

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer - Regulatory and Regeneration

Licensing Board: 7 March 2023

Subject: Number, Capacity and Licensed hours of Licensed premises in the West Dunbartonshire area.

1. Purpose

- 1.1** The purpose of this report is to advise the Licensing Board (“the Board”) of the current number, capacity and licensed hours of licensed premises within the West Dunbartonshire, to inform the Board’s review of the Statement of Licensing Policy including its overprovision assessment.

2. Recommendations

- 2.1** It is recommended that the Board note the contents of this report and utilise the statistical information contained in the appendices on the number of licensed premises, the capacity of the licensed premises and the licensed hours of licensed premises in the West Dunbartonshire area, when carrying out the overprovision assessment.

3. Background

- 3.1** At its meeting on 1 November 2022, the Board considered a report outlining matters relating to the development of its Policy and Assessment of Overprovision. It subsequently agreed to various actions including requesting that Licensing Standards submits to it details of the number and capacities of licensing premises in its area including details of their licensed hours.
- 3.2** Section 7 of the Licensing (Scotland) Act 2005 requires that the Board must include a statement as to the extent to which the Board considers there to be overprovision of licensed premises, or licensed premises of a particular description, within any locality within the Board’s area.
- 3.3** Section 7 of the Licensing (Scotland) Act 2005 further requires that, in consideration of the extent to which the Board considers there to be overprovision of licensed premises, or licensed premises of a particular description, that the Board must have regard to the number and capacity of licensed premises in the locality. The Board may also consider the licensed hours of premises as part of the assessment of overprovision.
- 3.4** The geographies that the Board employs as the localities for the assessment of overprovision are Intermediate Data zones (IDZs).

3.5 All licensed premises in the West Dunbartonshire area have been assigned to their relevant IDZ using mapping software.

3.6 The capacity of licensed premises is defined within Section 147 of the Licensing (Scotland) Act 2005, as follows: -

“capacity”, in relation to licensed premises, means—

(a) in relation to licensed premises (or any part of such premises) on which alcohol is sold for consumption on the premises (or, as the case may be, that part), the maximum number of customers which can be accommodated in the premises (or, as the case may be, that part) at any one time, and

(b) in relation to licensed premises (or any part of such premises) on which alcohol is sold for consumption off the premises (or, as the case may be, that part), the amount of space in the premises (or, as the case may be, that part) given over to the display of alcohol for sale,

3.7 The capacity of on-sales premises is the maximum number of persons who may be accommodated in the premises, as specified within the operating plan.

3.8 The capacity in off-sales premises is the maximum amount of space for the display of alcohol for sale in the premises, as specified within the operating plan. This figure is presented in metres squared.

4. Main Issues

4.1 There are currently 228 Licensed Premises in the West Dunbartonshire area. This represents a fall of 12 premises since the last the Board last reviewed the Statement of Licensing Policy in 2018.

4.2 Of the 228 Licensed Premises, 89 of these premises are licensed for off sales only (supermarkets, mini-markets etc.), 34 premises are licensed for on sales only (Public Houses, Restaurants or Hotels etc.) which do not have any off-sales provisions) and 78 premises are licensed for both on and off sales (Public Houses, Restaurants etc. which have an ancillary provision to sell alcohol for consumption off the premises). The remaining 22 premises are Members Club premises, which, under Section 125 of the Licensing (Scotland) Act 2005, are exempt from the provisions of Section 7 (duty to assess overprovision). Therefore, Member’s Club premises are contained separately at table 2 within appendix 1 and are listed for information purposes only.

4.3 Since the Board last reviewed the Statement of Licensing Policy there have been the following variances in premises numbers:

- On-sales – a reduction of 11 premises from 43 to 34;
- Off-sales – a reduction of 2 premises from 91 to 89; and
- Both on and off sales – no change (78 Premises)

4.4 The total capacity in West Dunbartonshire within the 89 off-sales premises is 2,898.81677 m². This represents a fall in the total off sales provision of 198.06 since the Licensing Board last reviewed their Licensing Policy in 2018. The Intermediate Data Zone (IDZ) area with the largest off sales capacity is IZ12 which has a total capacity of 808.3265 m², spread across 12 off-sales premises licences. The total off-sales capacity of each IDZ is listed in appendix 2.

4.5 For the avoidance of doubt, when the Board last reviewed the Statement of Licensing Policy, the off-sales capacity for premises with both on and off sales permissions was set out separately under the heading of secondary capacity. For the purposes of this report, the off-sales capacity for premises with both on and off sales permissions has been subsumed into the off sales capacity.

4.6 The total on-sales capacity within West Dunbartonshire, is 33,092 persons. This represents a fall in the total on sales provision of 971 persons since the Licensing Board last reviewed the Licensing Policy in 2018. The IDZ with the largest provision of on-sales premises is IZ02 with provision for 7,548 persons. The total on-sales capacity within each IDZ is listed in appendix 2.

4.7 Finally, the Board may have regard to licensed hours in its assessment of overprovision. The licensed hours of all licensed premises are listed in appendix 3.

5. People Implications

5.1 There are no staffing or people issues for the Council with this report.

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. Therefore a clear policy will assist applicants in avoiding unnecessary expenditure on lodging and legal fees.

7. Risk Analysis

7.1 It is important that the Licensing Policy Statement provides clear guidance to applicants and members of the public in relation to the Policy of the Board. This avoids unnecessary costs for applicants, provides agents and licensees with clear guidance on what the Board expects and seeks to simplify the application process. It is also important that the Licensing Policy Statement considers all available information with regard to the positive and negative effects associated with Alcohol Licensing. The Board should fully

consider the consultation responses to it before adopting its Overprovision policy.

8. Equalities Impact Assessment

8.1 Due to the statistical nature of the information within this report and also the requirement for the information detailed in this report being in compliance with statute, there is no requirement for the information in this report to undergo a separate impact assessment. However, an Equalities Impact Assessment (EIA) will be required in respect of the full review of the Boards Statement of Licensing Policy. It is envisaged that such an EIA will be conducted following a period of consultation, which is due to commence later in 2023

9. Consultation

9.1 As paragraph 8.1 above, there is no requirement for the statistical information contained in this report to be consulted on. However, the full Statement of Licensing Policy including the overprovision assessment, at which this report is seeking to inform, will be consulted on formally in summer 2023.

10. Strategic Assessment

10.1 Not applicable.

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Appendices: Appendix 1: Complete List of Premises, by IDZ
Appendix 2: Total Capacities of Licensed Premises, by IDZ
Appendix 3: List of Licensed Hours of Licensed Premises in West Dunbartonshire
Appendix 4: List of Members Clubs, including Capacity, by IDZ

Background Papers: The Licensing (Scotland) Act 2005.

Wards Affected: All.