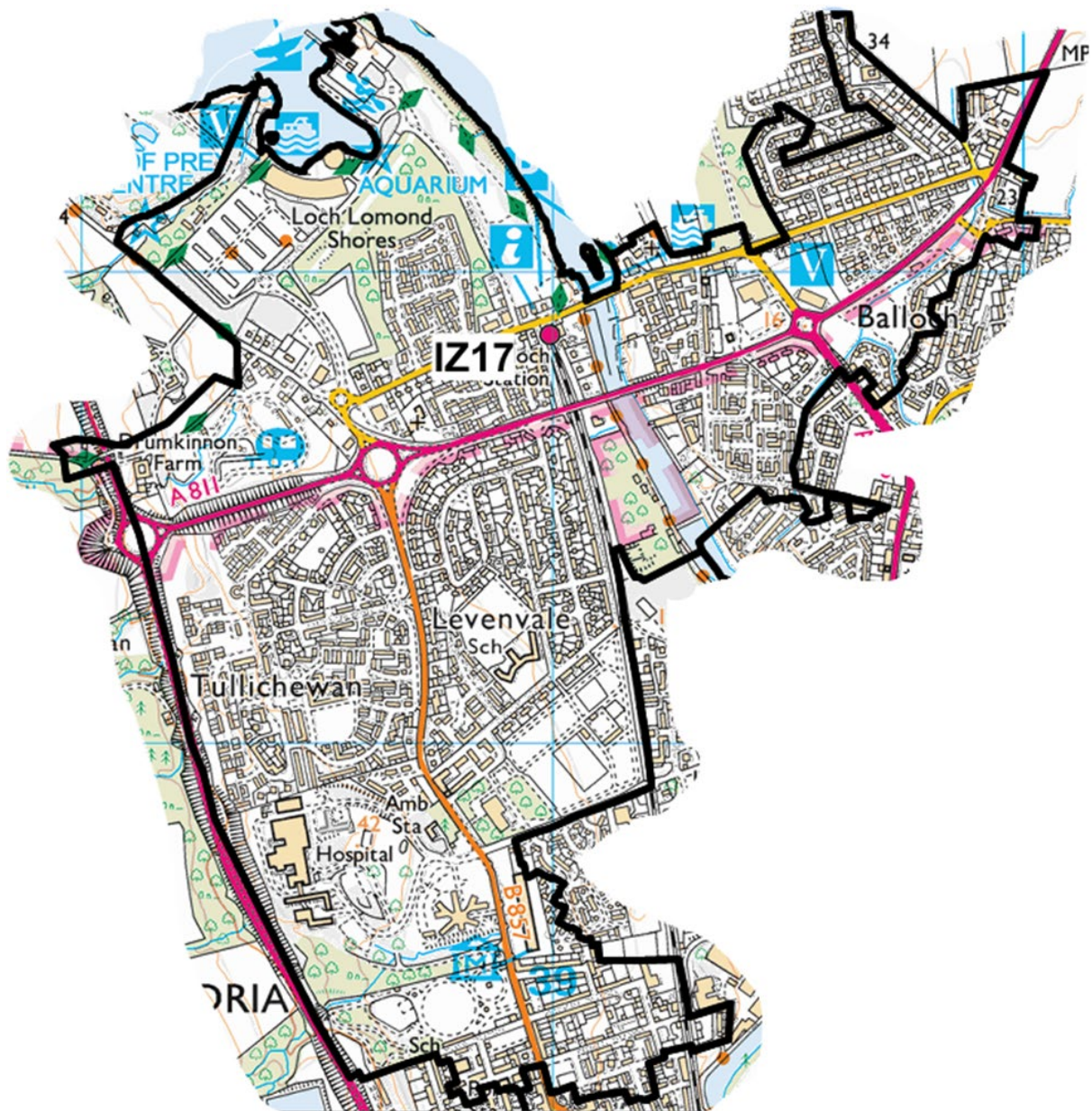
IZ 15 – Bonhill, Lomondgate & Renton North



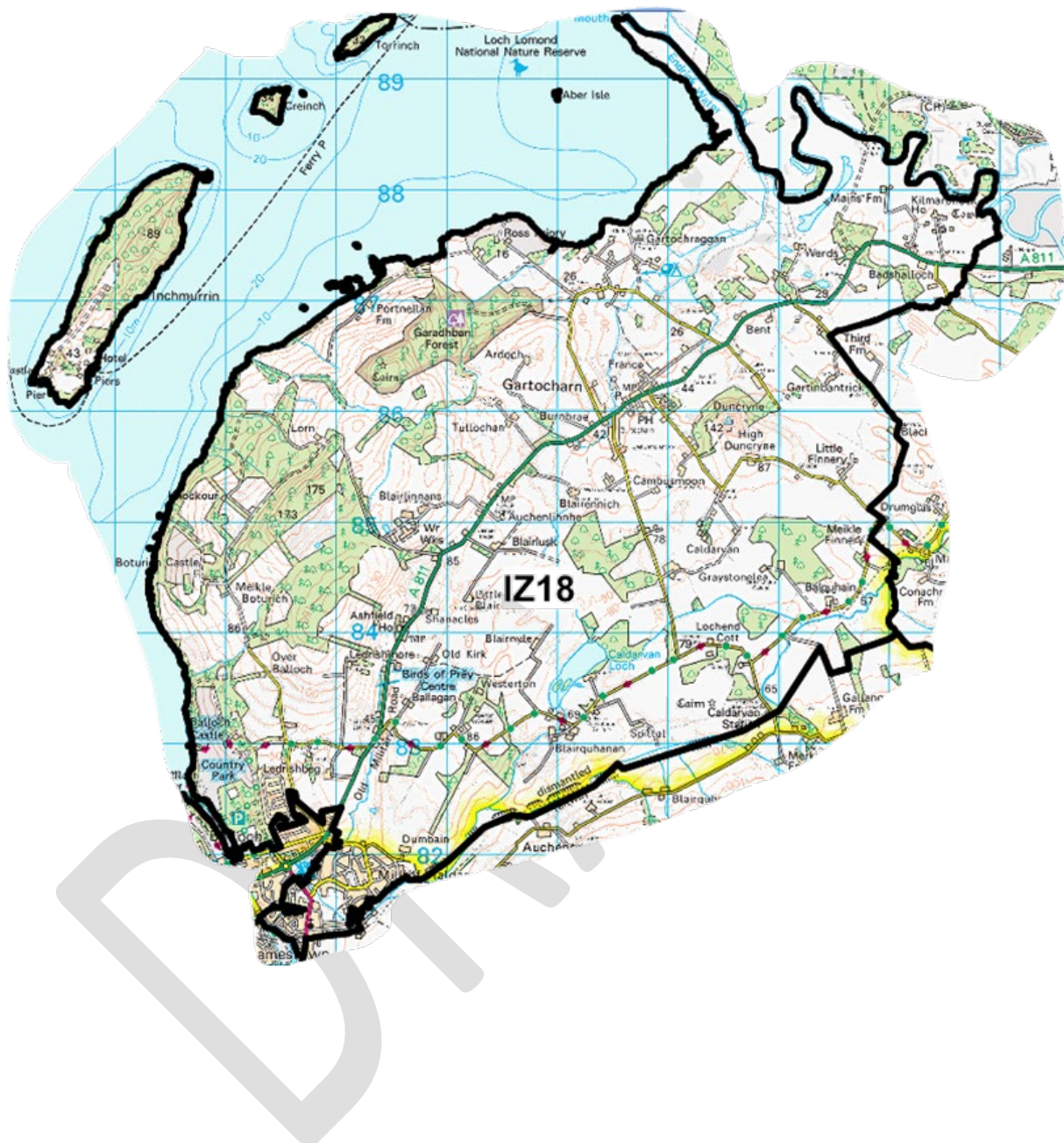
IZ 16 – Alexandria Central, Rosshead & Dalmonach



IZ 17 – Balloch & Alexandria North



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



PART 4

OVERPROVISION

29. Pro-active assessment of overprovision

- 29.1 Section 7 of the Act requires the Licensing Board to include in its Statement of Licensing Policy a statement as to the extent to which the Licensing Board considers there to be overprovision of licensed premises, or licensed premises of a particular description, in any locality within the Licensing Board's area.
- 29.2 The Licensing Board is of the view that its assessment of overprovision is a key tool in tackling alcohol-related health harms within West Dunbartonshire. In particular, the information submitted by the NHS Greater Glasgow and Clyde is of particular importance. The Licensing Board hopes that a robust overprovision assessment underpinned by probative evidence as well as whole population measures such as minimum unit pricing can help address the foregoing health harms.
- 29.3 The Licensing Board notes that setting out a clear and transparent Assessment of Overprovision will offer a clear indication to potential applicants within the localities identified as areas of overprovision that, depending on the nature of their application, they may face abortive costs should they not rebut the presumption against the granting of the application whilst always treating each application on its own merits. The Assessment further clearly narrates the factors that the Licensing Board will have regard to when considering whether to grant an application in a locality designated as being overprovided for.
- 29.3 It is for the Licensing Board to determine which localities within the Licensing Board's area are considered for the assessment of overprovision. In identifying the localities the Licensing Board has had regard to the material gathered as part of its pre-consultation exercise (see paragraph 7 for further information).
- 29.4 In its Assessment of Overprovision, the Licensing Board has continued its established approach of utilising the Scottish Neighbourhood Statistics intermediate data zone geographies as the localities for this purpose. A number of agencies use intermediate data zone geographies to collate and publish statistics. Using these geographies allows the analysis of statistics and the number, capacities and hours of licensed premises.
- 29.5 The West Dunbartonshire area can be broken up in to 18 distinct IDZ localities. These intermediate data zones represent small geographical sections of the West Dunbartonshire Council area equivalent to an average of 4,000 household residents.
- 29.6 The Licensing Board, having examined data regarding:-
- Alcohol Related Hospital Admissions;
 - Alcohol Related Death Rate ;
 - Alcohol Related Mental Health;

- the Scottish Index of Multiple Deprivation;
- police incidents including assaults, domestic incidents, disorder & alcohol specific crimes; and
- information regarding the number, capacity and licensed hours of licensed premises;

as well as its own local knowledge and having regard to its duty to promote the licensing objectives the Licensing Board is of the view that there is overprovision of certain types of the licensed premises as detailed at paragraph 29.9 within several localities in the Licensing Board area.

- 29.7 When considering the material outlined at paragraph 29.6 the Licensing Board had regard to the impact of Minimum Unit Pricing and considering all the information before it was of the view that the information presented to it justified an approach being taken on a local level. This allows the Licensing Board to address the issues presented by the number, capacity, and hours of licensed premises in several localities within West Dunbartonshire.
- 29.8 A summary of the evidence considered by the Board in assessing overprovision can be found on the Licensing Board's [webpage](#)¹.]
- 29.9 The Licensing Board considers there to be overprovision of the following types of licensed premises namely:-
- public houses;
 - nightclubs;
 - off-sales and local convenience stores; and
 - supermarkets.
- 29.10 The Licensing Board will determine as a matter of fact whether the subject premises in an application fits within one of the foregoing categories of licensed premises. The Licensing Board will come to a view on a premises category based on the consideration of any evidence presented to it and having regard to the information disclosed within the application (including but not limited to the description of premises narrated), the operating plan and the layout plan.
- 29.11 The Licensing Board having regard to the forementioned information at paragraph 29.6 is satisfied that there is sufficient evidence to establish a dependable causal link between alcohol related harm and the number, hours and capacity of licensed premises at the level of an intermediate data zone and in order to promote the licensing objective of Protecting and Improving Public Health considers there to be overprovision of the foregoing types of licensed premises within West Dunbartonshire in the following 15 localities:-
- IZ01 Clydebank East inc. Whitecrook (part);
 - IZ02 Clydebank Central inc. Dalmuir (part) & Whitecrook (part);

¹ <https://www.west-dunbarton.gov.uk/business/licences-permits-and-permissions/west-dunbartonshire-licensing-board/>

- IZ03 Drumry & Linnvale;
- IZ04 Parkhall South, Radnor Park and North Kilbowie;
- IZ06 Faifley & Hardgate East;
- IZ08 Mountblow, Parkhall West and Dalmuir Central;
- IZ10 Barnhill, High Overtoun, Milton & Bowling;
- IZ11 Dumbarton North East – Bellsmyre & Silverton East;
- IZ12 Dumbarton Central, Dumbarton East & Townend;
- IZ13 Dumbarton West;
- IZ14 (Renton, Old Bonhill & Loch Lomond);
- IZ15 Bonhill, Lomondgate & Renton North;
- IZ16 Alexandria Central, Rosshead & Dalmonach;
- IZ17 Balloch & Alexandria North; and
- IZ18 Jamestown, Balloch North East, Haldane & Gartocharn.

Of particular relevancy to the Licensing Board is that when looking at Alcohol Related Hospital Admissions, Alcohol Related Death Rate, and Alcohol Related Mental Health, the above noted intermediate data zones have two or more indicators worse than the Scottish average.

For the avoidance of doubt, the Licensing Board considers, subject to the terms of paragraph 30, that there is currently no overprovision in the following localities:-

- IZ05 Goldenhill, Parkhall North, East Kilbowie & Hardgate Central;
- IZ07 Duntocher & Concho; and
- IZ09 Old Kilpatrick.

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

- 29.12 The effect of this policy is to create a rebuttable presumption against the grant of an application within these localities for types of licensed premises noted at paragraph 23.9. Each application still requires to be determined on its merits and there may be exceptional cases in which an applicant is able to demonstrate that the grant of the application would not undermine the licensing objectives, or the objectives would not be undermined if the applicants operating plan were to be modified. The Licensing Board will expect applicants who are seeking the grant of a new premises licence within the foregoing categories of premises and locality to provide robust and reliable evidence to the Board demonstrating why the benefit to the licensing objectives through the grant of their application outweighs the detriment to the licensing objectives and this policy. In particular, the Licensing Board recognises the positive health

benefits associated with increased employment opportunities as a factor that applicants may use in support of their application and a factor that may in appropriate circumstances rebut such a presumption. In particular, the Board will expect to be addressed on the benefits of granting the application in terms of each licensing objective.

- 29.13 As part of the Licensing Board's Assessment of Overprovision it has considered the number, capacity, and licensed hours of licensed premises of the types specified within each locality. The Licensing Board is aware that the capacity and hours of a premises can increase by the grant of a variation application in terms of section 29(5) of the Act. The Licensing Board considers that an application seeking an increase in capacity and/or hours will activate a rebuttable presumption against the grant of the application.
- 29.14 If an existing licence ceases to be in force this does not necessarily mean that there is capacity for a new licence of a similar capacity. The material considered by the Licensing Board evidences that there is presently an overprovision of licensed premises in particular localities within West Dunbartonshire but does not quantify the extent of that overprovision in numerical terms. In these circumstances any application seeking to replace capacity relinquished by other premises will be subject this policy. This will have particular regard to the data relating to the intermediate data zone to which the new application or application for increased capacity relates. It will also have regard to the type of premises capacity relinquished compared to the type of premises applied for.
- 29.15 The Licensing Board is aware that most of the 18 sub localities are in close proximity to areas with significant alcohol related health, crime and disorder problems. The Licensing Board is also aware that there is local evidence to suggest that persons in West Dunbartonshire, wishing to obtain alcohol from off-licences will travel up to two miles across sub-localities to purchase alcohol. Similarly persons will travel across the whole of West Dunbartonshire to attend nightclubs. Accordingly any application outwith the overprovision locality for new premises or increased capacity of existing premises of the type specified at paragraph 29.9 may be subject to an overprovision assessment. This assessment will have regard to the alcohol related crime, disorder and health data relating to both the sub locality in which the application premises are located and the sub localities from where the customers are likely to be drawn.

30. Reactive overprovision assessment

- 30.1 Sections 23(5)(e) and 30(5)(d) of the Act respectively allows the Licensing Board to refuse an application for the grant or variation of a premises licence where the Licensing Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality.
- 30.2 It is, in the view of the Licensing Board, important to make sure that the grant of a premises licence or variation to increase the capacity or hours of a

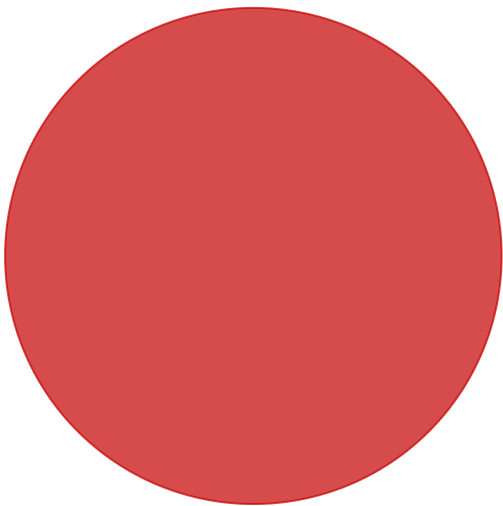
premises licence does not result in there being an overprovision of licensed premises in a particular locality. The Licensing Board will therefore carefully consider overprovision on a reactive basis by having regard to the ground of refusal for overprovision on a case by case basis.

- 30.3 The Licensing Board recognises the value in giving potential applicants an indication of how it will approach the foregoing ground of refusal. Where a relevant application is considered by the Board it will consider the locality to be the intermediate data zone in which the premises is located. Accordingly, the Board will have regard to the number, capacities and hours of licensed premises within the relevant intermediate zone as well as any other material submitted to it as part of the application process, including but not limited to, objections, representations, anti-social behaviour reports from Police Scotland, and the Board's own local knowledge.
- 30.4 Applicants will be provided with details of premises including their type, capacity, and hours in advance of any hearing. The Licensing Board will expect to be addressed on whether the grant of the premises licence or variation will not result in an overprovision of licensed premises in that locality.

Consultation on Statement of Licensing Policy 2023 - Public

Preliminary

○ Are you *



- A member of the public
- A member of the trade
- Other: Please state

Answers	Count	Percentage
A member of the public	24	100%
A member of the trade	0	0%
Other: Please state	0	0%

Answered: 24 Skipped: 0

Part 1, Introduction

○ 1. Do you have any comments on this part of the policy?

Response	Count
No	8
N/A	2

Yes, there is far too much emphasis on tourism which is a sector that is already overly active in the area. The jobs that come with tourism are not those that we wish to be encouraged in the area, the poor wages breed further poverty.	1
Overprovision is referred to in Part 4 but it may be helpful if any areas deemed to have overprovision were listed in the introduction as not everyone is going to read the whole document.	1
None	1
No - Well covered.	1
I think more licences for restaurants should be given rather than carry out places	1
Good to see input from health professionals taken into account. Also necessary to assess changes that have taken place due to Covid.	1

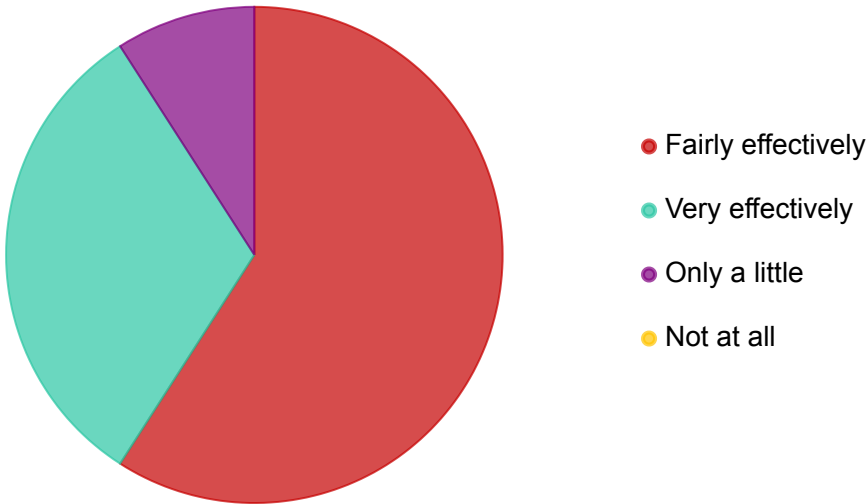
Answered: 16 Skipped: 8

2. Should the Licensing Board refer to any other matters in its introduction?

Response	Count
No	6
Yes, there should be a minimum of a actual police provision on the ground when looking at the granting of licenses in the area. I believe that Balloch does not have the supportive infrastructure to allow for the number of licenses that it has been granted.	1
Perhaps some information on the role & function of the licensing forum and how to become involved	1
Nothing obvious	1
Not Presently	1
No - Seems to have all relevant points noted.	1
N/A	1
I would hope that it wouldn't become a make or break decision for new/existing businesses as how can they compete	1
Equalities legislation is covered but no mention of Modern Slavery and policies related to this which has a bearing on all areas but particularly the tourism sector.	1

Part 2, The Licensing Objectives

3. To what extent do you think these measures promote the licensing...



Answers	Count	Percentage
Fairly effectively	13	54.17%
Very effectively	7	29.17%
Only a little	2	8.33%
Not at all	0	0%

Answered: 22 Skipped: 2

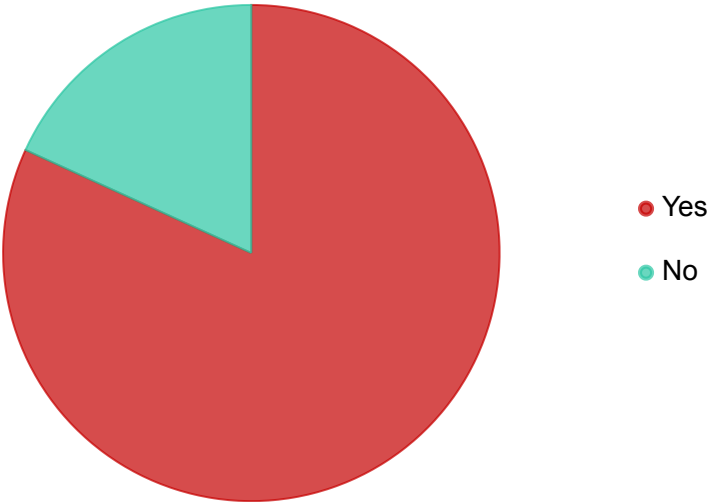
4. Do you have any other comments on this section?

Response	Count
No	5
Very detailed, as it needs to be.	1
Part 2 of the document (the detail of the objectives) needed to be provided with Q3 to make it easier for participants to answer.	1

N/A	1
<p>It would be a good idea to include educators and parents groups while also seeking the views of young people when looking at granting licenses that include access for young people . I also believe that the gathering of information with regards police complaints made within a specified distance to any licenses premises should be taken into consideration when granting these licenses</p>	
<div> <div>Answered: 9</div> <div>Skipped: 15</div> </div>	

Part 3, Licences

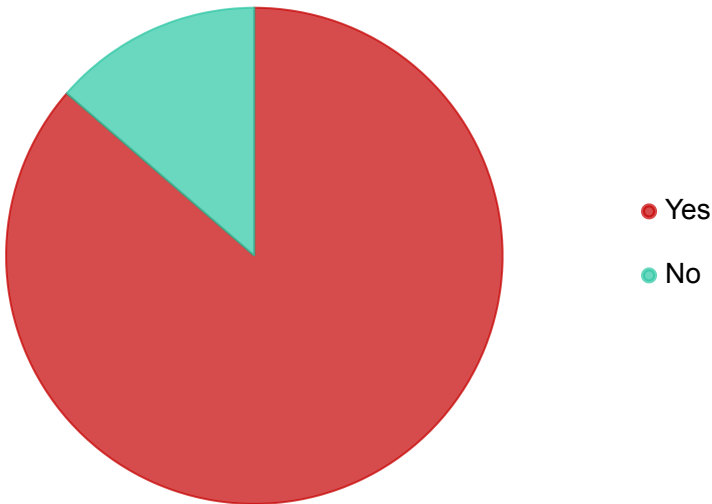
5. Do you consider the access arrangements for Children and Young...



Answers	Count	Percentage
Yes	18	75%
No	4	16.67%

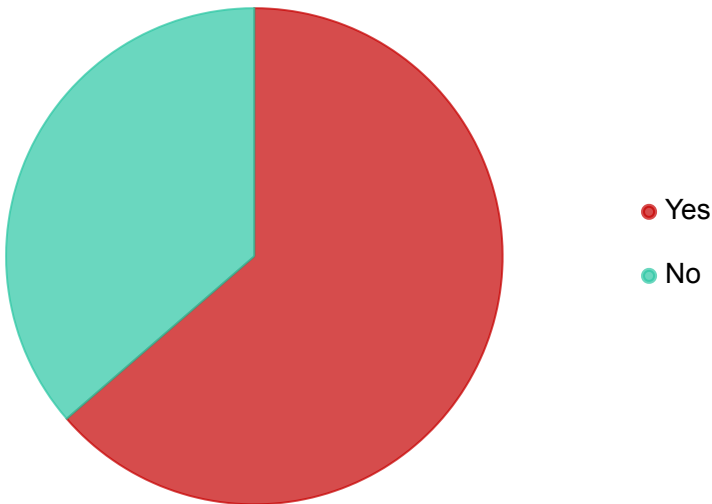
Answered: 22 Skipped: 2

6. The terms of the access of children to pre-booked functions has bee...

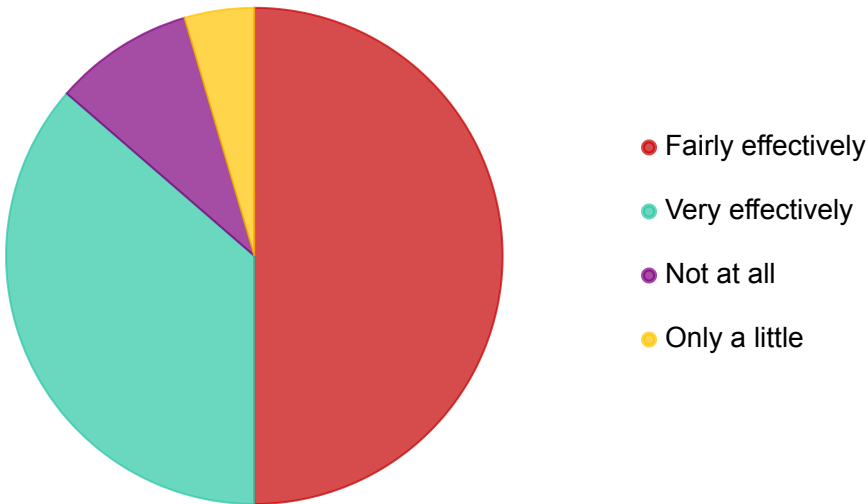


Answered: 22 Skipped: 2

7. The Licensing Board proposes to permit Young Persons unattended ...



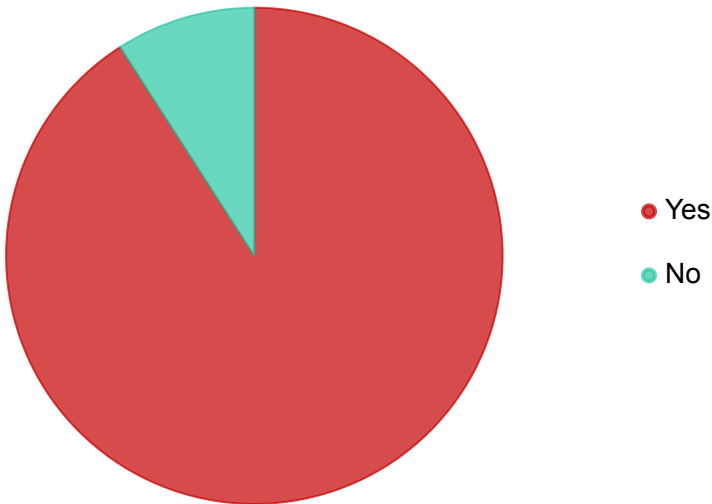
8. The Licensing Board has codified the conditions that it would usuall...



Answers	Count	Percentage
Fairly effectively	11	45.83%
Very effectively	8	33.33%
Not at all	2	8.33%
Only a little	1	4.17%

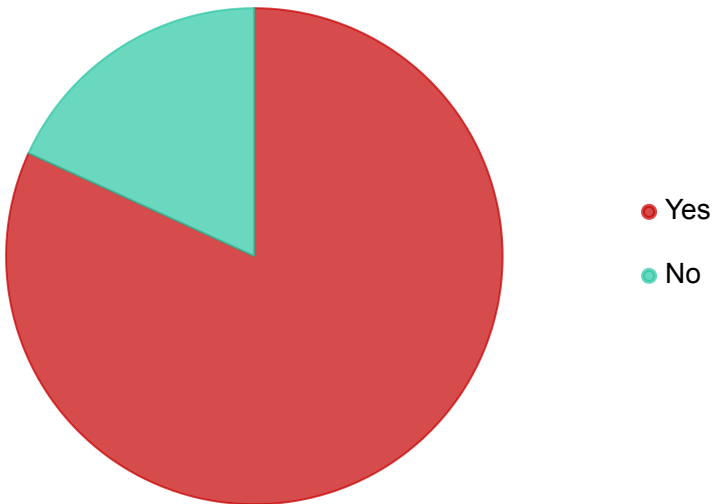
Answered: 22 Skipped: 2

9. The Licensing Board at paragraph 21 has introduced the requiremen...



Answered: 22 Skipped: 2

o 10. The Licensing Board, having regard to feedback received through i...



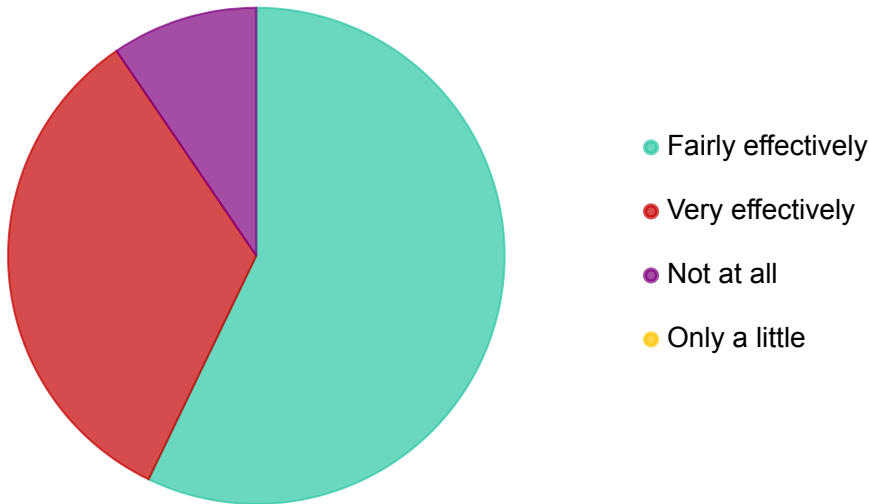
Answers	Count	Percentage
Yes	18	75%
No	4	16.67%

o 11. Do you have any comments as to these conditions, especially from a practical...

Response	Count
No	5
Would need to test that premises adhere to these conditions - will drivers on minimum wage really challenge properly or ensure ID is valid ? Should it not be recorded or a photo of ID seen be taken?	1
They appear to be straightforward and sensible requirements.	1
Refusal register - Does the Licensing Board review the overall picture on the frequency of refusals ? Are there hot spot areas? How much of an issue is it for West Dun? Is this register actually used by license premises? Home deliveries - the 'picker' of the alcohol also needs to be over 18 years. What about training of staff?	1
Proof of delivery, taking a photograph....?	1
No.	1
I think there should be a time constraint put on orders of this nature as the later in the night/early in morning would be more likely to be alcohol abuse	1
I already know if people that are breaching this. No one with a criminal record should be delivering alcohol to private residencies.	1
'details of person accepting delivery'. Would this just be name and address?	1
Children should be allowed in until closing time at all times to not restrict parents especially those with long working hours	1

Answered: 14 Skipped: 10

o 12. Following feedback obtained through the pre-consultation exercise...



Answers	Count	Percentage
Fairly effectively	12	50%
Very effectively	7	29.17%
Not at all	2	8.33%
Only a little	0	0%

Answered: 21 Skipped: 3

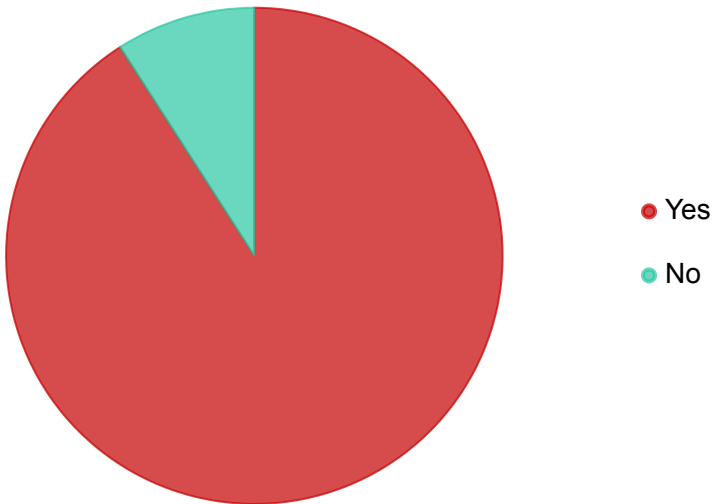
13. Do you have any further comments about part 3 of the Policy?

Response	Count
no	5
N/A	2
No.	1

Answered: 8 Skipped: 16

Part 5, Licensed hours of trading

14. The Licensing Board, having had regard to feedback through its pr...



Answers	Count	Percentage
Yes	20	83.33%
No	2	8.33%

Answered: 22 Skipped: 2

15. Please describe any impact the current licensed hours have on you

Response	Count
None	3
Those working long hours and late into the night licensing should be until 12 midnight	1
No impact.	1
No impact	1
No consultation	1
N/A	1
I have an issue with a licensed venue and noise within a predominately residential area and would prefer not to be disturbed until 0100hrs on a Sunday morning.	1

Answered: 9 Skipped: 15

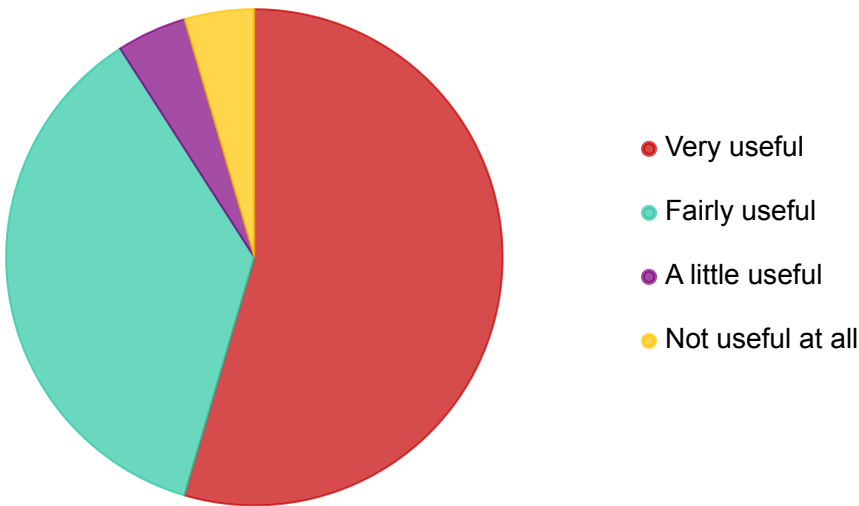
16. If you think that the Licensing Board should consider any additional conditions f...

Response	Count
Nothing to add to what SHOULD BE adhered to in the existing conditions. Unfortunately, sometimes this does not happen.	1
None	1
N/A	1
It must be demonstrated that Police can effectively control these events and agreement to do this granted before any license is granted. Local safety must come first	1
Due regard should be had to the likely impact of premises to the immediate area including issues such as parking and noise when venue closing.	1
Already outlined	1

Answered: 6 Skipped: 18

Part 6, Board procedure

17. This part of the Policy has been expanded to give both applicants...



Answers	Count	Percentage
Very useful	12	50%

Fairly useful	8	33.33%
A little useful	1	4.17%
Not useful at all	1	4.17%

Answered: 22 Skipped: 2

o 18. Is there anything else that should be covered in this section?

Response	Count
No	3
N/A	2
No.	1
I think this is a positive step to be welcomed.	1

Answered: 7 Skipped: 17

o 19. Do you have any other comments about the proposed statement of licensing...

Response	Count
No	4
N/A	2
I would prefer that the part on overprovision should be contained in this and not a separate document as having it in a separate document rather defeats the purpose of setting out the statement of licensing policy.	1

Answered: 7 Skipped: 17

Consultation on Statement of Licensing Policy 2023 - Elected Members

Part 1, Introduction

o 1. Do you have any comments on this part of the policy?

The word cloud requires at least 20 answers to show.

Response	Count
None	1

Answered: 1 Skipped: 1

o 2. Should the Licensing Board refer to any other matters in its introduction?

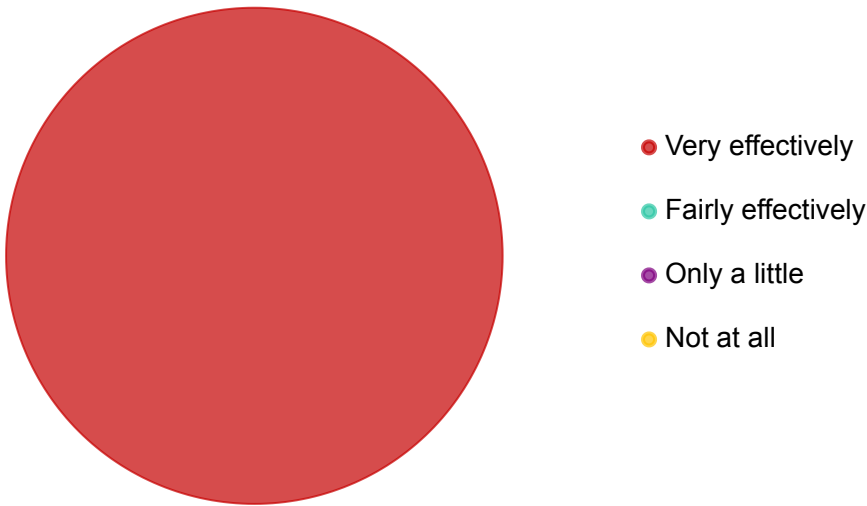
The word cloud requires at least 20 answers to show.

Response	Count
No	1

Answered: 1 Skipped: 1

Part 2, The Licensing Objectives

o 3. To what extent do you think these measures promote the licensing...



Answers	Count	Percentage
Very effectively	1	50%
Fairly effectively	0	0%
Only a little	0	0%
Not at all	0	0%

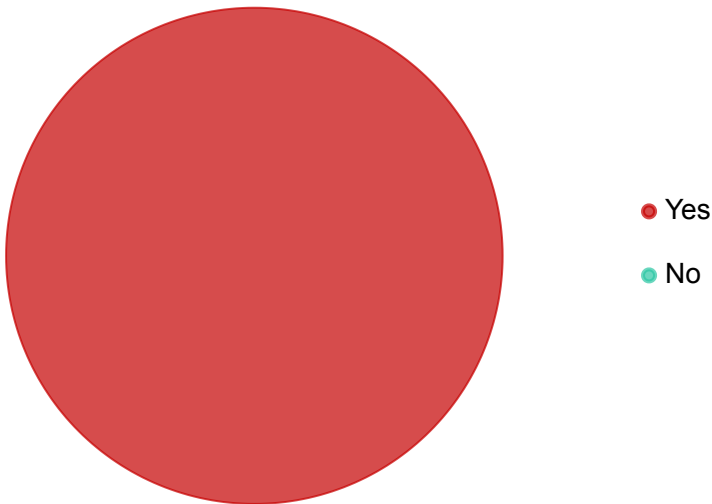
Answered: 1 Skipped: 1

o 4. Do you have any other comments on this section?

There are no answers to this question yet.

Part 3, Licences

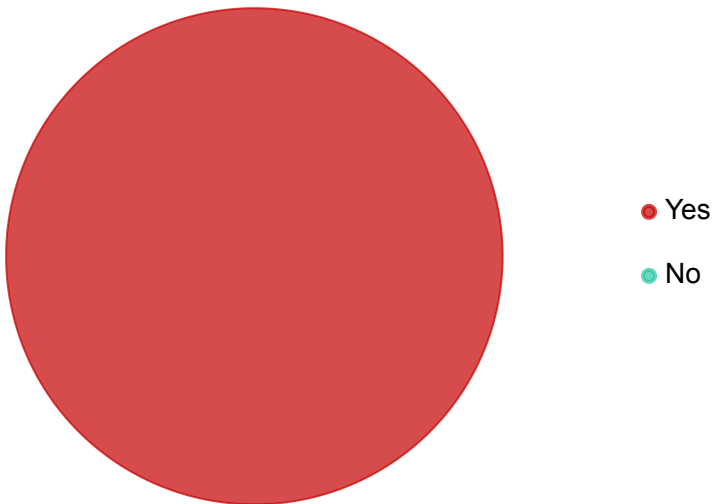
o 5. Do you consider the access arrangements for Children and Young...



Answers	Count	Percentage
Yes	1	50%
No	0	0%

Answered: 1 Skipped: 1

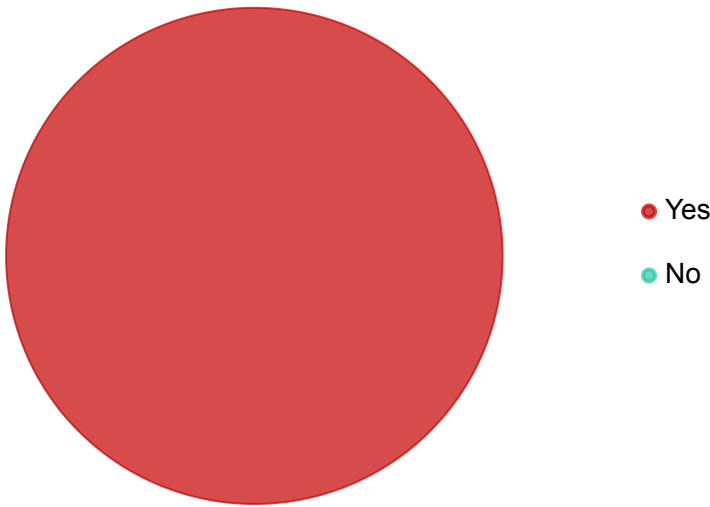
6. The terms of the access of children to pre-booked functions has bee...



Answers	Count	Percentage
Yes	1	50%
No	0	0%

Answered: 1 Skipped: 1

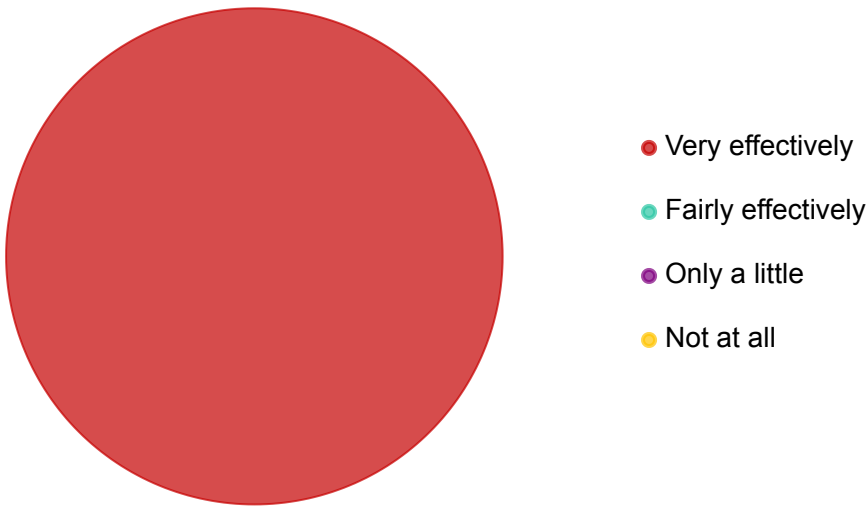
7. The Licensing Board proposes to permit Young Persons unattended ...



Answers	Count	Percentage
Yes	1	50%
No	0	0%

Answered: 1 Skipped: 1

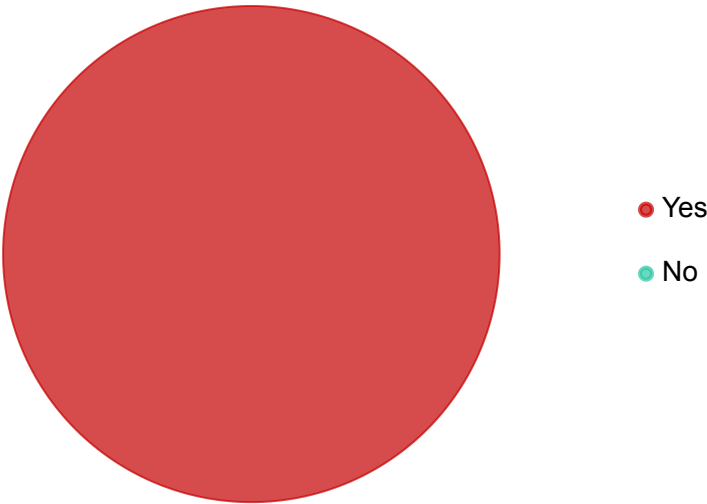
8. The Licensing Board has codified the conditions that it would usuall...



Answers	Count	Percentage
Very effectively	1	50%
Fairly effectively	0	0%
Only a little	0	0%
Not at all	0	0%

Answered: 1 Skipped: 1

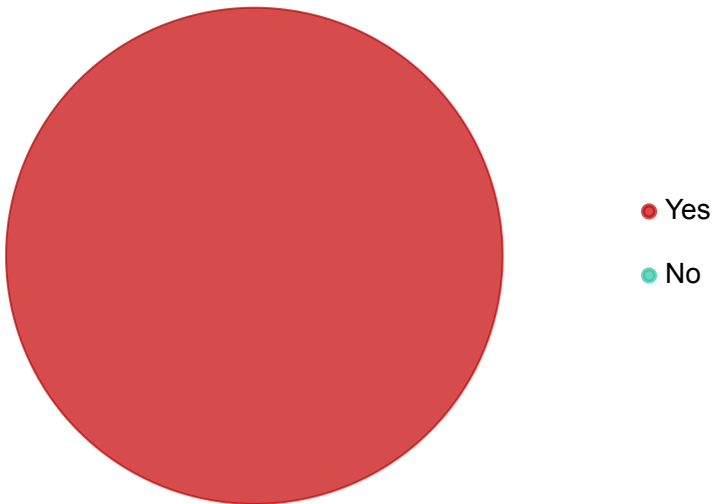
9. The Licensing Board at paragraph 21 has introduced the requiremen...



Answers	Count	Percentage
Yes	1	50%
No	0	0%

Answered: 1 Skipped: 1

10. The Licensing Board, having regard to feedback received through i...



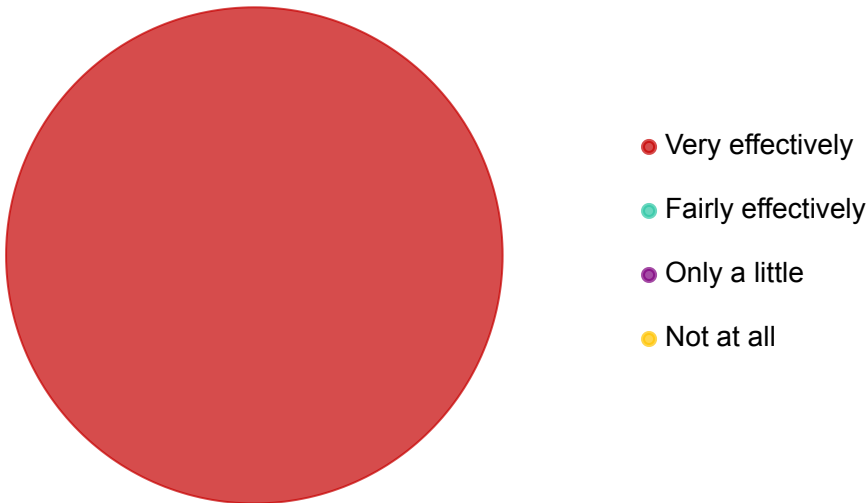
Answers	Count	Percentage
Yes	1	50%
No	0	0%

Answered: 1 Skipped: 1

o 11. Do you have any comments as to these conditions, especially from a practical point of view?

There are no answers to this question yet.

o 12. Following feedback obtained through the pre-consultation exercise...



Answers	Count	Percentage
Very effectively	1	50%
Fairly effectively	0	0%
Only a little	0	0%
Not at all	0	0%

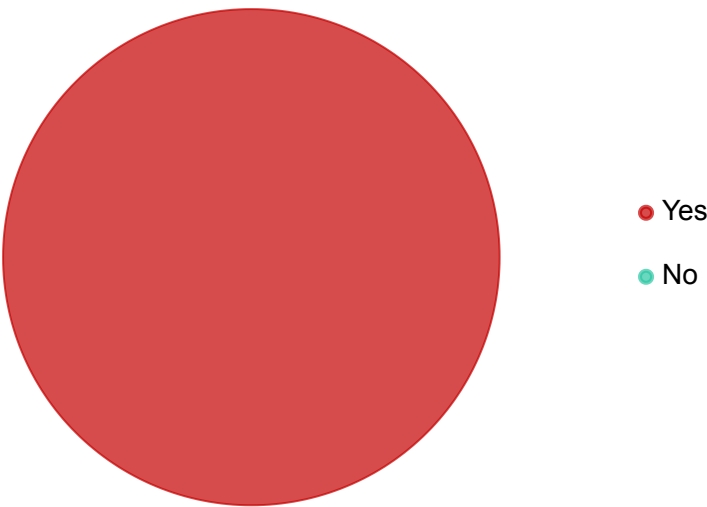
Answered: 1 Skipped: 1

13. Do you have any further comments about part 3 of the Policy?

There are no answers to this question yet.

Part 5, Licensed hours of trading

14. The Licensing Board, having had regard to feedback through its pr...



Answers	Count	Percentage
Yes	1	50%
No	0	0%

Answered: 1 Skipped: 1

15. Please describe any impact the current licensed hours have on you

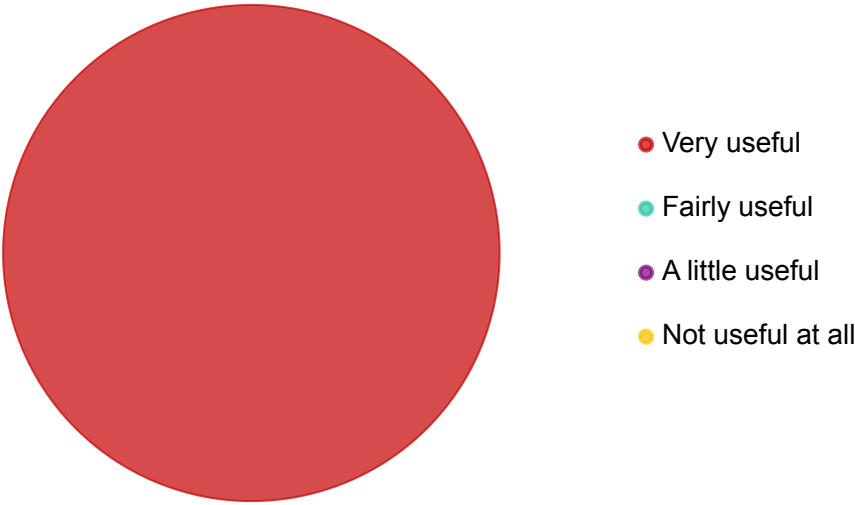
There are no answers to this question yet.

16. If you think that the Licensing Board should consider any additional conditions for when an...

There are no answers to this question yet.

Part 6, Board procedure

17. This part of the Policy has been expanded to give both applicants...



Answers	Count	Percentage
Very useful	1	50%
Fairly useful	0	0%
A little useful	0	0%
Not useful at all	0	0%

Answered: 1 Skipped: 1

18. Is there anything else that should be covered in this section?

There are no answers to this question yet.

o **19. Do you have any other comments about the proposed statement of licensing policy?**

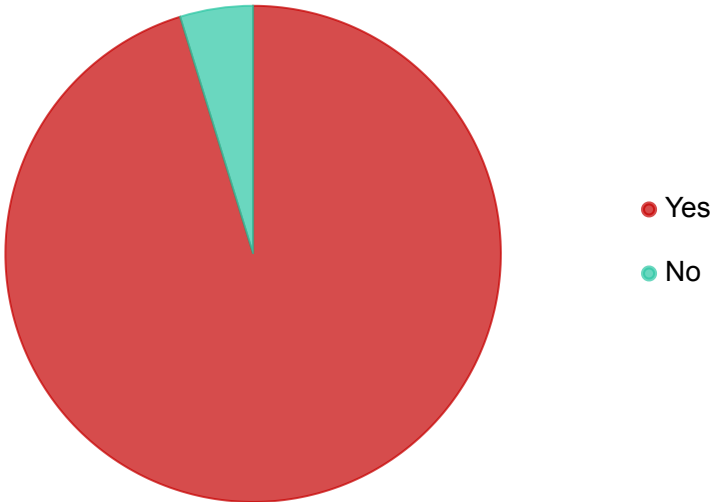
There are no answers to this question yet.

o What impact do you think the current Assessment of Overprovision has had on t...

Item 3
Appendix 4

Response	Count
Tightened up and very clear requirements and behaviour explained.	1
Poor economic value	1
Nothing obvious	1
No opinion	1
Much more awareness	1
It will have no effect unless there is a presumption against renewal of licences in the area of overprovision.	1

o Do you think the Licensing Board should take into account the...



Answers	Count	Percentage
Yes	20	83.33%
No	1	4.17%

Answered: 21 Skipped: 3

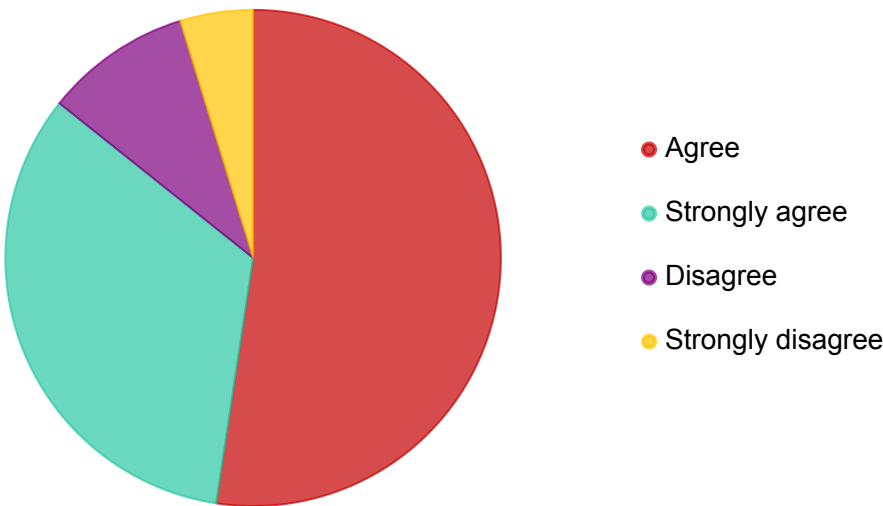
o Are there any other matters you think that the Licensing Board should take into...

Response	Count
No	2
N/A	2
Yes, other matters such as periodic influxes of teenagers and crowds into an area such as Balloch should be taken into account as part of a community risk assessment before granting further licenses or indeed extending existing ones. Balloch is already over provided.	1
Whether premisses are where children will pass, e.g. close to a school, park, recreational facility.	1
The means by which overprovision will be reduced over time such that in an ideal world the overprovision will cease and license applications could then be considered again.	1

Social behaviour amounting to criminal incidents and area becoming less welcoming.	1
Consult the public properly	1

Answered: 9 Skipped: 15

o Do you agree with the Licensing Board's approach to capturing...



Answers	Count	Percentage
Agree	11	45.83%
Strongly agree	7	29.17%
Disagree	2	8.33%
Strongly disagree	1	4.17%

Answered: 21 Skipped: 3

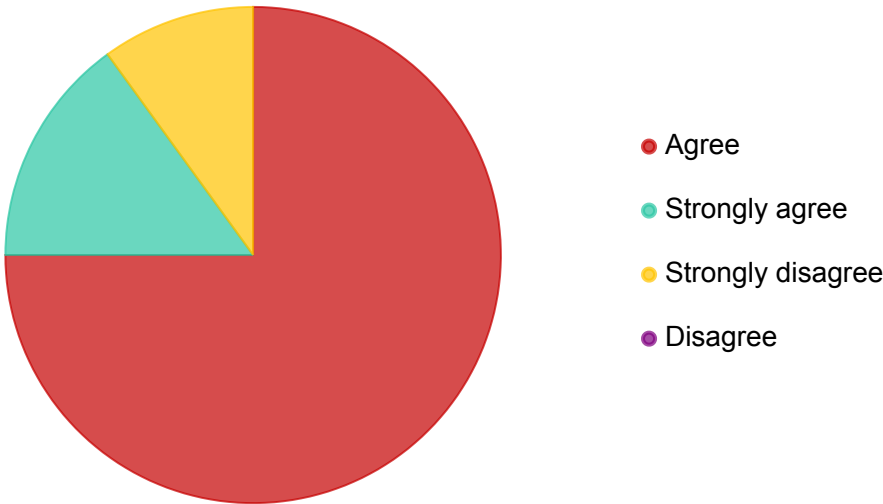
o Do you have any comments on this aspect?

Response	Count
No.	2
No	2

N/A	2
Not enough information being sought.	1
I think different forms of entertainment should be allowed longer hours than just a pub. Enjoying a show or dance should not be unduly curtailed for adults	1

Answered: 8 Skipped: 16

o Do you agree with the Licensing Board's approach to overprovisio...



Answers	Count	Percentage
Agree	15	62.5%
Strongly agree	3	12.5%
Strongly disagree	2	8.33%
Disagree	0	0%

Answered: 20 Skipped: 4

o Do you have any comments on this aspect?

The word cloud requires at least 20 answers to show.

Response**Count**

no

3

N/A

2

We should be looking at a reduction rather than gathering in more license fee money at the risk of more breeches of public's safety.

1

No.

1

I thi k you have to take into account the population in these zones and also the amount of people w
ho come to them at the weekend for entertainment

1

Answered: 8 Skipped: 16

o **Do you have any other comments about overprovision?**

Response**Count**

No

2

We should be looking at reducing provision of alcohol our communities are suffering.

1

Stop granting licenses in over provided areas Premises should display local support services infor
mation to people who may consider they have an unhealth relationship with alcohol and need to se
ek help.

1

No. You appear to be very thorough in your analysis.

1

No.

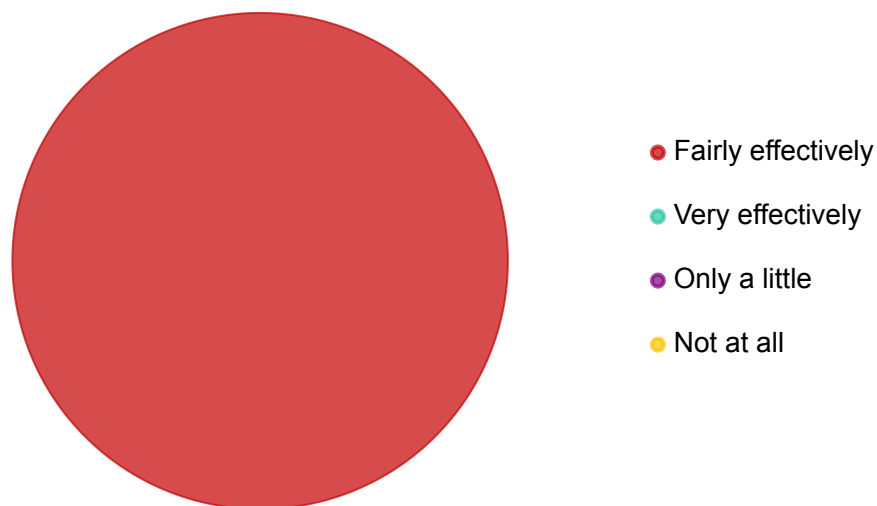
1

N/A

1

Answered: 7 Skipped: 17

o 20. Do you agree with the new proposed overprovision localities and t...



Answers

Count

Percentage

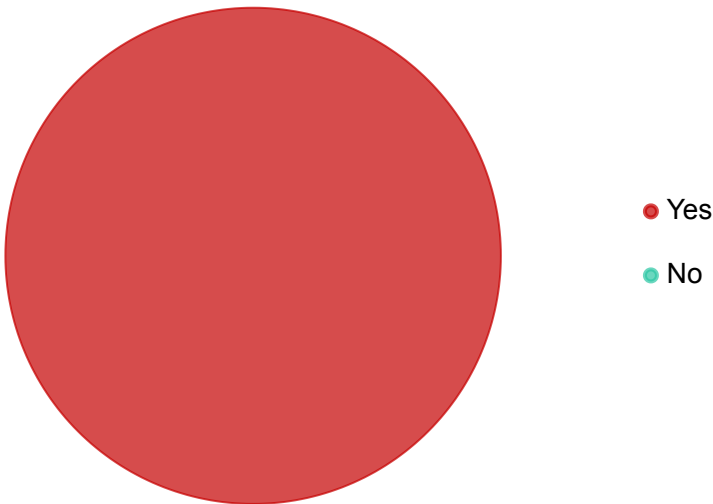
Fairly effectively	1	50%
Very effectively	0	0%
Only a little	0	0%
Not at all	0	0%

Answered: 1 Skipped: 1

o 21. What impact do you think the current Assessment of Overprovision has had on the existing...

There are no answers to this question yet.

o 22. Do you think the Licensing Board should take into account the...



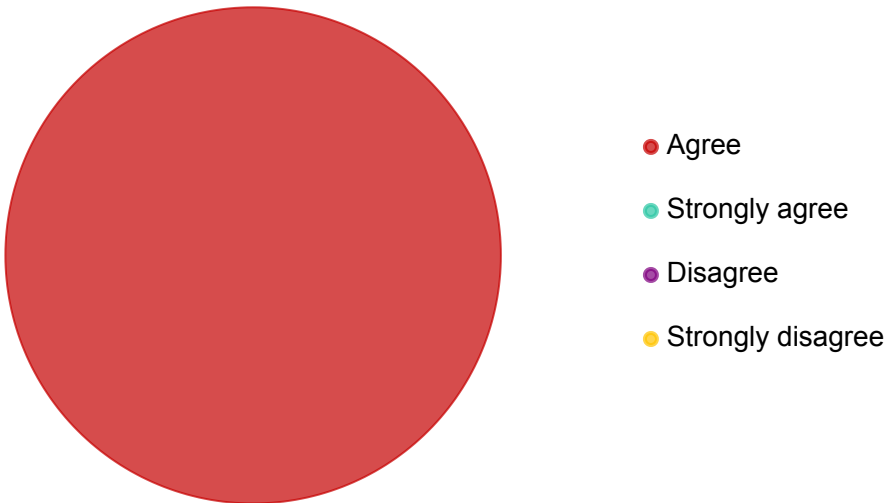
Answers	Count	Percentage
Yes	1	50%
No	0	0%

Answered: 1 Skipped: 1

23. Are there any other matters you think that the Licensing Board should take into account whe...

There are no answers to this question yet.

24. Do you agree with the Licensing Board's approach to capturing...



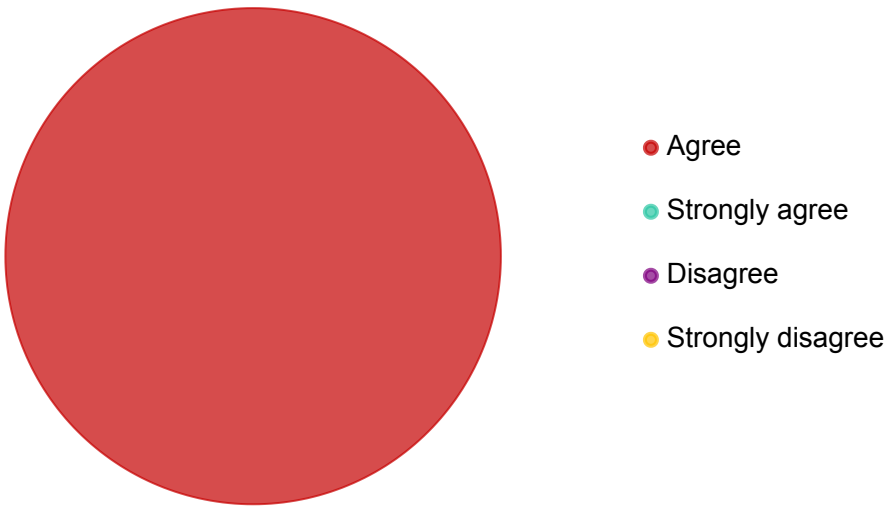
Answers	Count	Percentage
Agree	1	50%
Strongly agree	0	0%
Disagree	0	0%
Strongly disagree	0	0%

Answered: 1 Skipped: 1

25. Do you have any comments on this aspect?

There are no answers to this question yet.

26. Do you agree with the Licensing Board's approach to overprovisio...



Answers	Count	Percentage
Agree	1	50%
Strongly agree	0	0%
Disagree	0	0%
Strongly disagree	0	0%

Answered: 1 Skipped: 1

o 27. Do you have any comments on this aspect?

There are no answers to this question yet.

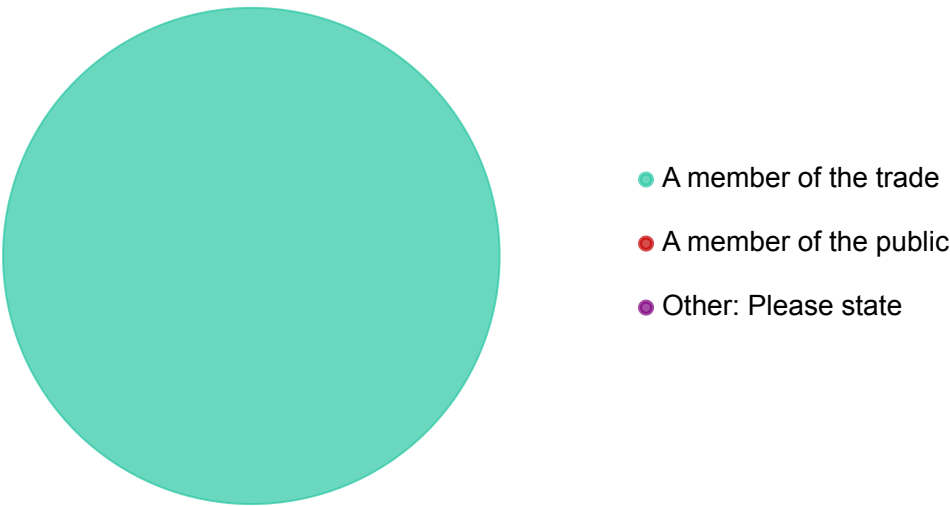
o 28. Do you have any other comments about overprovision?

There are no answers to this question yet.

Consultation on Statement of Licensing Policy 2023 - Public

Preliminary

○ Are you *



Answers	Count	Percentage
A member of the trade	9	100%
A member of the public	0	0%
Other: Please state	0	0%

Answered: 9 Skipped: 0

Part 1, Introduction

○ 1. Do you have any comments on this part of the policy?

Response	Count
No	3
None	1

No issues with it, or the updates therein	1
No comments	1
No.	1

Answered: 7 Skipped: 2

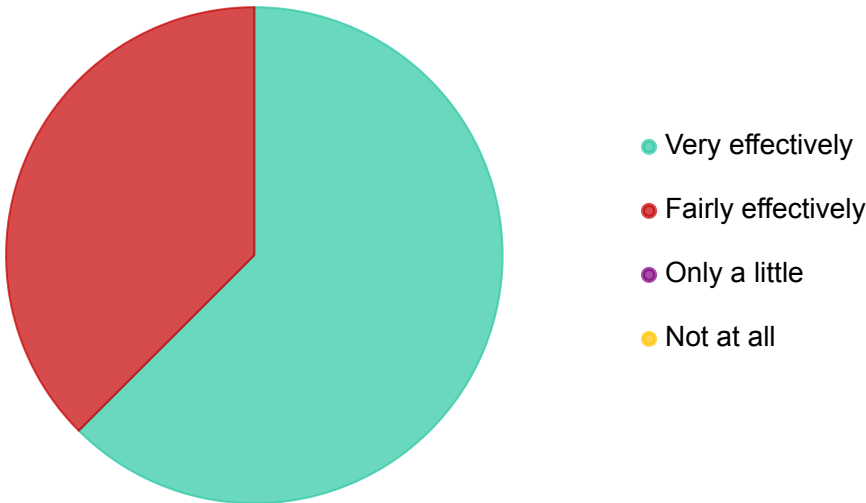
2. Should the Licensing Board refer to any other matters in its introduction?

Response	Count
no	4
No.	1
happy with the content	1

Answered: 6 Skipped: 3

Part 2, The Licensing Objectives

3. To what extent do you think these measures promote the licensing...



Answers	Count	Percentage
Very effectively	5	55.56%

Fairly effectively	3	33.33%
Only a little	0	0%
Not at all	0	0%

Answered: 8 Skipped: 1

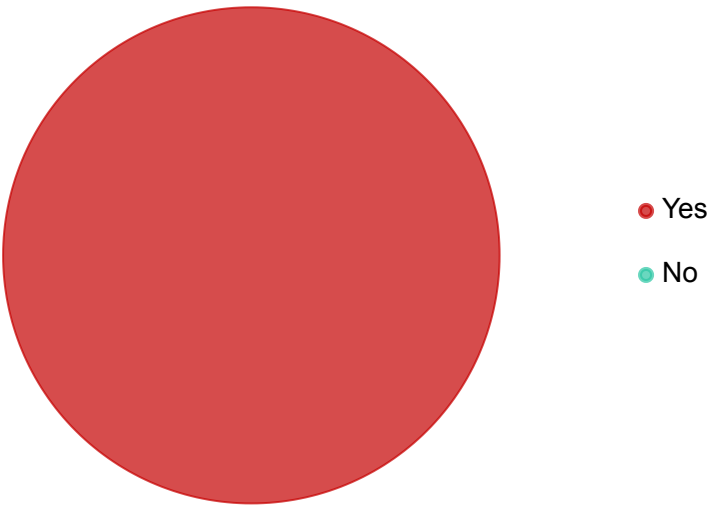
o 4. Do you have any other comments on this section?

Response	Count
no	5
No.	1
Any new licenses must not be considered in an over provision area. I say this because I have my s tore on Kilbowie Road and the councillors are going to grant the building of a new Lidl store across the road from my store. This store will not only be a disaster for my business but all hurdles like the busy road junction, a large high school next door etc will be ignored and just because Lidl is a corp orate, it will be given the alcohol license as well ignoring all hazards.	1

Answered: 7 Skipped: 2

Part 3, Licences

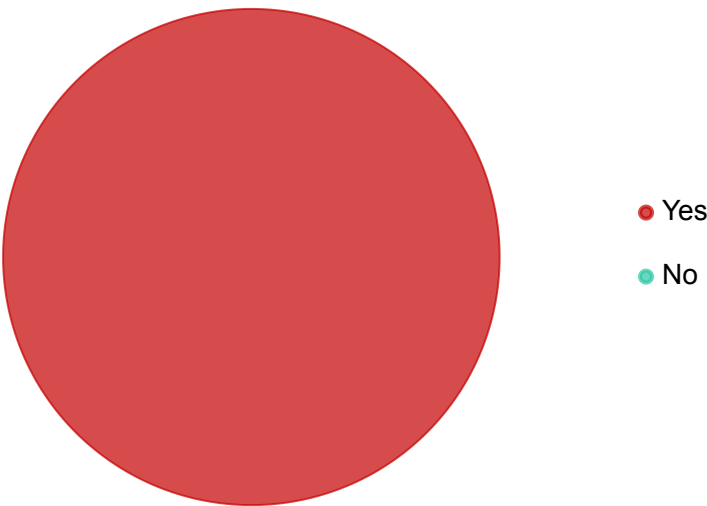
o 5. Do you consider the access arrangements for Children and Young...



Answers	Count	Percentage
Yes	8	88.89%
No	0	0%

Answered: 8 Skipped: 1

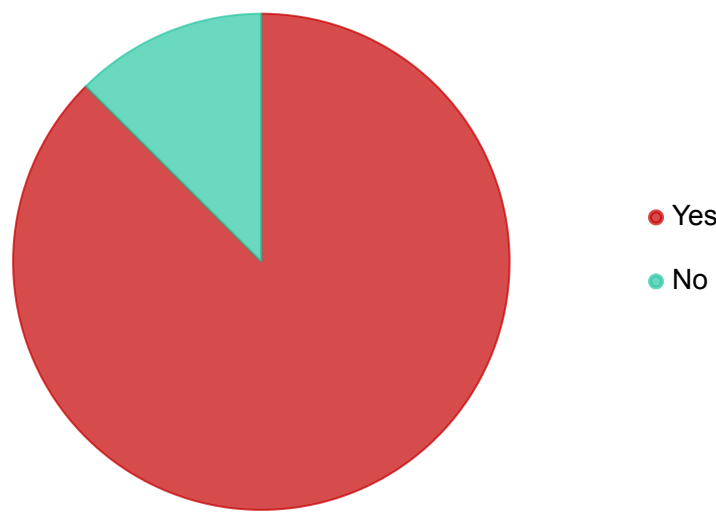
6. The terms of the access of children to pre-booked functions has bee...



Answers	Count	Percentage
Yes	8	88.89%
No	0	0%

Answered: 8 Skipped: 1

7. The Licensing Board proposes to permit Young Persons unattended ...



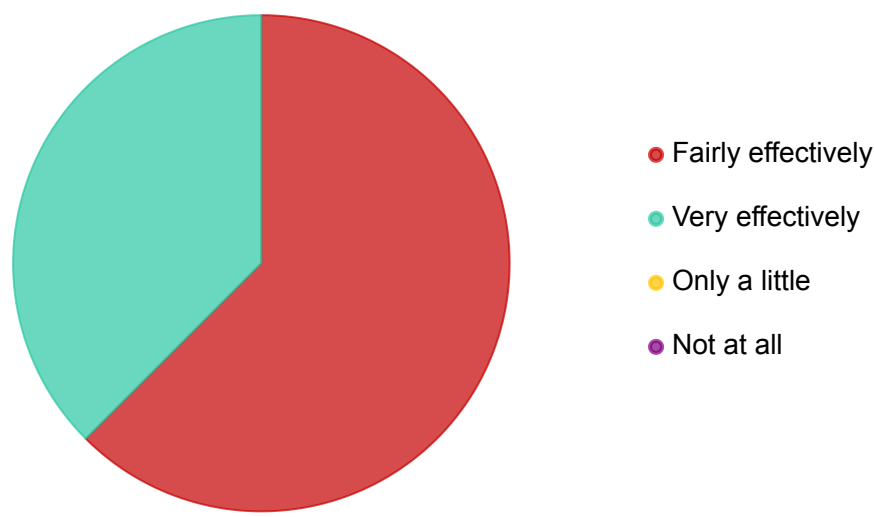
● Yes

● No

Answers	Count	Percentage
Yes	7	77.78%
No	1	11.11%

Answered: 8 Skipped: 1

8. The Licensing Board has codified the conditions that it would usuall...



● Fairly effectively

● Very effectively

● Only a little

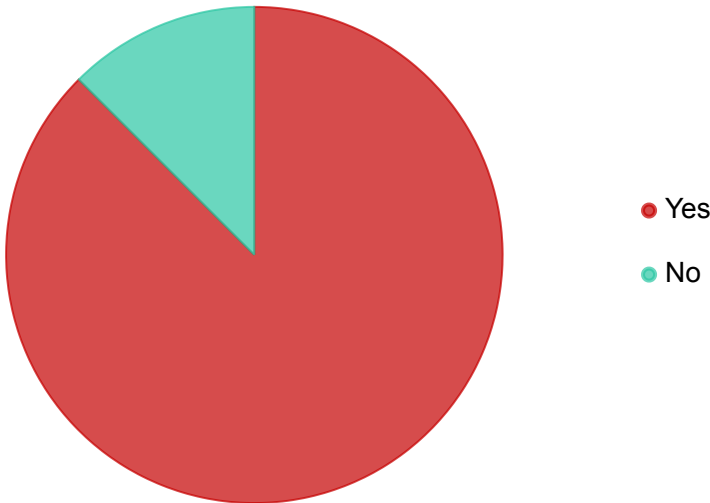
● Not at all

Answers	Count	Percentage
Fairly effectively	5	55.56%
Very effectively	3	33.33%

Only a little	0	0%
Not at all	0	0%

Answered: 8 Skipped: 1

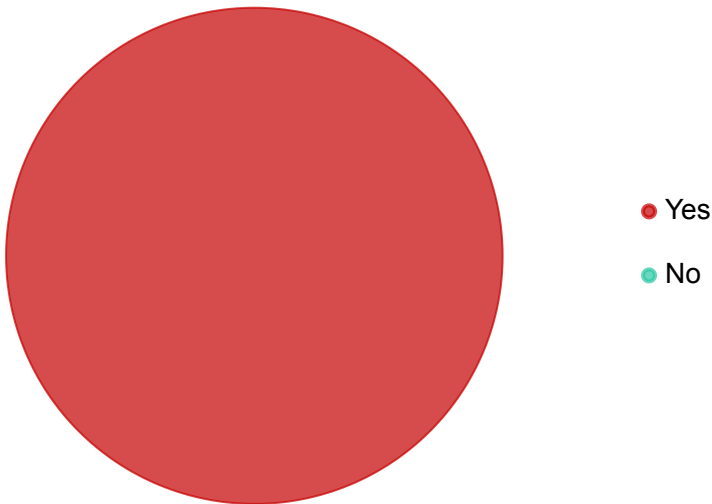
9. The Licensing Board at paragraph 21 has introduced the requiremen...



Answers	Count	Percentage
Yes	7	77.78%
No	1	11.11%

Answered: 8 Skipped: 1

10. The Licensing Board, having regard to feedback received through i...



Answers	Count	Percentage
Yes	8	88.89%
No	0	0%

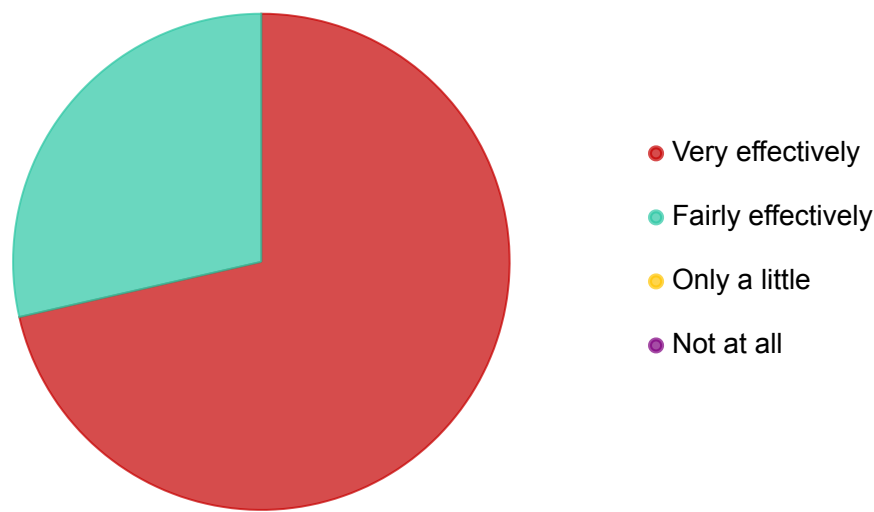
Answered: 8 Skipped: 1

o 11. Do you have any comments as to these conditions, especially from a practical...

Response	Count
no	4
None	1
Non	1
No.	1

Answered: 7 Skipped: 2

o 12. Following feedback obtained through the pre-consultation exercise...



Answers	Count	Percentage
Very effectively	5	55.56%
Fairly effectively	2	22.22%
Only a little	0	0%
Not at all	0	0%

Answered: 7 Skipped: 2

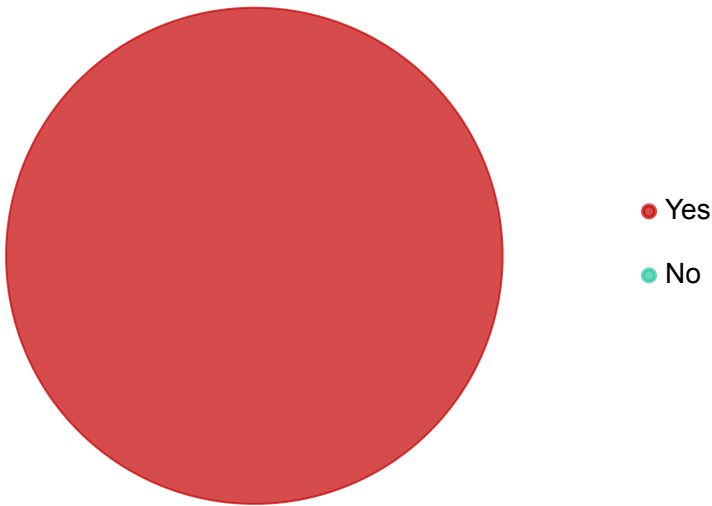
13. Do you have any further comments about part 3 of the Policy?

Response	Count
no	5
None	1
No.	1

Answered: 7 Skipped: 2

Part 5, Licensed hours of trading

14. The Licensing Board, having had regard to feedback through its pr...



Answers	Count	Percentage
Yes	8	88.89%
No	0	0%

Answered: 8 Skipped: 1

o 15. Please describe any impact the current licensed hours have on you

Response	Count
They are perfectly okay	1
Not at all	1
None	1
No.	1
No,affect	1
no issues	1
Minimal. existing arrangements work well	1

Answered: 7 Skipped: 2

16. If you think that the Licensing Board should consider any additional conditions f...

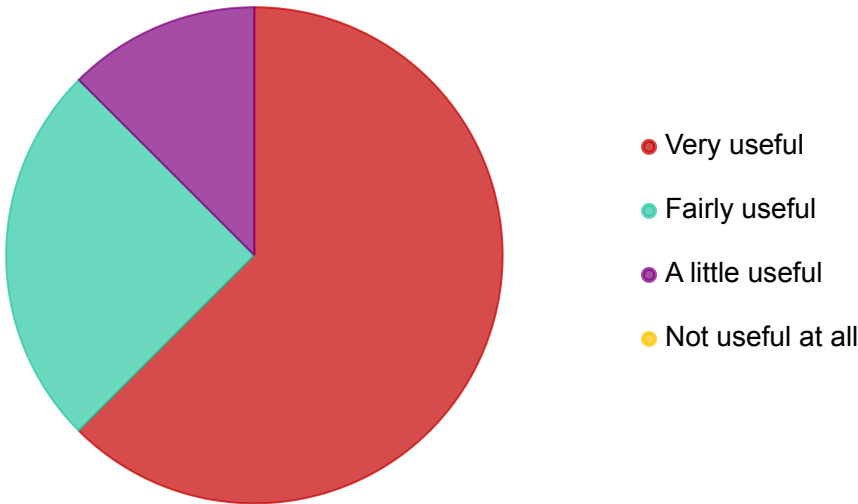
The word cloud requires at least 20 answers to show.

Response	Count
No.	1
No	1
In Balloch there are often families visiting, tourists, and their meal times can be restricted because of the 10pm curfew. Where families are having a meal in a hotel or restaurant the hours for children should be extended to 11 so that tourists who have travelled through the day to get to their accommodation have sufficient time to enjoy a relaxing meal without having to rush at the end of a meal to comply with the curfew	1
Hours should be same as off-licence premises	1
Can we have special licensing hours during holiday period where tourist can use off sales after the y visiting their planned places ?.	1

Answered: 5 Skipped: 4

Part 6, Board procedure

17. This part of the Policy has been expanded to give both applicants...



Answers	Count	Percentage
Very useful	5	55.56%

Fairly useful	2	22.22%
A little useful	1	11.11%
Not useful at all	0	0%

Answered: 8 Skipped: 1

o 18. Is there anything else that should be covered in this section?

The word cloud requires at least 20 answers to show.

Response	Count
no	3
None	1
No.	1
mo	1

Answered: 6 Skipped: 3

o 19. Do you have any other comments about the proposed statement of licensing...

Response	Count
no	3
nothing	1
None	1
No.	1

Answered: 6 Skipped: 3

RESPONSE FROM THE SCOTTISH GROCERS FEDERATION

Do you have any comments on the Introduction part of the policy?

We do not.

Should the Licensing Board refer to any other matters in its introduction?

SGF does not take a view here.

To what extent do you think these measures promote the licensing objectives?

Fairly effectively

Do you have any other comments on this section?

While SGF agrees with the Licensing Objective as set out, we also believe that it should be an objective of the Licensing Board to promote vibrant and thriving local communities and economies. With the aim of ensuring that businesses that provide local services and employment, which is often vital for communities and may be directly or indirectly tied to licenced trade, continue to be able to operate in a fair-trading environment. As highlighted in section 10.1 of the Policy.

Do you consider the access arrangements for Children and Young Persons to be suitable?

Yes

The Licensing Board at paragraph 21 has introduced the requirement for off-sale type premises to have a refusal book. Do you consider this to be an appropriate and reasonable requirement?

Yes

The Licensing Board, having regard to feedback received through its pre-consultation exercise, has set out that it will usually attach conditions to premises licences where home deliveries of alcohol are authorised. These conditions can be found appendix 1, part C. Do you think these conditions promote the licensing objectives?

Yes

Do you have any comments as to these conditions, especially from a practical point of view?

"SGF recognises the importance of selling alcohol in a responsible way.

This happens through the following key areas:

- Full compliance with the Challenge 25 regulations (an initiative developed in partnership with SGF)
- Staff training
- Appropriate signage
- Refusal books
- Full compliance with the stores operating plan
- Age restricted till prompts, upon customer checkout

SGF agrees with the need to protect young people from alcohol related harm by imposing these conditions.

SGF also agrees with the need to have robust measures in place on proxy-purchasing. Over this summer of this year, we ran a successful campaign, called "It'll Cost You" to deter young people accessing alcohol. This campaign was delivered in partnership by the Scottish Alcohol Industry Partnership, Police Scotland and Community Alcohol Partnerships.

Convenience retailers are well versed in managing restricted and age restricted items, which total 222 product types in Scotland. "

Following feedback obtained through the pre-consultation exercise, the Licensing Board has developed a standard set of conditions to be attached to occasional licences to promote licensing objectives. These conditions can be found at appendix 1 part E. Are these conditions appropriate for an occasional licence?

Very effectively

Do you have any further comments about part 3 of the Policy?

"The increased use of apps and the use of third-party delivery agents allows convenience stores to offer another important and valued facility for customers.

SGF members use these facilities responsibly and have strict measures, such as record keeping and age verification in place, to ensure the rules around delivery are observed.

Drivers are trained to -

1. Always hand over alcohol to an adult.
2. If no adult able to accept deliver then return all goods back to shop.
3. Never leave items on the door step."

The Licensing Board, having had regard to feedback through its pre-consultation exercise, is not proposing to amend its standard licensed hours or exceptions to licensed hours. Do you support this position?

No

Please describe any impact the current licensed hours have on you

"Most council board's license hours for the sale of alcohol for the consumption off the premises are from 10am to 10pm.

While we respect that the policy states that there are conditions where off-licences can sell alcohol until 10pm, SGF believe all convenience stores should be able to sell until 10pm as the current policy discriminates against stores who are unable to have enhanced controls in place.

10pm is the standard across Scotland and the implementation of an 8pm curfew will be confusing for customers and businesses alike. Particularity for non-local visitors. Potentially causing flash points and areas of conflict.

There is no evidential basis to support any reduction to the available licensed hours. There is not, in the SGF's view, any evidence to suggest that alcohol purchased later in the day is more harmful than purchased earlier or vice versa. Further, one of the key areas of in-store abuse and threatening behaviours stems from refusal of sale. "

This part of the Policy has been expanded to give both applicants and members of the public an understanding of how the Licensing Board will conduct its business. Is this useful?

Very useful

Is there anything else that should be covered in this section?

No

Do you have any other comments about the proposed statement of licensing policy?

"Whilst it is ancillary to wider ranges of grocery and retail, alcohol is an important sales category for our member's stores. A typical convenience store offers a range of at least 17 kinds of different product categories. Alcohol accounts for 18.1 % of total sales turnover. 76% of convenience stores have an alcohol licence.

Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way. SGF works with its membership and the convenience sector as a whole to ensure that they are fully compliant with licensing legislation. The convenience sector has a lot to offer the community and this should be recognised when deciding on alcohol policy.

We are committed to the objectives set out in the licencing policy statement but would urge West Dunbartonshire to ensure its licencing policy is not too onerous on retailers and is relatively consistent with other board's policies."

Do you agree with the new proposed overprovision localities and the data used to support them being identified as such?

Not at all

What impact do you think the current Assessment of Overprovision has had on the existing overprovision localities?

"SGF believes the impact is minimal.

We respectfully suggest that overprovision is a blunt instrument and does little to reduce alcohol related harm. If the licensing board decided to develop an overprovision policy, SGF would strongly urge that this is based on a locality as opposed to whole area approach.

There is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall, it is becoming increasingly difficult to make a link between individual premises and problems in a specific locality. Inequality continues to be the main determining factor: alcohol-related harm in Scotland is still disproportionately experienced by those from more deprived areas."

Do you think the Licensing Board should take into account the licensed hours of premises when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

No

Are there any other matters you think that the Licensing Board should take into account when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

SGF believe that the entire concept of overprovision should be reviewed to consider whether it remains fit for purpose. We live in an age where customers can order alcohol online as part of their shop from a supermarket and have it delivered to their home. This order can be made from anywhere given the prevalence of smartphones. Given this, what does declaring a geographical area as being overprovided for achieve? It would seem, arguable, that overprovision has not kept up the development of modern technology and consumer shopping habits. For example, a resident may order an online grocery shop, and this could quite legitimately be dispatched from many miles away.

Do you agree with the Licensing Board's approach to capturing variations to increase capacity or hours as part of the Overprovision Assessment?

Strongly disagree

Do you have any comments on this aspect?

"the number or capacity of premises in a locality is unlikely to be the key factor in deciding whether there is overprovision. Instead, the determining factor is the extent to which there are alcohol-related, health, and crime problems in the area.

In addition, boards must consider the positive benefits that a thriving local convenience sector can bring to communities, and that evidence should be weighed up as part of the exercise. Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way."

Do you agree with the Licensing Board's approach to overprovision on a case by case basis (outwith its proactive assessment)? For example, it is proposed that the Licensing Board utilises intermediate zones. Is this the best way to determine locality

Disagree

Do you have any comments on this aspect?

We agree that licence application should be considered on a 'case by case' basis. Taking into account the benefit for the communities of having a local convenience store and the services that come along with it. However, we disagree with any form of blanket or area approach.

Do you have any other comments about overprovision?

Convenience stores provide a range of key services for their customers, and this includes that ability to be able to offer their customers a full range of products, i.e. giving the customer the chance purchase an alcoholic beverage as an accompaniment with home dining. Therefore, a consequence of overprovision is that new entrants to the market are

unable to obtain premises licences to authorise the sale of alcohol and are therefore, disadvantaged. The availability of alcohol in a pre-existing competitor store gives the prospective customer a reason to choose to shop there. The convenience element of being able to get their "full basket" from the competitor provides an unfair commercial advantage.

RESPONSE FROM TRADE ASSOCIATION

Should the Licensing Board refer to any other matters in its introduction?

"The Board may wish to take note of the unique economic pressures placed on the industry at the moment (inflation, staff shortages, tax increases, additional regulations), alongside the reality that many licensed premises have still not been able to recover from pandemic. Many licensed business took on high levels of debt during the sustained periods of closure and are now paying this back, while dealing with the other challenges.

There is evidence that this is starting to really hit pubs and bars. Across Scotland, more pubs closed in the first half of this year (2023) than closed in the whole of 2022 (source: BBPA). "

To what extent do you think these measures promote the licensing objectives?

Very effectively

Do you consider the access arrangements for Children and Young Persons to be suitable?

Yes

The terms of the access of children to pre-booked functions has been tightened, with the Licensing Board proposing that such functions would need to be private. Do you consider that this change promotes the licensing objectives?

No

The Licensing Board proposes to permit Young Persons unattended in licensed premises until 10pm (unless attending a private pre-booked function). Do you think this is appropriate?

Yes

The Licensing Board has codified the conditions that it would usually attach to premises licences where Children and Young Persons are permitted on the premises at appendix 1 part A. Do you consider these conditions promote the licensing objectives?

Very effectively

The Licensing Board at paragraph 21 has introduced the requirement for off-sale type premises to have a refusal book. Do you consider this to be an appropriate and reasonable requirement?

Yes

The Licensing Board, having regard to feedback received through its pre-consultation exercise, has set out that it will usually attach conditions to premises licences where home deliveries of alcohol are authorised. These conditions can be found appendix 1, part C. Do you think these conditions promote the licensing objectives?

Yes

Do you have any comments as to these conditions, especially from a practical point of view?

"In relation to CYP access, the board may wish to consider adding the 'viewing of [appropriate] entertainment', alongside the consumption of a meal. The rationale for this is that there may be situations, sporting events primarily, which may be available for viewing at a licensed premises but not on terrestrial/only on subscription television. For example, the Scotland National Team's games are currently shown exclusively on subscription TV. The board should also be mindful of the unique place pubs and bars have in Scotland's tourism offer. 8 out of 10 tourists visit a pub when in Scotland, and often they will have children or young people as part of their group. The board should look at a flexible approach in this regard for premises which see a high number of tourists, including potentially removing the 10pm limit for these types of premises. On home deliveries, for online sales a register of order and despatch will already be held online. These conditions (3) should note and allow this."

Following feedback obtained through the pre-consultation exercise, the Licensing Board has developed a standard set of conditions to be attached to occasional licences to promote licensing objectives. These conditions can be found at appendix 1 part E. Are these conditions appropriate for an occasional licence?

Very effectively

The Licensing Board, having had regard to feedback through its pre-consultation exercise, is not proposing to amend its standard licensed hours or exceptions to licensed hours. Do you support this position?

Yes

If you think that the Licensing Board should consider any additional conditions for when an exception from standard licensed hours is sought, i.e. for restaurants or premises offering significant entertainment facilities, please describe these.

"The Board may wish to consider exceptions for a number of reasons and each application should be considered on its own merit.

The viewing of sport taking place in other parts of the world, for example the Super Bowl should be considered as a reasoning for extended hours. Additionally, there are often situations where Scottish athletes or teams are taking part in events which fall outwith normal hours. This might (hopefully) be the case with the next FIFA World Cup in North America (5-8 hours behind BST), meaning many matches will be shown late at night in Scotland.

This part of the Policy has been expanded to give both applicants and members of the public an understanding of how the Licensing Board will conduct its business. Is this useful?

Very useful

Do you agree with the new proposed overprovision localities and the data used to support them being identified as such?

Not at all

What impact do you think the current Assessment of Overprovision has had on the existing overprovision localities?

We are unaware of any positive impacts from the existing policy of overprovision. Anecdotally, there is some suggestion that investment in licensed premises in West Dunbartonshire has suffered due to the number of localities designated as overprovision zones.

Do you think the Licensing Board should take into account the licensed hours of premises when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

Yes

Are there any other matters you think that the Licensing Board should take into account when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

"Having a presumption against the grant of new licences and some applications for major variation by declaring much of the Local Authority areas of overprovision is concerning.

A possible presumption against grant makes justifying investment in a new premise, or extending existing premises unlikely. With planning being achieved before licensing, and with the potential for a licensing refusal, such doubt and risk creates real uncertainty. This stifling effect risks seeing the pub and bar sector in West Dunbartonshire becoming stale, with standards and quality likely to drop.

We would call on the Board to consider the distinction between overprovision and "overconsumption" and consider what, if any, previous policies have had in this area. We would submit that the market should be left to decide access to new licences and major variations. "

Do you agree with the Licensing Board's approach to capturing variations to increase capacity or hours as part of the Overprovision Assessment?

Strongly disagree

Do you agree with the Licensing Board's approach to overprovision on a case by case basis (outwith its proactive assessment)? For example, it is proposed that the Licensing Board utilises intermediate zones. Is this is the best way to determine locality

Agree

RESPONSE FROM LICENSING AGENT

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

"Good

Abortive - optional words?"

Should the Licensing Board refer to any other matters in its introduction?

"Tone is very legal and lacks a welcome warmth?

Rather than ""granting""-consider. Granting sounds automatic and does not give another option."

To what extent do you think these measures promote the licensing objectives?

Very effectively

Do you have any other comments on this section?

Provisional licenses-add Premises.

Do you consider the access arrangements for Children and Young Persons to be suitable?

Yes

The terms of the access of children to pre-booked functions has been tightened, with the Licensing Board proposing that such functions would need to be private. Do you consider that this change promotes the licensing objectives?

Yes

The Licensing Board proposes to permit Young Persons unattended in licensed premises until 10pm (unless attending a private pre-booked function). Do you think this is appropriate?

Yes

The Licensing Board has codified the conditions that it would usually attach to premises licences where Children and Young Persons are permitted on the premises at appendix 1 part A. Do you consider these conditions promote the licensing objectives?

Very effectively

The Licensing Board at paragraph 21 has introduced the requirement for off-sale type premises to have a refusal book. Do you consider this to be an appropriate and reasonable requirement?

Yes

The Licensing Board, having regard to feedback received through its pre-consultation exercise, has set out that it will usually attach conditions to premises licences where home deliveries of alcohol are authorised. These conditions can be found appendix 1, part C. Do you think these conditions promote the licensing objectives?

Yes

Do you have any comments as to these conditions, especially from a practical point of view?

"CCTV external-this is a legal minefield.

Interventions-mention here. Working with Police Scotland-how the Board will view etc.

""The Licensing Board encourages licence holders to demonstrate both within their Operating Plan""-where? Practical? Where submissions highlight actions that Premises will take (they are volunteering) these should be added as conditions to their Licenses-with their permission.

22.1 "" import of taking steps"" - TYPO

Refusal register-for home delivery. What do you expect/accept? Standard-minimum details? Should alcohol be delivered separately for other groceries-if the delivery is refused due to Challenge 25 etc. etc. it would be customary and often beneficial to deliver the groceries-if they are mixed through the shopping it would be easy to miss-beware that till receipt descriptions are often abbreviated and not good for this purpose. Or do you expect the whole delivery to be refused?

Following feedback obtained through the pre-consultation exercise, the Licensing Board has developed a standard set of conditions to be attached to occasional licences to promote licensing objectives. These conditions can be found at appendix 1 part E. Are these conditions appropriate for an occasional licence?

Very effectively

Do you have any further comments about part 3 of the Policy?

"At least one designated member of staff to be present within the area at all times to supervise admissions and to objectively monitor the occupant capacity, and to have an effective means of communication with the premises-remove at all times-some premises have very small but important areas and showing they effectively manage should be adequate. Do not penalise - otherwise you will just have large areas.....

The capacity of the outside area shall not exceed [number of persons]. it is important that the capacity of the outside area can be catered for in terms of evacuation (despite being outside this is still a potential issue) and suitable sanitaryware to cope.

If not already provided, baby-changing facilities will be made available for children under the age of 5 years.-inflexible. Only if under 5s are permitted entry-concerts etc

installation of CCTV equipment and images retained as long as possible- minimum of 30days or similar. Cost is minimal and benefit substantial"

The Licensing Board, having had regard to feedback through its pre-consultation exercise, is not proposing to amend its standard licensed hours or exceptions to licensed hours. Do you support this position?

Yes

Please describe any impact the current licensed hours have on you

No issues

This part of the Policy has been expanded to give both applicants and members of the public an understanding of how the Licensing Board will conduct its business. Is this useful?

Very useful

Is there anything else that should be covered in this section?

"The objection or representation must be submitted to the Licensing Board by post or email- can I hand it in at the office?

will require a signed letter of authorisation-provide a template or example. When ideally should they tell the Board (minimise delays).

Can I question through the chair if objectors have added detail and points not in the original letter etc but viewed as acceptable by the clerk?"

Do you think the Licensing Board should take into account the licensed hours of premises when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

Yes

Do you agree with the Licensing Board's approach to capturing variations to increase capacity or hours as part of the Overprovision Assessment?

Strongly agree

Do you agree with the Licensing Board's approach to overprovision on a case by case basis (outwith its proactive assessment)? For example, it is proposed that the Licensing Board utilises intermediate zones. Is this is the best way to determine locality

Strongly agree

- 20. Do you agree with the new proposed overprovision localities and t...



Answers	Count	Percentage
Fairly effectively	4	44.44%
Very effectively	3	33.33%
Not at all	1	11.11%
Only a little	0	0%

Answered: 8 Skipped: 1

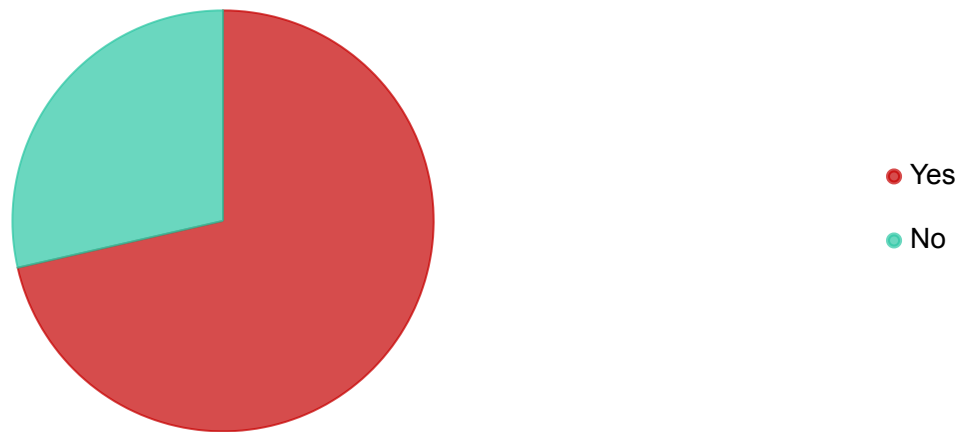
21. What impact do you think the current Assessment of Overprovision has had on t...

The word cloud requires at least 20 answers to show.

Response	Count
Not much. I'm not aware of any licenses having been refused on the basis of overprovision	1
None	1
No	1
NA	1
Identifies the appropriate areas effectively	1

Answered: 5 Skipped: 4

22. Do you think the Licensing Board should take into account the...



Answers	Count	Percentage
Yes	5	55.56%
No	2	22.22%

Answered: 7 Skipped: 2

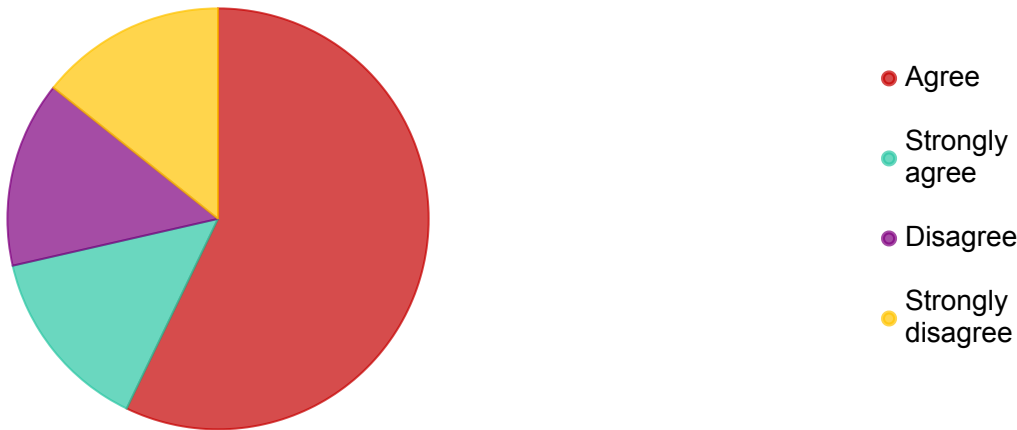
23. Are there any other matters you think that the Licensing Board should take into...

The word cloud requires at least 20 answers to show.

Response	Count
No	3
No as long as premises can trade profitably they will stay open for business . However if there is o ver provision they will close down permanently. So I feel the board does not need to be concerned about over provision, and that this decision is better left to individual businesses to determine if the y can carry out their operations In this harsh and competitive times .	1
NA	1

Answered: 5 Skipped: 4

24. Do you agree with the Licensing Board's approach to capturing...



Answers	Count	Percentage
Agree	4	44.44%
Strongly agree	1	11.11%
Disagree	1	11.11%
Strongly disagree	1	11.11%

Answered: 7 Skipped: 2

25. Do you have any comments on this aspect?

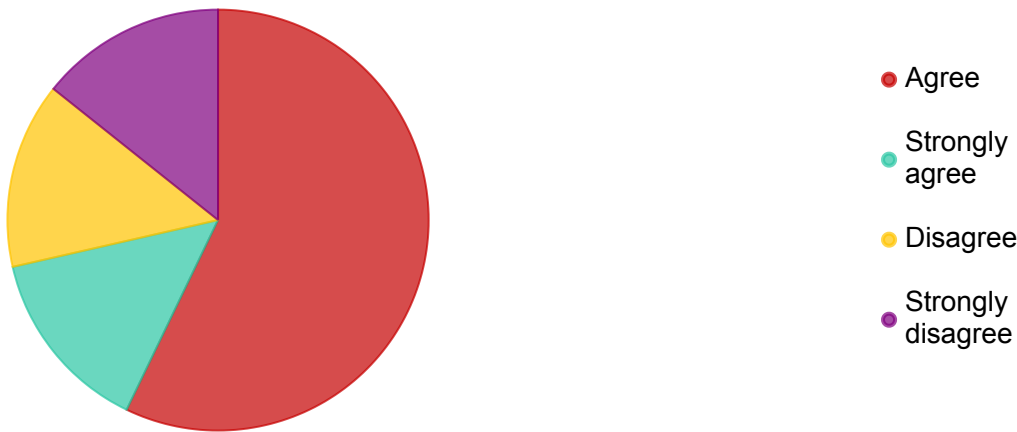
The word cloud requires at least 20 answers to show.

Response	Count
Where there is overprovision there should be no variations that would result in extended hours or increased capacity	1
Over provision should not be decided by the board. It should be left for each business to decide whether it's economically viable to stay open or to open a new business	1
No	1
NA	1

In an over provision area no new licenses should be granted	1
How does a responsible alcohol retailer increase or his alcohol offering if he is sited within a current overprovision zone. Refits invariably suggest increasing or decreasing popular retail categories Would the current overprovision policy prevent the extension of the alcohol category . The policy appears to suppress the normal means of business improvement. If in store data suggest increasing the alcohol range would improve profits then within reason i feel this should be allowed. For example you should be able to increase the linear footage of alcohol by no more than 50% once every 10 year period?	1

Answered: 6 Skipped: 3

26. Do you agree with the Licensing Board's approach to overprovisio...



Answers	Count	Percentage
Agree	4	44.44%
Strongly agree	1	11.11%
Disagree	1	11.11%
Strongly disagree	1	11.11%

Answered: 7 Skipped: 2

27. Do you have any comments on this aspect?

The word cloud requires at least 20 answers to show.

Response**Count**

Ok

1

No

1

NA

1

If a small shop wished to sell alcohol in an overprovision zone it would not be allowed. if a superma
rket wished to move into an overprovision zone it would likely be looked on favourably . The board
should be rigid with its overprovision policy and apply it according to the 5 principles of the Act. Ov
erall Economic benefit should not be a factor as it would still go against the spirit of the Act.

1

application sites close to the edge of a particular zone should consider the number of licensed pre
mises in close proximity in an adjacent zone

1

Answered: 5 Skipped: 4

o **28. Do you have any other comments about overprovision?**

The word cloud requires at least 20 answers to show.

Response**Count**

No

3

The idea of overprovision i believe needs alot more analysis . What is the effect of underprovision?

1

NA

1

Answered: 5 Skipped: 4

**RESPONSE FROM NHS GREATER GLASGOW AND CLYDE, WEST
DUNBARTONSHIRE HEALTH AND SOCIAL CARE PARTNERSHIP, AND WEST
DUNBARTONSHIRE ALCOHOL AND DRUG PARTNERSHIP****Part 1, Introduction**

This part of the [Policy](#) introduces the Licensing Board and sets out the background to the policy. At paragraph 7, the Licensing Board has explained in some detail as to how it has developed this new policy.

1. Do you have any comments on this part of the policy?

Yes – Making the language used more accessible would benefit the public and partners (rebuttable; abortive etc). This is relevant to the full policy, there is legal terminology throughout.

The addition of sections 7, 9.1, 12.5 and 12.6 is welcomed.

7.2 – meeting link might be useful/accessible. 7.3(2) [note there are two 7.3's] suggest removing reference to Daniel Carter – add link to meeting of same and/or stating a representative of NHSGGC attended.

2. Should the Licensing Board refer to any other matters in its introduction?

Yes – Paragraph 10 Tourism – whilst recognising the needs of the local tourism industry, this section would be enhanced if the same was true of the local population who reside in these tourist areas. eg *“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....alongside the needs of local residents”*

Reset Saved

Part 2, The Licensing Objectives

This part of the [Policy](#) outlines the Board's general approach to promoting the licensing objectives. In so doing the Policy narrates matters that it expects licence holders to have regard to when operating their premises.

3. To what extent do you think these measures promote the licensing objectives?

Very effectively: It is noted the new draft policy has strengthened its commitment to the Public Health and Children and Young Persons objectives. Sections 17.1, 17.2, 17.3, 18.3, 18.4 and 18.5 are welcomed.

☐ Very effectively

☐ Fairly effectively

☐ Only a little

☐ Not at all

4. Do you have any other comments on this section?

Page 4 of 9

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Part 3, Licences

This part of the [Policy](#) sets out the Licensing Board's expectations around the terms of a premises licence (with the exception of licensed hours), for example, this part addresses the Licensing Board's thoughts on Children and Young Person's access, control measures around home deliveries of alcohol and the terms of occasional licences and extended hours certificates.

5. Do you consider the access arrangements for Children and Young Persons to be suitable?

Yes – however it could go further with the following suggestions

Paragraph 18.1 states 'The Licensing Board welcomes applications' we believe the word 'welcome' gives the impression the policy wishes to encourage applications from premises that accommodate children and young people. Therefore, we would recommend replacing 'welcomes' with 'will consider'.

6. The terms of the access of children to pre-booked functions has been tightened, with the Licensing Board proposing that such functions would need to be private. Do you consider that this change promotes the licensing objectives?

Yes.

7. The Licensing Board proposes to permit Young Persons unattended in licensed premises until 10pm (unless attending a private pre-booked function). Do you think this is appropriate?

No – Whilst young persons, 16-18 years, are legally allowed unattended in licensed premises until 10pm, we strongly believe this should not be explicitly supported by the policy. This only serves to promote this legality rather than consider the impact the policy will have on the normalisation of young persons in licensed premises.

8. The Licensing Board has codified the conditions that it would usually attach to premises licences where Children and Young Persons are permitted on the premises at appendix 1 part A. Do you consider these conditions promote the licensing objectives?

Yes. Please note items 4 and 8 are repetitive. We suggest the deletion of 4 and inclusion of 8 as this point is stronger.

9. The Licensing Board at paragraph 21 has introduced the requirement for off-sale type premises to have a refusal book. Do you consider this to be an appropriate and reasonable requirement?

Yes.

10. The Licensing Board, having regard to feedback received through its pre-consultation exercise, has set out that it will usually attach conditions to premises licences where home deliveries of alcohol

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are authorised. These conditions can be found appendix 1, part C.

Do you think these conditions promote the licensing objectives?

Yes. However, this could be strengthened if point 1 set the expectation delivery staff must have appropriate mandatory training to ensure Challenge 25 is adhered to; and if point 5 stated no deliveries should be left unattended, including in safe spaces.

11. Do you have any comments as to these conditions, especially from a practical point of view?

The proposed conditions are welcomed and would be beneficial if adopted and enforced. Unfortunately, in practice, deliveries from warehouses out with West Dunbartonshire or from neighbouring local authorities (Yoker/Drumchapel to Clydebank etc) will not operate to these standards, thus they are likely to have limited impact unless introduced as national measures.

12. Following feedback obtained through the pre-consultation exercise, the Licensing Board has developed a standard set of conditions to be attached to occasional licences to promote licensing objectives. These conditions can be found at appendix 1 part E. Are these conditions appropriate for an occasional licence?

Only a little

13. Do you have any further comments about part 3 of the Policy?

Yes. In regard to item 5 and baby changing facilities, we feel this should be expanded and used only where appropriate, to avoid potentially promoting the use of alcohol around babies eg. Baby facilities for an occasional licence if needed for a venue hosting a wedding as opposed to a venue hosting a baby shower. Also, for item 6, we believe staff training should apply to both voluntary and non-voluntary organisations with no exceptions.

Item 12 - these measures alone are unlikely to be sufficient to offset the risk that occasional licenses may generate harms in terms of the licensing objectives (particularly if they are used recurrently and are subject to less scrutiny).

Page 5 of 9

Part 5, Licensed hours of trading

14. The Licensing Board, having had regard to feedback through its preconsultation exercise, is not proposing to amend its standard licensed hours or exceptions to licensed hours. Do you support this position?

Yes.

15. Please describe any impact the current licensed hours have on you.

No response.

16. If you think that the Licensing Board should consider any additional conditions for when an exception from standard licensed hours is sought, i.e. for restaurants or premises offering significant entertainment facilities, please describe these.

As noted in our pre-consultation response, there is evidence to show the impact of policies regulating alcohol trading times on alcohol related harm. Sanchez-Ramirez and Voaklander (2018) say that laws limiting when people can buy and sell alcohol can help lower the number of injuries, homicides and crimes related to alcohol. As such, we believe extended licensed hours will lead to increased alcohol consumption and in turn increased alcohol harm. This will place increasing pressure on the health and social care system, particularly hospitals, during certain times of the year that attract extended hours, such as Christmas and New Year and we ask that this be taken into consideration.

Part 6, Board procedure

- 17. This part of the Policy has been expanded to give both applicants and members of the public an understanding of how the Licensing Board will conduct its business. Is this useful?**

Very useful – The transparency of this section will support public and partner participation in the licensing process by enhancing understanding, while setting expectations.

- 18. Is there anything else that should be covered in this section?**

No.

- 19. Do you have any other comments about the proposed statement of licensing policy?**

We welcome many of the new additions and believe the draft policy, with a few slight revisions, is fit for purpose for the years ahead.

- 20. Do you agree with the new proposed overprovision localities and the data used to support them being identified as such?**

Yes

- 21. What impact do you think the current Assessment of Overprovision has had on the existing overprovision localities?**

To date the Licensing Board has not rejected a single application on the grounds of overprovision.

- 22. Do you think the Licensing Board should take into account the licensed hours of premises when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?**

Yes – Given that licensed hours are considered by the Board when assessing overprovision, any applications for additional hours should not be granted in areas deemed as overprovided. Increased hours allow alcohol to be available for a longer period of time which will inevitably increase alcohol consumption and subsequent harms (see our response to Q16).

- 23. Are there any other matters you think that the Licensing Board should take into account when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?**

Yes. Patron capacity should be considered, particularly for variations adding outdoor areas or extensions to premises. Display capacity should also be considered if being increased, including additional capacity at festive periods,

especially in intermediate zones where there are supermarkets which already have significant alcohol capacity.

24. Do you agree with the Licensing Board's approach to capturing variations to increase capacity or hours as part of the Overprovision Assessment?

Strongly agree.

25. Do you have any comments on this aspect?

No.

26. Do you agree with the Licensing Board's approach to overprovision on a case by case basis (outwith its proactive assessment)? For example, it is proposed that the Licensing Board utilises intermediate zones. Is this is the best way to determine locality

Strongly agree.

27. Do you have any comments on this aspect?

No.

28. Do you have any other comments about overprovision?

Yes. Overprovision policies are only effective if Licensing Boards uphold them. It is anticipated during the life cycle of the new policy we observe successful local application of its use: to protect the communities of West Dunbartonshire.

In relation to the following statement "*The Licensing Board proposes that where an applicant can demonstrate that the grant of an application would create increased employment opportunities, then that may be a factor that rebuts the presumption against grant of an application.*" We do not consider the employment benefits to offset the significant alcohol related health harms within West Dunbartonshire. Furthermore, we strongly believe that having the above statement within the policy contradicts the boards aim of utilising the assessment of overprovision in addressing health harms. It is our view that the board can take cognisance of this factor without it being specifically stated within the policy.

Response from Police Scotland

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

Appears relevant and pertinent to the work carried out in developing the licensing policy during the pre-consultation phase.

Should the Licensing Board refer to any other matters in its introduction?

No - appears straight forward and to the point.

To what extent do you think these measures promote the licensing objectives?

Very effectively

Do you have any other comments on this section?

Appears appropriate and relevant, providing a general overview of the considerations that should and/or would be required, without being too exhaustive or trying to cover every eventuality in respect of the licensing objectives.

Do you consider the access arrangements for Children and Young Persons to be suitable?

Yes

The terms of the access of children to pre-booked functions has been tightened, with the Licensing Board proposing that such functions would need to be private. Do you consider that this change promotes the licensing objectives?

Yes

The Licensing Board proposes to permit Young Persons unattended in licensed premises until 10pm (unless attending a private pre-booked function). Do you think this is appropriate?

Yes

The Licensing Board has codified the conditions that it would usually attach to premises licences where Children and Young Persons are permitted on the premises at appendix 1 part A. Do you consider these conditions promote the licensing objectives?

Fairly effectively

The Licensing Board at paragraph 21 has introduced the requirement for off-sale type premises to have a refusal book. Do you consider this to be an appropriate and reasonable requirement?

Yes

The Licensing Board, having regard to feedback received through its pre-consultation exercise, has set out that it will usually attach conditions to premises licences where home deliveries of alcohol are authorised. These conditions can be found appendix 1, part C. Do you think these conditions promote the licensing objectives?

Yes

Following feedback obtained through the pre-consultation exercise, the Licensing Board has developed a standard set of conditions to be attached to occasional licences to promote licensing objectives. These conditions can be found at appendix 1 part E. Are these conditions appropriate for an occasional licence?

Very effectively

Do you have any further comments about part 3 of the Policy?

No

The Licensing Board, having had regard to feedback through its pre-consultation exercise, is not proposing to amend its standard licensed hours or exceptions to licensed hours. Do you support this position?

Yes

This part of the Policy has been expanded to give both applicants and members of the public an understanding of how the Licensing Board will conduct its business. Is this useful?

Very useful

Is there anything else that should be covered in this section?

No

Do you have any other comments about the proposed statement of licensing policy?

No

Do you agree with the new proposed overprovision localities and the data used to support them being identified as such?

Very effectively

What impact do you think the current Assessment of Overprovision has had on the existing overprovision localities?

Not a great deal in respect of the current financial climate.

Do you think the Licensing Board should take into account the licensed hours of premises when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

Yes

Are there any other matters you think that the Licensing Board should take into account when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

Existing considerations seem appropriate.

Do you agree with the Licensing Board's approach to capturing variations to increase capacity or hours as part of the Overprovision Assessment?

Agree

Do you have any comments on this aspect?

No

Do you agree with the Licensing Board's approach to overprovision on a case by case basis (outwith its proactive assessment)? For example, it is proposed that the Licensing Board utilises intermediate zones. Is this is the best way to determine locality

Agree

Do you have any comments on this aspect?

No

Do you have any other comments about overprovision?

No

EH response to West Dunbartonshire Licensing Board's consultation on its statement of licensing policy and assessment of overprovision

Michael,

Some comments/questions from EH in response on the Licensing Policy review;

Section 15.3 . No mention of EH consultation in this section. EH are the enforcing authority for the regulation of health and safety standards in relation to staff and public safety standards within such licensed establishments therefore it is felt that EH should also be noted as one of the consultees on this aspect in addition to Building Standards.

Section 24.2. Change single use plastics “should” be avoided to “must” be avoided as this is now a legal requirement from 1 June 2022. (The Environmental Protection(Single-use Plastic Products) (Scotland) Regulations 2021. Enforced by EH.

Section 26.3: Typo. Environment Health. Change to Environmental Health.

Section 27.3. Refers to Festive Period being defined in Section 26. It should refer to Section 33 for this.

Section 43.3: Refers to the “new” legislation regime.

Noise Specific Issues:

- One of the key licensing objectives is ‘preventing public nuisance’. Although this is expanded on somewhat in section 16 there is still no definition of what constitutes a public nuisance to make it distinct from a private nuisance or a statutory nuisance. Could this be clarified?
- Section 16.1 states that the ‘Licensing Board intends to protect local communities from *any* negative impact from the operation of licensed premises.’ Recent cases and discussions between licensing and EH have resulted in a requirement for EH to demonstrate that a statutory noise nuisance exists before any action can be taken by licensing against the licensed premises. The gap between ‘any negative impact’ and a statutory noise nuisance is quite significant. Could this section be clarified, or reworded if necessary to reflect the actual position that the Board will take on noise impact.
- Section 23.4 refers to the requirement to follow the guidance contained within the ‘good practice guide on the control of noise for pubs and clubs’. Does this only apply to outside drinking areas or to the premises in general?
- Section 7.8 of the IOA good practice guide states that ‘careful consideration should always be given when siting beer gardens in order to minimise the risk of disturbance to neighbours’. Can you advise what the Licensing Board would determine would constitute ‘careful consideration’ in relation to this?

Thanks

[REDACTED]

[REDACTED]

Subject: Fw: West Dunbartonshire Licensing Board's consultation on its statement of licensing policy and assessment of overprovision

Good afternoon

For information, the West Dunbartonshire Licensing Board is consulting on new statement of licensing policy and assessment of overprovision. The Health and Social Care Partnership suggested that it be useful to make sure you are aware of this consultation.

Following an extensive pre-consultation exercise with key stakeholders, the Licensing Board has prepared a draft statement of licensing policy and assessment of overprovision. These documents have regard to the information ingathered and comments received.

The Licensing Board now wants to hear comments on the terms of the draft statement of licensing policy and assessment of overprovision. It is hoped that responses received will be considered at the Licensing Board meeting of 11 October 2023.

The survey can be accessed at <https://arcg.is/11PCPa> or comments can be emailed directly to me.

The deadline is **Friday 8 September 2023**.

Please do get in touch with any questions.

Regards
Michael

Michael McDougall
Section Head - Licensing
West Dunbartonshire Council

Alan Douglas
Clerk to the Licensing Board
West Dunbartonshire Licensing Board
Council Offices
16 Church Street
Dumbarton
G82 1QL



Regulatory & Regeneration
16 Church Street
DUMBARTON
G82 1QL

Dear Alan

**West Dunbartonshire Licensing Board consultation
Statement of Licensing Policy and Assessment of Overprovision**

Paul Smith, Chairman of the West Dunbartonshire Local Licensing Forum (the Forum), has instructed that I write to you in relation to the above and I should be grateful if you could treat this letter as the Forum's response to the Licensing Board's consultation on its new Statement of Licensing Policy and Assessment of Overprovision.

As you will be aware, the Forum submitted a detailed response in relation to the Licensing Board's pre-consultation exercise. This response contained a number of recommendations relating to the development of the Policy and also the Assessment of Overprovision. The Forum at its meeting on 29 August 2023 was pleased to note that the Licensing Board had carefully considered the response and its recommendations as part of its pre-consultation exercise.

Accordingly, in respect of this current consultation, the Forum simply wishes to first, commend the Licensing Board's detailed and evidence-based consultation process and second, to ask that the Licensing Board consider whether it is appropriate to adopt the outstanding Forum recommendations from the foregoing report.

Paul is happy to discuss matters further if required.

Kind regards

Yours sincerely

A handwritten signature in black ink, appearing to read 'M McDougall', written over a horizontal line.

Michael McDougall
Section Head (Licensing)

AssessmentNo	786	Owner	michael.mcdougall
Resource	Transformation		Service/Establishment Regulatory
	First Name	Surname	Job title
Head Officer	Michael	McDougall	Section Head (Licensing)
	(include job titles/organisation)		
Members	Peter Clyde, Licensing Standards Officer Lawrence Knighton, Licensing Standards Officer		
	<i>(Please note: the word 'policy' is used as shorthand for strategy policy function or financial decision)</i>		
Policy Title	West Dunbartonshire's Statement of Licensing Policy		
	The aim, objective, purpose and intended outcome of policy		
	This policy sets out how the Licensing Board will exercise its functions in regards to the sale and supply of alcohol. This includes the Licensing Board's expectations around licensed hours, children and young persons' access, and administration of occasional (i.e. temporary) licences. Please note that the Assessment of Overprovision has been of a separate EIA.		
	Service/Partners/Stakeholders/service users involved in the development and/or implementation of policy.		
	In developing this Statement of Licensing Policy, the Licensing Board has carried out a pre-consultation exercise. This exercise saw engagement with: Police Scotland, NHS Greater Glasgow and Clyde, West Dunbartonshire Health and Social Care Partnership and the Licensing Forum. Other stakeholders were engaged with on a targeted basis. The information in-gathered allowed the Licensing Board to identify areas of the Policy that required to be revised. Having identified areas to be looked at and agreed on revisions, the new Statement of Licensing Policy was consulted on. A public consultation was carried out and key and statutory stakeholders consulted. A meeting was held with representatives from the licensed trade.		
Does the proposals involve the procurement of any goods or services?			Yes
If yes please confirm that you have contacted our procurement services to discuss your requirements.			No
SCREENING			
<i>You must indicate if there is any relevance to the four areas</i>			
Duty to eliminate discrimination (E), advance equal opportunities (A) or foster good relations (F)			Yes
Relevance to Human Rights (HR)			Yes
Relevance to Health Impacts (H)			Yes
Relevance to Social Economic Impacts (SE)			Yes
Who will be affected by this policy?			
This Policy will have an impact upon: (1) premises licence holders and applicants for premises licences and occasional (i.e. temporary) licences; (2) the residents of West Dunbartonshire; (3) persons who work in licensed premises; (4) persons who work in industries abutting the licensed trade, for example, taxi drivers, takeaway type premises; and (5) Police, NHS and other agencies.			
Who will be/has been involved in the consultation process?			

In order to identify issues to be looked at in detail there was an extensive pre-consultation exercise. This exercise saw engagement with: Police Scotland, NHS Greater Glasgow and Clyde, West Dunbartonshire Health and Social Care Partnership and the Licensing Forum. Other stakeholders were engaged with on a targeted basis. There has been a public consultation as required by the licensing legislation as well as targeted engagement with key stakeholders, for example, the licensed trade, health board, and community groups. Views were sought by way of an online survey.

Please outline any particular need/barriers which equality groups may have in relation to this policy list evidence you are using to support this and whether there is any negative impact on particular groups.

	Needs	Evidence	Impact
Age	The Licensing Board must promote the licensing objective of protecting children and young persons from harm. Children and young persons are at risk through being able to buy alcohol under age or being at risk of harm in premises that are unsuitable for their access.	<p>Submission from health bodies posits that children and young persons who are exposed to visible alcohol consumption may experience a degree of harm. The submission further narrates that visibility of alcohol consumption normalises drinking culture to young people as potential future drinkers with younger children being more affected.</p> <p>The NHS Greater Glasgow & Clyde paper highlights the impact on children of non-dependent parental drinking and advise that this is identified at a number of case conferences for children on the child protection register.</p> <p>A Planet Young survey suggests that 61% of S3 pupils had drank alcohol and that 3% had bought alcohol in a shop. Further information suggests that 10% of 15 year olds have managed to purchase alcohol.</p>	<p>Positive The Policy will set out how Children and Young Persons will be protected from harm. In particular the access terms for Children and Young Persons is clearly narrated in the Policy. The Policy has been amended so that children and young persons are only permitted access to private pre-booked functions. Detailed conditions have been introduced around home deliveries and a requirement for a refusal register.</p>

		The Licensing Forum expressed concerns around home deliveries of alcohol and the potential for alcohol to be taken by under 18s.	
Cross Cutting			
Disability	Persons with disabilities should be able to access licensed premises.	Applicants for new premises licences must submit a disabled access and facilities statement.	Positive The Licensing Board will note the terms of this statement and it is available on request.
Social & Economic Impact	The Policy relation with social and economic factors is complex and multifaceted. On one hand licences authorising the sale and supply of alcohol are essential to businesses however, there are significant alcohol related health harms within West Dunbartonshire and alcohol costs the local economy.	Health partners submit that off sale type premises were almost five times more likely to expose children in the most deprived communities than in the least deprived ones. Also, Compared to children in the least deprived areas. those in the most deprived communities were almost three times more likely to be exposed to alcohol sales outlets. The NHS Greater Glasgow and Clyde paper highlights that West Dunbartonshire has the fourth highest local share of the most deprived SIMD. Consultation responses from licensed businesses highlighted the import of shops to the local area and the benefits of access to facilities that these premises provide such as Paypoint, and fresh	The Policy on licensed hours makes sure that there is a staggered dispersal between public house type premises and entertainment premises. This helps police resources and also the local transport infrastructure. The Policy recognises the importance of tourism to the local area as well as the health benefits through the creation of employment opportunities. The Policy gives potential entrants to the market certainty as to what permissions the Licensing Board are likely to grant. This allows entrants to plan and avoid abortive costs.

		<p>fruit and veg. A meeting was held with trade representatives to discuss the impact of the proposed changes on their businesses. These comments were fed into the consultation process. Members of the public responding to the consultation broadly supported the proposals.</p>	
Sex	<p>The Licensing Board's Policy sets out:- (1) how it promotes the licensing objective of promoting and improving health including measures that it expects licence holders to consider as well as this objective being a consideration when determining appropriate licensing hours; and (2) how it promotes the licensing objective of preventing crime and disorder including measures that it expects licence holders to consider as well as this objective being a consideration when determining appropriate licensing hours and has had regard to issues around the Night Time Economy in terms of the transport infrastructure.</p>	<p>From the NHS Greater Glasgow & Clyde paper: The mean number of units per week among drinkers in West Dunbartonshire is 11.2 with male drinker's consumption considerably higher at 14.1 units compared to 8.6 units for females. Alcohol consumption can be trigger rather than a cause of domestic abuse</p>	<p>Women will benefit from a safe Night Time Economy environment where there are control measures in place to reduce the risk of alcohol related violence.</p>
Gender Reassign			

<p>Health</p>	<p>The Licensing Board must promote the licensing objective of protecting and improving public health. When considering applications it can refuse those applications where there is an inconsistency with the foregoing licensing objective. The Policy sets out how the Board will promote this objective.</p>	<p>As part of the Licensing Board's pre-consultation exercise the views of the various health bodies were sought. They provided the following evidence in relation to overprovision and health harms:</p> <p>"Current health data shows that alcohol related harm and alcohol specific deaths continue to be above the national average for West Dunbartonshire as a local authority. West Dunbartonshire has the 3rd highest alcohol specific deaths across Scotland's council area. Furthermore, when alcohol specific deaths were analysed for the year (2016-2020) against the baseline year (2002-2006) for each area. West Dunbartonshire has the second greatest increase in Alcohol Specific Deaths in Scotland. Additionally, all intermediate zones within West Dunbartonshire have at least 1 alcohol related health harm indicators (Alcohol Related Hospital Admissions; Alcohol Specific Deaths; Alcohol Related Mental Health Admissions) above the national average with 16 of the 18</p>	<p>Health stakeholders have been engaged with from an early stage in the preparation of the Policy. Information has been gathered from the NHS Greater Glasgow and Clyde and West Dunbartonshire Health and Social Care Partnership. This information has informed the preparation and drafting of the new Policy to make sure that it is evidence based. Doctor Daniel Carter, Consultant in Public Health, presented health related information to the Board on 9 May 2023. The Licensing Board also developed its Assessment of Overprovision. The Policy contains a number of requirements designed to protect and improve public health. For example, pool conditions have been introduced for occasional licences to make sure that this type of temporary permission is regulated to a high standard. Amendments were made to address Health's concerns where appropriate, for example, a condition around home deliveries was made more robust owing</p>
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		<p>intermediate zones having 2 or more"</p> <p>There is evidence that has been considered by the Licensing Board that employment brings about health benefits (see Roeflfs, Shor, Davidson & Schwartz, Losing life and livelihood... and Waddell and Burton, Is work good for your health and well-being?) Pre-consultation responses from businesses highlighted the import of access to affordable fruit and veg as well as employment opportunities. Health bodies were consulted with again as part of the Policy consultation. This response was considered by officers and amends suggested.</p>	<p>to comments made by Health.</p>
<p>Human Rights</p>	<p>The Board needs to consider the Human Rights of people and businesses where relevant Article 8 (Private life, family etc.) is likely to be particularly relevant to people and families e.g. preventing ASB Article 1 of Protocol I to the ECHR as the "right to peaceful enjoyment of possessions" including economic interests of businesses</p>	<p>Police have presented material around the number of alcohol related crimes and incidents. Health partners submit that there is evidence to suggest that laws limiting when people can buy and sell alcohol help lower harm associated with alcohol. Some concerns were expressed in relation to noise nuisance from licensed premises. Where</p>	<p>The final policy has been consulted on with the trade. An engagement session was held with the trade with discussions around the practical impact of the conditions. Comments from the Council's Enviromental Health service led to minor amends around the Policy's provisions re public nuisance.</p>

		<p>appropriate and individual premises identified this was passed to Licensing Standards.</p> <p>Consultation was had with the Council's Environmental Health service.</p>	
Marriage & Civil Partnership			
Pregnancy & Maternity			
Race			
Religion and Belief			
Sexual Orientation			
Actions			
Policy has a negative impact on an equality group, but is still to be implemented, please provide justification for this.			
Will the impact of the policy be monitored and reported on an ongoing basis?			
<p>The Licensing Forum has a statutory role in monitoring the operation of the Licensing Board and reporting back to it on an ongoing basis. This will include the implementation of this Policy. The Policy itself requests that the Forum keep the Licensing Board updated with any matters it should be aware of, including but not limited to developments in local strategies or national policy changes.</p>			
Q7 What is your recommendation for this policy?			
Introduce			
Please provide a meaningful summary of how you have reached the recommendation			
<p>EIA 786: Positive impacts for disabled people, young people and women. The Policy promotes the licensing objectives and is underpinned by probative evidence. The development of the Policy has been informed by an extensive pre-consultation exercise and then a public consultation exercise. All material gathered has been carefully considered by the Licensing Board in formulation of the new Policy.</p>			

AssessmentNo	785	Owner	michael.mcdougall
Resource	Transformation		Service/Establishment Regulatory
	First Name	Surname	Job title
Head Officer	Michael	McDougall	Section Head (Licensing)
	(include job titles/organisation)		
Members	Michael McDougall, as above Peter Clyde, LSO Lawrence Knighton, LSO		
	<i>(Please note: the word 'policy' is used as shorthand for strategy policy function or financial decision)</i>		
Policy Title	Licensing Board's Assessment of Overprovision		
	The aim, objective, purpose and intended out come of policy		
	The Licensing Board is required to assess the extent to which the Board considers there to be overprovision of: (a) licensed premises, or (b) licensed premises of a particular description, in any locality within the Licensing Board's area. This policy is to promote the five licensing objectives contained within the Licensing (Scotland) Act 2005. An overprovision policy looks to tackle alcohol related health harms and public disorder. Should the Board find that an area is overprovided for then a rebuttable presumption against the grant of a licence will exist.		
	Service/Partners/Stakeholders/service users involved in the development and/or implementation of policy.		
	The development of the policy is in two stages: (1) pre-consultation; and (2) public consultation. The pre-consultation engaged a range of stakeholders and gathered information from a range of sources including health and police partners. A public consultation exercise has taken place. This consultation seen targeted engagement with the trade, partner agencies (police, health board, Council services etc), and community groups. A public consultation was available via the Council webpage. The policy will impact on the licensed trade and residents of West Dunbartonshire.		
Does the proposals involve the procurement of any goods or services?			Yes
If yes please confirm that you have contacted our procurement services to discuss your requirements.			No
SCREENING			
You must indicate if there is any relevance to the four areas			
Duty to eliminate discrimination (E), advance equal opportunities (A) or foster good relations (F)			Yes
Relevance to Human Rights (HR)			Yes
Relevance to Health Impacts (H)			Yes
Relevance to Social Economic Impacts (SE)			Yes
Who will be affected by this policy?			
This Policy will have an impact upon: (1) premises licence holders and applicants for premises licences and occasional (i.e. temporary) licences; (2) the residents of West Dunbartonshire; (3) persons who work in licensed premises; (4) persons who work in industries abutting the licensed trade, for example, taxi drivers, takeaway type premises; and (5) Police, NHS and other agencies.			
Who will be/has been involved in the consultation process?			

First, an extensive pre-consultation exercise was carried out. This exercise saw engagement with: Police Scotland, NHS Greater Glasgow and Clyde, West Dunbartonshire Health and Social Care Partnership and the Licensing Forum. Other stakeholders were engaged with on a targeted basis. Second, there was a public consultation, as required by the licensing legislation, as well as targeted engagement with key stakeholders, for example, the licensed trade, fire, health board, and community groups.

Please outline any particular need/barriers which equality groups may have in relation to this policy list evidence you are using to support this and whether there is any negative impact on particular groups.

	Needs	Evidence	Impact
Age	The Licensing Board must promote the licensing objective of protecting children and young persons from harm. Children and young persons are at risk through being able to buy alcohol under age or being at risk of harm in premises that are unsuitable for their access.	<p>Submission from health bodies posits that children and young persons who are exposed to visible alcohol consumption may experience a degree of harm. The submission further narrates that visibility of alcohol consumption normalises drinking culture to young people as potential future drinkers with younger children being more affected.</p> <p>The NHS Greater Glasgow & Clyde paper highlights the impact on children of non-dependent parental drinking and advise that this is identified at a number of case conferences for children on the child protection register.</p> <p>A Planet Young survey suggests that 61% of S3 pupils had drank alcohol and that 3% had bought alcohol in a shop. Further information suggests that 10% of 15 year olds have managed to purchase alcohol.</p>	Positive, helps protects young people

		The Policy will set out measures that the Licensing Board expects to be in place to protect children and young persons. The Policy sets out the Board's expectations around children and young persons access. Each application will be considered on a case by case basis.	
Cross Cutting			
Disability	Disabled people should be able to access licensed premises.	Applicants for new premises licences must submit a disabled access and facilities statement. The Licensing Board will note the terms of this statement and it is available on request.	Positive, helps ensure access for disabled people
Social & Economic Impact	The Policy relation with social and economic factors is complex and multifaceted. On one hand licences authorising the sale and supply of alcohol are essential to businesses however, there are significant alcohol related health harms within West Dunbartonshire and alcohol costs the local economy.	Health partners submit that off sale type premises were almost five times more likely to expose children in the most deprived communities than in the least deprived ones. Also, Compared to children in the least deprived areas, those in the most deprived communities were almost three times more likely to be exposed to alcohol sales outlets. The NHS Greater Glasgow and Clyde paper highlights that West Dunbartonshire has the fourth highest local share of the most deprived SIMD.	Positive: The Policy on licensed hours makes sure that there is a staggered dispersal between public house type premises and entertainment premises. This helps police resources and also the local transport infrastructure. The Policy recognises the importance of tourism to the local area as well as the health benefits through the creation of employment opportunities.

		<p>Consultation responses from licensed businesses highlighted the import of shops to the local area and the benefits of access to facilities that these premises provide such as Paypoint, and fresh fruit and veg. Concerns were also expressed around making so that a variation application may trigger the overprovision policy; it was suggested that this would deter investment in stores.</p>	
Sex	<p>Women should be able to attend or in licensed premises safely. There is a difference in alcohol consumption levels between men and women.</p>	<p>From the NHS Greater Glasgow & Clyde paper: The mean number of units per week among drinkers in West Dunbartonshire is 11.2 with male drinker's consumption considerably higher at 14.1 units compared to 8.6 units for females.</p>	<p>The Policy requires to promote the licensing objectives of protecting and improving public health and securing public safety. The Policy sets out various measures that the Board expects to be in place to protect all persons attending licensed premises.</p>
Gender Reassign			
Health	<p>The Licensing Board must promote the licensing objective of protecting and improving public health. When considering applications it can refuse those applications where there is an inconsistency with the foregoing licensing objective. The Policy sets out</p>	<p>As part of the Licensing Board's pre-consultation exercise the views of the various health bodies were sought. They provided the following evidence in relation to overprovision and health harms: "Current health data shows that alcohol related harm and alcohol specific</p>	<p>Positive: The Policy contains a number of requirements designed to protect and improve public health.</p>

	<p>deaths continue to be above the national average for West Dunbartonshire as a local authority. West Dunbartonshire has the 3rd highest alcohol specific deaths across Scotland's council area. Furthermore, when alcohol specific deaths were analyzed for the Year (2016-2020) against the baseline Year (2002-2006) for each area. West Dunbartonshire has the second greatest increase in Alcohol Specific Deaths in Scotland</p> <p>Additionally, all intermediate zones within West Dunbartonshire have at least 1 alcohol related health harm indicators (Alcohol Related Hospital Admissions; Alcohol Specific Deaths; Alcohol Related Mental Health Admissions) above the national average with 16 of the 18 intermediate zones having 2 or more"</p> <p>There is evidence that has been considered by the Licensing Board that employment brings about health benefits (see Roeflfs, Shor, Davidson &Schwartz, Losing life and livelihood... and Waddell and</p>	
	<p>how the Board will promote this objective.</p>	

		<p>Burton, Is work good for your health and well-being?) Pre-consultation and consultation responses from businesses highlighted the import of access to affordable fruit and veg as well as employment opportunities. The response from the NHSGGC and partners raised concerns around the exception for applications that would bring employment opportunities. The Licensing Board is, however, aware of material that does make reference to employment bringing health benefits. There was broad public support for the proposals relating to overprovision. Health stakeholders have been engaged with from an early stage in the preparation of the Policy. Information has been gathered from the NHS Greater Glasgow and Clyde and West Dunbartonshire Health and Social Care Partnership. This information has informed the preparation and drafting of the new Policy to make sure that it is evidence based. Doctor Daniel</p>	
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		Carter, Consultant in Public Health, presented health related information to the Board on 9 May 2023. The Licensing Board is also consulting on its Assessment of Overprovision.	
Human Rights	<p>An applicant for a licence to sell alcohol at a premises benefits from the right to a fair hearing and to the peaceful enjoyment of his possessions.</p> <p>Residents are entitled to peaceful enjoyment of their property.</p>	<p>Police have presented material around the number of alcohol related crimes and incidents. Health partners submit that there is evidence to suggest that laws limiting when people can buy and sell alcohol help lower harm associated with alcohol. The Policy gives applicants certainty around the Board's expectations and how the Board will consider applications. The Policy also clearly narrates the conditions that it may apply to a licence. The Policy sets out its stance on how to promote the licensing objective of preventing public nuisance so to stop local communities being adversely impacted on by licensed premises.</p>	<p>Positive: the policy supports rights of applicants, licensees and the public.</p>
Marriage & Civil Partnership			
Pregnancy & Maternity			
Race			
Religion and Belief			
Sexual Orientation			
Actions			

Policy has a negative impact on an equality group, but is still to be implemented, please provide justification for this.

Will the impact of the policy be monitored and reported on an ongoing basis?

Yes. The Licensing Forum will keep the Licensing Board up to date with any developments that it thinks of relevance to the Licensing Board, for example, public health studies or concerns from Police Scotland.

Q7 What is your recommendation for this policy?

Please provide a meaningful summary of how you have reached the recommendation

EIA 785: The assessment details positive in terms of health, disability access, protecting young people and Human Rights. Socio-economic considerations have also been made. The Licensing Board's Overprovision Assessment is an important tool in mitigating the health harms and anti-social behaviour caused by alcohol (where it can be shown that there is a link between these factors). The Overprovision Assessment is based on evidence provided by Police and NHS as well as taking into account the views of a wide range of stakeholders. The consultation responses suggested broad support for the Overprovision Assessment.