

# *West Dunbartonshire Licensing Board*

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7 December 2017

**MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:-  
TUESDAY, 12 DECEMBER 2017  
COMMITTEE ROOM 3, COUNCIL OFFICES, GARSHAKE ROAD, DUMBARTON**

## **ITEM TO FOLLOW**

Dear Member

With reference to the agenda for the above Meeting of West Dunbartonshire Licensing Board which was issued on 30 November 2017, I attach for your attention the undernoted report which was not available for issue at that time.

Yours faithfully

**PETER HESSETT**

Clerk to the Licensing Board

### **Note referred to:-**

**13. LICENSING POLICY STATEMENT UPDATE 93 - 98**

Submit report by the Clerk to the Licensing Board providing an update on current progress in preparing the Licensing Board's Statement of Licensing Policy.

**Distribution:-**

Councillor Jim Brown (Chair)  
Councillor Ian Dickson  
Councillor Diane Docherty  
Councillor Marie McNair  
Councillor Jonathan McColl  
Councillor John Millar  
Councillor Brian Walker

All other Councillors for information

Chief Executive

Date issued: 7 December 2017

**WEST DUNBARTONSHIRE LICENSING BOARD****Report by the Clerk to the Licensing Board****Licensing Board Meeting: 12 December 2017**

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**Subject: Licensing Policy Statement Update****1. Purpose**

The purpose of this report is to inform the Board of current progress in preparing the Licensing Board's Statement of Licensing Policy.

**2. Recommendations**

It is recommended that the Board notes the terms of this report, updating the Board as to the current progress of the preparation of the Board's Statement of Licensing Policy, and the updated timetable as detailed at paragraph 4.3 of this report.

**3. Background**

- 3.1** On 17 September 2017 a report was submitted to the Board outlining the proposed process of preparing the Board's Statement of Licensing Policy. That report to the Board also included a proposed draft timetable for the preparation of the Policy Statement.

**4. Main Issues**

- 4.1** In terms of the proposed draft timetable, a report from the West Dunbartonshire Alcohol Drug Partnership (ADP) was planned for the meeting of the Licensing Board on 12 December 2017. However, it is the position that although recent statistics have been published at a national level, they require to be analysed at a local level before they can suitably be submitted to the Board. In preparation of the submission of statistics to the Board, it is considered better to have the current national statistics at a local level so that the Board is fully informed on the current local position when considering the Licensing Policy Statement. It is also the position that the current interim support guidance on Licensing Policy Statements and Overprovision has not yet been published by the Scottish Government, however it is expected to be available soon.
- 4.2** On 4 December 2017, the Clerk to the Board publicised an online Pre-Consultation on the Board's Statement of Licensing Policy. This pre-consultation is for a period of four weeks and will run until 5 January 2018. This has been advertised via social media and any response to the terms of the pre-consultation will be reported to Board Members at a special meeting

of the Board proposed for 23 January 2018. The pre-consultation is on all aspects of the Licensing Policy Statement and views are sought on such topics as Licensed Hours, Extended hours, Overprovision and Children and Young Persons Access to Licensed Premises.

**4.3** The proposed timescales for preparation of the Licensing Policy Statement require to be updated as follows:-

- Statistical data reported by ADP to Local Licensing Forum – Special Meeting of the Licensing Forum on 16 January 2018.
- Board is asked to consider the statistical evidence and any comments received from the pre consultation, the Police and Local Licensing Forum, and identify parts of the Licensing Policy Statement which it would wish to review – proposed Special Meeting of the Licensing Board on 23 January 2018.
- At this stage the Board has the option of either agreeing a draft policy or preparing an issues paper for a consultation – proposed Special Board Meeting on 23 January 2018.
- The Clerk will report back to the Board on 20 March 2018, with the terms of the proposed draft policy or the issues paper for consultation.
- Formal public consultation period – three months – April 2018 – June 2018.
- Consideration of consultation responses and adoption of new Licensing Policy Statement – proposed meeting of the Board on 18 September 2018
- Publication of new Licensing Policy Statement – October 2018.

**5. People Implications**

**5.1** The work involved in gathering evidence and preparing the Policy has workload implications for Board and ADP staff however it is anticipated that this can be accommodated within existing staffing resources.

**6. Financial Implications**

**6.1** It is also important that a Licensing Policy Statement is clear to avoid potential applicants incurring unnecessary expenditure. A Policy which is vague, unclear or is not based on fact is more likely to be challenged in court with financial costs to the Board in any successful appeals against the Board.

**7. Risk Analysis**

**7.1** There is a statutory duty to prepare a new Licensing Policy Statement within 18 months of the local council elections in May 2017. Failure to do so would potentially leave a policy vacuum when the Board came to determine applications. It would also create uncertainty and potential unnecessary costs for applicants, partners and the Board.

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**8. Equalities, Health & Human Rights Impact Assessment (EIA)**

8.1 An Equalities Impact Assessment will be required for the new Policy.

**9. Consultation**

9.1 The preparation of the Licensing Policy Statement will be done in consultation with the Local Licensing Forum which involves representatives from different parts of the trade, community, police, health, young people etc. Community Planning partners will be involved in preparation of the data and the Forum, have been asked for preliminary views on areas to be reviewed. There is a Pre-Consultation on the Policy Statement running until 5 January 2018. There will be a full public consultation on either a proposed Policy or Issues Paper in 2018.

**10. Strategic Assessment**

10.1 The Licensing Policy Statement is required as part of the Board's functions.

Peter Hessett  
Clerk to the Licensing Board

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**Person to Contact:** Raymond J. Lynch, Depute Clerk to the Licensing Board,  
West Dunbartonshire Licensing Board, Council Offices,  
Garshake Road, Dumbarton G82 3PU

**Appendix:** Pre-Consultation on West Dunbartonshire Licensing  
Board's Statement of Licensing Policy

**Wards Affected:** All Wards

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## Licensing Policy Statement – Pre-consultation

West Dunbartonshire Licensing Board has commenced an informal consultation, seeking comments on the Board's Licensing Policy Statement. The Board encourages participants to give their views on all parts of the existing policy, however topics which may be of particular interest are:

- Licensed Hours
- Extended hours
- Overprovision
- Children and Young Persons Access to Licensed Premises

The Licensing Board is keen to hear from any person who might have a view on the above topics, or indeed any aspect of its policy, or any area that they might wish the Licensing Board to consider when developing the policy.

All contributions received will be considered by the Board in the formation of its new policy.

Potential contributors should note that this is an informal consultation, and there will be a wide-ranging formal consultation in 2018.

### Current Licensing Policy Statement

To assist with this process, view the [Board's existing licensing policy](#)

### Consultation

The pre-consultation commenced on 4 December 2017 and will end on 5 January 2018.

### How to comment

In writing to:

Licensing Team  
Municipal Buildings  
College Street  
Dumbarton  
G82 1NR.

E-mail: [licensing@west-dunbarton.gov.uk](mailto:licensing@west-dunbarton.gov.uk)