

West Dunbartonshire Licensing Board: Consultation on licensing policy statement

Response from Alcohol Focus Scotland

Part 1

Question 1

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

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

The level of scrutiny and conditions demanded of applicants differs between a premises licence and an occasional licence application. Unlike a premises licence application, an occasional licence does not require there to be a personal licence holder, nor does it require staff to be trained. Certain mandatory conditions that apply to premises licences do not apply to occasional licences, and occasional licences are normally granted under delegated powers. Furthermore, whereas health is a statutory consultee in applications for new premises licence, that is not the case for an occasional licence. The reduced level of scrutiny for granting occasional licences is based on the assumption that they are used, as the name suggests, infrequently and irregularly, permitting alcohol to be sold in a place that is normally unlicensed. However, repeated applications for occasional licences from the same premises suggests that occasional licences are being used in a manner that the legislation did not envisage, with the risk that proper regulatory safeguards are being by-passed.

AFS considers the board's proposal to restrict the number of occasional licence applications from any one premises, and to require premises making repeated applications for occasional licences to appear before the board to explain their position, is a necessary and justifiable course of action to ensure that occasional licences are properly used.

Question 2

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

AFS considers the position adopted in the existing 2010 to 2013 policy statement on training requirements for people operating under occasional licences to be reasonable and proportionate. The distinction made between events such as weddings, birthday parties, and other celebratory events (where the consumption of alcohol is likely to be a central part of the occasion), from events such as PTA fundraisers (where alcohol consumption may be an ancillary aspect), is pertinent, and means that training requirements can be targeted at those occasions the board feels may pose a higher risk to the licensing objectives. The policy statement provides a clear rationale for the position and gives applicants notice of what will be expected of them in terms of training.

AFS believes that the licensing board should carefully monitor the overall number of occasional licences it grants, recognising the fact that occasional licences add to the availability of alcohol. As harm can result from alcohol sold from licensed venues regardless of how well-run those venues are; a training requirement is not sufficient to reduce alcohol harm. Controlling availability, including the number of occasional licences granted, will therefore be a necessary component of a policy aimed at promoting the licensing objectives.

Question 3

Should the Board in its policy formally recognise certain national and international events and festivals such as St Patrick's Day and St Andrews Day? No

If so, what national and international events and festivals should it recognise? For example, St Patrick's Day/St Andrew's Day/Burns' night etc.

The licensing board's current policy statement sets normal on-sale licensed hours as 11am until 12 midnight, Sunday to Thursday, and 1am on Friday and Saturday. That provides for 13 hours drinking time every day during the week and 14 hours at weekends. We strongly support the licensing board's current policy position on extended hours applications for national and international events, which states that in many cases such events can appropriately be accommodated within normal licensing hours and should not routinely be regarded as a need for extended licensed hours. We suggest the board also adopts this same policy for special events. In a local authority area with high levels of alcohol harm, automatically granting extensions in licensed hours appears to be contrary to promotion of the licensing objectives.

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

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

See above.

Question 5

Should premises where the licence is held by another party, and not in direct control of the management of the premises on a day to day basis, have to exhibit and satisfy to the Board (where they are subject to a review of the Premises Licence) that on an ongoing basis they are ensuring that the premises are being run in a manner consistent with the licensing objectives, in

particular protecting public safety and preventing crime and disorder? Yes/No (Delete as appropriate).

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

No response on this question.

Question 6

Are the categories of licensed premises proposed by the Board in its 11 June 2013 report appropriate and sufficiently clear? Yes

Question 7

Should the Board require that persons doing home deliveries are trained formally to 'Challenge 25' requirements? Yes

Question 8

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

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

Evidence shows that extending or reducing licensed hours can influence problems related to alcohol use, particularly social disorder and violence. (See Alcohol Focus Scotland *Rethinking Alcohol Licensing* and *Licensing Factsheet 1: Using evidence to inform policy and decision-making* for overview of evidence). Licensed hours have steadily increased in Scotland over the past 30 years, helping to normalise and reinforce a heavy drinking culture to the detriment of public health and social well-being.

AFS believes there is scope for West Dunbartonshire to review its policy on licensed hours to better promote the licensing objectives. The licensing board could consider reducing normal licensed hours for on-sales by one hour, allowing for extensions of one hour for special events, and reducing standard hours for off-sales. Long licensed hours should be the exception and not the norm.

Question 9

Is the current board policy statement with regard to tourism sufficient? Yes