

# ***West Dunbartonshire Licensing Board***

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*Alan Douglas, Clerk to the Licensing Board  
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29 December 2022

## **MEETING OF WEST DUNBARTONSHIRE LICENSING BOARD:- TUESDAY, 10 JANUARY 2023**

Notice is hereby given that a Meeting of West Dunbartonshire Licensing Board will be held at 10.00 a.m. on Tuesday, 10 January 2022.

The Convener has directed that the meeting will be held as an in-person meeting only in the Civic Space, 16 Church Street, Dunbarton, G82 1QL.

The business is shown on the attached agenda.

I shall be obliged if you will advise [committee.admin@west-dunbarton.gov.uk](mailto: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 Ian Dickson  
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: 29 December 2022

## **LICENSING BOARD – TUESDAY, 10 JANUARY 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 MINUTES OF PREVIOUS MEETING 5 - 8**

Submit for approval, as a correct record, the Meeting of the Licensing Board held on Tuesday, 1 November 2022.

**4 APPLICATION FOR VARIATION OF PREMISES LICENCE 9 - 26**

Submit for consideration, an application for Variation of Premises Licence for Ardoch House, Gartocharn, Alexandria, G83 8ND.

**5 APPLICATION FOR PREMISES LICENCE – BETTING (OTHER) 27 - 36**

Submit for consideration, an application for Premises Licence for William Hill, 33 Sylvania Way South, Clyde Shopping Centre, Clydebank, G81 1EA.

**6 CONSULTATION ON RESTRICTING ALCOHOL ADVERTISING AND PROMOTION 39 - 46**

Submit report by Clerk to the Licensing Board informing the Licensing Board ("the Board") about a Scottish government consultation that partly relates to alcohol licensing and to ask the Board to approve a response.



**WEST DUNBARTONSHIRE LICENSING BOARD**

At a Hybrid Meeting of West Dunbartonshire Licensing Board held in the Civic Space, 16 Church Street, Dumbarton on Tuesday, 1 November 2022 at 10.00 a.m.

**Present:** Councillors Ian Dickson, Gurpreet Singh Johal, Jonathan McColl, June McKay, John Millar, Chris Pollock and Hazel Sorrell.

**Attending:** Michael McDougall, Depute Clerk to the Licensing Board; Lawrence Knighton, Licensing Standards Officer and Lynn Straker and Nicola Moorcroft, Committee Officers.

**Also Attending:** Sergeant David Holmes, Police Scotland; Brian Dunlop, Solicitor and Representative for Application for Variation of Premises License.

**Apologies:** An apology for absence was intimated on behalf of Councillor Lawrence O'Neill.

**Councillor June McKay in the Chair**

**DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest in any of the items of business on the agenda.

**MINUTES OF PREVIOUS MEETING**

The Minutes of the Joint Meeting of the Licensing Board and Local Licensing Forum held on Tuesday, 6 September 2022 were submitted and approved as a correct record.

**LICENSING POLICY STATEMENT**

A report was submitted by the Clerk to the Licensing Board informing the Licensing Board of the requirement to publish a Licensing Policy Statement by the end of November 2023 and setting out the issues that the Board will have to consider when preparing its Policy and the work that it is proposed that officers will undertake.

The Depute Clerk advised the Board of a proposed timetable for publishing its Policy and an Assessment of Overprovision and having heard the Depute Clerk and the Licensing Standing Officer and in answer to Members' questions, the Board agreed:-

- (1) to carry out an informal consultation to gather statistical evidence to inform its Overprovision Assessment and to identify particular issues to consider when preparing its Policy;
- (2) to request the assistance of West Dunbartonshire Council, Police Scotland, West Dunbartonshire Alcohol Drug Partnership, and NHS Greater Glasgow and Clyde in providing statistical evidence;
- (3) to request that the Licensing Forum considers any statistical evidence provided to it and produces a report outlining its recommendations regarding, first, any issues that the Board might wish to consider as part of its next Policy and, second, localities where Overprovision may exist;
- (4) to call on the Licensing Standards Officers to produce a report that outlines the numbers of licensed premises within localised intermediate data zones and that this report also includes details of licensed hours and capacities of premises;
- (5) that the Clerk is authorised to work along with the West Dunbartonshire Alcohol and Drugs Partnership and other partners in the Council, Police Scotland, NHS Greater Glasgow and Clyde, and any other relevant body to identify and agree on the exact data which is to be gathered with the additional requirement of requesting information relating to changing drinking habits as a result of COVID;
- (6) to seek views from Police Scotland, NHS Greater Glasgow and Clyde, Community Councils, the West Dunbartonshire Alcohol Drug Partnership, and trade on any issues that the Board might wish to consider as part of its next Policy; and
- (7) to note the proposed timetable for preparation of the next Policy with the additional requirement of specific dates to be added to paragraph 4.1 of the report.

### **APPLICATION FOR VARIATION OF PREMISES LICENCE**

A report was submitted by the Clerk to the Licensing Board requesting consideration of an application for Variation of Premises Licence for Stevie's Super Save, 46 Beeches Road, Clydebank, G81 6HS.

The Board heard from the Depute Clerk and the Licensing Standards Officer in explanation of the application.

Having heard Mr Dunlop, Solicitor and Representative for the Application and Sergeant Holmes in answer to Members' questions, the Board agreed to approve the

Application with the addition of a condition requiring: (i) the CCTV system is recordable and viewable at source and does so during all hours the premises is open; (ii) the images recorded should be date and time coded for the purposes of crime prevention; and (iii) suitable surveillance is offered of the licensed area of the premises as denoted on the layout plan.

**DECIDED:-**

The Board agreed to approve the application with the additional condition requiring: (i) the CCTV system is recordable and viewable at source and does so during all hours the premises is open; (ii) the images recorded should be date and time coded for the purposes of crime prevention; and (iii) suitable surveillance is offered of the licensed area of the premises as denoted on the layout plan.

**ARGYLL AND WEST DUNBARTONSHIRE LICENSING REPORT 2021 – 2022**

The Argyll and West Dunbartonshire Licensing Report 2021 – 2022 was submitted by the Chief Constable of Police Scotland.

Having heard Sergeant David Holmes and the Depute Clerk, and in answer to Members' questions, the Board agreed to note the report.

**DECIDED:-**

The Board agreed to note the contents of the report.

The meeting closed at 10.33 a.m.



## THE LICENSING (SCOTLAND) ACT 2005

### Application for Variation of Premises Licences

### Objection & Representations

<b>Ref:</b>	WDLBPREM/0255.
<b>Name and Address of Premises:</b>	Ardoch House, Gartocharn, Alexandria G83 8ND
<b>Applicant/Licence Holder:</b>	TLT Solicitors / Ardoch Loch Lomond Limited.
<b>Type of Premises:</b>	On & Off Sales.
<b>Proposed Application:</b>	<p>Amendment to wording at Q 5(f) to include reference to pop-up bars and marquees, and activities that may take place within the outdoor areas/marquees.</p> <p>Amendment to wording at 6(b) relating to access by children and young persons.</p> <p>Addition of outdoor events area.</p> <p>Amendment to description of premises, to the following:-</p> <p>“Originally a farm, set in an estate of 133 acres, the premises have a charming blend of traditional style and modern facilities. The premises include guest houses, meeting rooms, outside terrace and courtyard for guests and visitors to use, as well as outdoor areas for events within which marquees may be used. There is no fixed bar within the premises but pop-up bars may be used.</p>
<b>Police Authority Comments:</b>	No comment.
<b>Licensing Standards Comments:</b>	<p>The Licensing Board are advised to consider paragraphs 18.9 and 18.11 of their Statement of Licensing Policy which state;</p> <p>18.9 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</p>

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.

18.11 The Board is of the view that unless outside drinking areas are out-with earshot range of neighbouring premises that there should be no sale or consumption of alcohol in outside areas after 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.

Finally the Licensing Board may wish to seek clarification from as to the extent of the variation to the access to the premises by Children and Young Persons.

**Fire Authority Comments:**

No comment.

**Regulatory Services Comments:**

**Environmental Health:- Representation**

With regard to the application which includes use of marquees for outdoor events, the Environmental and Public Protection Group of Environmental Health would be concerned that noise issues may arise from this proposed use and impact amenity of nearby properties.

No specific noise assessment or details of proposed mitigation measures has been provided for review to allow Environmental Health to provide our full and final comments on the proposal.

Various factors may affect noise propagation from this proposed use in that area, including but not limited to:-

- Sound power level of speakers
- Different band/DJs using any equipment
- Type of music
- Number of speakers / speaker orientation
- Wind /weather conditions etc.
- Number of events

Further information on noise mitigation proposed / noise impact assessment was requested from the applicant on 9 December 2022. The response provided by the Applicant's Agent stated that no specific noise mitigation measures were proposed and did not contain sufficient details to address our

## Building Standards – Objection

Building Standards has not received a Building Warrant application for the marquee. It would only meet the definition of a temporary building that does not require a building warrant if it meets the following criteria:

<b>Temporary buildings</b>	16.	A building which, during any period of 12 months, is either erected or used on a site –  a. for a period not exceeding 28 consecutive days or  b. for a number of days not exceeding 60  and any alterations to such buildings.
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There is not adequate information provided to clarify if this is intended to be a temporary, limited life or permanent structure. However, I note in the operating plan the statement “For a number of weeks each year, no alcohol will be sold in the premises at all.....”, which would lead me to believe it will be either limited life or a permanent structure. As such, a Building Warrant should be sought and approved before work on site commences. A completion certificate should be accepted by WDC before the occupation of this structure.

In summary, unless it can be demonstrated that the proposal is a temporary structure as per the definition, Building Standards would object to a licence being granted for use of a structure that is unauthorised works.

**Community Council Comments:** No objection.

**Health Board Comments:** No comment.

**Access Panel:** No comments received.

**Additional Comments:** None.

**Section 50 Certificates:** Not required.

**Decision:**

# WEST DUNBARTONSHIRE LICENSING BOARD

## LICENSING (SCOTLAND) ACT 2005

### APPLICATION FOR VARIATION OF PREMISES LICENCE

\*Delete as appropriate

If you are completing this form by hand, please write legibly in block capitals using ink.

#### SECTION 1: APPLICANT INFORMATION

##### 1(a) Name, address, postcode and premises licence number of premises.

Ardoch House  
Gartocharn  
Alexandria

Post Code G83 8ND

Premises Licence Ref. No. WDLBPREM/0255

##### 1(b) Please provide full name, address, postcode, telephone number and e-mail address of applicant.

ARDOCH LOCH LOMOND LIMITED  
Canal Court, 42 Craiglockhart Avenue, Edinburgh

Post Code EH14 1LT

Telephone  
No.

E-mail  
address

#### SECTION 2: MINOR VARIATIONS

##### 2(a) Do you consider the proposed variation to be a minor variation? YES ☐ NO ☒

(If the answer is **YES**, please complete the rest of Section 2. If NO, please go to Section 3)

##### 2(b) Do you propose a variation to the layout plan which is not inconsistent with the operating plan for the Premises?

YES ☐ NO ☒

(If the answer is **YES**, please give details of the proposed variation below)

##### 2(c) Do you propose to restrict the terms on which children and young persons are admitted to the premises?

YES ☐ NO ☒

(If the answer is **YES**, please give details of the proposed variation below)

##### 2(d) Do you propose to vary the information contained in the licence relating to the premises manager, including variation to substitute a new premises manager?

YES ☐ NO ☒

(If the answer is **YES**, please complete Section 4 below)

##### 2(e) Do you propose any other variation as prescribed by Section 29(6)(d) of the 2005 Act?

YES ☐ NO ☒

(If the answer is **YES**, please give details of the proposed variation below)

### SECTION 3: OTHER VARIATIONS

- 3(a) Do you propose a variation to any of the conditions to which the licence is subject (other than those to which the licence is subject by virtue of Section 27(1))?

YES ☐ NO ☒

(If the answer is **YES**, please give details of the proposed variation below)

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- 3(b) Do you propose to vary any of the information contained in the operating plan contained in the licence?

YES ☒ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

Amendment to wording at Q5(f) to include reference to pop-up bars and marquees, and activities that may take place within the outdoor areas/marquees..

Amendment to wording at 6(b) relating to access by children and young persons.

- 3(c) Do you propose a variation to the layout plan contained in the licence?

YES ☒ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

Addition of outdoor events area

- 3(d) Do you propose to vary any other information contained or referred to in the licence, including an addition, deletion or other modification?

YES ☒ NO ☐

(If the answer is **YES**, please give details of the proposed variation below)

Amendment to description of premises, to the following:-

“Originally a farm, set in an estate of 133 acres, the premises have a charming blend of traditional style and modern facilities. The premises include guest houses, meeting rooms, outside terrace and courtyard for guests and visitors to use, as well as outdoor areas for events within which marquees may be used. There is no fixed bar within the premises but pop-up bars may be used.”

### SECTION 4: VARIATION TO SUBSTITUTE NEW PREMISES MANAGER

Please provide details below of the name, address and personal licence number of the Existing Premises Manager.

Reference Number of Personal Licence	

## PROPOSED PREMISES MANAGER

### 4(a) Name and telephone number

Telephone No.	

### 4(b) Date and place of birth

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### 4(c) Contact address, including postcode

Postcode	

### 4(d) Email address

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### 4(e) Details of Personal Licence held by Proposed Premises Manager

Date of issue	Name of Licensing Board issuing	Reference Number of Personal Licence

(Please enclose a photostat copy of the Personal Licence if it was not issued by West Dunbartonshire Licensing Board).

### 4(f) Is the variation to substitute a new Premises Manager to take effect during the application period?

YES ☐ NO ☐

(If the answer is **NO**, please provide the proposed date from which the variation is to take effect).

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## DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

(If signing on behalf of the applicant please state in what capacity.)

I confirm that the contents of this application are true to the best of my knowledge and belief.

The application fee is enclosed.

**Signature** [REDACTED] LYNN SIMPSON (TLT LLP), as Agent (See Note 1 below)

**Date** 18 November 2022

**Capacity** AGENT

**If agent, please provide name, address, telephone number and email address:**

TLT Solicitors, Cadworks, Floor 9, 41 West Campbell Street, Glasgow G2 6SE

[REDACTED]  
[REDACTED]

I have enclosed the relevant documents with this application – please tick the relevant boxes

Premises Licence (See Note 2)	
Operating Plan (see Note 3)	
Layout Plans (see Note 3)	
Planning certificate (See Note 4)	
Building standards certificate (See Note 4)	
Food hygiene certificate (See Note 4)	
Copy of Personal Licence	

### Notes

#### Note 1:

##### **Data Protection Act 1998**

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in this form may be held on an electronic public register which may be available to members of the public on request.

#### Note 2:

The application must be accompanied by the Premises Licence to which the application relates, or if that is not practicable, a statement of the reasons for failure to produce the licence.

#### Note 3:

Where the proposed variation affects the current operating plan, please submit an operating plan including the proposed variations. Where the proposed variation affects the current layout plan, please submit 6 sets of plans showing the proposed new layout of the premises.

#### Note 4:

Applicants for variations involving structural alterations should submit the relevant Section 50 certificates with their application.

##### **Data Protection Act 1998**

The information in this form will be used to update the relevant Premises Licence. Accordingly, the information contained in this form may be held on an electronic public register which may be available to members of the public on request.

#### **Contact Us:**

West Dunbartonshire Licensing Board  
Council Offices  
16 Church Street  
Dumbarton  
G82 1QL

Phone: 01389 738741  
Email: [licensing@west-dunbarton.gov.uk](mailto:licensing@west-dunbarton.gov.uk)

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

### Question 1

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>NO</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>NO</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES</i>
<i>*Delete as appropriate</i>	

### Question 2

*STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **ON** PREMISES*

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11:00	00:00
<i>Tuesday</i>	11:00	00:00
<i>Wednesday</i>	11:00	00:00
<i>Thursday</i>	11:00	00:00
<i>Friday</i>	11:00	01:00
<i>Saturday</i>	11:00	01:00
<i>Sunday</i>	11:00	00:00

### **Question 3**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

<b>Day</b>	<b>OFF Consumption</b>	
	<b>Opening time</b>	<b>Terminal hour</b>
<i>Monday</i>	11:00	22:00
<i>Tuesday</i>	11:00	22:00
<i>Wednesday</i>	11:00	22:00
<i>Thursday</i>	11:00	22:00
<i>Friday</i>	11:00	22:00
<i>Saturday</i>	11:00	22:00
<i>Sunday</i>	11:00	22:00

### **Question 4**

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>NO</i>
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*\*If YES – provide details*

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### **Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b>	<b>COL. 2</b>	<b>COL. 3</b>	<b>COL. 4</b>
<b>5(a)</b> <b>Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided</b> <b>during core licensed</b> <b>hours – please</b> <b>confirm</b> <b>YES/NO</b>	<b>Where activities are</b> <b>also to be provided</b> <b>outwith core licensed</b> <b>hours please confirm</b> <b>YES/NO</b>

<i>Accommodation</i>	YES	N/A	N/A
<i>Conference facilities</i>	YES	YES	YES
<i>Restaurant facilities</i>	YES	YES	YES
<i>Bar meals</i>	NO	NO	NO
<b>5(b) Activity</b> <b>Social functions including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>	YES	YES	YES
<i>Club or other group meetings etc.</i>	YES	YES	YES
<b>5(c) Activity</b> <b>Entertainment including:</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Recorded music – see 5(g)</i>	YES	YES	YES
<i>Live performances – see 5(g)</i>	YES	YES	YES
<i>Dance facilities</i>	YES	YES	YES
<i>Theatre</i>	YES	YES	YES
<i>Films</i>	YES	YES	YES
<i>Gaming</i>	NO	NO	NO
<i>Indoor/outdoor sports</i>	YES	YES	YES
<i>Televised sport</i>	YES	YES	YES
<b>5(d) Activity</b>	<b>Please confirm</b> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Outdoor drinking facilities</i>	YES	YES	YES

<b>5(e) Activity</b>	<b>Please confirm YES/NO</b>	<b>To be provided during core licensed hours – please confirm YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</b>
<i>Adult entertainment</i>	NO	NO	NO

*Where you have answered YES in respect of any entry in column 4 above, please provide further details below.*

- ACCOMODATION – available 24 hours a day, 7 days a week.
- CONFERENCE FACILITIES – may start or end outwith the core hours but not before 0800 hours and not later than 0000 hours
- RESTAURANT FACILITIES – may start or end outwith the core hours but not before 0600 hours for serving breakfasts and not later than 0000 hours.
- RECEPTIONS including – weddings, funerals, birthdays, retirements, anniversaries, party nights, or other social functions may start or end outwith the core hours but not before 0800 and not later than 0000 hours.
- CLUB or GROUP MEETINGS – may start or end outwith the core hours but not before 0800 hours and not later than 0000 hours.
- RECORDED MUSIC – background music may be played outwith the core hours.
- LIVE PERFORMANCES – social and business events may hire live bands/musicians/entertainers/DJs, as required by customers, and may start or end outwith the core hours, before not before 0800 hours and not after 0000 hours.
- DANCE FACILITIES – may start or end outwith the core hours but not before 0800 hours and not after 0000 hours.
- THEATRE – may start or end outwith the core hours but not before 0800 hours and not after 0000 hours.
- FILMS – may start or end outwith the core hours but not before 0800 hours and not after 0000 hours.
- INDOOR/OUTDOOR SPORTS – may start or end outwith the core hours but not before 0800 hours and not after 0000 hours.
- TELEVISED SPORTS – may be available outwith the core hours but not before 0800 hours and not after 0000 hours.
- OUTDOOR DRINKING FACILITIES – may be available outwith the core hours but not before 0600 hours for serving breakfasts and not after 0000 hours.

Alcohol will also be sold to residents and their guests but not to non-residents outwith core hours without there being a grant of an extended hours application.

For a number of weeks each year, no alcohol will be sold in the premises at all, as the premises will be made available for use by disadvantaged children and young persons through a specified charity.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Other entertainment provided may include DJs, karaoke, magicians, face painters, yoga/keep-fit classes, auctions, themed events, quiz nights, bands, disco nights, cabarets, charity and/or fundraising events, fashion shows, art shows/exhibitions, displays and exhibitions, staff training, rooms hired for training purposes, rooms available where guests can work, and other ancillary events. Internet access and Wi-Fi are available. Wedding ceremonies may also take place on the premises. Charity events, corporate events/functions and community events may also take place on the premises. Pop-up bars may be located within the premises and/or the outdoor areas when pre-booked functions are taking place. Marquees may also be used within the outdoor areas and various activities, including conferences, receptions, recorded music, live performances, theatre, films, and dance facilities may also take place within the outdoor areas/marquees.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	
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When fully occupied, are there likely to be more customers standing than seated?	
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*Delete as appropriate	
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**Question 6 (On-sales only)**

*CHILDREN AND YOUNG PERSONS*

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

Children and young persons will be allowed access if staying as a guest at the premises or attending a pre-booked function or event, or otherwise when accompanied by a responsible adult.

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

Birth to 17 years old.

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

As the premises provide accommodation, children and young persons will be allowed entry 24 hours a day, 7 days a week.

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

All public parts of the premises.

### **Question 7**

#### **CAPACITY OF PREMISES**

*What is the proposed capacity of the premises to which this application relates?*

160 persons

### **Question 8**

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

*Personal details*

8(a) Name

Peter Cockill

8(b) *Date of birth*

8(c) *Contact address*

8(d) *Email address*

8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
22 January 2020	West Dunbartonshire	WD/1387

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

Signature ..... \* (see note below)

Date .....

Capacity ..... AGENT (delete as appropriate).

Telephone number and email address of signatory .....

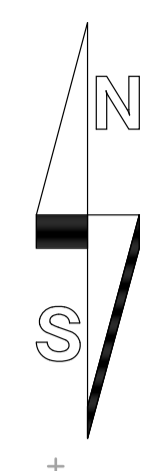
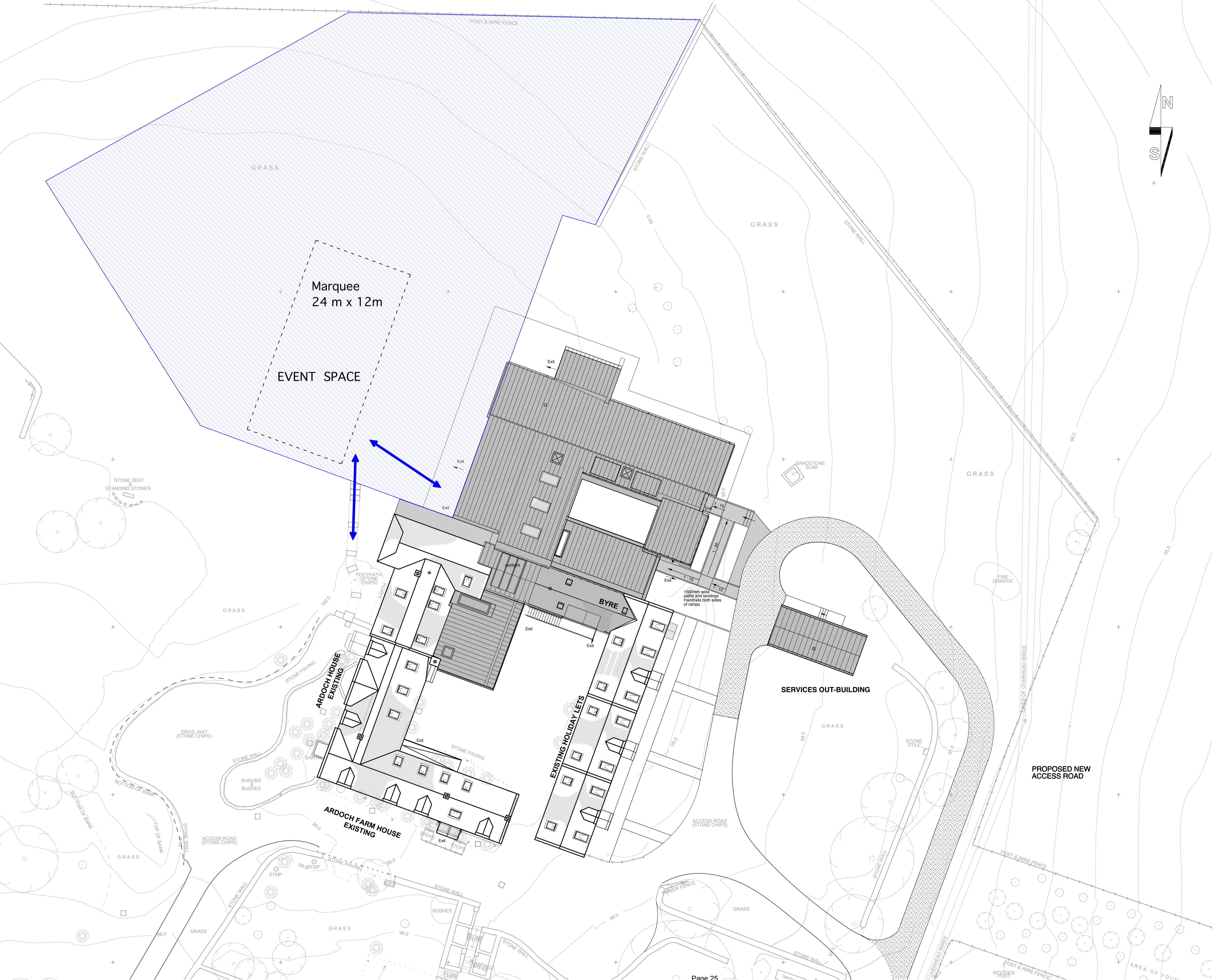
Tel:

Email:

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.





- REV A : SITE ESTABLISHMENT NOTES ADDED .
- REV B : SETTING OUT DIMENSIONS ADDED FOR OUT BUILDINGS AND NEW ROADS 16.02.09 PJ
- REV C : Green roof area shown in zinc. 21.4.09  
Roof overhangs updated to inner half G05a  
roof lights amended over G05a and the byre  
Vehicle shed relocated, road and wall amended due to relocation.  
Oil tank and generator noted.
- REV D : Dimension noted for setting out the Equipment shed from the stone wall
- REV E : North lawn area indicated.

LORN

**MACNEAL**

ARCHITECTS

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PROPOSED ALTERATIONS TO  
ARDOCH ESTATE, GARTOCHARN,  
DUNBARTONSHIRE.  
  
FOR LEMAN LTD.

**SITE PLAN SHOWING  
NORTH LAWN**

Scale 1: 200	Date. 30-5-2008
Drawing No. 07.27 / BW / 003 E	
DO NOT SCALE FROM THIS DRAWING	



## THE GAMBLING ACT 2005

**Application for Premises Licence – betting (other) No representations**

**Ref:** GA54 BET

**Name and address of Premises:** William Hill, 33 Sylvania Way South, Clyde Shopping Centre, Clydebank G81 1EA

**Applicant/Licence Holder:** William Hill Organization Limited

**Type of premises:** Betting (other than track)

**Proposed application:** Betting office to trade from ground floor single storey premises on parade of shops within Clyde Shopping Centre – premises currently trading as “Cash Generator”.

**Comments from Responsible Authorities:** None

**Representations received:** None

**Confirmation of public advertisement:** Yes

**Additional comments:** The following documents support the application:

- Licensing Plan (8232\_10A)
- Local Gambling Risk Assessment

Copies of the statutory notices and advertising have been submitted to the Licensing Section.

**Decision:**

# Application for a premises licence under the Gambling Act 2005 (standard form)

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is in respect of a vessel, the application should be made on the relevant form for that type of premises or application.

### Part 1 – Type of premises licence applied for

<del>Regional Casino</del>	Large Casino	Small Casino
Bingo	<del>Adult Gaming Centre</del>	Family Entertainment Centre
<del>Betting (Track)</del>	Betting (Other) ✓	

Do you hold a provisional statement in respect of the premises? Yes ✓ No

If the answer is “yes”, please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

### Part 2 – Applicant Details

*If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.*

#### Section A Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname:

Other name(s):

*[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]*

3. Applicant's address Home Business

Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):	
4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:	
5. Tick the box if the application is being made by more than one person.	<input type="checkbox"/>
<i>[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]</i>	
<b>Section B</b>	
<b>Application on behalf of an organisation</b>	
6. Name of applicant business or organisation: <i>[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]</i>	
<b>WILLIAM HILL ORGANIZATION LIMITED</b>	
7. The applicant's registered or principal address:	
<b>1 BEDFORD AVENUE LONDON WC1B 3AU</b>	
8(a) The number of the applicant's operating licence (as given in the operating licence):	
<b>004-002752-N-102413-01</b>	
8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:	
9. Tick the box if the application is being made by more than one organisation.	<input type="checkbox"/>
<i>[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]</i>	

<b>Part 3 – Premises Details</b>	
10. Proposed trading name to be used at the premises (if known):	
<b>WILLIAM HILL</b>	
11. Address of the premises (or, if none, give a description of the premises and their location):	
<b>33 SYLVANIA WAY SOUTH CLYDE SHOPPING CENTRE CLYDEBANK G81 1EA</b>	

12. Telephone number at premises (if known):

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

BETTING OFFICE TO TRADE FROM GROUND FLOOR SINGLE STOREY PREMISES  
ON PARADE OF SHOPS WITHIN CLYDE SHOPPING CENTRE – PREMISES  
CURRENTLY TRADING AS 'CASH GENERATOR'.

14(a) Are the premises situated in more than one licensing authority area?

☐

Yes

☒

No

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, other than the licensing authority to which this application is made:

#### Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case?

☐

Yes

☒

No

*[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]*

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	Start (hh:mm)	Finish (hh:mm)	Details of any seasonal variation
Mon			
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates:

#### Part 5 – Miscellaneous

17. Proposed commencement date for licence: (dd/mm/yyyy)  
(leave blank if you want the licence to commence as soon as it is issued)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence?	Yes	No <input checked="" type="checkbox"/>
18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.		
19(a). Do you hold any other premises licences that have been issued by this licensing authority?	Yes <input checked="" type="checkbox"/>	No
19(b). If the answer to question 19(a) is yes, please provide full details:		
<b>PLEASE SEE 'ANNEX A' – END OF THIS DOCUMENT</b>		
20. Please set out any other matters which you consider to be relevant to your application:		
N/A		

<b>Part 6 – Declarations and Checklist (Please tick)</b>	
I/ We confirm that, to the best of my/ our knowledge, the information contained in this application is true. I/ We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.	<input checked="" type="checkbox"/>
I/ We confirm that the applicant(s) have the right to occupy the premises.	<input checked="" type="checkbox"/>
<b>Checklist:</b>	
• Payment of the appropriate fee is being made by BACS & Remittance Advice will be sent separately	<input checked="" type="checkbox"/>
• A plan of the premises is enclosed	<input checked="" type="checkbox"/>
• I/ we understand that if the above requirements are not complied with the application may be rejected	<input checked="" type="checkbox"/>
• I/ we understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities	<input checked="" type="checkbox"/>

<b>Part 7 – Signatures</b>	
21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:	
Signature:	
Print Name:	ANDREW ASHTON
Date:	03 November 2022
Capacity:	Retail Licensing & Development Manager

22. For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name:

Date:

(dd/mm/yyyy)

Capacity:

*[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]*

*[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]*

## Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

ANDREW ASHTON

23(b) Please give one or more telephone numbers at which the person identified in question 13(a) can be contacted:

24. Postal address for correspondence associated with this application:

LICENSING & DEVELOPMENT DEPT  
(F.A.O. Mrs K Paraskeva)  
WILLIAM HILL ORGANIZATION LIMITED  
PO BOX 170  
LEEDS  
LS2 8JF

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

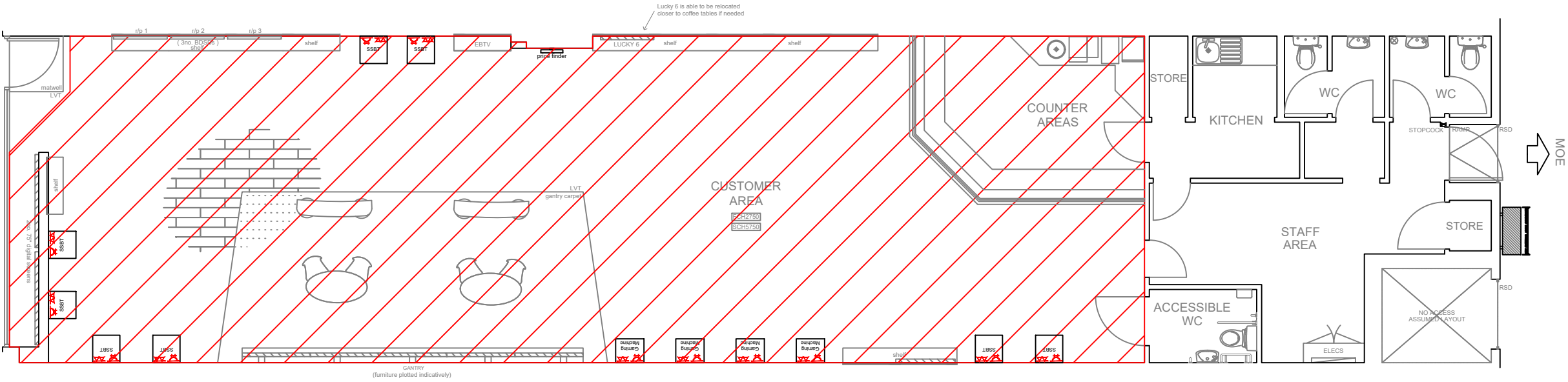
[licensing@williamhill.co.uk](mailto:licensing@williamhill.co.uk)

**ANNEX A - Reference 19(b) List of other William Hill Premises :-**

WILLIAM HILL PREMISES ADDRESSES				LICENCE NO's
86/88 MAIN STREET	ALEXANDRIA		G83 0PX	GA/04/BET
39 HIGH STREET	DUMBARTON		G82 1LS	GA/10/BET
UNITS 6 & 7 DALMUIR SHOPPING CENTRE	DUMBARTON ROAD	DALMUIR, CLYDEBANK	G81 4BB	GA/07/BET
UNIT 1, 25 GLASGOW ROAD	HARDGATE	CLYEBANK	G81 5PJ	GA/08/BET
6 RADNOR STREET	CLYDEBANK		G81 3BZ	GA/09/BET
129 HIGH STREET	DUMBARTON		G82 1LE	GA/05/BET

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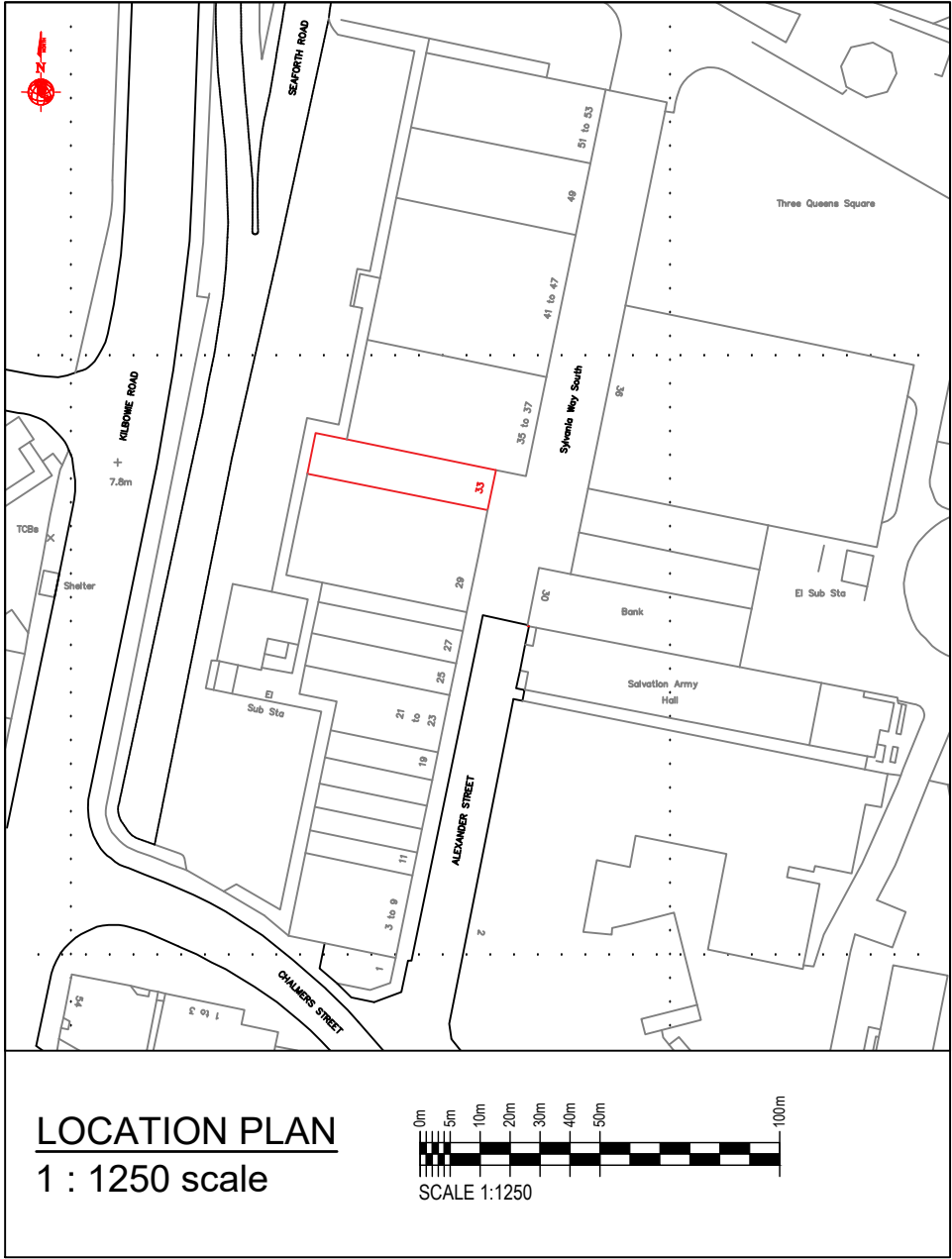
Total Floor Space	203 m/sq
	2186 ft/sq



## GROUND FLOOR PROPOSAL

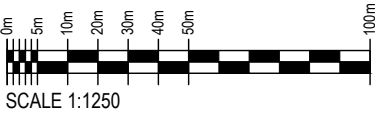
Betting Area Shown Hatched

Anything shown on this plan which is required by Regulations 4(2) and 4(8) of the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007, is for illustrative purposes only and does not form part of the premises licence.



## LOCATION PLAN

1 : 1250 scale



### Health & Safety

The contractor's attention is drawn to their responsibility to ensure the safety and well-being of both site operatives and the public during the course of the building works.

Any site works should be carried out in accordance with CDM regulations 2015 and the current health & safety guidelines & relevant building regulations.

The appointed contractor is responsible for ensuring adequate temporary props are provided to ensure the stability of the existing building during any structural works. Structural Engineers to confirm all propping works. Prior to any demolitions or any modifications of the existing solid or suspected load bearing frames, an inspection is to be carried out by a certified approved Structural Engineer to ascertain whether the walls are structural or otherwise. All care is to be taken when demolishing any existing walls.

**William HILL**

**ampersand**

3 The Stables  
Cannons Mill Lane  
Bishops Cleeve  
Hertfordshire  
CM23 2BN

t: 01279 505023  
e: amp@ampersand-associates.com  
w: ampersand-associates.com

commercial architectural design. and then some

CONTRACT:  
**WILLIAM HILL**  
33 Sylvania Way South  
Clyde Shopping Centre  
Clydebank  
G81 1EA

DRAWING:  
Licencing Drawing:

SCALE: 1:100 @ A3  
DATE: June 2022  
DRAWN: JP / AutoCAD LT22  
DRAWING No: REV:

8232\_10

A



Notes:  
Whilst every care has been taken to ensure the accuracy of this survey, due to the age of the premises, non-require of the structure, occupancy, building methods & materials used, some assumptions have been made necessary.

Specific areas must be checked on site prior to manufacture of fittings, ordering of materials & equipment & commencement of building operations.

Any conflicting information found on the drawing must be reported for clarification.

Under the control of asbestos regulations 2012 for buildings constructed before 2000, the building owner / tenant is legally obliged to manage the asbestos content within the premises. This is accomplished with an asbestos survey which will identify & make recommendations on how to manage any asbestos found. This specialist survey is not within the remit of Ampersand Associates Ltd & the client is strongly advised to check if there is already a suitable report available. If not, a 'Management' asbestos survey should be instigated by the client to cover the entire building, with a further 'Refurbishment & Demolition' survey being carried out, targeting all areas affected by any proposed works by a registered UKAS company. These surveys are to be made readily available prior to any operations commencing.

All drawings produced adopt the principles of prevention in accordance with CDM2015 regulations. Hazards where foreseen have been considered and either designed out or managed where feasible. Any and all associated 3rd party drawings and designs must also take into account the CDM2015 principles of prevention as part of their production.

By agreeing to the fee offer, the Client purchases raster & hard copies of the drawing only. Ownership of the vector files remains with Ampersand Associates Ltd & permission to distribute may be withheld.

REVISIONS:



## **NOT FOR PUBLICATION**

**by virtue of Paragraph 14 of Part 1 of Schedule 7A of  
the Local Government (Scotland) Act, 1973**

**ANY ACTION TAKEN OR TO BE TAKEN IN  
CONNECTION WITH THE PREVENTION,  
INVESTIGATION OR PROSECUTION OF CRIME**

**PLEASE NOTE THAT CONFIDENTIAL INFORMATION  
AND PAGES HAVE BEEN REMOVED**

**WEST DUNBARTONSHIRE LICENSING BOARD****Report by the Clerk to the Licensing Board****10 January 2023**

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**Subject: Consultation on Restricting Alcohol Advertising and Promotion****1 Purpose**

- 1.1 To inform the Licensing Board (“the Board”) about a Scottish government consultation that partly relates to alcohol licensing and to ask the Board to approve a response.

**2 Recommendations**

- 2.1 It is recommended that the Board:-
- (a) notes the terms of the Scottish government consultation; and
  - (b) approves the attached response.

**3 Background**

- 3.1 In November 2022, the Scottish government published a consultation document entitled: “Consultation on Restricting Alcohol Advertising and Promotion” (“the Consultation Document”). The closing date for responses is 7 March 2023.
- 3.2 The Consultation Document refers to Scotland’s *“deep, longstanding and troubled relationship with alcohol”* and notes that *“[a]lcohol-related harm is one of the most pressing public health challenges that we face in Scotland”*. The stated aim of the proposal is to consider options around restricting alcohol marketing to protect children and young people, heavy drinkers, and those in recovery.
- 3.3 The Consultation Document seeks views on various matters, some of which are outwith the remit and/or knowledge of the Licensing Board. There are, however, a number of questions within the consultation that deal with matters relevant to the Licensing Board and its powers under the Licensing (Scotland) Act 2005 (“the Act”). These areas are as follows:
- outdoor and public spaces marketing;
  - in-store alcohol marketing; and
  - enforcement.

- 3.4 It is recognised that the proposals in the Consultation Document are at an early stage. Further detail will be required from the Scottish government regarding how the restrictions will operate in practice and, in particular, how restrictions and prohibitions around alcohol marketing will affect existing licence holders. Any further consultations documents or government responses will be brought to the attention of the Licensing Board.
- 3.5 A draft response is contained in the Appendix to this report. Most of the answers are self-explanatory. Some additional explanation is set out below.

## **4 Main Issues**

- 4.1 The Consultation Document covers a wide range of matters relating to the advertising of alcohol. As noted at paragraph 3.3 of this report, not all matters raised are relevant to the Licensing Board. It is suggested that the Board has regard to the questions that relate to outdoor and public space marketing, in-store alcohol marketing, and enforcement.

### Outdoor and public spaces marketing

- 4.2 A prohibition on alcohol marketing outdoors and in public spaces may impact the exterior look and feel of licensed premises. Depending on the nature of the restrictions, premises may have to change how they present themselves to the public.
- 4.3 Such a prohibition may impact the management of outdoor areas that the Board licences for the sale and consumption of alcohol. It is unclear at this stage how such areas will be viewed, given that the public may be able to view them from the footway or, indeed, at times they form part of the public highway (subject to consent being given by the Roads Authority).

### In-store alcohol marketing

- 4.4 The Act currently requires that the area utilised by a licensed premises for the sale of alcohol be agreed by them and the Board. In practice, the Board has little discretion in this matter as the location can be amended by way of a minor variation application. This type of application is subject to a “must grant” provision, i.e. the Board cannot refuse this type of application. The proposal at the moment would suggest that the Scottish government is considering legislating so that alcohol can only be displayed in certain parts of the premises. Such a change would require the Board to play a role in determining whether a proposal from an applicant is suitable. The draft response highlights the need for clarity in relation to existing operators.

### Enforcement

- 4.5 The Consultation Document helpfully recognises that asking Licensing Standards Officers to take compliance action in relation to any new restrictions would be impractical. It is noted that the creation of a new regulatory body to monitor and enforce marketing restrictions will be

considered. Whether the Board will have a role in enforcing any new restrictions will depend on how the Scottish government implements any restrictions. If the restrictions are implemented by way of conditions, then the Board will have a role to play as it does with minimum unit pricing and irresponsible promotions.

## **5 Options Appraisal**

5.1 No option appraisal was required for this report.

## **6 People Implications**

6.1 There are no personnel issues at this stage.

## **7 Financial and Procurement Implications**

7.1 There are no financial and procurement issues.

## **8 Equalities Impact Assessment (EIA)**

8.1 There are no equalities impacts through considering and noting this report and approving the response to the consultation.

## **9 Consultation**

9.1 This report will be submitted to Members of the Licensing Forum for information.

## **10 Strategic Assessment**

10.1 Liquor licensing plays a key role to make sure our communities are resilient and thriving. It is also closely related to the Council's other strategic priority of making sure our economy is strong and flourishing. West Dunbartonshire Licensing Board will closely monitor the consultation responses and the governmental process thereafter. Any measures that improve the effectiveness of liquor licensing and address the concerns of persons within the alcohol licensing regime are to be welcomed. It remains to be seen what proposals will be adopted as law.

**Alan Douglas**  
**Clerk to the Licensing Board**  
**19 December 2022**

---

**Person to Contact:** Michael McDougall, Depute Clerk to the Licensing Board,  
Regulatory and Regeneration, West Dunbartonshire  
Council, Municipal Buildings, Dumbarton G82 1NR  
e-mail: [michael.mcdougall@west-dunbarton.gov.uk](mailto:michael.mcdougall@west-dunbarton.gov.uk)

**Appendices:** Draft response to consultation

**Background Papers:** Consultation on Restricting Alcohol Advertising and Promotion

**Wards Affected:** All

### CONSULTATION ON RESTRICTING ALCOHOL ADVERTISING AND PROMOTION DRAFT RESPONSE

#### Question 8

*Do you think we should prohibit alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?*

The West Dunbartonshire Licensing Board ("the Board") is responsible for regulating the sale of alcohol and the operation of premises that are licensed for the sale of alcohol. The Board, when exercising its functions in terms of the Licensing (Scotland) Act 2005 ("the 2005 Act"), must have regard to the licensing objectives set out in section 4 of the 2005 Act. The following of these objectives are particularly relevant to this consultation: protecting and improving public health and protecting children and young persons from harm.

The marketing of alcohol outdoors is a matter that largely falls outwith the remit of the Board. As matters stand, it is a mandatory condition of a premises licence that drink promotions do not take place within the vicinity of the premises (200m from the boundary of the premises). With that in mind, the Board has limited comments in relation to this matter.

The Board is of the view that the restrictions on the marketing of alcohol outdoors will have a significant impact on licensed premises in West Dunbartonshire. In particular, these restrictions will impact on how licensed premises present themselves. This will include the frontage of premises and barriers delineating any outdoor area or similar that premises may utilise.

The consultation document does not narrate in detail how this prohibition will be enacted and enforced. The Board would welcome the opportunity to comment on these proposals once further detail is available. (See comments in response to Question 35.)

As the Scottish government will no doubt be aware there are a number of premises in West Dunbartonshire that are either involved in the production of alcohol (e.g. breweries or distilleries) or play a part in the local tourist trade. The Board sees such premises as being important to West Dunbartonshire, bringing employment and investment to the local area.

In the Board's experience, breweries or distilleries may have ancillary off-sales or on-sales facilities, and premises catering for tourists may rely on a link to alcohol products produced in Scotland. This will extend to their exterior branding and appearance. Such premises may struggle to comply with a restriction on alcohol marketing, i.e. the premises' name and branding will align with their alcohol product.

The Scottish government may also consider potential issues flowing from the use of outdoor spaces as licensed areas. The use of licensed outdoor drinking areas has increased recently (accelerated by restrictions due to the covid-19 pandemic). Such areas may be visible from the public spaces and may form part of the public space,

e.g. street cafés. The Board would welcome clarity as to whether the policy intention is that any prohibition would capture such areas.

#### **Question 10**

*What, if any, exceptions do you think there should be to prohibiting alcohol marketing outdoors, including on vehicles, and in public spaces in Scotland?*

As noted in the Board's response to Question 9, such a prohibition may cause difficulties for alcohol producers and premises catering for the tourist trade. As such, the Scottish government may wish to consider whether there are grounds to create exemption for such premises.

#### **Question 11**

*Do you think that we should further restrict the visibility of alcohol in retail environment, giving reasons for your response?*

The Board licences a range of off-sale type premises from supermarkets to convenience stores to dedicated off-sales. These premises range in size from small to large. Amending the rules around the visibility of alcohol in retail environments will significantly impact the aforementioned premises.

By way of background, the Board is of the view that it has limited powers to regulate the location of alcohol within licensed premises. While the 2005 Act sets out that the area for the display of alcohol is agreed with the Board, this location can be varied by way of a minor variation application. This application is subject to a "must grant" provision, i.e. the Board has no discretion when determining the application (provided that there is no increase in the size of that area).

The Board is, of course, supportive of evidence based measures that will promote and improve public health. It does, however, have a concern as to how such measures will be implemented and enforced. Further detail will be useful and the Board welcomes further engagement with the Scottish government. The Board suggests that it is important that any new legislative framework is based on robust evidence and clearly sets out the role and powers of licensing boards.

The Board does have a concern that it may be difficult to implement a framework that prescriptively manages the location of alcohol in a retail environment. For example, any framework would need to consider all possible settings for the display of alcohol and this may be complex given the diverse range of retail type premises and the potential for rapid changes owing to changes in shopping habits or technological advances. Therefore, the Board would welcome clarification from the Scottish government as to whether restrictions around the display of alcohol will be left to the discretion of licensing boards by way of a policy based solution or will the restrictions be prescribed by legislation?

In addition, the Board suggests that the Scottish government consider how such advertising restrictions will impact existing licensed premises. Will premises with an existing premises licences require to conform with any restrictions or will restrictions only apply to new premises? Will premises be required to apply for a variation? If so, this will have significant resources implications for the Board's support staff.

The Board anticipates that many existing licensed premises may struggle to comply with any restrictions, e.g. restricting the use of mixed alcohol and non-alcohol aisles or moving alcohol behind the till. This may be due to the physical layout of the premises or a lack of funds to implement the changes. What would happen should the licence holder say changes are not practical?

It is appreciated and recognised that these proposals are at a formative stage, however, clarity on the impact on existing licensed premises is important especially given that any action to remove or vary a licensed permission may result in a legal challenge.

Separately, the Board also notes the reference to alcohol being moved to either the back of the store or to a separate aisle and in the Board's experience, there can be reasons relating to the licensing objective of preventing crime and disorder for the alcohol display to be located elsewhere, e.g. next to the tills, so to allow for ease of supervision to prevent shoplifting or similar undesirable behaviour.

#### **Question 12**

*Do you think we should consider structural separation of alcohol in Scotland to reduce the visibility of alcohol in off-trade settings (e.g. supermarkets)*

As a licensing board, the Board's responses are focused on the liquor licensing regime and its impact on the licensing of premises that sell alcohol. It is not in a position to comment on the merits of such a proposal. It can, however, advise that the structural separation of alcohol would create a significant licensing impact, with the layout of all licensed premises being required to be amended. This would require scrutiny by the licensing board and therefore, would impact on its workload. Reference is made to our response in Question 11 in relation to the impact on existing premises.

#### **Question 14**

*Do you think that we should prohibit the sale of alcohol-branded merchandise in Scotland?*

The Board suggests that should the Scottish government pursue this option, any legislation must set out a detailed definition of what alcohol-branded merchandise is so to allow for efficient enforcement.

#### **Question 17**

*What, if any, other restrictions do you think should be considered on the use of alcohol brands on non-alcohol products?*

The Scottish government may wish to consider whether the restrictions and limitations set out in Paragraph 13 of Schedule 3 to the 2005 Act in relation to branded newspapers, magazines or other publications being permitted outwith the alcohol display area provided it "*does not relate only or primarily to alcohol*" continues to be fit for purpose. In the Board's experience, retailers can interpret this rule to permit advertising of alcohol in other parts of the store provided that it does not only relate to alcohol. If there is no legislative change, further guidance as to

what "does not relate only or primarily to alcohol" means would be useful, e.g. is it satisfactory if less than 50% of a poster is dedicated to alcohol?

### **Question 35**

*How do you think that any future alcohol marketing restrictions in Scotland should be monitored and enforced?*

The Board agrees with the Scottish government's contention that the use of Licensing Standards Officers is *"unlikely to be practicable for the types of restriction covered in this consultation..."* especially in respect of the restrictions that impact on society at large.

The Board does, however, note that certain aspects of the proposed restrictions, especially in relation to in-store alcohol marketing, may well be regulated by way of conditions attaching to a premises licence and therefore, Licensing Standards Officers will have a role in terms of commenting on new applications, i.e. does the layout plan comply with the terms of the 2005 Act (as it may be amended as a result of any changes further to this consultation), and enforcement action.

It is requested that any additional conditions or legislation that restricts the display of alcohol in-store is clear and easily applied to all licensed types with sufficient guidance to allow Licensing Standards Officers to take robust enforcement action in the confidence that any decision taken by a licensing board will stand up to judicial scrutiny.