

Licensing Policy Statement:

Licensing (Scotland) Act 2005



Contents

Part One: Introduction

Provides a background to the policy statement and an introduction to the city of Glasgow and the issues particular to the city.

Part Two: The Licensing Board's Approach to the Licensing Process

Outlines the role of the Licensing Board, its general approach to liquor licensing and how that approach may be integrated with other strategies and initiatives affecting the city.

Part Three: The Licensing Objectives

Refers to the Licensing Objectives as set out in section 4 of the Act and explains how the Licensing Board will generally approach the decision making process in pursuance of these Objectives.

Part Four: Licence Conditions

Sets out the Licensing Board's approach to the attachment of conditions to Premises Licences in order to promote the Licensing Objectives.

Part Five: Policy on Licensed Hours

Whilst each individual application for a Premises Licence will be considered on its merits, this part of the Policy Statement sets out the Licensing Board's general approach to licensed hours and the reasons for adopting that approach. It also sets out the factors which the Licensing Board will take into account when considering the proposed hours set out in Operating Plans for individual premises.

Part Six: Policy on Children and Young Persons' Access to On-Sales Licensed Premises

Sets out the Licensing Board's approach to Children and Young Persons' access to on-sales licensed premises and the reasons for adopting that approach in pursuance of the Licensing Objective of Protecting Children and Young Persons from Harm.

Part Seven: Overprovision Assessment and general approach to the consideration of Overprovision

Sets out the Licensing Board's approach to overprovision, including details of the localities where the Board considers there to be overprovision of licensed premises, or licensed premises of a particular description, and the factors that it will consider when determining individual applications.

Part Eight: Policy on Occasional Licences and Extended Hours Applications

Sets out the Licensing Board's approach to the processing of Occasional Licences and Extended Hours applications and the factors it will consider when determining individual applications.

Part Nine: Policy relative to Off-Sales Licensed Premises

Sets out the Licensing Board's approach to the consideration of applications for off-sales licensed premises with regard to the Licensing Objective of Protecting and Improving Public Health as well as the conduct, suitability and use of the premises.

Part Ten: Policy relative to the use of Toughened Glass and other recognised Safety Products in Licensed Premises

Sets out the Licensing Board's approach to the use of toughened glass and other recognised safety products in licensed premises in pursuance of the Licensing Objectives of Securing Public Safety and Preventing Crime and Disorder.

Part Eleven: Policy on the prevention of malicious or ill-intentioned conduct associated with the management of Licensed Premises

Sets out the Licensing Board's approach to tackling malicious or ill-intentioned conduct associated with the management of licensed premises in pursuance of the Licensing Objectives.

Part Twelve: Policy relative to the management of Outside Drinking Areas

Sets out the Licensing Board's approach to the regulation of outdoor licensed areas in pursuance of the Licensing Objective of Preventing Public Nuisance and the factors which it will take into account when considering such applications.

Part Thirteen: Monitoring, Compliance and Enforcement

Explains the Licensing Board's general approach to issues of monitoring, compliance and enforcement.

Detailed Contents

Foreword	6
Interpretation	7
1 Introduction	10
1.1 Background to the Policy Statement	10
1.2 Glasgow and the Licensed Trade	10
2 The Licensing Board's Approach to the Licensing Process	13
2.1 The Role of the Licensing Board	13
2.2 The Statement of Licensing Policy	13
2.3 Policy Development	14
2.3.1 Pre-Consultation Evidence Gathering	14
2.3.2 Evidence Sessions	14
2.3.3 Recommendations from the Local Licensing Forum	15
2.3.4 Focus Group Event	15
2.3.5 Evaluation of Evidence	15
2.3.6 Public Consultation and Community Engagement Events	15
2.4 Integration with Strategies and Initiatives	16
2.4.1 Public Health	16
2.4.2 Crime and Disorder	16
2.4.3 Environmental Health and Building Standards	16
2.4.4 Safe Glasgow Partnership	17
2.4.5 The Local Licensing Forum	17
2.4.6 Children and Young People	17
2.4.7 Equality Issues	18
2.4.8 Tourism and Leisure	18
2.4.9 Transport	18
2.4.10 Night-time Economy	19
2.4.11 Agent of Change	19
2.4.12 Making Glasgow a cleaner, greener and safer city	19
2.4.13 Legislative Change on Single Use Plastics	19
2.4.14 Pub Watch and Club Watch (as part of the Night Time Industry Association)	20
2.4.15 Safety of Workers and Employees within Licensed Premises	20
2.5 Guidance Notes	21
2.6 Avoidance of Duplication	21
3 The Licensing Objectives	23
3.1 The Licensing Objectives	23
3.2 Written Policies and Procedures	23
3.3 Prevention of Crime and Disorder	23
3.4 Securing Public Safety	25
3.5 Preventing Public Nuisance	26
3.6 Protecting and Improving Public Health	27
3.7 Protecting Children and Young Persons from Harm	28
4 Licence Conditions	32
4.1 Conditions imposed by the Licensing Board	32
4.2 Variation of Licence Conditions	32
5 Policy Hours Licensed Hours	34
5.1 Developing a Policy on Licensed Hours	34
5.2 Reasons for the Policy Approach	34
5.3 Pilot Scheme – 1am Terminal Licensed Hour for On Sales Premises in the City Centre	35
5.3.1 Closing Date for Major Variation Applications as Part of the Pilot Scheme	35
5.3.2 Criteria to be Considered	35
5.3.3 12 Month Review	36
5.4 Presumption against 24 hour licences	36
5.5 Standard Policy on Licensed Hours – On Sales	36
5.6 Possible Exceptions – On Sales	36
5.6.1 Nightclubs within the City Centre	37
5.6.2 Late Opening Premises	37
5.6.3 Restaurants	38
5.6.4 Function Suites	38
5.6.5 Hotels	38
5.6.6 Casinos	39
5.6.7 Outdoor Areas	39
5.6.8 Non-Conventional Premises	39
5.7 Monitoring and Enforcement of Licensed Hours	39
5.8 Licensed Hours – Off Sales	39
5.9 Factors to be taken into account	40
6 Policy relative to Children and Young Persons' Access to On- Sales Licensed Premises	42
6.1 Reasons for the Policy Approach	42

6.2	Hours of Access	42
6.3	Functions.....	43
6.4	Conditions	43
7	Overprovision Assessment and the General Approach to the Consideration of Overprovision	45
7.1	Background - The Duty to Assess Overprovision	45
7.2	How is Overprovision to be Determined?.....	45
7.3	Guidance on Carrying out the Overprovision Assessment	45
7.4	Purpose of an Overprovision Assessment	45
7.5	Development of the Pro-Active Assessment of Overprovision	46
7.6	The Overprovision Localities.....	46
7.7	The Rebuttable Presumption and the Board's Discretion	47
7.8	General Approach.....	48
(1)	Determining Localities – Individual Applications	48
(2)	Determining the Comparator - “Licensed Premises” or “Licensed Premises of the Same or Similar Description.”	48
(3)	Assessing the Cumulative Impact of Licensed Premises or Licensed Premises of the Same or Similar Description	48
7.9	General Concerns Regarding the Number and Capacities of Off-Sales Premises	49
8	Policy on Occasional Licences and Extended Hours Applications	51
8.1	Occasional Licences	51
8.2	Nature of the Event	51
8.3	Documentation for Occasional Licence Application.....	52
8.4	Licensed Hours	53
8.5	Processing Timescales – Occasional Licences.....	53
8.6	Occasional Licence – Style Conditions	53
8.7	Applications for Extended Hours	53
8.8	Festive Period Extensions	54
8.9	Restriction on Number of Extended Hours Applications	54
8.10	Nature of the Event	54
8.11	Processing Timescales – Extended Hours	55
9	Policy relative to Off-Sales Licensed Premises.....	57
9.1	Reasons for the Policy Approach	57
9.2	Off-sales and the Licensing Objective of Protecting and Improving Public Health	57
9.3	Alcohol Deliveries	58
9.4	Suitability of Premises for Off-Sales: Factors to be taken into account	59
9.5	Mitigation of Issues of Concern	59
9.6	Increase in Off-Sales Capacity	59
9.7	Determination of Applications	59
10	Policy relative to the use of Toughened Glass and other recognised Safety Products in Licensed Premises.....	61
10.1	Reasons for the Policy Approach	61
10.2	Effect of Policy.....	61
10.3	Exemptions.....	62
10.4	Enforcement Policy	62
10.5	The use of Non-Conventional Glassware Generally.....	62
11	Policy on the prevention of malicious or ill-intentioned conduct associated with the management of Licensed Premises	65
11.1	Reasons for the Policy Approach	65
11.2	Effect of Policy.....	66
11.3	Enforcement	66
12	Policy relating to the management of Outdoor Drinking Areas.....	68
12.1	Reasons for the Policy Approach	68
12.2	Applications for Outdoor Drinking Facilities	68
12.3	Removal of Street Furniture	69
12.4	Monitoring and Supervision of Outdoor Area.....	69
13	Monitoring, Compliance and Enforcement	72
13.1	Monitoring of Policies and Conditions	72
13.2	Enforcement Action by the Licensing Board – General Principles.....	72
	Appendix One: Style Conditions.....	73
	Appendix Two: Scheme of Delegation	84
	Appendix Three: Map of the City Centre Area	87
	Appendix Four: Maps of Overprovision Localities	88
	Appendix Five: Summary of Conclusions on Licensed Hours from the Consultation and Evidence Gathering Process	102

Foreword



The Covid – 19 pandemic was indeed a world changing epidemic, and perhaps, more so for the licensing trade and night time economy throughout Scotland, and, in particular, Glasgow itself.

The pandemic and subsequent lockdowns interrupted the 4am pilot scheme, which had to be extended in order to fully appreciate and determine the best way forward for the Glasgow licensing trade, and the public in general.

We are now in a position, having heard representations from the licensing trade, community councils, licensing agents, health representatives and the public at large to formulate a comprehensive, modern and progressive Policy Statement for the next five years, placing Glasgow at the forefront of licensing.

An almighty thank you is due to all who took the time and effort to either meet with the Board in person, or respond to the consultation. These contributions proved to be invaluable to the formulation of the new Policy Statement.

However, the Board is fully cognisant of the potential harms of alcohol, where excessive consumption can cause irreversible damage to parts of the body such as liver and the brain, and can contribute to the development of cancer, stroke, heart disease, not to mention mental health and well-being issues, and family break ups. There is no doubt that Scotland as a whole has a problematic relationship with the consumption of alcohol and the Board, with these facts in mind, has endeavoured to promote a cultural shift towards a more balanced relationship with alcohol, to help alleviate these problems through this new Policy Statement, encouraging a more ‘European approach’ to drinking and socialising through outside areas promoting a café style ambience, and extended hours which will hopefully add to the substantial progress that has already been made to ensure that alcohol is no longer a scourge on the lives of Glaswegians.

Finally, it would be remiss of me not to mention and thank the dedicated, hard work of the officers of the licensing team, without whose tireless work and effort the production of this Policy Statement would not have been possible.

It is therefore my great privilege, as Chair of the Glasgow Licensing Board, on behalf of the Board, to present the new Policy Statement, in the hope that Glaswegians can enjoy the consumption of alcohol safely, in appropriate quantities housed in safe environments. So let’s raise a glass to the health of our citizens and the wealth of our economy – a delicate balance indeed.

Bailie Margaret Morgan

Convener, City of Glasgow Licensing Board

November 2023

Interpretation

In this Licensing Policy Statement the following terms are referred to:-

2021 Regulations has the meaning given to it in section 2.4.13;

the Act refers to the Licensing (Scotland) Act 2005, as amended;

Agent of Change has the meaning given to it in section 2.4.11 of this Policy Statement;

Alcohol Management Plan means the plan prepared by an applicant detailing the intended operation of the proposed site under an Occasional Licence;

Appendix means an appendix to this Policy Statement;

Ask for Angela has the meaning given to it in section 2.4.14;

Best Bar None means the national accreditation and award scheme for licensed premises;

Board or **Licensing Board** refers to the city of Glasgow licensing board constituted in terms of section 5 and schedule 1 of the Act.

Board's Policy on the Festive Period has the definition provided in section 8.8 of this Policy Statement;

Building Standards means the Council's building standards and public safety department;

CCTV means closed circuit television;

Chief constable means the chief constable of Police Scotland;

Children means persons under the age of 16 years;

city centre refers to the area in Glasgow enclosed by the west side of High Street, the west side of Saltmarket, the north side of the River Clyde, the west side of North Street, the north side of Renfrew Street, the west side of Cambridge Street, the south side of Cowcaddens, the west side of North Hanover Street, the north side of Cathedral Street and the west side of Castle Street. A plan of the city centre area is included within Appendix three of this Policy Statement;

the clerk means the clerk to the Licensing Board appointed under paragraph 8 of schedule 1 of the Act;

the Council means Glasgow City Council, a local authority in terms of the Local Government (Scotland) Act 1994 having its principal place of business at the City Chambers, George Square, Glasgow, G2 1DU;

Council's Equality Outcomes for 2021-2025 are the equality outcomes agreed by the Council for the period 2021 to 2025;

Councillors Code of Conduct means the code of conduct published by the Standard Commission for Scotland;

Environmental Health means the Council's environmental health department;

Extended Hours has the same meaning as defined in section 68 of the Act;

Glasgow City Development Plan means the development plan for Glasgow as required under the Town and Country Planning (Scotland) Act 1997;

Guidance refers to the guidance for Licensing Boards produced by the Scottish Ministers in accordance with section 142 of the Act which was in force when this Policy Statement was produced;

Information Commissioner means the United Kingdom information commissioner and any successor;

Late opening premises has the meaning given in section 10.2 of this Policy Statement;

Layout Plan means the document forming part of a Premises Licence and setting out details of such matters are required under The Premises Licence (Scotland) Regulations 2007;

Licensing Office Manager means the office manager within the licensing section of the Council;

Licensing Objectives or **Objectives** refers to the licensing objectives set out in section 4 of the Act. These are preventing crime and disorder, securing public safety, preventing public nuisance, protecting and improving public health and protecting children and young persons from harm;

Licensing Standards Officer means an officer appointed under section 13 of the Act;

Local Licensing Forum means the Glasgow local licensing forum established under section 10 of the Act;

NHS GGC means the national health service greater Glasgow and clyde, having its head office at JB Russell House, Gartnavel Royal Hospital Campus, 1055 Great Western Road, Glasgow;

Occasional Licence has the same meaning as defined in section 56 of the Act;

Operating Plan means the document forming part of a Premises Licence setting out details of the nature of the operation of the premises and the licensed hours;

Overprovision Localities are detailed within section 7.6 of this Policy Statement;

Part means a part of this Policy Statement;

Police Scotland means the police service of Scotland having its headquarters at Tulliallan Castle, Kincardine;

Policy Statement refers to this licensing policy statement produced by Licensing Board in terms of section 6 of the Act;

Premises Licence means a licence granted under section 23 of the Act;

Premises Licence Review Application means an application under section 36 of the Act;

Premises Licence Review Hearing means a hearing under section 38 of the Act;

Provisional Premises Licence means a licence under section 45 of the Act;

Roads Authority means the roads authority under section 151 of the Roads Scotland Act 1984;

Safe Glasgow Partnership has the meaning given to it within section 2.4.4 of this Policy Statement;

Scottish Crime and Justice Survey means the Scottish crime and justice survey published on 1 November 2011;

Scottish Fire and Rescue Service is a body corporate established under the Police and Fire Reform (Scotland) Act 2012 and having its registered headquarters at Westburn Drive, Cambuslang, G72 7NA;

Security Industry Authority or **SIA** is the regulator of the United Kingdom's private security industry, registered address PO Box 74957, London;

Standard Commission for Scotland means the standard commission for Scotland having its registered office at Room T2.21, Scottish Parliament, Edinburgh, EH99 1SP;

Table means the table detailed at section 8.3; and

Young Persons means persons aged 16 or 17 years.

Part One

Introduction

This Part provides a background to the Policy Statement and an introduction to the city of Glasgow and the issues particular to the city.

1 Introduction

1.1 Background to the Policy Statement

This Policy Statement is published under section 6 of the Act and states how the Licensing Board will exercise its licensing functions in order to promote the five Licensing Objectives set out in section 6 of the Act which are:

- Preventing Crime and Disorder;
- Securing Public Safety;
- Preventing Public Nuisance;
- Protecting and Improving Public Health; and
- Protecting Children and Young Persons from Harm.

These Licensing Objectives underpin each of the individual policies set out in this Policy Statement and are at the heart of the Board's decision making process.

The aim of this Policy Statement is to ensure that licensed premises have a positive impact on their locality and where any premises do cause problems, they are addressed swiftly and in the most appropriate manner. While the Board is keen to see the night time and leisure economies in the city prosper, this must not be to the detriment of our local communities.

The Board is committed to continue partnership working with all those with an interest in the licensing process in order to promote the Licensing Objectives. This Policy Statement aims to encourage and support well-run, responsible licensed premises that meet the diverse needs of the city and that contribute to making and keeping our neighbourhoods places in which people want to live, work and relax. In doing this, it can also contribute towards maintaining Glasgow's reputation as an international destination with a safe, vibrant and varied licensed trade.

1.2 Glasgow and the Licensed Trade

It goes without saying that Glasgow is the leading light for Scotland's night-time economy.

As a whole, the city's offering of pubs, clubs, restaurants, hotels and other late night services generates a significant amount of money every year, supporting close to 17,000 jobs.

It is a remarkable demonstration of economic power, but perhaps comes as no surprise given the scale and diversity of Glasgow's night time estate, which encompasses internationally renowned concert venues, cutting edge clubs, innovative bars and top quality hotels. All of which is fuelled by a dazzling array of festivals for art, film and music along with a succession of major sporting events.

With around 1900 licensed premises in the city, Glasgow's licensed trade plays a vital role in the city's economy. However, the importance of the sale of alcohol to our economy does not come without a significant cost to the city.

The city experiences the highest rate of alcohol-related hospital admission in the country.

Amid this concern, the Licensing Board's role as the regulator for the sale of alcohol is crucial. The Board wants to see the trade thrive and flourish, but it also has clear responsibilities to ensure that the trade continues to uphold the five Licensing Objectives.

Achieving the appropriate balance continues to be a challenge for the Board, both in terms of the individual decisions that are taken and also in the development of this Policy Statement. The overall objective is always to see the highest possible standards delivered by the city's licensed trade as a matter of course. To achieve this, the Board has sought to use the Policy Statement as a means to incentivise best practice within Glasgow's pubs, clubs, restaurants and other licensed premises.

The 12 month pilot of a 1am terminal licensed hour for licensed on sales premises within the city centre is a good example of this approach. The additional hour will only be available to licence holders that can demonstrate a level of excellence in the way they manage their premises, similar to the previous 12 month pilot scheme for nightclubs in 2019. Factors such as a commitment to staff training, good employment practices, investment in safety and security could all help make the case for the additional licensed hour. In other words, if a licence holder wants an extra hour of opening for their venue as part of this pilot, then they have to show a willingness to go the extra mile with how they operate.

The basic approach of encouraging best practice among the city's licence holders can be found throughout this Policy Statement. It is driven by the Board's desire to see Glasgow's night time economy continue to be the biggest and brightest, but also for its licensed trade to lead the way on its responsibilities to the wider community.

Part Two

The Licensing Board's Approach to the Licensing Process

This Part outlines the role of the Licensing Board, its general approach to liquor licensing and how that approach may be integrated with other strategies and initiatives affecting the city.

2 The Licensing Board's Approach to the Licensing Process

2.1 The Role of the Licensing Board

Under the Act, Licensing Boards continue to be entrusted with the administration of the liquor licensing system in Scotland. Schedule 1 to the Act provides that a Licensing Board shall consist of such number of members (being not fewer than five and not more than ten) as may be determined by the relevant council. Members of a Licensing Board must be appointed by the Council from amongst their councillors. The quorum for a meeting of a Licensing Board is one half of the number of members, but in any case no fewer than three.

Members of the Licensing Board are to be appointed at the first council meeting held after the local government elections. However, it is important to note that Licensing Boards are a separate legal entity from councils, having their own constitution and statutory procedures which are distinct from those applicable to councils and their committees.

A list of the current members of the Licensing Board is available on the Council's website at:-

<http://www.glasgow.gov.uk/councillorsandcommittees>

Whilst the Act is silent in terms of how members of the Licensing Board should exercise their functions separately from their role as councillors, the Board is a quasi-judicial body. When considering applications, the Licensing Board must listen impartially to submissions made by all relevant parties before making a reasoned determination. When considering applications or when hearing a review, the rules of natural justice must be applied.

Members of the Board also take account of the terms of the Councillors' Code of Conduct published by the Standards Commission for Scotland which sets out the need to ensure that there is a proper and fair hearing for all regulatory decision making, including liquor licensing, and that there is no suggestion of pre-judging or bias in the consideration of any applications before the Board.

Accordingly Licensing Board members may declare an interest and not participate in the consideration of any licensing matter in respect of which they have had any prior involvement either personally or in their capacity as a councillor if they feel that such prior involvement would compromise their impartiality.

The Licensing Board will carry out all functions under the Act with a view to promoting the five Licensing Objectives.

2.2 The Statement of Licensing Policy

The Act requires the Licensing Board to prepare and publish a Licensing Policy Statement within 18 months of the date of the local government elections with respect to the exercise of its functions under the Act. During the period of effect, the Licensing Board will keep its Policy Statement under review and make such revisions to it as and when it considers it necessary and appropriate. Where revisions are made, the Licensing Board will carry out a further consultation process before publishing a supplementary licensing policy statement.

This Policy Statement will be the fifth such document to be issued by the Board. This Policy Statement will cover the period from 5 November 2023 up to the period ending 18 months after the next local government elections, although it may be reviewed at any time if there is a sufficient reason to do so.

Having regard to the terms of this Policy Statement, the Board will seek to promote the principles of fairness, proportionality and equal treatment in its approach to liquor licensing within the Glasgow area. Whilst every application will be considered on its own merits, this Policy Statement is designed to provide licence holders, prospective licence holders, members of the public and responsible authorities such as Police Scotland and Scottish Fire and Rescue Service, with information in advance on the Licensing Board's general approach to the making of licensing decisions. The Board will expect compliance with any requirements of the Policy Statement but will consider any requests for exemptions on their merits.

This Policy Statement has been prepared having regard to the provisions of the current Guidance.

2.3 Policy Development

In the development of this Policy Statement the Licensing Board carried out a comprehensive and wide ranging online pre-consultation survey to establish views on the content of its policies. The Board was keen to take account of as many views as possible in preparing the draft and it therefore invited views on a range of issues from a variety of individuals and organisations with an interest in the licensing process. This has ensured that there is a reliable and credible basis for the development of the policies set out in this Policy Statement in pursuance of one or more of the Licensing Objectives.

2.3.1 Pre-Consultation Evidence Gathering

The Board prepared an online pre-consultation survey. Views on the development of this new Policy Statement were sought from the following interested parties as part of the evidence gathering process:-

- Elected members within the Council;
- Community Councils;
- Police Scotland;
- Scottish Fire and Rescue Service;
- Glasgow City Health and Social Care Partnership;
- Local Licensing Forum members;
- Various representatives and organisations from the licensed trade;
- Glasgow Chamber of Commerce;
- The Council's Environmental Health and Licensing Standards Section;
- Alcohol Focus Scotland;
- The Scottish Trade Union Congress;
- Barnardo's;
- Unite the Union;
- Independent Workers Union of Great Britain; and
- Food delivery companies.

2.3.2 Evidence Sessions

As part of this evidence gathering process, the Licensing Board held four evidence sessions. The sessions allowed those who had submitted responses to the pre-consultation an opportunity to address the Board on their views regarding the development of this Policy Statement and to allow the Board to test and examine the basis of any evidence in support of those views.

The evidence sessions were held on 31 January 2023 and 2 February 2023. Full transcripts of the evidence sessions are available from the Licensing Board on request.

2.3.3 Recommendations from the Local Licensing Forum

The Licensing Board also requested that the Local Licensing Forum establish a subgroup to consider the Board's general approach to overprovision, outdoor areas and its policy on licensed hours in order that it could make recommendations to the Board as part of the pre-consultation process. A report was approved by the Local Licensing Forum in relation to licensed hours and outdoor areas at its meeting on 14 March 2023. A report was approved by the Local Licensing Forum in relation to overprovision at its meeting on 9 May 2023. Both reports were referred to the Board for consideration in the development of this Policy Statement.

A copy of the approved reports together with the supporting evidence gathered, are available via the following links:

14 March 2023

<https://www.glasgow.gov.uk/councillorsandcommittees/agenda.asp?meetingid=18698>

9 May 2023

<https://www.glasgow.gov.uk/councillorsandcommittees/agenda.asp?meetingid=18585>

2.3.4 Focus Group Event

In order to engage directly with representatives from the licensed trade and local residents throughout the city, the Licensing Board held a focus group event in the Council's City Chambers on 21 April 2023. This event was attended by over 50 individuals, including representatives from Police Scotland, Licensing Standards, Community Safety Glasgow, and Alcohol and Drug Partnership.

The focus group event was facilitated by the Clerk, with Licensing Board members joining in discussions with the individual groups and providing their own reflections and observations on the discussions.

Topics discussed during the focus group event included overprovision, licensed hours and outdoor licensed areas. The event generated a range of views, with a great deal of respect shown by all involved for the different perspectives on licensing issues.

2.3.5 Evaluation of Evidence

Following completion of the pre-consultation exercise and evidence gathering process, the Board met on 19 May 2023. During this meeting members extensively considered and discussed all of the views and evidence submitted in order to prepare the draft version of this Policy Statement (excluding Part 7) and separately a draft document titled "Overprovision Assessment and General Approach to the Consideration of Overprovision" to be issued for full public consultation.

2.3.6 Public Consultation and Community Engagement Events

The Board's draft Policy Statement and separately Overprovision Assessment and General Approach to the Consideration of Overprovision were open for public consultation from 19 July 2023 to 27 September 2023, both dates inclusive. The consultation for each draft was online and available via the Council's consultation hub. Consultation responses to each draft were online by way of a survey. A link to each consultation was issued to licensing agents, Local Licensing Forum members, community councils within Glasgow and union representatives. During the consultation period the Board also held a series of community engagement events across the city to provide an opportunity for members of the public and licence holders to discuss any of the proposals within the draft documents.

In considering all of the consultation responses, the Board kept in mind the need to continue to promote the Licensing Objectives within its policies and at the same time maintain a strong, vibrant and diverse licensed trade. The Board is of the view that having consulted as widely as possible on the development of this Policy Statement, it has achieved that aim.

2.4 Integration with Strategies and Initiatives

In developing this Policy Statement and in carrying out the pre-consultation exercise described above, the Licensing Board had regard to local and national strategies, particularly those connected with alcohol and the operation of the night-time economy such as community safety, crime and disorder, public health and transport. This part of the Policy Statement identifies those related strategies and sets out how they might integrate with the functions carried out by the Licensing Board:-

2.4.1 Public Health

Glasgow continues to have the highest alcohol related hospital admissions rate to acute services in Scotland and also the highest alcohol related death rate.

Against this background, all those involved in the licensing process must continue to play their part in helping to transform the city's unhealthy relationship with alcohol, and to bring about a healthier culture of alcohol consumption.

In developing this Policy Statement, the Licensing Board has focused on the need to promote the Licensing Objective of Protecting and Improving Public Health, particularly in relation to its policies on licensed hours and overprovision.

2.4.2 Crime and Disorder

It is widely acknowledged that the consumption of alcohol can be a significant contributory factor in late night crime and disorder and in certain types of antisocial behaviour. The Scottish Crime and Justice Survey for 2010/2011 revealed that in 63% of violent crime measured by the survey, victims said that the offender(s) were under the influence of alcohol. Gender based violence issues also have strong associations with alcohol consumption (domestic abuse, sexual violence, trafficked women and children, commercial sexual exploitation). While licensing alone cannot directly address these they are nonetheless significant issues within the crime and disorder, health, community safety and child protection agendas. The Licensing Board, in partnership with Police Scotland and other local agencies, is committed to playing its part in helping to reduce alcohol related crime and disorder and antisocial behaviour problems.

The Licensing Board acknowledges that licensing is not the primary mechanism for the control of public nuisance and antisocial behaviour once individuals have left licensed premises. Nevertheless the Board considers that licensing plays a key role in both preventing and controlling alcohol related crime and disorder and antisocial behaviour through the promotion of the Licensing Objectives and the monitoring and enforcement of licensed premises.

2.4.3 Environmental Health and Building Standards

Before determining any application for a Premises Licence, Provisional Premises Licence or variation of a Premises Licence, the Licensing Board will consult with the Council's Building Standards and separately the Council's Environmental Health in order to satisfy itself regarding the safety and suitability of the premises for the sale of alcohol – in pursuance of the Licensing Objectives of Securing Public Safety; Preventing Public Nuisance and Protecting and Improving Public Health.

2.4.4 Safe Glasgow Partnership

The Council has created a safe theme partnership within a remodelled community planning partnership structure, involving community planning partnership partners directly involved in a scrutiny role for Police Scotland and Scottish Fire and Rescue Services. This group is known as the Safe Glasgow Partnership and ensures maximum collaboration and participation from the community planning partnership partners.

The main role of the Safe Glasgow Partnership is to scrutinise and review the Glasgow police, fire and rescue and safer communities plans. The Licensing Board will work with the Safe Glasgow Partnership, where appropriate, with a view to promoting the Licensing Objectives of Preventing Crime and Disorder, Securing Public Safety and Preventing Public Nuisance, particularly where alcohol is a priority issue.

2.4.5 The Local Licensing Forum

In terms of section 10 of the Act, the Licensing Board is required to hold at least one joint meeting each calendar year with the Local Licensing Forum for the Glasgow area. The Local Licensing Forum was established by the Council in June 2007 as a body independent from the Licensing Board and its membership comprises individuals who are representative of premises and personal licence holders, Police Scotland, community council representatives, NHS GGC, elected members of the Council, licensing agents and trade representatives.

The Local Licensing Forum can give advice, make representations and provide recommendations to the Licensing Board on general liquor licensing matters, but not with regard to individual cases. If the Licensing Board decides not to follow the advice or recommendations of the Local Licensing Forum, it must provide the Forum with reasons for its decision. The Licensing Board must also provide the Local Licensing Forum with any statistical information requested, for example, the number of Premises Licences issued, which is reasonably required for the Forum's general functions. The Licensing Board will liaise and consult with the Local Licensing Forum where appropriate.

The Local Licensing Forum has been consulted with regard to the development of this Policy Statement.

2.4.6 Children and Young People

The Licensing Board is aware of the significant local and national debate on the issue of children being adversely affected by alcohol use, whether via personal use or use by a parent, relative or guardian.

The Licensing Board recognises that a greater understanding of the impact on Children of alcohol misuse is required in the community in order to assist in bringing about the required changes in both culture and attitudes. In pursuance of the Licensing Objective of Protecting Children and Young Persons from Harm, the Licensing Board will consider the likely impact on Children of any proposals placed before it and will attach, where appropriate, conditions relating to the terms upon which Children may have access to licensed premises.

The Licensing Board will continue to support any changes in culture and attitudes designed to reduce the misuse of alcohol in the city particularly affecting Children and Young Persons. The Licensing Board hopes that licence holders will assist in the process by seeking to provide, where appropriate, a safe environment for Children and Young Persons in their premises rather than seeking to exclude them.

2.4.7 Equality Issues

The Equality Act 2010 applies to everyone, both in the public and private sector. It restated that people are protected from discrimination based on the following protected characteristics:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

A key measure within the Equality Act 2010 is the public sector equality duty which came into force on 5 April 2011. This duty requires public bodies, including the Board, to be pro-active in tackling discrimination by:

- eliminating discrimination;
- promoting equality of opportunity; and
- fostering good relations between those who share a protected characteristic and those who do not.

The equality duty is supported by the specific duties set out by the Scottish Ministers to apply to some public authorities, including the Board. The Board is required to take various steps to enable better performance of the general equality duty. This includes reporting on the mainstreaming of the general equality duty, publishing equality outcomes and reporting progress on meeting the outcomes and impact assessing both new and existing policies.

The reporting and assessment of these outcomes is undertaken through the [Council's Equality Outcomes for 2021-2025](#), which is shared and adopted by the Board.

2.4.8 Tourism and Leisure

Tourism and leisure have been amongst the fastest growing industries in Glasgow in recent years. As an UNESCO city of music, Glasgow is widely recognised as a major international musical centre. The city hosts numerous large music events attracting many thousands of visitors such as the TRNSMT Festival, the Merchant City Festival, the West End Festival, Glasgow Summer Sessions, Celtic Connections and the World Pipe Band Championships.

The sporting and cultural legacy from the Glasgow 2014 Commonwealth Games continues to shine, with the city hosting the inaugural European Championships in 2018, UEFA Euro 2020 Championships and the world's largest cycling event the UCI Cycling World Championships in 2023. The Board will continue to play its part in developing and sustaining a lasting legacy for the city.

2.4.9 Transport

The Licensing Board will, where appropriate, continue to liaise with the various bodies who are responsible for transport policy issues in order to ensure, so far as practicable, that adequate public transport arrangements exist to and from areas within the city where there is a high concentration of licensed premises. This is of particular importance in supporting the city's night time economy, ensuring that there are safe and reliable transport options available for both customers and staff leaving licensed premises late at night and in the early hours of the morning.

Ultimately, however, issues related to transport infrastructure and providing more sustainable travel options, as well as a more integrated and efficient transport network, will remain the primary remit of the Council's planning section through the Glasgow City Development Plan.

2.4.10 Night-time Economy

The Board recognises the importance of a vibrant night-time economy for the city of Glasgow. The Board is aware that licensed premises play a crucial part in the night-time economy both directly and indirectly. It is important that licence holders understand their responsibilities in securing a safe environment for their customers. By adhering to their responsibilities, licence holders can assist in making their premises and the city in general a welcoming experience for both regular customers and visitors to the city.

2.4.11 Agent of Change

The Licensing Board is aware of anticipated changes to the planning framework in relation to the "Agent of Change" principle. This recognises that complaints about noise nuisance can place particular pressure on licensed premises, and in particular music venues. This can potentially lead to additional costs for licence holders to address negative impacts, or to cease certain activities such as live music, or, in some cases, endanger the viability of the premises altogether. These complaints can often be generated as a result of new developments, both residential and commercial, being built in the vicinity of existing licensed premises.

The Agent of Change principle clearly places the responsibility for mitigating any detrimental impact of noise on neighbours with those carrying out the new development or operations. For example, where a new residential or commercial property is to be developed within the vicinity of an existing licensed music venue, the responsibility for mitigating any adverse impact should sit with the developer, as the "agent of change". Conversely, if a new music venue is proposed, or an existing venue is to be extended, that responsibility would be with the venue operator.

The Licensing Board believes it is appropriate to have regard to the Agent of Change principle in considering licence applications and in particular the weight to be attached to objections to applications for variation of Premises Licences and to complaints regarding the operation of existing licensed premises.

The Licensing Board acknowledges that Environmental Health officers in Glasgow seek to take a pragmatic, measured and proportionate approach to noise nuisance and that appropriate action will continue to be taken where this is related to the poor management of licensed premises rather than structural issues.

2.4.12 Making Glasgow a cleaner, greener and safer city

As a business, licensed premises have a duty of care to manage their waste responsibly. The Licensing Board is aware that a significant number of complaints made to Licensing Standards Officers relate to waste disposal from licensed premises and litter left by customers in the surrounding area. Licensed holders are expected to comply with their legal responsibilities under the Environmental Protection Act 1990 and the Waste (Scotland) Regulations 2012 and to take ownership for dealing with any litter caused by customers leaving their premises or using outdoor licensed areas.

2.4.13 Legislative Change on Single Use Plastics

The Licensing Board is aware that the use of certain single use plastics within Scotland is now banned under The Environmental Protection (Single-use Plastic

Products) (Scotland) Regulations 2021 (“**2021 Regulations**”). The Licensing Board would expect all licence holders to comply with the 2021 Regulations.

2.4.14 Pub Watch and Club Watch (as part of the Night Time Industry Association)

The pub watch and club watch (as part of the night time industry association) schemes aim to establish improved links between the licensed trade, Police Scotland, Licensing Standards Officers and other relevant authorities. They provide a forum for identifying common problems faced by licence holders relating to antisocial behaviour, crime, violence and disorder with a view to improving communication and sharing good practices. Each pub watch and club watch (as part of the night time industry association) group across the city aims to promote the Licensing Objectives and the Board strongly supports and encourages licensed premises’ participation in such schemes.

The Board believes that such groups provide a great opportunity to share good practice and to increase uptake of schemes such as “Ask for Angela”. This is a campaign which encourages people to discreetly ask for help by going to the bar and “Ask for Angela”- a phrase aimed at alerting bar staff to the cry for help so they can help defuse the situation.

Trained staff will then take them to a safe space where they can explain their issue and get a taxi, friend or family member to pick them up. The worker can then tell the other person to leave or phone the police if they believe a criminal offence has occurred.

The Licensing Board wishes to actively encourage more licence holders to adopt this and other similar schemes aimed at promoting safety in the operation of licensed premises.

2.4.15 Safety of Workers and Employees within Licensed Premises

The Licensing Board acknowledges that it has no specific remit in relation to health and safety issues involving staff working within licensed premises. It does however recognise that there will be occasions where the safety of staff may be compromised by customers who are intoxicated, particularly where they have been refused service or access to the premises. The Board therefore believes that licence holders have an added responsibility towards their staff flowing from issues directly relating to the sale of alcohol and the specific provisions of their licence.

The Board is aware of various concerns raised by workers and unions in relation to licence holders ensuring staff, who work later hours within licensed premises, get home safely after finishing a shift either late in the evening or early morning. The Board believes that all licence holders, and particularly those operating or applying for later licensed hours, should consider what arrangements are in place for staff getting home safely after the premises have closed when transportation options may be more limited. The Licensing Board is greatly encouraged by the “safe home” initiatives adopted by some licence holders for their staff and would expect other licence holders to take a similar approach to the safety of staff working within their premises later at night.

The Board also welcomes the growing number of campaigns and initiatives aimed at improving pay and conditions for staff working within the hospitality sector and expects that licence holders in Glasgow will lead the way in helping to eliminate unfair working practices within the licensed trade.

The Board expects licence holders to ensure that adequate training is provided to all staff working within licensed premises in order to support them in relation to any risks associated with the sale of alcohol on the premises and any other permitted activities taking place on the premises.

The Board would also expect licence holders to ensure that individuals undertaking the role of a door steward, which the Board recognises can be a challenging role, are properly qualified to do so under the Security Industry Authority (SIA) licensing scheme.

By consulting as widely as possible on the preparation and development of this Policy Statement the Licensing Board has endeavoured to secure proper and effective integration with both local and national policies and strategies.

2.5 Guidance Notes

There are guidance notes in relation to application processes, including the process for making objections and Premises Licence Review Applications, available on the Licensing Board's pages of the Council's website at:-

<https://www.glasgow.gov.uk/index.aspx?articleid=17579>

2.6 Avoidance of Duplication

The Licensing Board recognises that the Council and other bodies are responsible for enforcing and regulating statutory regimes which may directly or indirectly impact on the licensing process, such as health, transport, planning and building standards. As such, the Licensing Board will seek to avoid duplication with other regulatory regimes when exercising its licensing functions.

Part Three

The Licensing Objectives

This Part refers to the Licensing Objectives as set out in section 4 of the Act and explains how the Licensing Board will generally approach the decision making process in pursuance of these Objectives.

3 The Licensing Objectives

3.1 The Licensing Objectives

Five high level Licensing Objectives have been established which are designed to represent the principles upon which the Act is based, to provide Licensing Boards with a solid foundation upon which to build and develop their own local policies.

These 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.

It is hoped that the application and development of these Objectives, which are enshrined in the Act and referred to throughout this Policy Statement, will help promote an environment for social drinking which is safe and welcoming for all. This is an extremely important aspiration for the Licensing Board.

The application of the Licensing Objectives will be of paramount importance to the Licensing Board in carrying out its functions under the Act. Whilst this Policy Statement sets out the Board's general approach to the making of licensing decisions in accordance with the Licensing Objectives, it does not override the right of any person to make representations on an individual application or to seek a review of a licence where such provision has been made in the Act.

3.2 Written Policies and Procedures

While the production of written policies and procedures are not required as part of the licensing process, the Licensing Board has a strong expectation that all applicants and holders of a Premises Licence will have adopted and implemented relevant written policies and procedures in relation to the safe and responsible operation of their business with regard to the sale of alcohol and other activities taking place on their premises. Licence holders should ensure that staff within the premises will receive proper training and, where appropriate, refresher training on these written policies and procedures.

Normally, written policies and procedures should be specific to the premises and to the activities intended to be carried on in those premises in terms of its Operating Plan, taking account of the Licensing Objectives, the proposed licensed hours, the location of the premises, the individual style and characteristics of the premises and the anticipated number of persons who will be on the premises.

3.3 Prevention of Crime and Disorder Reasons for the Policy Approach

The Licensing Board recognises that licensed premises can be a source of disturbance and consequently crime and disorder. Local crime statistics indicate that in many cases the consumption of alcohol contributes adversely to the levels of crime and disorder.

Given the established links between alcohol and crime and disorder, the Licensing Board recognises that both the volume of alcohol consumed and the drinking environment can contribute to the likelihood of alcohol related crime and disorder and that tackling these issues could have an effect upon the incidence of crime and disorder. As such, the Licensing Board considers that good management practices in licensed premises can often make an important difference to the level of alcohol related crime in the vicinity of licensed premises.

Accordingly the Licensing Board would recommend that licence holders should have developed and implemented written policies and procedures setting out, amongst other matters, how they intend to address crime and disorder issues which may arise on their premises, through their management practices. This may be through a range of measures such as the use of CCTV, the provision of Security Industry Agency registered door supervisors, by way of the design of the premises or the mode of operation of the premises during the licensed hours.

Where CCTV is provided, licence holders should seek to ensure that it is operated at all times in accordance with the terms of the Data Protection Act 2018, the General Data Protection Regulation and guidelines produced by the Information Commissioner. Licence holders should also cooperate with Police Scotland regarding the handing over of any CCTV footage requested for the purposes of crime prevention and detection.

In relation to new applications for a Premises Licence for off-sales, the Board will generally require all such premises to have a fully operational CCTV system. Generally only minimum levels of CCTV to cover entrances, exits and the till areas, to a standard to enable facial recognition, will be required in such premises. In addition, in relation to new applications for a Premises Licence to incorporate an outdoor area, Occasional Licence for an outdoor area or a variation application to include an outdoor area, the Board will now generally require the premises to have a fully operational CCTV system for the outdoor licensed area.

In relation to any licensed premises, a fully operational CCTV system may be considered necessary and appropriate for the purposes of the Licensing Objective of Preventing Crime and Disorder where the individual premises, or the type of premises, have become, or are likely to be, associated with high levels of crime or disorder. In these cases, for example as part of a Premises Licence Review Application, the Board would expect Police Scotland to indicate why and to what extent CCTV was being requested if this is recommended as a condition of the licence.

Conditions may require the installation, maintenance, and operation of appropriately sited CCTV cameras and recording systems, which can provide images in all light conditions of a quality to enable facial recognition and be suitable for use as evidence, where it is considered necessary and reasonable to do so. Conditions may also require that images should be retained for a specific period of time and that staff should be trained and authorised to make these images readily available to Police Scotland and Licensing Standards Officers.

In pursuance of the Licensing Objective Preventing Crime and Disorder, it is expected that the Licensing Standards Officers will work closely with Police Scotland in order to ensure, so far as reasonably possible, that licensed premises are being operated in accordance with the licence conditions.

Both applicants and licence holders should be prepared to address the Board, if questioned, on what steps have been taken to deal with a particular issue of concern relating to the Prevention of Crime Objective raised by any aspect of their application or in terms of a Premises Licence Review Hearing.

3.4 Securing Public Safety

Reasons for the Policy Approach

While the Licensing Board is committed to taking necessary and appropriate action where the safety of persons visiting and working in licensed premises has been compromised, it remains primarily the responsibility of the Premises Licence holder to provide a safe and secure environment for both members of staff and the public. Premises Licence holders and applicants for a Premises Licence should consider not only the physical layout of the premises but also operational practices in their written policies and procedures in order to demonstrate that they have properly addressed the Licensing Objective of Securing Public Safety.

The steps which Premises Licence holders should take in order to address matters of public safety will vary according to individual premises and the types of entertainment or facilities on offer.

The Licensing Board will normally expect Premises Licence holders to comply with current safety standards and it should be noted that fire safety, including means of escape, will remain an important consideration for the Licensing Board when determining applications. The Licensing Board will liaise closely with the Council's Building Standards, as well as the Scottish Fire and Rescue Service, with a view to ensuring that appropriate standards are applied and maintained.

It is expected that Licensing Standards Officers will conduct periodic inspections of licensed premises in order to ensure that the approved standards are being maintained and that licence conditions, and in particular those relating to issues of public safety, are being observed.

In considering factors relevant to the Licensing Objective of Securing Public Safety when determining Premises Licence applications, Provisional Premises Licence applications and applications for the variation of a Premises Licence, the Licensing Board will apply an occupant capacity figure to licensed premises, having sought guidance from the Council's Building Standards section. Their advice will be based on the information contained within the Operating Plan and Layout Plan for the premises, with particular reference to the means of escape and sanitary provision identified. The capacity figure provided by Building Standards will be taken as the recommended **maximum** occupant capacity. The actual safe **operating** occupant capacity may differ and in many cases will be considerably less. Licence holders should consider the type / nature of the facilities offered to customers, the seating and table arrangements, the current risk assessment for the premises etc in assessing a safe operating capacity and should also take any advice given by the Scottish Fire and Rescue Service in this regard.

The Licensing Board considers that an effective fire management strategy is a key component in addressing the Licensing Objective Securing Public Safety. Premises Licence holders should conduct, develop and maintain a fire risk assessment which achieves the benchmark standards contained within the sector specific guidance published by the Scottish Government in order to promote and maintain suitable / appropriate fire safety standards in the premises and to promote a culture of fire safety amongst staff.

In the context of providing safe access to licensed premises for people with disabilities, the Licensing Board recommends that licence holders become familiar with the provisions of the Equality Act 2010 and of any duties imposed on them in that regard.

Where an Occasional Licence or a temporary Premises Licence is applied for, the Licensing Board will expect applicants to have considered what measures may be required in order to address issues of public safety. The Licensing Board will, where appropriate, consult with the Council's Building Standards and consider any representations received in order to satisfy itself that the premises are safe and suitable for the sale of alcohol.

Both applicants and licence holders should be prepared to address the Board, if questioned, on what steps have been taken to deal with a particular concern relating to public safety raised by any aspect of their application or in terms of a Premises Licence Review Hearing.

3.5 Preventing Public Nuisance

Reasons for the Policy Approach

The Licensing Board is committed to ensuring that the operation of licensed premises do not unreasonably interfere with the peaceful enjoyment or amenity of immediate neighbours or the local community as a whole. The Licensing Board is aware that licensed premises can be associated with issues of public nuisance, particularly those relating to noise levels, light pollution, noxious odours and accumulated waste. These issues are often associated with outdoor drinking areas, particularly where premises are located in predominantly residential areas. In the view of the Licensing Board, such problems can be prevented or at least mitigated by responsible management practices. Such practices could, for example, include double doors, the placing of notices to request customers to leave the premises quietly, the disposal of empty bottles in waste containers at responsible times and not allowing queues to develop outside of premises late at night.

The Licensing Board remains sensitive to the impact of licensed premises on people who have to live and work in the vicinity of licensed premises. If the impact of licensed premises on the surrounding community is disproportionate and unreasonable, or has a marked effect on the amenity of the area to local people, the Licensing Board will take cognisance of such issues when exercising its licensing functions. In particular, the Licensing Board will attach such conditions as it considers necessary or expedient in order to prevent or control the potentially detrimental impact of licensed premises in relation to issues of public nuisance. The Licensing Board has style outdoor area conditions which are intended for guidance only, set out within Appendix One.

The Board is aware that problems arising from people congregating to smoke and to accompany smokers are widespread, with the potential for noise disturbance and nuisance to those living in close proximity to licensed premises, particularly late at night. The Board would therefore encourage licence holders to consider the management of people standing outside premises to minimise the adverse effects on the Licensing Objectives, and in particular the Licensing Objective of Preventing Public Nuisance.

The Board would expect a risk-based approach to be taken to enforcement, with Licensing Standards Officers using a range of escalating informal measures, prior to a Premises Licence Review Application being made in relation to a Premises Licence. If problems from people congregating outside premises persist to the detriment of those living in close proximity to the premises, and the licence holder has failed to take reasonable steps to properly manage its customers, the Board might consider imposing conditions on the Premises Licence if such matters are brought to its attention by way of a Premises Licence Review Application in relation to a Premises Licence.

Both applicants and licence holders should be prepared to address the Board, if questioned, on what steps have been taken to deal with a particular concern relating to public nuisance raised by any aspect of their application or in terms of a Premises Licence Review Hearing.

3.6 Protecting and Improving Public Health

Reasons for the Policy Approach

The Board recognises that the city as a whole has an unhealthy relationship with alcohol, and that alcohol consumption and its damaging effects to physical and mental health, relationships, community safety, work and the economy have increased sharply in Glasgow since the early 1990s.

The disturbing impact of alcohol on the lives of the citizens of Glasgow cannot be ignored. The Board recognises that work must be done to establish a more responsible approach to alcohol provision and consumption.

The Licensing Board recognises that there are no easy or quick-fix solutions to Glasgow's unhealthy, and in many cases harmful, relationship with alcohol. However, the Licensing Board also recognises that there is scope to assist the city in tackling its damaging relationship with alcohol through the exercise of licensing powers, and in particular through the Licensing Objective of Protecting and Improving Public Health.

While recognising its own important part in promoting this particular Licensing Objective, the Licensing Board would wish to actively encourage applicants and licence holders to have greater regard to the Public Health Objective when considering the management and operation of their premises. Both applicants and licence holders should be prepared to address the Board, if questioned, on what steps have been taken to deal with a particular public health concern raised by any aspect of their application or in terms of a Premises Licence Review Hearing. The Board strongly believes that the proper promotion of this particular Licensing Objective requires NHS GGC, as a statutory consultee, to engage with the Board and the licensing process in the provision of specific health data targeted towards issues of particular concern.

The Licensing Board considers that in terms of the Public Health Objective, applicants and licence holders should consider the following non-exhaustive list of issues when preparing their risk assessments and Operating Plans, depending upon the individual style and characteristics of the premises and the activities intended to be carried out:-

- The impact of proposed licensed hours on the health of customers, for example, if seeking later licensed hours, whether substantial forms of entertainment will be provided so that the consumption of alcohol is not the primary focus;
- Making information available to members of staff and customers with regard to sensible drinking levels and the effects of harmful and dependent drinking;
- Using materials such as posters and beer mats in order to promote moderate consumption of alcohol along with information as to the units of alcohol in individual drinks and the recommended guidelines for consumption of alcohol by men and women. This information should be in a format which is easily and readily understood. For example, a wine list might state how many units of alcohol there are per glass or bottle together with a reminder of the guidelines;
- Promoting the availability of food and snacks;
- The percentage of seating available so as to reduce the level of 'vertical drinking';
- Providing a good range of reasonably priced soft drinks; and
- The steps taken to monitor levels of consumption of alcohol by customers, including upon entry to the premises, at the bar and in seating areas.

Use of Illicit Drugs in Licensed Premises

The Licensing Board accepts that in society in general there is a problem with the use of illicit drugs. Clearly the Board cannot turn a blind eye to the reality of that situation. Equally the Licensing Board accepts that persons who have taken such drugs may seek to gain entry to licensed premises in the city and particularly those premises providing late night entertainment.

Similarly, persons using illicit drugs or seeking to pass such illicit drugs on to others may attempt to smuggle such items into licensed premises. The Board will therefore be particularly interested in obtaining from applicants and licence holders, information regarding the processes in place to prevent such items being brought into licensed premises. In addition, the Board would be interested to hear from applicants and licence holders the processes in place to provide medical assistance to persons who may become unwell on licensed premises as a result of misuse of such illicit drugs, including any training initiatives for staff within the licensed premises on drug awareness and how to identify the signs of intoxication.

The Licensing Board cannot condone the misuse of such substances but accepts that such misuse can occur and therefore it is imperative that all reasonable steps should be taken by licence holders and applicants to prevent, as much as possible, such misuse occurring. Where it does occur, procedures should be in place to reduce harm and deal with the effects of such illegal activity. This should include the safe disposal of any illicit drugs if found on a customer attending the licensed premises and how to safely deal with those affected by the illicit drugs on the licensed premises.

3.7 Protecting Children and Young Persons from Harm

Reasons for the Policy Approach

The Act contains a number of offences which were introduced to protect Children and Young Persons in licensed premises. At the same time, however, the licensing system should seek to encourage licensed premises to become more child-friendly and safe and to encourage an environment where families can socialise safely together. This is an approach the Licensing Board fully endorses.

The protection of Children and Young Persons from harm in relation to licensed premises falls into two distinct categories:-

- the terms upon which Children and Young Persons should be permitted entry to licensed premises; and
- the measures to be taken to prohibit the sale and supply of alcohol to, and consumption by Children, and, where appropriate, Young Persons.

All applicants for Premises Licences must be able to demonstrate to the satisfaction of the Licensing Board the steps they will take in order to protect Children and Young Persons from harm. Applicants must declare in the Operating Plan whether Children and Young Persons will be allowed entry to the premises. If Children and Young Persons are to be permitted entry to the premises, the applicant must then set out the proposed terms under which they will be allowed entry, including the times when they will be permitted to remain on the premises, their ages, and the parts of the premises to which it is proposed that they will be permitted entry.

The Licensing Board will generally take a lighter touch approach to access to licensed premises by Young Persons, so long as this does not have any negative impact upon any of the other Licensing Objectives, and in particular that of Preventing Crime and Disorder.

While recognising the responsibilities of the licence holder with regard to Protecting Children and Young Persons from Harm, the Licensing Board acknowledges that parents and other adults accompanying Children and Young Persons also have responsibilities, particularly in relation to supervision of the Children and/or Young Person.

Where licensed premises intend to hold events where alcohol is not provided, and those events are specifically targeted at Children and Young persons, for example so-called 'underage discos' or parent and toddler groups, consideration should be given to taking steps to avoid any obvious promotion of alcohol.

Further information on the Licensing Board's approach to Children's and Young Persons' access in on-sales licensed premises can be found in Part Six of this Policy Statement.

The Licensing Board considers that applicants and licence holders should consider the following non-exhaustive list of issues when preparing their written policies and procedures as well as their Operating Plans, depending upon the individual style and characteristics of the premises and the activities intended to be carried out:-

- Whether appropriate and effective measures are in place to check the age of persons in order to prevent alcohol being served to those under the age of 18 (except so far as is permitted in terms of section 105 (5) of the Act which allows for the buying of beer, wine, cider or perry for consumption by a Young Person along with a meal supplied on the premises);
- Whether the activities taking place on the premises are suitable for Children and Young Persons and whether in certain circumstances access by Children should be further restricted;
- Whether there is to be gambling on the premises, or any parts of premises to which it is proposed that Children and Young Persons will have access;
- Whether the supply of alcohol for consumption on the premises is the sole or principal purpose of the premises – in the opinion of the Licensing Board it would not be appropriate for Children and Young Persons to be permitted access to so called 'vertical drinking establishments' as referred to in the guidance;
- Whether a Children's menu or Children's portions of food are available at all times when it is proposed that Children are to be permitted entry to the premises;
- Limitations on the parts of premises to which Children and Young Persons might be permitted access;
- Limitations on the hours when Children and Young Persons are permitted access;
- Whether certain parts of the premises should be specifically given over to Children, such as play areas, and if so, what level of supervision should be required, and by whom; and
- In relation to events mainly or exclusively for Children and/or Young Persons, licence holders should consider obtaining disclosure records for members of their staff involved in the supervision of Children and Young Persons, having regard to the protection of vulnerable groups scheme introduced by the Protection of Vulnerable Groups (Scotland) Act 2007.

Tackling child sexual exploitation

The Licensing Board is aware of work, in Glasgow, by Barnardo's Scotland to help prevent and tackle child sex abuse. A key part of this work has been to support the city's night time economy to identify and respond to child sexual exploitation.

Barnardo's Scotland has identified some of the key signs of child sexual exploitation. These may include Children and Young Persons:-

- going by taxi to a hotel or other venue to meet a group of adults who do not seem to be family members;
- being taken to a hotel room by, or visited by, one or more adults who do not seem to be family members;
- being out late with older adults who do not seem to be family members;
- being bought alcoholic drinks by adults although the Young Person is already intoxicated
- being bought food or drinks by an older adult who they seem to see as a boyfriend/girlfriend; or
- there are indications of sexual activity with one or more adults who are significantly older than the Young Person.

The Licensing Board believes that there are opportunities for licensed premises in the city to play their part in helping to prevent and respond to child sexual exploitation. It is important to note that this relates not only to the Licensing Objective of Protecting Children and Young Persons from Harm, but also to Preventing Crime and Disorder.

The Licensing Board would encourage all licence holders and operators of licensed premises to carry out a risk assessment of their premises with regard to child sexual exploitation and use it to inform their written policies and procedures, as well as in staff training and refresher training. This should include training staff working within licensed premises, as well as door stewards, to recognise indicators of child sexual exploitation and to know how and who to report concerns to if they suspect a child is likely to be harmed or placed at risk.

Licence holders and staff working within off-sales licensed premises in particular may provide opportunities to identify individuals who may be purchasing alcohol to be used as part of the grooming of Children or Young Persons.

When considering the Licensing Objectives, the Licensing Board recognises that existing licensing laws are such that there has to be a causal connection between a particular licensing application and a concern for one of the Licensing Objectives. In determining any matter of policy or application, the Licensing Board requires to show a legally sound basis for its decision. The Licensing Board can only work within the legal powers under the Act and all actions of the Board are open to legal challenge, whether through the appeals procedure set out in the Act or by way of judicial review.

Part Four

Licence Conditions

This Part sets out the Licensing Board's approach to the attachment of conditions to Premises Licences in order to promote the Licensing Objectives.

4 Licence Conditions

4.1 Conditions imposed by the Licensing Board

The Licensing Board's power to impose local licensing conditions is subject to some limitations. The local conditions cannot be inconsistent with the mandatory conditions, nor with any pool conditions set by the Scottish Ministers. They must also not have the effect of making any of the pool conditions or mandatory conditions more onerous or more restrictive, nor may they relate to a matter regulated by another enactment. As such, the Licensing Board will generally focus on the likely impact of the activities proposed in the Operating Plan and the locality in which the premises are situated. In each case, conditions will be tailored to the individual characteristics of the premises concerned.

In order to avoid duplication with other regulatory regimes, conditions will only be attached to Premises Licences by the Licensing Board if they are necessary to promote one or more of the Licensing Objectives and the effect of that condition is not covered by other legislation. The Licensing Board will seek to impose only such conditions as are proportionate and which are not unduly burdensome. In meeting these principles, the Licensing Board does not intend to design and implement standard conditions of licence but instead will attach conditions as appropriate given the individual size, style and characteristics of the premises and activities taking place there.

Style conditions have been included in Appendix One which are for guidance purposes only and are not exhaustive.

Conditions imposed by the Licensing Board may include limitations or restrictions on the Premises Licence holder requiring him or her to take or refrain from taking action in certain circumstances. More stringent conditions relating to the Licensing Objectives may be applied where relevant objections or representations have been received in relation to an application for a Premises Licence or a variation of a Premises Licence, or where a licence has been reviewed by the Licensing Board and has raised concerns regarding compliance with the Licensing Objectives.

One area in particular where the Licensing Board will consider imposing conditions is in relation to the terms upon which Children are to be permitted into licensed premises in pursuance of the Licensing Objective of Protecting Children and Young Persons from Harm, if the Board considers it necessary or expedient to do so.

4.2 Variation of Licence Conditions

The Alcohol etc. (Scotland) Act 2010 has provided Licensing Boards with the power to vary Premises Licence conditions attaching to all licensed premises, particular licensed premises, licensed premises within particular parts of its area or licensed premises of a particular description. Where the Licensing Board is considering attaching new conditions to either all licensed premises or a group of premises, it will carry out a consultation exercise on the proposed new conditions in addition to the publication, representation and notification provisions set out in the Act.

Part Five

Policy on Licensed Hours

Whilst each individual application for a Premises Licence will be considered on its merits, this Part of the Policy Statement sets out the Licensing Board's general approach to licensed hours and the reasons for adopting that approach. It also sets out the factors which the Licensing Board will take into account when considering the proposed hours set out in Operating Plans for individual premises.

5 Policy Hours Licensed Hours

5.1 Developing a Policy on Licensed Hours

In developing this Policy Statement, the Board readily acknowledged its important role in determining a policy approach to licensed hours which strikes the right balance between meeting its statutory obligation to promote the Licensing Objectives while at the same time continuing to encourage a dynamic, vibrant and evolving licensed trade.

5.2 Reasons for the Policy Approach

Glasgow has a high number of licensed premises, many of which are licensed to sell alcohol late at night and into the early hours of the morning. The Board recognises that in some areas of the city, particularly the city centre area, Shawlands and Hillhead/Great Western Road, the operation of a higher concentration of licensed premises can, potentially, have a detrimental impact on the lives of local residents, and the community as a whole, if not appropriately controlled.

Against this background, the Licensing Board considers that the possibility of public nuisance in terms of disturbance to residents late at night and in the early hours of the morning, and the effect that any such public nuisance and disturbance may have, is a proper matter for it to consider when addressing the issue of licensed hours, both as a matter of policy and in considering an individual application at the Board.

The Licensing Board recognises that a policy on licensed hours is also important in terms of the Licensing Objective of Preventing Crime and Disorder and as such it has taken into account views expressed by Police Scotland regarding issues for policing in terms of dealing with the dispersal of large numbers of people late at night throughout the city. In the view of the Board a policy on licensed hours which controls the numbers of people leaving licensed premises simultaneously not only has a direct impact on policing, but also on the availability of taxis and private hire cars, public transport and late hours catering venues, all in terms of getting customers and staff home safely at the end of the night. The Board therefore considers that maintaining a differential in licensed hours between different types of premises, and in terms of the location of premises between the city centre and out with, can assist in promoting public safety.

In particular, in reviewing its policy on licensed hours, the Licensing Board has given consideration to the ways in which large numbers of customers leaving licensed premises in the city can be managed. In the view of the Board, maintaining a differential between the trading hours of restaurant/public house/bar type premises and nightclubs leads to a staged dispersal of customers from both the city centre and other areas of the city which have higher concentrations of on-sales licensed premises. In the view of the Board, if this differential were to be eroded, then this would increase the demands and pressures placed on Police Scotland, and other services, in managing a greater number of people leaving licensed premises simultaneously in the later hours, with the potential for adverse consequences in terms of crime and disorder.

In maintaining this differential between different types of premises for the purposes of its policy on licensed hours, the Licensing Board acknowledges that this approach continues to be welcomed and encouraged by the majority of licensed trade operators and trade groups who took part in the consultation process.

A summary of the Board's conclusions on licensed hours from the consultation and evidence gathering process is detailed in Appendix Five and provides the basis for its approach to licensed hours set out in this Policy Statement.

5.3 Pilot Scheme – 1am Terminal Licensed Hour for On Sales Premises in the City Centre

The Licensing Board will launch a pilot scheme whereby it will consider granting a terminal hour of 1am to these premises in the city centre. In order to benefit from this extra hour whereby the licence holder is able to demonstrate that the premises makes a positive contribution to the economy and is able to evidence an investment in safety and security measures for both staff and customers, designed to promote the Licensing Objectives.

Given that the terminal hour for on sales premises within the city (excluding nightclubs) has remained the same for many years, the Board considers that a 12 month pilot scheme is an effective way to properly gauge the impact, if any, it has on the late night dispersal of customers from the city centre, alcohol related crime and disorder, public nuisance and public health. The Licensing Board is of the view that a pilot scheme allows for a controlled experiment without a full change in policy or permanent variations to licensed premises.

5.3.1 Closing Date for Major Variation Applications as Part of the Pilot Scheme

Applications for major variations in respect of city centre on sales premises wishing to take part in the pilot scheme will be invited up to 31 January 2024. All applications received by this date will be considered at special meetings of the Licensing Board following the statutory consultation process. Any applications received after 31 January 2024 will not be taken to form part of the pilot scheme and will be considered only as a request for an exception to be made to the existing terminal hour of 12 midnight.

5.3.2 Criteria to be Considered

In considering major variation applications from city centre premises for the 1am pilot scheme, the Licensing Board will have regard to issues such as:

- Premises with less than 75% of the floor area given to the provision of full restaurant facilities;
- Premises with a terminal licensed hour of 12 midnight;
- Membership and accreditation of industry recognised award schemes such as Best Bar None;
- History of established complaints regarding the operation of the premises;
- Evidence of a commitment to ongoing staff training and social responsibility, including transport arrangements for staff home;
- Arrangements for the dispersal of customers from the premises;
- The extent of CCTV throughout the premises;
- The availability of written policies and procedures for customer safety and approach taken to customers who have become unwell on the premises or who are vulnerable; and
- Terms of any reports provided by Licensing Standards Officers and separately Police Scotland and any objections and representations in relation to the application.

The above list is for indicative purposes only and each case will be considered on its own individual merits. Where a major variation application is granted by the Licensing Board under the pilot scheme, a local condition would be added that the 1am terminal hour will apply for a period of 12 months only, subject to a further decision by the Licensing Board as to whether to extend the pilot scheme.

5.3.3 12 Month Review

Working with its partners in Licensing Standards, Police Scotland and the NHS GGC, the Licensing Board will review the impact of the pilot scheme throughout the initial 12 month period and determine whether to continue it or to maintain the existing policy terminal hour of 12midnight. In particular, the Licensing Board will consider whether there is any evidence of a measurable or direct link between the 1am pilot scheme and alcohol related crime or hospital admissions figures.

In the event that the Licensing Board determines to extend the pilot scheme beyond the initial 12 month period, all premises which were initially granted a terminal licensed hour of 1am as part of the pilot, and wish to continue with those hours, will require to submit a further application for a major variation. This will be subject to another hearing before the Licensing Board to determine whether to continue to allow a terminal licensed hour of 1am.

5.4 Presumption against 24 hour licences

In terms of section 64 of the Act, there is a presumption against the grant of applications for licensed hours for a period of 24 hours, whether made on a permanent basis or in relation to a one off event, unless the Board is satisfied that there are **exceptional circumstances** which justify allowing the sale of alcohol on the premises during such a period.

The Guidance sets out that the Scottish Ministers are of the view that Licensing Boards should consider **exceptional circumstances** to cover social events such as one-off local or national festivals. The Guidance states that it is unlikely that **exceptional circumstances** would be constituted in the case of premises where there were routine requests to sell alcohol for 24 hours.

As a matter of policy, the Licensing Board cannot conceive of any social events or festivals where such a request would be justified as it considers that the granting of such hours would generally be detrimental to the Licensing Objectives which this Policy Statement is required to promote. Therefore the onus would be on the applicant to demonstrate to the satisfaction of the Board that the granting of such hours is not inconsistent with any of the Licensing Objectives and that there are genuinely exceptional circumstances which justify the request.

5.5 Standard Policy on Licensed Hours – On Sales

The Licensing Board considers, subject to section 5.3, that as a matter of policy, the standard licensed hours for on sales within licensed premises, across the city should be:

- 11am until 12 midnight, Mondays to Sundays.

Outside areas:

- 11am until 10pm, Mondays to Sundays.

Having taken into account views expressed during its wide ranging policy development and evidence gathering process, the Licensing Board considers that these standard licensed hours remain appropriate in terms of promoting all of the Licensing Objectives and in particular the Licensing Objectives of Preventing Crime and Disorder, Protecting and Improving Public Health, Securing Public Safety and Preventing Public Nuisance.

5.6 Possible Exceptions – On Sales

As with any policy, the Licensing Board must allow for the possibility of exceptions. In considering an application for additional licensed hours outwith the standard licensed hours, the Licensing Board will have regard to the impact that the licensed hours sought may have on one or more of the Licensing Objectives and in terms of the suitability of the premises for the sale of alcohol during the hours applied for.

While each application will be considered on its own merits, the Licensing Board will have regard to the following issues:-

5.6.1 Nightclubs within the City Centre

Applicants seeking Premises Licences where it primarily operates as a nightclub will generally be permitted to open until 4am, within the city centre. However, in order to benefit from this terminal hour, licence holders should be able to demonstrate not only that the premises makes a positive contribution to the late night economy but also be able to evidence an investment in safety and security measures for both staff and customers, designed to promote the Licensing Objectives. The Licensing Board will also generally have regard to issues such as those detailed below, when considering applications for a 4am terminal hour for nightclubs within the city centre:

- The normal operating hours of the premises;
- The extent of CCTV and stewarding provision throughout the premises;
- First aid provision and facilities;
- The availability of written policies and procedures for customer safety, including search policies and the approach taken to customers who have become unwell on the premises or who are vulnerable;
- The nature and extent of entertainment provided in the hours after 12 midnight, and in particular the extent of the premises given over to dance floor facilities;
- Compliance with the DJ criteria;
- History of established complaints regarding the operation of the premises;
- Membership and accreditation of industry recognised awards schemes such as Best Bar None;
- Evidence of a commitment to ongoing staff training and social responsibility, including late night transport arrangements for staff;
- Arrangements for the late night dispersal of customers from the premises; and
- The terms of any reports provided by Licensing Standards Officers and Police Scotland and any objections or representations in respect of the application.

This list is for indicative purposes only and each case will be considered on its own individual merits.

5.6.2 Late Opening Premises

Applicants seeking Premises Licences to provide facilities which will operate as part of the city's night time economy and which therefore generally only open late evening / early morning may be granted licensed hours until **3am** if located within the city centre and **2am** if located outwith the city centre. Such hours will not normally now be granted to premises seeking to sell alcohol routinely prior to **7pm** and applicants will be expected to demonstrate to the satisfaction of the Board that the sale of alcohol is genuinely ancillary to some other substantial form of entertainment, for example nightclubs where the primary activity is dancing. Where existing licensed premises with standard licensed hours apply for later licensed hours, on the basis that they meet this criteria, the Licensing Board would generally expect the application for variation to include a modification to the Operating Plan so as to remove any licensed hours prior to 7pm. Alternatively, the Licensing Board may consider granting a variation for later licensed hours, but will give consideration to attaching conditions to the Premises Licence in terms of section 30(6) of the Act, setting out the circumstances under which the premises may continue to sell alcohol prior to 7pm, for example at conferences and social functions.

For the avoidance of doubt the mere sale and supply of food, provision of table meals and karaoke will not generally be considered to constitute 'substantial entertainment'.

The Licensing Board recognises that DJ music is an important part of the city's culture, providing one of the most popular mediums for listening to and experiencing music across the city. Top DJs can draw in enormous crowds, generate significant ticket receipts for venues and can contribute to the city's reputation as a world class music venue. Where DJ music is intended to constitute substantial entertainment, the applicant and licence holder will be expected to be able to demonstrate the following:-

- All music must be selected and played by a DJ or DJs on a live basis;
- The DJ must be concerned with DJing music and not engaged in other activities within the licensed premises;
- The equipment being used must allow at least two tracks to be played simultaneously;
- The equipment being used must allow the DJ to control the pitch (or tempo) and volume of the tracks being played and also control the sound equalisation of those tracks across at least three frequency bands - treble, mid-range and bass;
- The venue must provide monitor speakers to facilitate the maximum performance of the DJ; and
- The licensed premises must have an adequate sound system which has been subject to acoustic room controls.

5.6.3 Restaurants

Applicants seeking Premises Licences where the principal activity will be the provision of full restaurant facilities will generally be allowed to open until **1am** across the city. However, in order to benefit from this additional hour at least 75% of the floor area of the premises must be given over to the provision of full restaurant facilities at all times and that area must be clearly shown on the Layout Plan.

In order to continue to enjoy the benefit of the additional licensed hour to 1am, licence holders will require to demonstrate that after 12 midnight alcohol is only sold to and consumed by persons who have taken a meal at the premises that evening and that the sale of alcohol is therefore ancillary to taking such meals, with the relevant condition being updated to reflect this requirement.

5.6.4 Function Suites

Where an applicant can demonstrate that part of the premises has a dedicated function suite and that it is intended that functions will be held with such regularity that applications for Extended Hours would be impracticable, the Licensing Board may consider granting an additional licensed hour to 1am, subject to a condition under the Licensing Objective of Preventing Public Nuisance that the additional hour will only be used in relation to persons attending pre-booked functions taking place in that part of the premises.

5.6.5 Hotels

In relation to premises operating as hotels, the Licensing Board will consider allowing additional licensed hours in relation to pre-booked functions at the hotel, subject to appropriate conditions.

5.6.6 Casinos

Where premises have been granted a Premises Licence to operate as a casino under the Gambling Act 2005, the Licensing Board has generally granted licensed hours until 6am. However, the Board recognises that in enjoying the benefit of such extensive licensed hours it is incumbent upon the licence holder to ensure that the Licensing Objectives are not compromised in the operation of those premises, failing which it may be necessary and appropriate for the Board to consider further regulation and control of the licensed hours between 3am and 6am.

5.6.7 Outdoor Areas

While the Board's policy on the terminal licensed hour for outdoor areas remains 10pm, there will be certain exceptional circumstances where it will consider granting a later terminal hour. However, such later hours will not generally be granted where the outdoor area is below, or in close proximity to, residential properties or other noise sensitive dwellings, or where there is a history of noise complaints associated with the premises. The Board expects that such applications will only be made where it can be demonstrated to the satisfaction of the Board that there are exceptional circumstances justifying a departure from its general policy.

5.6.8 Non-Conventional Premises

The Board has recently noted an increase in the number of Premises Licence/Provisional Premises Licence applications being applied for in relation to non-conventional premises. While each application is considered on its own merits and under the Act, the Board would expect applicants to be able to demonstrate that the sale of alcohol within these types of premises would not prejudice any of the Licensing Objectives. The Board would also look for applicants to consider the wider impact that providing alcohol within these premises may have on individuals who may frequent these types of premises primarily because of there, generally being no association to alcohol within the premises.

5.7 Monitoring and Enforcement of Licensed Hours

In granting any hours outwith the standard licensed hours, the Board may consider attaching licence conditions in order to regulate the activities associated with those nonstandard licensed hours. It may also request that the premises be monitored on a regular basis by Licensing Standards Officers for a period of time in order to satisfy itself that the terms of the exception from the standard licensed hours are being met.

The Licensing Board is particularly keen to ensure that premises granted licensed hours to 1am on the basis that they are operating primarily as a restaurant and those granted licensed hours to 2am or beyond on the basis of providing substantial forms of entertainment are indeed operating in accordance with these specific exceptions to the standard hours.

If it is found that the premises are not being operated in accordance with the terms of the exception, or any condition, or if there is a particular concern in relation to one or more of the Licensing Objectives, then the Premises Licence may be reviewed. If, following such a review, a ground for review is found to have been established, the licensed hours may be varied if the Licensing Board considers it necessary or appropriate to do so.

5.8 Licensed Hours – Off Sales

In terms of the Act, the Licensing Board must refuse an application which proposes off sale hours before 10am, after 10pm or both. However, it is open to the Licensing Board to further restrict licensed hours for off-sales where it considers that the hours proposed would be inconsistent with one or more of the Licensing Objectives. In particular, where as a result of the hours operated or proposed, premises are, or are likely to be, a source of, or focal point for, antisocial behaviour and thus compromise the Licensing Objectives of Preventing Crime and Disorder and Preventing Public Nuisance, the Board may restrict the hours of operation. Unless so restricted the Board would generally permit off sale hours from **10am until 10pm**.

5.9 Factors to be taken into account

Whilst the Licensing Board will have regard to the above general policy on licensed hours, each application will be considered on its merits and with regard to the following factors, although this list is not exhaustive:-

- The prevalence of anti-social behaviour in the vicinity of the applicant premises, particularly premises to be operated outwith the standard licensed hours as disclosed in any report provided by the Chief Constable in terms of section 22(2)(A) or 24A of the Act;
- The location of the premises and the general character of the area in which the premises are situated;
- The activities and hours proposed in the draft Operating Plan accompanying either a Premises Licence application or an application for variation;
- The availability of public transport in the locality of the premises late at night and in particular whether or not the use of premises for the sale of alcohol in the absence of adequate public transport facilities may cause public nuisance or compromise public safety; and
- The impact additional licensed hours may have on police operational demands in conjunction with resources available to deal with such needs.

Part Six

Policy relative to Children and Young Persons' Access to On-Sales Licensed Premises

This Part sets out the Licensing Board's approach to Children and Young Persons' access to on-sales licensed premises and the reasons for adopting that approach in pursuance of the Licensing Objective of Protecting Children and Young Persons from Harm.

6 Policy relative to Children and Young Persons' Access to On-Sales Licensed Premises

6.1 Reasons for the Policy Approach

The Licensing Board wishes to encourage family friendly licensed premises where there is an environment where families can socialise safely together. The Board will therefore generally welcome applications from those who wish to operate licensed premises which accommodate Children and Young Persons. However, in doing so, the Licensing Board recognises that some activities associated with premises that sell alcohol for consumption on the premises may, in certain circumstances, give rise to concerns for the health and welfare of Children and Young Persons.

The Licensing Board is committed to protecting Children and Young Persons from harm and applicants for Premises Licences, or variations to the terms on which Children and/or Young Persons are permitted access to premises, will therefore need to demonstrate to the Board how they will promote this particular Licensing Objective. The Licensing Board therefore considers it necessary and appropriate to have a policy setting out its general approach to issues relating to Children and Young Persons' access to licensed premises, while stressing that each application will be considered on its merits.

6.2 Hours of Access

Where Children and Young Persons are permitted entry to the premises, the Licensing Board may place a limit on the hours when they can be present on the premises. A different limit may be applied in relation to Children from that applied to Young Persons. In relation to premises which operate as hotels, theatres, cinemas, family focused entertainment centres, sports centres, museums or restaurants (where 75% or more of the floor area is given over to dedicated restaurant facilities), the Licensing Board is of the view, that, with the exception of any bar area, responsibility for determining the appropriate terminal hour for Children and Young Persons should be that of the licence holder. In such cases the Board will generally only look to review, restrict or enforce the terminal hour set out in the Operating Plan where there is a concern that the Licensing Objective of Protecting Children and Young Persons from Harm is not being met.

In terms of bar areas, the Board considers these to be premises, or parts of premises, used exclusively or mainly for the supply of alcohol for consumption on the premises, and to which customers resort for no other primary purpose.

Having previously taken into account views expressed by the Local Licensing Forum in relation to bar areas and other types of premises, the terminal hour for Children will normally be **9pm**. Each application will however be considered on its merits and the Licensing Board will take into account the measures each applicant proposes to take in order to protect Children from harm and whether activities in the premises are specifically targeted at families.

Taking into account a variety of views expressed during the development of this Policy Statement, the Licensing Board will generally apply a terminal licensed hour for Young Persons of **11pm**, but will expect applicants and licence holders to clearly set out what safeguards will be in place specially targeted towards Young Persons.

6.3 Functions

Where family orientated private functions (such as weddings, golden anniversaries or special birthday celebrations) are being held in any licensed premises where Children and Young Persons are permitted in terms of the Operating Plan, the Licensing Board will not generally look to review, restrict or enforce the terminal hour for Children and Young Person's access. The Licensing Board would only look to do this where there is a concern that the Licensing Objective of Protecting Children and Young Persons from Harm is not being met.

6.4 Conditions

The Licensing Board may also consider applying the conditions set out in Appendix One of the Policy Statement relating to access to licensed premises by Children and Young Persons in addition to the mandatory conditions which are applied to the premises in terms of the Act and the regulations, if appropriate.

Part Seven

Overprovision Assessment and general approach to the consideration of Overprovision

This Part sets out the Licensing Board's approach to overprovision, including details of the localities where the Board considers there to be overprovision of licensed premises, or licensed premises of a particular description, and the factors it will consider when determining individual applications.

7 Overprovision Assessment and the General Approach to the Consideration of Overprovision

7.1 Background - The Duty to Assess Overprovision

Section 7 of the Act requires the Licensing Board to include in its Policy Statement “a statement as to the extent to which the Board considers there to be an overprovision of –

(a) licensed premises, or

(b) licensed premises of a particular description,

in any locality within the Board’s area, and in doing so, the Board may determine that the whole of the Board’s area is a locality.”

7.2 How is Overprovision to be Determined?

In determining if there is overprovision, the Licensing Board must have regard to the *number* and *capacity* of licensed premises in the locality and may have regard to such other matters as the Board thinks fit, including in particular the licensed hours of licensed premises in the locality.

For the purposes of overprovision, “licensed premises” does not include members clubs or premises operating under an Occasional Licence.

The assessment of overprovision must also seek to promote the five Licensing Objectives.

In assessing overprovision as part of the Policy Statement, the Licensing Board must consult with the Chief Constable, the relevant health board and such other persons as appear to the Board to be representatives of the interests of:

- holders of Premises Licences in respect of premises within the locality;
- persons resident in the locality, and
- such other persons as the Board thinks fit.

7.3 Guidance on Carrying out the Overprovision Assessment

This overprovision assessment has been developed and prepared in accordance with the Guidance.

7.4 Purpose of an Overprovision Assessment

In terms of the Guidance, the requirement to produce an overprovision assessment is designed to:

- enable Licensing Boards to take account of changes since the publication of their previous statement of licensing policy and any subsequent supplementary statement of licensing policies which may have been issued;
- improve public and trade confidence in the licensing system by setting out clearly the grounds on which overprovision should be determined;

- recognise that halting the growth of licensed premises in localities is not intended to restrict trade but may be required to preserve public order, protect the amenity of local communities and mitigate the adverse health effects of increased alcohol consumption; and
- provide potential entrants to the market with a clear signal that they may incur abortive costs if they intend to apply for a licence in a locality which a Licensing Board has declared to have reached overprovision.

7.5 Development of the Pro-Active Assessment of Overprovision

Following an extensive evidence gathering and public consultation process as detailed in section 2.3, the Licensing Board has identified the localities noted below as localities where it has made a finding of overprovision in relation to the number and capacity of licensed premises, or licensed premises of a particular description.

While many views were expressed in general terms, through the evidence gathering process detailed within section 2.3, as to how overprovision of licensed premises can manifest itself in a local community, the main source of data and verifiable evidence was the report and supporting evidence from the Local Licensing Forum. This was crucial to establishing a causal link between the number and capacity of licensed premises and a negative impact in terms of engagement of one or more of the licensing objectives. A link to the Forum report can be found within section 2.3.

The Board has however recognised the submission from the Local Licensing Forum, which detailed that the lack of definitive health and crime data, the availability of which had been interrupted by the Covid-19 pandemic, resulted in the conclusion by the Forum that all current designated overprovision localities should remain. The Board has also recognised the Local Licensing Forum's position that it was unable to recommend any other localities as being areas to be added to the current overprovision localities given this lack of definitive health and crime data. The Forum asked that the Board revisit overprovision areas in 2026, at which time the definitive data should be available. The Board therefore intends to revisit overprovision in 2026 if the data is available.

7.6 The Overprovision Localities

In taking into account the numbers, capacities and location of licensed premises, the Board is satisfied that all of the previous overprovision localities should be included in this Policy Statement as Overprovision Localities.

The Board is satisfied that there is sufficient evidence to establish the required causal link between alcohol related harm and the number and capacity of licensed premises at the level of an intermediate data zone for the purposes of creating a pro-active presumption against the grant of further licences for the following intermediate data zones:

- Bridgeton
- Calton, and Gallowgate
- Carntyne West and Haghill
- Govan and Linthouse
- Ibrox
- Keppochill
- Laurieston and Tradeston
- Maryhill West
- Parkhead West and Barrowfield
- Possilpark
- Ruchill
- Shettleston North
- Wyndford

These are referred to as the “Overprovision Localities”, with maps of these localities set out in Appendix Four to this Policy Statement. Interactive maps can also be viewed online via <https://glasgowgis.maps.arcgis.com/apps/webappviewer/index.html?id=de1e8ff4bb6a44b48258e937110b23aa>

In identifying these Overprovision Localities the Licensing Board has taken into account the statistics collated from the information provided by Police Scotland, Glasgow City Health and Social Care Partnership and NHS GGC. This information was combined with data from the Scottish Index of Multiple Deprivation which identified that the current intermediate data zones continued to remain appropriate as areas of overprovision. These areas continue to be above the average in relation to alcohol related hospital admissions (3 year trend* relative to Scottish rate: alcohol-related hospital admissions) and alcohol related deaths (3 year trend* relative to Scottish rate: alcohol-specific deaths) when compared with the other intermediate data zones in Glasgow. The areas were also weighted either 1 or 2 in relation to the Scottish Index of Multiple Deprivation quintile. In terms of the incidents of disorder all areas were listed as being among one of the following, when measured against all 136 intermediate data zones for Glasgow:

Top Quarter, Top 10%, Top 5, Top Third, Just Outside Top Third, Top 10, Top 50%, Top Four, Top Fifth, Top Fifteen.

**A three-year rolling average is generated by calculating the average of the figure for a given year and the year on either side of it: so for 2020 this would be the average for 2019, 2020 and 2021 and for 2021 it would be the average for 2020, 2021 and 2022.*

Having regard to this data, the number and capacity of licensed premises in each of the Overprovision Localities, the Licensing Board considers that it is necessary and appropriate that these areas continue to be identified as areas of overprovision in order to promote the licensing objectives of Preventing Crime and Disorder and Protecting and Improving Public Health.

In the Board’s view, the use of intermediate data zones, combined with the other evidence gathered during the development of this Assessment provides sufficient evidence to demonstrate a causal link between licensed premises and a concern for one or more the Licensing Objectives at a sufficiently local level.

7.7 The Rebuttable Presumption and the Board’s Discretion

Having carried out its pro-active assessment of overprovision, the Board has chosen to identify the Overprovision Localities where there will be a presumption against the grant of further Premises Licences.

It is therefore proposed that while there will be a *rebuttable presumption* against the grant of an application for a Premises Licence, Provisional Premises Licence or, potentially, an application for variation of a Premises Licence in terms of the grounds for refusal set out in sections 23(5)(e) and 30(5)(d) in each of the above Overprovision Localities, the Licensing Board will consider each application on its individual merits.

As such the Licensing Board proposes to reserve its position to grant an application in any of these Overprovision Localities. The Board would only do so where it considers that the Licensing Objectives would not be undermined by the specific proposals set out in the application form and draft Operating Plan, or the Licensing Objectives would not be undermined if the applicant’s Operating Plan were to be modified or the grant of the licence or variation made subject to certain licence conditions.

Equally, the Licensing Board also reserves its position to refuse an application in terms of overprovision where the premises are not located within one of the Overprovision Localities but where it is satisfied that a ground for refusal applies in relation to the specific locality in which the applicant premises are situated.

7.8 General Approach

In considering applications for Premises Licences, Provisional Premises Licences and variation of Premises Licences, the Licensing Board will have regard to the following criteria:-

(1) Determining Localities – Individual Applications

In considering applications for Premises Licences, Provisional Premises Licences and applications for variations of Premises Licences, the Licensing Board will generally determine the relevant locality, even within an Overprovision Locality, as being the area disclosed within a radius of **200 metres** from the applicant premises within the defined city centre area and the area disclosed within a radius of **500 metres** for premises to be located elsewhere in the city.

If the Board intends to depart from that general approach given the individual circumstances of an application, the applicant will be given advance notice of the locality to be taken into account.

(2) Determining the Comparator - “Licensed Premises” or “Licensed Premises of the Same or Similar Description.”

In considering whether the overprovision ground for refusal set out in section 23(5)(e) or 30(5)(d) of the Act applies, the Licensing Board will take into account whether the application is for on and off sales or off-sales only as well as the activities and licensed hours proposed in the draft Operating Plan and the submissions made regarding the intended nature of operation of the premises. The Board recognises that many licensed premises that were originally only granted on sales prior to the Covid-19 pandemic, required the ability to have off sales during the Covid-19 pandemic to continue to trade given the closure of many on sales premises during that time. The Board is aware that this has resulted in many primarily on sales premises now also having off sales, but with a zero capacity. To ensure this change in position is taken into account when the Board is considering overprovision, it will now take into account those premises that have both an on and off sales facility when considering an application for on sales only. The off sales capacity will not however be taken into account in these circumstances.

In addition, if the application is readably distinguishable by a particular form of proposed activity or mode of operation such as “supermarket” or “hotel”, or in terms of licensed hours sought outwith the Board’s standard policy on licensed hours, such as late night hours or early morning hours, the Licensing Board may have regard to those licensed premises in the locality which also offer that form of activity, or mode of operation, or have such licensed hours.

(3) Assessing the Cumulative Impact of Licensed Premises or Licensed Premises of the Same or Similar Description

In considering whether or not there is an overprovision of licensed premises, or licensed premises of the same or similar description in the defined 500m/200m locality, having regard to the cumulative impact that licensed premises can have on a locality, the Licensing Board will take into account the following factors:-

- the number of licensed premises or licensed premises of the same or similar description already making provision for the sale of alcohol to members of the public for consumption in the defined locality;
- the distances of these licensed premises from the applicant premises;
- the total capacity figure in relation to these licensed premises;
- any relevant letters of objection or representation (including those in support of the application) and any submissions made in terms of those letters;
- evidence provided by Police Scotland as to antisocial behaviour in the defined locality;
- health statistics in relation to the intermediate data zone in which the defined locality is situated;

- the Board's own local knowledge of the locality which will be put to the applicant via questions from the Board; and
- any information and submissions made in support of the application, including, potentially, the licensed hours of other relevant premises in the area.

7.9 General Concerns Regarding the Number and Capacities of Off-Sales Premises

Based on information and evidence gathered as part of the pre-consultation exercise, the Licensing Board continues to be concerned at the high number of off-sales licensed premises in the city, and particularly in residential areas, and the amount of area given over to the display of alcohol in terms of the total capacity figures for such premises.

Given the negative effects that the increased availability of alcohol can have on anti-social behaviour, together with Glasgow's unhealthy relationship with alcohol and the health problems associated with alcohol misuse, the Licensing Board considers that in general terms there is a clear link between the numbers of such premises in the city and concern for one or more of the Licensing Objectives.

While each application will be considered on its own merits, taking into account the intended nature of operation of the applicant premises, the Licensing Board will wish to satisfy itself that any increase in the number of off-sales licensed premises, taking into account capacity figures in terms of the total area given over to the display of alcohol, will not be inconsistent with one or more of the Licensing Objectives underpinning the licensing system.

Part Eight

Policy on Occasional Licences and Extended Hours Applications

This Part sets out the Licensing Board's approach to the processing of Occasional Licences and Extended Hours Applications and the factors it will consider when determining individual applications.

8 Policy on Occasional Licences and Extended Hours Applications

8.1 Occasional Licences

Reasons for the Policy Approach

The Licensing Board considers that as Occasional Licences authorise the sale of alcohol for a period of up to 14 days without having to go through the detailed requirements associated with an application for a Premises Licence, it is appropriate to have a policy setting out the terms on which such applications will normally be granted.

While the Licensing Board is aware that the Act does not refer to the holding of an event in the provisions dealing with Occasional Licences, given their short-term nature and that they are not subject to any requirements for certification, neighbourhood notification or public site notices, it will generally look for the applicant to demonstrate that the Occasional Licence is required for a special event to be catered for on unlicensed premises. The only exception to this will generally be Occasional Licence applications in respect of outdoor areas associated with licensed premises.

The Board believes that this policy approach is necessary so as to avoid the Occasional Licence process being used as a mechanism to circumvent the full licensing process which would more readily identify any issues of concern in relation to one or more of the Licensing Objectives, and in particular that relating to Securing Public Safety. Each application for an Occasional Licence will be determined on its individual merits.

Where an application is to allow premises to trade on a regular basis prior to a Premises Licence application having been determined, the application will generally be referred to the Board for consideration in the first instance. In this instance, the Licensing Board will generally look for section 50 (of the Act) certificates to be lodged with the Occasional Licence application to ensure the Licensing Objectives are not compromised.

8.2 Nature of the Event

The Licensing Board will generally look for the applicant for an Occasional Licence to demonstrate that it is required for a special event, such as a birthday, anniversary party or a wedding reception. Information relating to the event will require to be detailed on the application form and the applicant may be asked to provide appropriate supporting documentation. Where the event relates to a charitable activity, the Licensing Board will require a letter from the charity stating that they are aware of the event and that they are receiving some benefit from it.

Where the application is from a voluntary organisation, the applicant will be required to demonstrate that the event is connected to the organisation's activities, for example, a fundraising dinner-dance

Where the application for an Occasional Licence is being made in relation to a festival or event of local or national significance, the principles outlined below in relation to the Licensing Board's expectations for applications for Extended Hours will generally be applied.

In addition, if the Occasional Licence is in relation to a festival, documentation detailed at section 8.3 below will require to be submitted with the Occasional Licence application.

8.3 Documentation for Occasional Licence Application

The Licensing Board is aware from feedback from the trade and applicants, that it would be useful to have detailed within this policy what additional documentation the Licensing Board requires in order for an Occasional Licence application to be submitted for consideration.

The Licensing Board has therefore provided this information in the Table below.

Applicants should note that in addition to the documents detailed in the Table below, if the Occasional Licence application relates to an outdoor or charitable event/festival, then an Alcohol Management Plan (AMP) must be submitted to the Licensing Standards Officer. This should be emailed to Licensing Standards Officer using the following email LicensingStandards@glasgow.gov.uk

PROPOSED OCCASIONAL LICENCE AREA	ADDITIONAL DOCUMENTATION/INFORMATION TO BE SUBMITTED WITH APPLICATION
Outdoor drinking area attached to a Premises Licence	<ul style="list-style-type: none"> • Plan showing dimensions of area to be licensed (<i>for public pavements this should reflect the same area submitted and approved by the Roads Authority</i>); • Plan should reflect where the outdoor area is in relation to the curtilage of the premises; • Confirmation of section 59 consent under Roads (Scotland) Act 1984 (<i>only if on a public pavement</i>); and • Occupant capacity.
Outdoor event	<ul style="list-style-type: none"> • Plan showing layout of the event which clearly has detailed on it the delineated area to be licensed, AND the dimensions of area to be licensed; • Statement as to how the proposed licensed area will be delineated; • Event management plan; • Permission to use from the Council (<i>only if on public land</i>); • Occupancy capacity; and • Alcohol Management Plan.
Charitable event (outdoor)	<ul style="list-style-type: none"> • Plan showing layout of the event which clearly has detailed on it the delineated area to be licensed, AND dimensions of area to be licensed; • Statement as to how the proposed licensed area will be delineated; • A letter from the charity stating that they are aware of the event and that the charity are receiving some benefit from the event; • Permission to use from the Council (<i>only if on public land</i>); • Occupant capacity; and • Alcohol Management Plan.
Charitable event (premises)	<ul style="list-style-type: none"> • Plan showing layout of the event which clearly has detailed on it the delineated area to be licensed AND the dimensions of area to be licensed; • A letter from the charity stating that they are aware of the event and that the charity are receiving some benefit from the event; and • Occupant capacity.

In addition to the above, the Licensing Board may request additional information in respect of any application if such information is considered necessary in order for the application to be determined by the Board.

8.4 Licensed Hours

Applications for Occasional Licences will generally be determined in accordance with the Board's policy on licensed hours, as set out in Part Five of this Policy Statement.

8.5 Processing Timescales – Occasional Licences

Due to the timescales for reports to be obtained from Police Scotland and Licensing Standards Officers, applications must be submitted to the Licensing Board, from 1 January 2024, at least 7 weeks prior to the date, or starting date, of the event. Any applications intended to be lodged outwith that timescale would require the prior permission of either the Clerk or the Licensing Office Manager and will only be accepted on good cause being shown and not due to mere inadvertence.

The Board considers that applications which require to be dealt with quickly in terms of section 57(4) of the Act, will generally only be considered appropriate in relation to funeral functions.

8.6 Occasional Licence – Style Conditions

The Licensing Board has provided style conditions in Appendix One for Occasional Licences in order to assist potential applicants. The style conditions are for indicative purposes only and not exhaustive.

8.7 Applications for Extended Hours

Reasons for Policy Approach

In developing its policy on licensed hours, the Licensing Board balanced the commercial interests of the licensed trade and its important contribution to the city against the need to take account of issues of concern to local residents and communities, as well as issues relating to policing, all with regard to the Licensing Objectives referred to in that part of the Policy Statement.

It has however been an issue of concern to the Board in the past that a number of premises were applying for Extended Hours with such regularity that the Board's general policy on licensed hours, and the Licensing Objectives it seeks to promote, particularly Preventing Crime and Disorder, Securing Public Safety and Preventing Public Nuisance, were being undermined. As such the Licensing Board considers it necessary and appropriate in terms of those Licensing Objectives to have a policy on the principles it will generally apply in considering applications for Extended Hours.

Where applications for Extended Hours meet the requirements of this part of the policy and there are no adverse comments from either Police Scotland or Licensing Standards Officers, there will be a presumption in favour of the grant of the application, subject to the numbers restriction set out at section 8.9 below. The Licensing Board considers that this is a reasonable and proportionate policy which will provide additional certainty to licensed premises in their operational planning of events throughout the year.

Generally, only an additional one licensed hour will be granted by way of Extended Hours on any given day however, each application will be considered on its own merits

8.8 Festive Period Extensions

Each year the Licensing Board will issue a statement of its policy on extensions for the festive period (“**Board’s Policy on the Festive Period**”). At the discretion of the Board, this Policy on the Festive Period may be extended to include recognised public holidays and events of national significance. Such extensions will apply automatically to all those premises which make reference to the Board’s Policy on the Festive Period within part 4 of the Operating Plan, without the need for an extended hours application.

8.9 Restriction on Number of Extended Hours Applications

The Board continues to consider it necessary and appropriate in order to protect its policy on licensed hours and the Licensing Objectives which that part of the policy is designed to promote, to place a restriction on the number of applications for Extended Hours which will be granted to individual premises each calendar year.

Generally, the Licensing Board considers that it would not be appropriate to grant licensed premises Extended Hours on more than **10 days** in each calendar year, or on a pro-rata basis in respect of new licensed premises. The maximum of 10 days is in addition to any Extended Hours for days covered by the Board’s Policy on the Festive Period extensions referred to at section 8.8 above or any general extension of licensed hours granted by the Board under section 67 of the Act.

8.10 Nature of the Event

An Extended Hours application may be made by the Premises Licence holder and may be sought in relation to a special event of national or local significance, or a special event or occasion to be catered for on the premises.

In relation to applications for Extended Hours for a special event or special occasion to be catered for on the premises, the Licensing Board will generally look for the applicant to demonstrate that the licence is required for a particular event such as special birthdays, for example a 21st, 30th, 40th etc and special anniversaries such as silver, golden etc, or weddings and other such special events or special occasions.

Where an application is made for Extended Hours in relation to a festival or event of local or national significance, the Licensing Board will expect the applicant to demonstrate that there will be a substantial form of entertainment taking place on the premises which is related to the particular festival or event. In such cases, the applicant will be required to submit a programme of events along with the application form. For the avoidance of doubt, mere sponsorship of the festival or event will not generally be considered sufficient to warrant the granting of Extended Hours. Every application which seeks Extended Hours for any associated activities will be treated on an individual basis, based on the nature of the activities to be made available.

The Licensing Board will tend to look favourably on applications for Extended Hours which are designed to cater for increased numbers of visitors to the city arising from events which are city wide in their appeal, such as international sporting events and city wide festivals. Where the festival or event is localised, such as the West End Festival, East End Festival or the Merchant City Festival, Extended Hours will generally only be granted to premises in the locality of the festival or event.

Where licensed premises already benefit from additional licensed hours as an exception to the standard policy hours of 12 midnight, the Licensing Board will expect that any Extended Hours sought are for special events or occasions which are consistent with the operation of the premises which justified the policy exception.

8.11 Processing Timescales – Extended Hours

Subject to any changes in the statutory requirements for processing Extended Hours applications, due to the timescales for reports to be obtained from the Police Scotland and Licensing Standards Officers, applications must be submitted to the Licensing Board at least 4 weeks prior to the date, or starting date, for which the Extended Hours are sought. Any applications intended to be lodged outwith that timescale would require the prior permission of either the Clerk or the Licensing Office Manager and will only be accepted on good cause being shown and not due to mere inadvertence.

Part Nine

Policy relative to Off-Sales Licensed Premises

This Part sets out the Licensing Board's approach to the consideration of applications for off-sales licensed premises with regard to the Licensing Objective of Protecting and Improving Public Health as well as the conduct, suitability and use of the premises.

9 Policy relative to Off-Sales Licensed Premises

9.1 Reasons for the Policy Approach

Throughout the pre-consultation and evidence gathering process, the Licensing Board heard repeated concerns about the changing habits in alcohol purchasing and consumption, with a number of respondents focusing on the evidence of the link between alcohol availability and harm in Scotland.

During the Covid-19 pandemic, the Board is aware that people purchased and consumed alcohol via off-sales such as supermarkets and local convenience stores since on-sales licensed premises were required to close under legislation at that time. Respondents to the pre-consultation expressed concern that in terms of the Licensing Objective of Protecting and Improving Public Health, the consumption of alcohol within the regulated environment of a pub, club or restaurant is safer than the unregulated consumption of alcohol sold from off-sales licensed premises.

The Board is also aware that problems of street drinking are found across the city. While there are some areas with persistent and recurring problems of street drinking, with so called 'drinking dens' being a particular problem in some communities, they also crop up in different areas at different times and seasons. The Board recognises that shops selling alcohol can, in some cases, be a focus of antisocial behaviour, disorder and disturbance and can be associated with the consumption of alcohol by Children and Young Persons. Such issues can therefore cause concern in relation to the Licensing Objectives of Preventing Crime and Disorder, Securing Public Safety, Preventing Public Nuisance and Protecting Children and Young Persons from Harm when considering applications in relation to premises wishing to sell alcohol for consumption off the premises, or in relation to applications for the variation of a Premises Licence or a Premises Licence Review Application.

The Licensing Board therefore believes it also has an important role to play in determining whether premises are suitable for the sale of alcohol with particular regard to the location of the premises, their character and condition and the persons likely to frequent the premises and in terms of whether the granting of an application would be inconsistent with one or more of the Licensing Objectives. The Board therefore considers that it is necessary and appropriate in order to promote the Licensing Objectives to have a specific policy relating to its consideration of applications in relation to the sale of alcohol for consumption off the premises.

9.2 Off-sales and the Licensing Objective of Protecting and Improving Public Health

In terms of the Local Licensing Forum reports to the Board, dated 14 March 2023 and separately 9 May 2023, the Licensing Board was concerned by the number of areas in the city, while not currently being identified as overprovision areas, which suffer from high levels of alcohol related hospital admissions and alcohol related deaths, in many cases well above the average for the country as a whole.

The Licensing Board is aware that overprovision is only one ground for refusal, and it believes that in terms of the alcohol related health data it has considered, it is important to clearly set out its concern regarding the granting of an off-sales licence and the Licensing Objective of Protecting and Improving Public Health.

While each application will be considered on its own merits, in the view of the Board where:

- there is evidence that the locality in which the applicant premises are situated suffers from higher than the national average levels of alcohol related health harms; and
- there is an intention to sell alcohol for consumption off the premises primarily directed towards those living within that locality,

the Licensing Board will carefully consider whether the granting of such a licence would be inconsistent with the Licensing Objective of Protecting and Improving Public Health.

The Licensing Board recognises that through changes in legislation, for example the implementation of challenge 25, minimum unit pricing and restrictions on irresponsible promotions, there are far greater controls than ever before on the sale of alcohol from off sales. However these safeguards alone cannot adequately mitigate the link between the availability of responsibly sold alcohol and its unregulated consumption by those living in local communities which already suffer from higher than average alcohol related health harms.

Even where there is little or no existing alcohol provision within the area, it may be inconsistent with the Licensing Objective of Protecting and Improving Public Health to grant a licence which would facilitate and allow easier access to alcohol, thereby having the potential to exacerbate existing alcohol related health problems in the area.

9.3 Alcohol Deliveries

The Licensing Board is aware of the continuing grow in trend for alcohol deliveries from licensed premises, either with or without food.

Section 108 of the Act contains a number of offence provisions relating to the delivery of alcohol by or to a Child or a Young Person with exceptions where the alcohol delivery is made or accepted by a person under 18 years who works in a paid or unpaid capacity involving alcohol deliveries.

Section 119 of the Act makes certain requirements in relation to information to be recorded pursuant to an alcohol delivery, including the quantity, description and price of the alcohol and the name and address of the person to whom it is to be delivered.

The Licensing Board believes that the following requirements, to be attached as licence conditions where off-sales is applied for as part of a Premises Licence, Provisional Premises Licence or a variation of a Premises Licence application, in addition to those set out in section 119 of the Act, remain necessary. These requirements remain necessary to provide for the effective regulation of alcohol deliveries and to ensure that there are similar safeguards to those applied to alcohol sold directly to a member of the public in licensed premises:-

- The challenge 25 policy for the premises must be implemented at the point of delivery;
- Information must be provided to customers at the point of order that alcohol will only be delivered to a person aged 18 or over, subject to the terms of section 108 of the Act;
- Licence holders should take all reasonable steps to ensure that the person delivering the alcohol has been given appropriate training on the application of the challenge 25 policy, and in particular on procedures relating to requesting age verification documentation and the acceptable forms of age verification documentation; and
- Licence holders should take all reasonable steps to ensure that the person delivering the alcohol has been given appropriate training to mitigate the risk of alcohol being delivered to a person who is drunk.

9.4 Suitability of Premises for Off-Sales: Factors to be taken into account

In considering whether premises are unsuitable for the sale of alcohol for consumption off the premises, or whether the granting of the application would be inconsistent with one or more of the Licensing Objectives, the Licensing Board will consider any reports submitted by Police Scotland, Building Standards and the Licensing Standards Officers, as well as the terms of any letters of objection or representation, including representations in support of the application, as well as its own local knowledge of a particular area. In considering the suitability of premises for the sale of alcohol, the Licensing Board may also take into account evidence regarding anti-social behaviour problems in the area which might be exacerbated by the grant of a licence for the sale of alcohol for off-consumption.

In considering the suitability of the premises for the sale of alcohol, the Licensing Board will also have regard to the locality and the persons likely to frequent the premises in terms of any nearby homelessness units or support facilities aiming to provide assistance to people suffering or recovering from alcohol dependency.

The Licensing Board will also have regard to such matters as:-

- (1) the layout and supervision of the premises. For example, whether the display(s) of alcohol are/will be clearly visible to staff from at least one supervised counter and / or cash point on the premises;
- (2) the size of the premises, including whether a secure storage area is / will be provided from which customers are excluded;
- (3) With regard to the location of all alcoholic products on the premises, whether there is/will be a supervised counter and/or cash point situated as near as is practically possible between those products and any entrances or exits at the premises;
- (4) Whether the licensed premises as a whole when not open to customers are / will be properly secured against unlawful entry; and
- (5) Whether in providing a suitable layout and proper security arrangements, safety and convenience of access at the premises will be materially affected, particularly in relation to the size of the area where alcohol is displayed at the premises and the parts of the premises to which customers have access.

9.5 Mitigation of Issues of Concern

The Licensing Board will generally consider attaching conditions to all off-sales licensed premises requiring the installation and operation of a CCTV system and requiring that a refusal book be maintained in the premises. Details of these standard conditions, for indicative purposes are set out in Appendix One. However, where there are concerns regarding the suitability of premises for the sale of alcohol for off-consumption, or with regard to inconsistency with one or more of the Licensing Objectives, the Board will consider whether these concerns can be sufficiently mitigated or controlled by imposing additional conditions on the licence.

9.6 Increase in Off-Sales Capacity

The Licensing Board is concerned to note the recent trend in licensed premises applying to increase the off-sales capacity within the premises by way of a variation application. While each application will be considered on its own merits, in these circumstances the Board would expect the applicant to provide an explanation to the Board as to the reasons for the increase, including what has changed since the granting of the original off sales capacity or any subsequent increase in relation to the Premises Licence or Provisional Premises Licence.

9.7 Determination of Applications

It is stressed that all such applications will be assessed on their merits and that the Board, as well as having regard to the foregoing policy, will also have regard to the particular circumstances pertaining to each application, Operating Plan and Layout Plan before reaching its decision.

Part Ten

Policy relative to the use of Toughened Glass and Other Recognised Safety Products in Licensed Premises

This Part sets out the Licensing Board's approach to the use of toughened glass and other recognised safety products in licensed premises in pursuance of the Licensing Objectives of Securing Public Safety and Preventing Crime and Disorder.

10 Policy relative to the use of Toughened Glass and other recognised Safety Products in Licensed Premises

10.1 Reasons for the Policy Approach

It is widely acknowledged that violent crime, particularly crime involving glasses and bottles in licensed premises, tends to be spontaneous and invariably involves a link with the consumption of alcohol. Similarly, it is generally accepted that individuals using glasses and bottles as weapons have caused a significant number of serious injuries sustained in or around licensed premises over the past few years.

From statistical information made available to the Licensing Board at the time of originally developing this policy, it was clear that the incidence of glassing attacks was considerably greater in Late opening premises, such as nightclubs, which attract an almost exclusively younger clientele, as opposed to other licensed premises which do not operate into the early hours of the morning. Indeed, from the statistical information available, the likelihood of a glassing attack in Late opening premises was twice that of other licensed premises.

In continuing to apply a policy in this regard, it is the Licensing Board's view that the use of toughened glass or other recognised safety products can play a vital part in reducing, significantly, the number of glass inflicted injuries, whether such injuries are inflicted accidentally or as a result of violence. This policy is therefore an important factor in promoting the Licensing Objectives of Securing Public Safety and Preventing Crime and Disorder.

Due to the methods employed during the manufacture of toughened glass and other recognised safety products, the possibility of it causing serious permanent disfigurement when used as a weapon is significantly reduced. By contrast, conventional glass when it breaks can leave large, very sharp, pieces, which can easily be used as weapons in order to inflict horrific and lasting injuries or cause injuries through accidental breakage.

The Licensing Board considers that in terms of the Licensing Objectives of Securing Public Safety and Preventing Crime and Disorder the benefits of using toughened glass and other recognised safety products in Late opening premises far outweighs any cosmetic or cost considerations.

10.2 Effect of Policy

Against this background, the Licensing Board considers it desirable to continue to have in place a policy in order to reduce, as far as possible, bottles and other receptacles being used as weapons during any incidents of disorder or the risk of injuries caused through accidental breakage.

'Late opening premises', for the purposes of this policy, shall apply if the Operating Plan for the premises specifies that the premises will, on any occasion, be open after **midnight**.

For the avoidance of doubt the requirements of this policy only apply to Late opening premises **during the hours of operation after midnight**.

The Policy will operate as follows: -

- (a) In Late opening premises all drinks should be served in toughened glass or other recognised safety products;
- (b) In Late opening premises no conventional glass bottles, whether open or sealed, should be given to customers, whether at the bar or by staff service to any area away from the bar.

Any drinks sold in glass bottles should be decanted into toughened glass or other recognised safety products before being served to the customer. For the avoidance of doubt, this policy only applies to the sale of alcohol or other drinks for consumption on the premises. Sales of alcohol in sealed bottles for off-consumption are not affected.

10.3 Exemptions

In appropriate circumstances, an exemption from the policy requirements may be given in relation to any affected premises or any part thereof. Exemptions may also be given with regard to the use of certain types of receptacle or bottle. Each request for exemption from the policy requirements will be considered by the Licensing Board on its own merits.

The Licensing Board has agreed that a specific exemption be given in the following terms:-

The terms of this policy shall not apply to Late opening premises operated exclusively as a restaurant, or any part of such premises which is set aside permanently and exclusively for use as a restaurant, in which the sale or supply of alcohol is solely to persons taking table meals there, or as an ancillary to the table meals. Where this exemption applies to part only of the Late opening premises, the licence holder shall ensure that no alcohol or other drink is taken from the restaurant area to any other parts of the premises unless the alcohol or other drink is contained in toughened glass or other recognised safety product.

The terms of this policy shall also not apply to Late opening premises which operate principally as hotels and which include at least four apartments set apart exclusively for the sleeping accommodation of travellers. However where a hotel is hosting a particular function or event, such as Christmas party nights or sporting events, compliance with the policy will be expected.

10.4 Enforcement Policy

This policy will be taken into account in determining any application for the grant of a Premises Licence or a variation in relation to Late opening premises as defined by this policy. On approval of any such application a condition may be attached to the Premises Licence in terms of section 27 (6) of the Act to apply the policy requirements on the grounds that it considers it necessary or expedient for the purposes of the Licensing Objectives of Securing Public Safety and Preventing Crime and Disorder. Regular inspections of affected premises will be carried out by Licensing Standards Officers to check for compliance. Failure to comply with the terms of the policy could lead to a Premises Licence Review Application being submitted to the Board for consideration.

10.5 The use of Non-Conventional Glassware Generally

Whilst this policy is principally designed to secure public safety and prevent crime and disorder in Late opening premises, it remains the responsibility of all Premises Licence holders to ensure that a full risk assessment has been carried out with regard to the use of their premises by members of the public. In particular, the Licensing Board would expect Premises Licence holders of any premises providing a dance floor for use by members of the public to pay particular regard to the arrangements in place for glass clearance and stewarding in the premises.

The Licensing Board does not expect every glass drinking vessel to be toughened but where there is a standard annealed glass with an equivalent design, shape and size in toughened glass or other suitable recognised safety product, then it would be expected that the premises

would use the safer product. The Licensing Board is aware that pint, ½ pint, and high ball glasses are examples of the types of glasses most frequently used as a weapon and therefore the use of the now readily available forms of toughened glass or alternative recognised safety products should be considered. Standard wine glasses that have an equivalent toughened glass, or other recognised safety product, should also be considered.

Where a Premises Licence Review Application is made to the Board as a result of a glassing incident within licensed premises, the Licensing Board will look to the Premises Licence holder to explain what steps had been taken in terms of the risk assessment for the premises to address this particular risk and whether replacing conventional forms of glassware with alternative safer products had been considered.

Part Eleven

Policy on the Prevention of Malicious or Ill-intentioned Conduct Associated with the Management of Licensed Premises

This Part sets out the Licensing Board's approach to tackling malicious or ill-intentioned conduct associated with the management of licensed premises in pursuance of the Licensing Objectives.

11 Policy on the prevention of malicious or ill-intentioned conduct associated with the management of Licensed Premises

11.1 Reasons for the Policy Approach

The Licensing Board is aware of wide public concern within its area and elsewhere in Scotland surrounding sectarian conduct which focuses on the religious divide between allegiance to the Catholic and Protestant expressions of the Christian faith. Very often this type of conduct finds its public expression in support of particular football clubs or references to matters associated with the religious and political divide in Northern Ireland.

The Licensing Board has on occasion had cause to take action in the case of licensed premises where the licence holder has engaged in, or permitted conduct at the premises, which is sectarian or which can reasonably be construed as sectarian. In certain Premises Licence Review Applications Police Scotland have expressed concern to the Licensing Board that such conduct constitutes a threat to public order or safety, particularly in an environment where alcohol is available and can exacerbate such issues. The conduct complained of has included:-

- decorating or displaying material at the premises with colours, images, designs, insignia or words associated with, or which can reasonably be construed as being associated with, either the Catholic or Protestant side of the religious divide; and
- permitting activities or entertainment at the premises associated with, or which can reasonably be construed as being associated with, either the Catholic or Protestant side of the religious divide.

In some instances, the licence holder, to their credit, has been responsive to requests from Police Scotland, Licensing Standards Officers or the Licensing Board to remedy the conduct. However, the Board believes that in order to assist enforcement measures in future, and to provide clarity to the licensed trade and members of the public, the Licensing Board should set down in this Policy Statement what it considers to be good practice on the part of licence holders in this regard.

On one level, such conduct on the part of a licence holder, whether intentional or unintentional, can cause offence and can lead to members of the public refraining from taking entry or considering themselves excluded from the premises by reason of their religious beliefs or affiliations. The Licensing Board does not consider this to be acceptable and is of the view that when it grants a Premises Licence, the licence holder has a duty to ensure that the premises are available to any member of the public, who should feel welcomed in those premises. Beyond this, such conduct can in some cases be intimidatory and inflammatory, inciting religious or sectarian hatred, and can constitute a threat to public order or safety or on occasions actually cause or contribute to public disorder, and that this can be exacerbated in an environment where alcohol is available. As such this policy has been adopted in pursuance of the Licensing Objectives of Securing Public Safety, Preventing Crime and Disorder and Preventing Public Nuisance.

The Licensing Board stresses that it is aware that the substantial majority of licence holders do not engage in such conduct and continue to operate their licences responsibly. The Licensing Board believes that there continues to be support from the licensed trade for action being taken against any licence holder who engages in or permits such conduct at licensed premises.

The Licensing Board is in no doubt that such conduct by irresponsible licence holders can constitute a threat to public order or safety, as well as causing public nuisance and therefore a breach of one or more of the Licensing Objectives, which in the most serious cases could render the premises unsuitable for the continued sale of alcohol.

Against this background, the Licensing Board considers it desirable to continue to have in place a policy in order to regulate such conduct on the part of Premises Licence holders. The scope of the policy has also been widened to encompass conduct or activities which cause offence to a reasonable person or which constitute a threat to public order or safety on any of the protected characteristics under the Equality Act 2010 as well as political and sectarian grounds or which can reasonably be construed as having such effect, such that one or more of the Licensing Objectives is compromised in the operation of the premises.

11.2 Effect of Policy

The policy will operate as follows:-

In general terms, the Licensing Board looks to Premises Licence holders not to engage in or permit conduct or activities at licensed premises which cause offence to a reasonable person or which constitute a threat to public order or safety, on any of the protected characteristics under the Equality Act 2010, political or sectarian grounds or which can reasonably be construed as having such effect.

Furthermore, individuals, or particular parts of the community, should not be discouraged from going to licensed premises on the basis of any protected characteristics under the Equality Act 2010, political or sectarian grounds in relation to the operation and management of the premises.

For the avoidance of doubt, the association of any licensed premises with a particular football club or the display of football programmes or football memorabilia within the licensed premises shall not of itself breach the policy. However, the football memorabilia displayed must not contain any design, insignia, word or groupings of words, which have a discriminatory, political or sectarian content or which could reasonably be construed as inciting discriminatory, political or sectarian hatred or violence.

The Licensing Board would expect, in the interests of public safety, a Premises Licence holder to comply with any reasonable order or instruction given by an officer of Police Scotland or Licensing Standards Officer for the purpose of giving effect to this policy.

11.3 Enforcement

The terms of this policy will be taken into account in the determination of any application for the grant of a Premises Licence in considering whether the application is inconsistent with one or more of the Licensing Objectives.

Where it is alleged that there has been a breach of this policy, either by Police Scotland, a Licensing Standards Officer or any person entitled to seek a review of the Premises Licence on any ground relevant to one or more of the Licensing Objectives, the Licensing Board may determine to hold a Premises Licence Review Hearing and, if necessary and appropriate to do so, take appropriate enforcement action against the premises.

Part Twelve

Policy relative to the Management of Outside Drinking Areas

This Part sets out the Licensing Board's approach to the regulation of outdoor licensed areas in pursuance of the Licensing Objective of Preventing Public Nuisance and the factors which it will take into account when considering such applications.

12 Policy relating to the management of Outdoor Drinking Areas

12.1 Reasons for the Policy Approach

The Licensing Board recognises the vital role that outdoor licensed areas played during the Covid-19 pandemic and how these areas provided a “lifeline” to many Premises Licence holders at that time. The Licensing Board is aware there has been an increase in the use of outdoor licensed areas since the Covid-19 pandemic, which has contributed to the city’s reputation as a stylish and vibrant place in which to visit and socialise. The Licensing Board also recognises the need to balance the use of such areas with the needs of local residents and the community in order to ensure that such areas will not cause disturbance or nuisance to the occupiers of other premises in the locality.

The Licensing Board therefore considers that in terms of the Licensing Objective of Preventing Public Nuisance it is both necessary and appropriate to have a policy to regulate the use of such areas in order that they can continue to play their important role in the city.

12.2 Applications for Outdoor Drinking Facilities

Where applicants for a Premises Licence or variation propose within their Operating Plan to provide an outside drinking area or areas, or do so under an Occasional Licence, the Licensing Board will expect the applicant to have regard to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of other premises in the locality. In terms of considering the suitability of outdoor licensed areas associated with licensed premises, and in terms of considering the Licensing Objective of Preventing Public Nuisance, the Licensing Board would generally expect such areas to be abutting, or in very close proximity to, the principal premises.

Where an applicant intends to apply for an outside drinking area to be included within the licensed area of the premises, that area must be included within the Layout Plan for the premises and clearly indicated as such.

Where the outdoor area is applied for by way of an Occasional Licence, a layout plan of the proposed area must be lodged along with the application as detailed in section 8.3. The applicant must also be able to advise as to how the proposed licensed outdoor area will be delineated on the ground by a removable barrier designed to allow access and egress for disabled persons. The requirement for physical delineation on the ground will then be made a condition of the Premises Licence, or Occasional Licence, in respect of outdoor drinking areas. The physical form of delineation must be via substantial barriers and not simply via devices as tied ropes, bunting, intermittently placed flower boxes and suchlike. It is expected that Licensing Standards Officers will monitor for compliance with this particular condition and report to the Licensing Board as appropriate.

It will also be a condition of the Premises Licence, or Occasional Licence, in respect of outdoor areas that sufficient ashtrays and other litter receptacles are to be provided in outdoor areas which are excluded from the definition of “*no smoking premises*” as prescribed in the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006.

The Licensing Board will also expect the applicant to be able to demonstrate their intention to put in place effective management controls, supervision and other measures to ensure that the use of such areas by customers does not have an adverse impact on the locality, particularly to occupiers of premises in the vicinity of the premises. Given the increase in the number of licensed outdoor areas and the concerns raised with the Board regarding the management of some of these, the Board is introducing new conditions in relation to the management and supervision of the outdoor area. These conditions are detailed at section 12.4 below.

In relation to noise control, and in pursuance of the Licensing Objective of Preventing Public Nuisance, generally the Licensing Board will not permit music, amplified sound or visual projections to be played within, or relayed to, outdoor drinking areas.

Where the proposed outdoor area is situated on a public footway, the Licensing Board expects applicants applying for outdoor areas to have obtained consent from the Roads Authority under section 59 of the Roads (Scotland) Act 1984. The Licensing Board expects that Premises Licence holders and Occasional Licence holders will comply with all conditions which may be attached to that consent. Also 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. The Board will not generally apply this requirement to external ‘vertical drinking’ areas which are contained within ‘beer gardens’ provided the extent of that facility does not cause public nuisance. Such outdoor areas will also have a fixed capacity, by way of a condition attached to the licence, based on a recommendation made by the Council’s Building Standards.

For the purposes of this policy, and for the avoidance of doubt, ‘beer gardens’ are enclosed areas of private ground included within the licensed premises as per the approved Operating Plan and Layout Plan and which do not require consent in terms of section 59 of the Roads (Scotland) Act 1984. ‘Public footway’ is the area for which consent is required in terms of that section.

12.3 Removal of Street Furniture

During the development of this policy, the Board noted concerns raised regarding street furniture and barriers being stored within the outdoor licensed area after 10pm.

The Board has therefore determined that this condition will now be interpreted and applied as follows:-

“...If situated on a public footway all street furniture and barriers must be taken out of use and removed from the outdoor licensed area immediately after [10pm]. All street furniture and barriers must be stored safely and securely in a manner which does not cause an obstruction or nuisance to members of the public and prevents the furniture from being utilised.”

An application for variation of a Premises Licence will not be required to give effect to this change. For the avoidance of doubt, this condition does not supersede or override any other restriction, condition or requirement regulating the use of outdoor areas.

12.4 Monitoring and Supervision of Outdoor Area

In addition to the amendment to the street furniture condition referred to at section 12.3, in developing this policy the Licensing Board noted concerns raised in relation to the management of outdoor areas, particularly around supervision of the area. To address these, the Licensing Board will apply the following conditions:

- ***The outdoor licensed area must be supervised at all times when it is in use in order to monitor occupant capacity within the area;***
- ***The outdoor licensed area must be regularly serviced by the premises and kept clear of unattended empty receptables;***
- ***A fully operational CCTV system which complies with all current legislative requirements covering the outdoor licensed area is fitted and maintained in full working order in accordance with guidance provided by the Information Commissioner and to the satisfaction of Chief Constable of Police Scotland and Licensing Standards Officer; and***
- ***No alcohol, once served to a customer within the outdoor licensed area, should be taken from the area by a customer.***

Part Thirteen

Monitoring, Compliance and Enforcement

This Part explains the Licensing Board's general approach to issues of monitoring, compliance and enforcement.

13 Monitoring, Compliance and Enforcement

13.1 Monitoring of Policies and Conditions

It is essential that licensed premises are operated in accordance with the Act, the licence conditions, any requirements of this Policy Statement and in pursuance of the Licensing Objectives. The procedures set out in the Act for reviewing Premises Licences represent a key protection for the community where problems associated with crime and disorder, public nuisance, health and safety or activities harmful to Children and Young Persons are occurring.

As such, the Licensing Board recognises the importance of having compliance issues monitored in order to promote the Licensing Objectives and it would expect Police Scotland and Licensing Standards Officers to continue to take a risk based approach to visits and inspections of licensed premises.

Previous fire safety legislation in Scotland has been replaced by the Fire (Scotland) Act 2005 and by regulations made under it. As the Scottish Fire and Rescue Service is an enforcing authority for the Fire (Scotland) Act 2005, the Licensing Board will also work in partnership with Scottish Fire and Rescue Service officers to promote the Licensing Objectives. Protocols will be agreed between the Scottish Fire and Rescue Service and the Licensing Board on responsibilities and procedures for joint working and enforcement under the relevant legislation.

13.2 Enforcement Action by the Licensing Board – General Principles

In all cases where enforcement action is deemed necessary and appropriate, the Licensing Board will adopt the following basic principles:-

- **Openness:** The Licensing Board will strive to conduct its business in as open a manner as possible, whilst respecting the confidentiality of those who have contacted it regarding enforcement matters and abiding by the law relating to the disclosure of information under the Freedom of Information (Scotland) Act 2002 and/or the Environmental Information (Scotland) Regulations 2004.
- **Proportionality:** Any enforcement action taken by the Licensing Board will be proportional to the seriousness of the breach or actions and may take into account previous breaches.
- **Fairness:** The Licensing Board will strive to ensure that licence holders are all treated fairly.

The Licensing Board recognises the interests, and occasionally competing interests, of members of the public, local communities and licensed premises. The Licensing Board will therefore work closely with its various partners to assist licence holders to comply with the Act, the Licensing Objectives, and Licensing Board conditions and policies. Proportionate, but fair action will be taken against any licence holder who is found to be in breach of any of these requirements.

Appendix One: Style Conditions

This Appendix contains style conditions which may be attached by the Licensing Board in pursuance of the Licensing Objectives.

The following style conditions are for indicative purposes only and are not exhaustive. Conditions will be tailored according to individual premises/applications.

PREMISES LICENCES STYLE CONDITIONS (for indicative purposes only).

Preventing Crime and Disorder (Nightclub):

1. In order to prevent or minimise the threat of illegal drugs or other harmful articles or substances being brought into or used on the licensed premises, the Premises Licence holder shall prominently display at the entrance to the licensed premises where it can be clearly read by customers to the licensed premises, information relating to the maximum occupant capacity of the licensed premises and the following information relating to health and safety issues affecting the licensed premises and persons on the licensed premises ("Information Notice"):-

- (i) the following statement:-

**WARNING
DRUGS
AND
OFFENSIVE WEAPONS**

Under no circumstances will the use of illegal drugs or the carrying of offensive weapons be permitted on these premises.

As part of our commitment to our customers and to achieve a safe and drug-free environment, all persons entering these premises are liable to be asked, as a condition of entry, to submit to a search.

If you are found in possession of drugs or offensive weapons, these will be taken from you and Police Scotland will be informed.

- (ii) Make provision for the prominent display of the Information Notice within the licensed premises, and any drug prevention or awareness information provided to the Premises Licence holder by the Greater Glasgow and Clyde Health Board, Glasgow City Council, Police Scotland or any other body authorised for this purpose by the Licensing Board.
2. Unless there are good reasons for not implementing a search policy in relation to customers, which reasons shall have been intimated to the Licensing Board in advance of any change in practice, the Premises Licence holder shall implement a system of searching all customers at the point of entry, using appropriate and effective search techniques.
3. The Premises Licence holder shall ensure that regular checks are carried out by management and stewards, and a written record kept of these checks, to establish that no illegal drugs or other harmful articles or substances have been brought into or are being used on the licensed premises. The record should be made available to Licensing Standards Officers, or any member of or person authorised in writing by the Licensing Board, and/or a Police Scotland officer upon request by such persons.
4. Entertainment in the licensed premises shall not, be promoted, advertised or conducted in such a way which could reasonably be construed as condoning the supply, use or possession of illegal drugs.

5. Alcohol shall only be supplied on the licensed premises during the hours of 12 midnight and (tbc) am when substantial forms of entertainment are provided within the licensed premises as set out in the Board's Licensing Policy Statement.

Style Conditions - Securing Public Safety (Nightclub/Late Opening Premises):

1. The Premises Licence holder at all times when the licensed premises are open to the public during the permitted hours shall:-
 - (a) Operate a mechanical or electronic counting system which is capable of accurately recording the number of persons entering and leaving the premises and any area of the licensed premises having a separate occupant capacity; and
 - (b) operate such counting system themselves or appoint another person or persons for that purpose.
2. In relation to the said counting system, the Premises Licence holder or person or persons appointed by the Premises Licence holder for that purpose shall at any time, upon a request being made by a Police Scotland officer, a Licensing Standards Officer, or any member of or person authorised in writing by the Licensing Board, immediately provide accurate information on the number of persons within the licensed premises and any area of the licensed premises having a separate occupant capacity.
3. During the licensed hours when the licensed premises are open to the public, the Premises Licence holder shall have present on the licensed premises, stewarding personnel, licensed by the Security Industry Authority, to provide for the maintenance of public order and the proper management, control, safety and general well-being of customers on the premises.
4. The Premises Licence holder shall prepare a risk assessment for stewarding personnel in terms of the Management and Health and Safety at Work Regulations 1999. Said risk assessment for stewarding personnel shall be produced on request to a Police Scotland officer, Licensing Standards Officer or such other person authorised for the purpose by the Council.
5. The number of such stewarding personnel present on the licensed premises shall at no time be less than the requisite number provided in said risk assessment.
6. In the interests of providing for and maintaining public order and safety in the licensed premises during the permitted hours when the licensed premises are open to the public, the Premises Licence holder shall ensure:-
 - (i) That empty glasses and bottles from the premises are regularly cleared from areas to which the public have access. Any receptacles provided on the premises for the collection, or disposal by customers, of empty bottles shall be of solid construction, emptied regularly by staff and designed so that bottles already deposited therein cannot be retrieved by customers. No glasses or bottles shall be permitted in cloakrooms, toilets or on dance floors located on the premises. Sufficient shelves, ledges, tables and counters shall be provided on the premises to accommodate glasses and bottles before collection. This condition is without prejudice to the Licensing Board's policy in relation to the use of toughened glass and safety products in late operating premises.
 - (ii) At any location within the areas aftermentioned, the following minimum levels of lighting shall be maintained at all times:-

Corridor/stairs - 150 lux Toilets - 150 lux
Offices - 500 lux
Bar counters - 300 lux

- (iii) Except where the risk assessment referred to at condition [4] hereof provides for the permanent presence of a steward within the sanitary accommodation during the licensed hours when the premises are open to the public, the Premises Licence holder shall ensure that the sanitary accommodation is regularly inspected by staff to ensure that the facilities and all parts of the accommodation are kept clean and in good condition. In order to satisfy this requirement, a check of the sanitary accommodation shall be made at least once an hour to ascertain if servicing is required or if the accommodation is being used for an improper or unlawful purpose. There shall be prominently displayed in the sanitary accommodation, a notice containing the following information: (a) the frequency of inspections of the sanitary accommodation, (b) the date and time when the sanitary accommodation was last inspected in terms hereof and (c) the names of the members of staff who carried out each inspection.

Style Conditions – Preventing Public Nuisance (Outdoor Area) (Function) (Restaurant):

1. The outdoor licensed area must be delineated on the ground by a removable barrier designed to allow access and egress for disabled persons.
2. Suitable and sufficient ashtrays and other litter receptacles shall be provided in outdoor areas which are excluded from the definition of “no smoking premises” as prescribed in the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 and arrangements made for the regular sweeping and litter collection within the outdoor area.
3. No music, amplified sound, or visual projections shall be played in, or relayed to, the outdoor licensed area.
4. Where the outdoor area is situated on a public footway, it may only be used for the consumption of alcohol by customers seated at tables.
5. The capacity of the outside area shall not exceed [*number of persons*].
6. The outdoor licensed area must not be used after 10pm for the consumption of alcohol. If situated on a public footway all street furniture and barriers must be taken out of use and removed from the outdoor licensed area immediately after 10pm. All street furniture and barriers must be stored safely and securely in a manner which does not cause an obstruction or nuisance to members of the public and prevents the furniture from being utilised.
7. A copy of the approved layout plan showing the dimensions and extent of the outdoor licensed area must be prominently displayed in either the window of the principal licensed premises or the outdoor area, at a place clearly visible to members of the public and relevant officers and be of a durable material to A4 size or more.
8. The outdoor licensed area must be supervised at all times when it is in use to monitor occupant capacity within the area.
9. The outdoor licensed area must be regularly serviced by the premises and kept clear of unattended empty receptacles
10. A fully operational CCTV system which complies with all current legislative requirements covering the outdoor licensed area is fitted and maintained in full working order in accordance with guidance provided by the Information Commissioner and to the satisfaction of Chief Constable of Police Scotland and Licensing Standards Officer.
11. No alcohol, once served to a customer within the outdoor licensed area, should be taken from the area by a customer.

(Function)

12. Between the hours of 12midnight and 1am, alcohol shall only be sold at pre-booked functions taking place within the function room(s) of the licensed premises.

(Restaurant)

13. The licence holder may only provide alcohol on the licensed premises during the hours of 12 midnight and 1am to persons who have taken a meal at the premises that evening and where at least 75% of the floor area of the premises is given over to the provision of full restaurant facilities at all times and that area must be clearly shown on the Layout Plan.

Style Conditions – Protecting Children and Young Persons from harm (Children’s Conditions):

The Premises Licence holder shall ensure that:-

1. While children are in any part of the licensed premises they should remain under the supervision of an accompanying adult.
2. All heating appliances in the public area of the licensed premises should be adequately protected.
3. All electrical sockets in the public area of the licensed premises should be adequately protected.
4. A children’s menu should be available at all times when children are permitted to be on the premises or alternatively the main menu should show that children’s portions are available during such times.
5. Drinks supplied to children should be served in non-glass containers.
6. 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.
7. Where children under the age of 5 are admitted entry to the premises, a minimum of two baby high chairs should be provided for very young children.
8. Where children under the age of 5 are permitted entry to the premises, an adequate sized lidded bin should be provided in both the male and female toilet area for the disposal of soiled nappies and the bins should be clearly marked to indicate the purposes for which they are provided.

Style conditions – Preventing Crime and Disorder and Securing Public Safety – Off-Sales (Refusal/CCTV and Alcohol Delivery Conditions)

The Premises Licence holder shall ensure that:-

1. A refusal register shall be 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 should be inspected and signed by the Designated Premises Manager, or his nominated representative, at least on a weekly basis.

3. The refusal register should be made available for inspection by a Police Scotland officer and/or 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.
5. Any individual delivering alcohol dispatched from the premises shall maintain a register recording all incidences of refused sales, including the date, time and the reason for refusal. Any refused sales recorded in the register shall be transposed into the refusal register from the premises, as set out in condition 1, at least on a weekly basis.
6. A fully operational CCTV system which complies with all current legislative requirements covering all areas of the premises to which the public have access, including entrances, exists and till areas, is fitted and maintained in full working order in accordance with guidance provided by the Information Commissioner and to the satisfaction of the Chief Constable of Police Scotland and Licensing Standards Officer.
7. CCTV footage is made available to Police Scotland officers and/or Licensing Standards Officers on request.
8. Throughout the licensed hours a member of staff fully trained on the operation of the CCTV is present on the premises.
9. The challenge 25 policy for the premises must be implemented at the point of delivery.
10. Information must be provided to customers at the point of order that alcohol will only be delivered to a person aged 18 or over, subject to the terms of section 108 of the Act.
11. Licence holders should take all reasonable steps to ensure that the person delivering the alcohol has been given appropriate training on the application of the challenge 25 policy, and in particular on procedures relating to requesting age verification documentation and the acceptable forms of age verification documentation.
12. Licence holders should take all reasonable steps to ensure that the person delivering the alcohol has been given appropriate training to mitigate the risk of alcohol being delivered to a person who is drunk.

OCCASIONAL LICENCE STYLE CONDITIONS

Occasional Licence -*Outdoor Event/Festival*

Local Condition: Preventing Public Nuisance and Securing Public Safety

1. The applicant shall comply with the terms of the Alcohol Management Plan submitted to and agreed with the Licensing Standards Officer.
2. That sufficient numbers of stewards will be on duty to manage the public attending the event including the bar areas.
3. That all drinks shall be dispensed in open plastic cups and or plastic bottles.
4. That entry to the premises must not exceed the maximum capacity of [tbc] persons.
5. That a suitably qualified and experienced sound management consultant shall be appointed to liaise between all relevant parties (including but not restricted to the licence holder, the event organiser/promoter (if not the licence holder), the sound system supplier, the sound engineer, and the local authority) on all matters relating to noise control prior to and during the event.
6. That a noise management plan shall be provided at least 28 days in advance of an event detailing the measures to be taken to the impact of amplified and environmental sound associated with the event on nearby noise-sensitive premises; this may be incorporated into the event management plan and should include comment on the configuration of the sound system(s) and any necessary acoustic screening measures.
7. That the promoter, the sound system supplier, and all individual sound engineers shall be informed of the sound control limits and that any instruction from the noise control consultant and/or Glasgow City Council, Environmental Health staff regarding noise levels shall be implemented.
8. That plant, machinery or equipment associated with the event shall be designed and/or attenuated such that, within any noise-sensitive premises, it shall not give rise to a noise level exceeding noise rating 25* between the hours of 23:00 and 07:00 and noise rating 35* at all other times. (*assessed with windows open.)
9. That the start time of the event shall not be prior to [tbc] and the finish time not after [tbc] hours unless permission has been authorised in writing by the licensing authority.
10. That any rehearsal or sound check to take place prior to the event shall take place between 08:00 hours and 20:00hours, Monday to Saturday, and 10:00 hours and 20:00 hours on Sunday, unless authorised in writing by Glasgow City Council, Environmental Health on behalf of the Licensing Board.
11. That all works associated with the erection and dismantling of any structure (including fencing) associated with the event shall employ Best Practicable Means to minimise noise at all times and shall take place between 08:00 hours and 20:00 hours, Monday to Saturday and 10:00 hours and 20:00 hours on Sunday, unless authorised in writing by Glasgow City Council Environmental Health on behalf of the Licensing Board.
12. The music noise level (MNL) shall not, 1 metre from the façade of any noise sensitive premises, exceed Leq,15min [tbc] throughout the duration of the event.

13. The control of amplified sound, for frequencies of 63 Hz and/or 125Hz, shall be such that Lmax 80 dB(A) is not exceeded when measured 1 metre from the façade of any noise sensitive premises.

Note: The licence holder shall also take account of low frequency noise emanating from an event if complaint arises. A level of 70dB in either of the 63Hz or 125 Hz octave band frequency ranges can be deemed as satisfactory. A level of 80dB or more in either the 63 Hz or 125 Hz octave band frequency ranges can be deemed to give rise to significant disturbance.

14. That amplified sound from other musical entertainment, fairground rides or other concessions associated with the event are controlled so as to minimise the risk of nuisance conditions at any off-site, noise sensitive premises.
15. That they shall take whatever steps are necessary to ensure local residents are informed at a reasonable length of time prior to the event, of the nature, time, and duration of the event.

Local Condition: Protecting Children and Young Persons from Harm

The Premises Licence holder shall ensure that:

1. While children and young persons are in any part of the licensed premises they should remain under the supervision of an accompanying adult.
2. All heating appliances in the public area of the licensed premises should be adequately protected.
3. All electrical sockets in the public area of the licensed premises should be adequately protected.
4. A children's menu should be available at all times when children are permitted to be on the premises or alternatively the main menu should show that children's portions are available during such times.
5. Drinks supplied to children should be served in non-glass containers.
6. 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.
7. Where children under the age of 5 are admitted entry to the premises, a minimum of two baby high chairs should be provided for very young children.
8. Where children under the age of 5 are permitted entry to the premises, an adequate sized lidded bin should be provided in both the male and female toilet area for the disposal of soiled nappies and the bins should be clearly marked to indicate the purposes for which they are provided.

Occasional Licence – *Event within a Community Hall*

Local Condition: Preventing Crime and Disorder and Securing Public Safety

1. The applicant shall comply with the terms of the Alcohol Management Plan submitted to and agreed with the Licensing Standards Officer.
2. That sufficient numbers of staff will be on duty to manage the public attending the event including the bar areas.
3. That all drinks shall be dispensed in open plastic cups and/or plastic bottles.
4. That the promoter of the event is affiliated to a recognised organisation or governing body.
5. That a personal licence holder will be on the premises and responsible for the management of the licensed premises for the duration of the event.
6. During the licensed hours when the premises are open to the public, the licence holder shall have present on the premises, sufficient numbers of stewarding personnel, licensed by the Security Industry Authority, to provide for the maintenance of public order and the proper management, control, safety and general well-being of patrons on the premises.
7. That properly accredited first aid providers are on the premises for the duration of the event and are supported by appropriately qualified medical or nursing practitioners.

Local Condition: Protecting Children and Young Persons from Harm

The Premises Licence holder shall ensure that:

1. While children and young persons are in any part of the licensed premises they should remain under the supervision of an accompanying adult.
2. All heating appliances in the public area of the licensed premises should be adequately protected.
3. All electrical sockets in the public area of the licensed premises should be adequately protected.
4. A children's menu should be available at all times when children are permitted to be on the premises or alternatively the main menu should show that children's portions are available during such times.
5. Drinks supplied to children should be served in non-glass containers.
6. 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.
7. Where children under the age of 5 are admitted entry to the premises, a minimum of two baby's high chairs should be provided for very young children.
8. Where children under the age of 5 are permitted entry to the premises, an adequate sized lidded bin should be provided in both the male and female toilet area for the disposal of soiled nappies and the bins should be clearly marked to indicate the purposes for which they are provided.

Local Condition - Preventing Public Nuisance and Securing Public Safety

1. Noise from the event shall not give rise to a Statutory Noise Nuisance in domestic dwellings (as defined in section 79 of the Environmental Protection Act 1990).
2. An appropriate Risk Assessment must be in place to ensure a safe operating capacity within the premises.

Occasional Licence – *Outdoor Area*

Local Condition: Preventing Public Nuisance (Outdoor Licensed Area)

1. The outdoor licensed area must be delineated on the ground by a removable barrier designed to allow access and egress for disabled persons.
2. Suitable and sufficient ashtrays and other litter receptacles shall be provided in outdoor licensed areas which are excluded from the definition of “*no smoking premises*” as prescribed in the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 and arrangements made for the regular sweeping and litter collection within the outdoor licensed area.
3. No music, amplified sound, or visual projections shall be played in, or relayed to, the external area.
4. Where the outdoor licensed area is situated on a public footway, it may only be used for the consumption of alcohol by customers seated at tables.
5. The capacity of the outside area shall not exceed [*number of persons*].
6. The outdoor licensed area must not be used after 10pm for the consumption of alcohol. If situated on a public footway all street furniture and barriers must be taken out of use and removed from the outdoor licensed area immediately after 10pm. All street furniture and barriers must be stored safely and securely in a manner which does not cause an obstruction or nuisance to members of the public and prevents the furniture from being utilised.
7. A copy of the approved layout plan showing the dimensions and extent of the outdoor licensed area must be prominently displayed in either the window of the principal licensed premises or the outdoor licensed area, at a place clearly visible to members of the public and relevant officers and be of a durable material to A4 size or more.
8. The outdoor licensed area must be supervised at all times when it is in use to monitor occupant capacity within the area.
9. The outdoor licensed area must be regularly serviced by the premises and kept clear of unattended empty receptacles.
10. A fully operational CCTV system which complies with all current legislative requirements covering the outdoor licensed area is fitted and maintained in full working order in accordance with guidance provided by the Information Commissioner and to the satisfaction of Chief Constable of Police Scotland and Licensing Standards Officer.
11. No alcohol, once served to a customer within the outdoor licensed area, should be taken from the area by a customer.

Local Condition: Protecting Children and Young Persons from Harm

The Premises Licence holder shall ensure that:

1. While children and young persons are in any part of the licensed premises they should remain under the supervision of an accompanying adult.
2. All heating appliances in the public area of the licensed premises should be adequately protected.

3. All electrical sockets in the public area of the licensed premises should be adequately protected.
4. A children's menu should be available at all times when children are permitted to be on the premises or alternatively the main menu should show that children's portions are available during such times.
5. Drinks supplied to children should be served in non-glass containers.
6. 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.
7. Where children under the age of 5 are admitted entry to the premises, a minimum of two baby high chairs should be provided for very young children.
8. Where children under the age of 5 are permitted entry to the premises, an adequate sized lidded bin should be provided in both the male and female toilet area for the disposal of soiled nappies and the bins should be clearly marked to indicate the purposes for which they are provided.

Appendix Two: Scheme of Delegation

This Scheme of Delegation covers the powers of the Licensing Board in terms of the Act.

These delegations will be subject to any alterations made necessary due to amendments to legislation, regulations, codes of practice or government circulars. In the event of a conflict between the terms of this scheme of delegation and the relevant legislation, the scheme of delegation shall be amended forthwith to accord with the provisions of the said relevant legislation.

1. Reserved to the Licensing Board

Decisions on the following matters shall be made by the Licensing Board at a meeting arranged by the Clerk:-

- 1.1 Determining the Licensing Board's policy for the purposes of a Licensing Policy Statement or any Supplementary Licensing Policy Statement
- 1.2 Determining, for the purposes of any such statement, whether there is overprovision of licensed premises, or licensed premises of any particular description, in any locality
- 1.3 Determining a Premises Licence application
- 1.4 Determining a Premises Licence variation application where the variation sought is not a minor variation
- 1.5 Determining an application for the transfer of a Premises Licence where the applicant has been convicted of a relevant or foreign offence
- 1.6 Determining a personal licence application, or personal licence renewal application where the applicant has been convicted of a relevant or foreign offence
- 1.7 Conducting a hearing under the Act, including taking any of the following steps:-
 - 1.7.1 at a Review Hearing in respect of a Premises Licence
 - (i) issuing a written warning to the licence holder; or
 - (ii) revoking or suspending the licence; or
 - (iii) making a variation of the licence; or
 - 1.7.2 making an order revoking, suspending or endorsing a personal licence
- 1.8 Making a closure order
- 1.9 Refusing an application for confirmation of a provisional licence.

2. Delegation to the Clerk, Depute Clerk or Assistant Clerk of the Licensing Board

Decisions on the following matters are delegated to the Clerk, or the Depute Clerk or the Assistant Clerk:-

- 2.1. Any application for a minor variation of Premises Licences (section 29)
- 2.2 Any application for variation to substitute a new premises manager
- 2.3 Any application to transfer a Premises Licence – where the transferee has *not* been convicted of any relevant or foreign offence (sections 33 to 35)
- 2.4 Any application for confirmation of a Provisional Premises Licence – where no variation (other than a minor variation) has been made to the Operating Plan or Layout Plan for the premises to which the licence relates since the Provisional Premises Licence was issued or since a variation of the Provisional Premises Licence was granted (section 46)
- 2.5 Any application for an Occasional Licence – where no objections or representations have been received, nor a notice recommending refusal from the Chief Constable or any report from the Licensing Standards Officer recommending refusal (sections 56 to 61)
- 2.6 Any application for Extended Hours - where no objections or representations have been received, nor a notice recommending refusal from the Chief Constable or any report from the Licensing Standards Officer recommending refusal (sections 68 to 70)
- 2.7 The determination in terms of section 70 (2) of the Act as to whether or not the Licensing Board will hold a hearing to determine an application for Extended Hours where an objection, representation or a notice recommending refusal from the Chief Constable or a report from the Licensing Standards Officer recommending refusal has been received
- 2.8 Where a decision has been taken not to hold a hearing in terms of section 70 (2) of the Act, the determination of the application.
- 2.9 Any application for a personal licence or renewal of a personal licence where the applicant has *not* been convicted of a relevant or foreign offence (section 74)
- 2.10 In terms of Paragraph 9 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007, the decision as to whether, in the case of a Premises Licence application during the transitional period, to request an anti-social behaviour report from the Chief Constable
- 2.11 In terms of paragraph 11 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007 – “No requirement for a hearing” - the decision as to whether an objection to a Premises Licence application made during the transitional period should be rejected under section 22(4) of that Act where no other competent objections have been made
- 2.12 In terms of paragraph 11 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007 – “No requirement for a hearing” – the decision as to whether an application for a Premises Licence, made during the transitional period, can be approved via a list at a meeting of the Licensing Board where:-
 - (i) there are no valid objections to the application;
 - (ii) the size and capacity of the premises, the general nature of the premises, and any entertainment to be provided on the premises are to be substantially the same as at the date of application;
 - (iii) the hours sought in the Operating Plan are within the Licensing Board’s general policy on Licensing Hours as set out in its Statement of Licensing Policy; and

- (iv) no request for an anti-social behaviour report in terms of paragraph 6 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007 has been made.

[Note the Clerk, Depute Clerk or Assistant Clerk may elect not to use their delegated powers in a particular case in which case the matter will be referred to the Board]

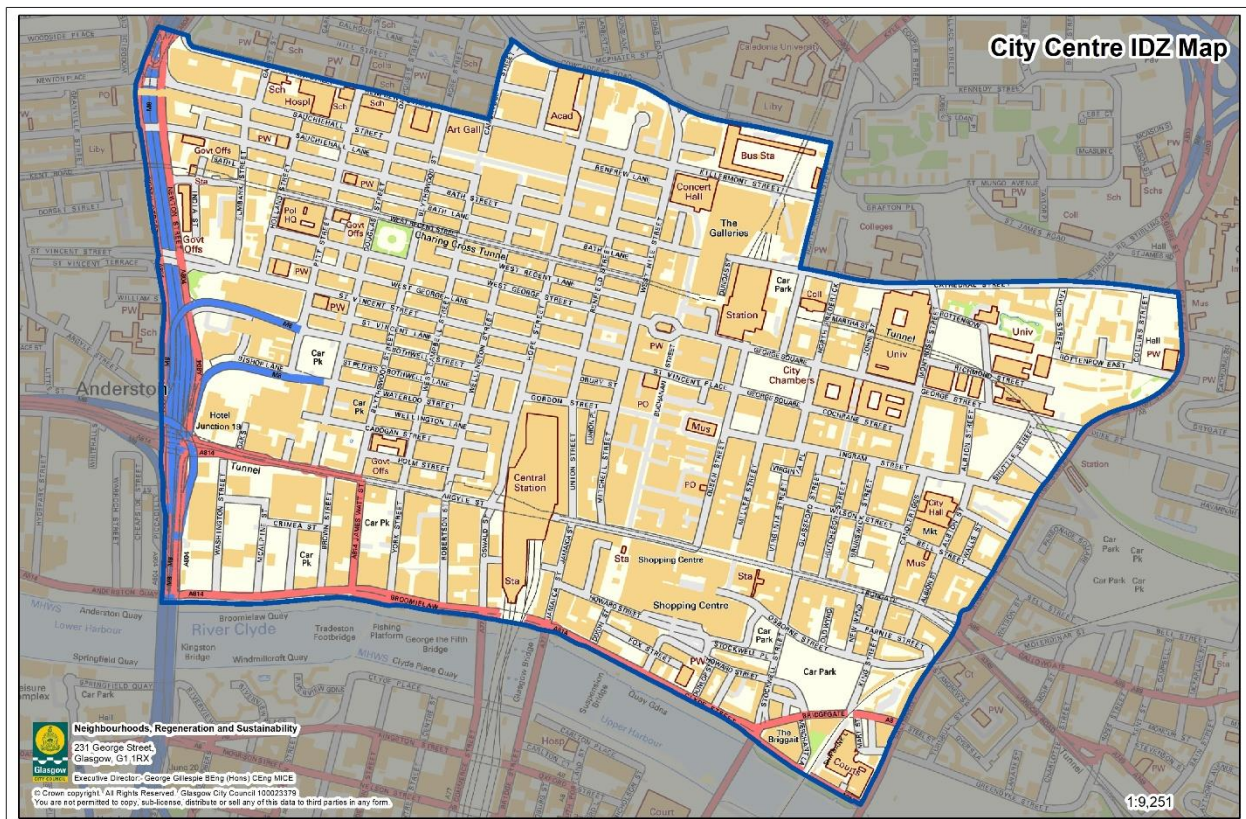
3. Other matters

Any matters which are not the subject of a specific delegation in terms of this Scheme of Delegation and are not prescribed by the Act shall be determined by the Licensing Board at a meeting arranged by the Clerk in consultation with the Convener or Vice Convener of the Licensing Board.

Appendix Three: Map of the City Centre Area

An interactive map of the city centre area is available online via the following link

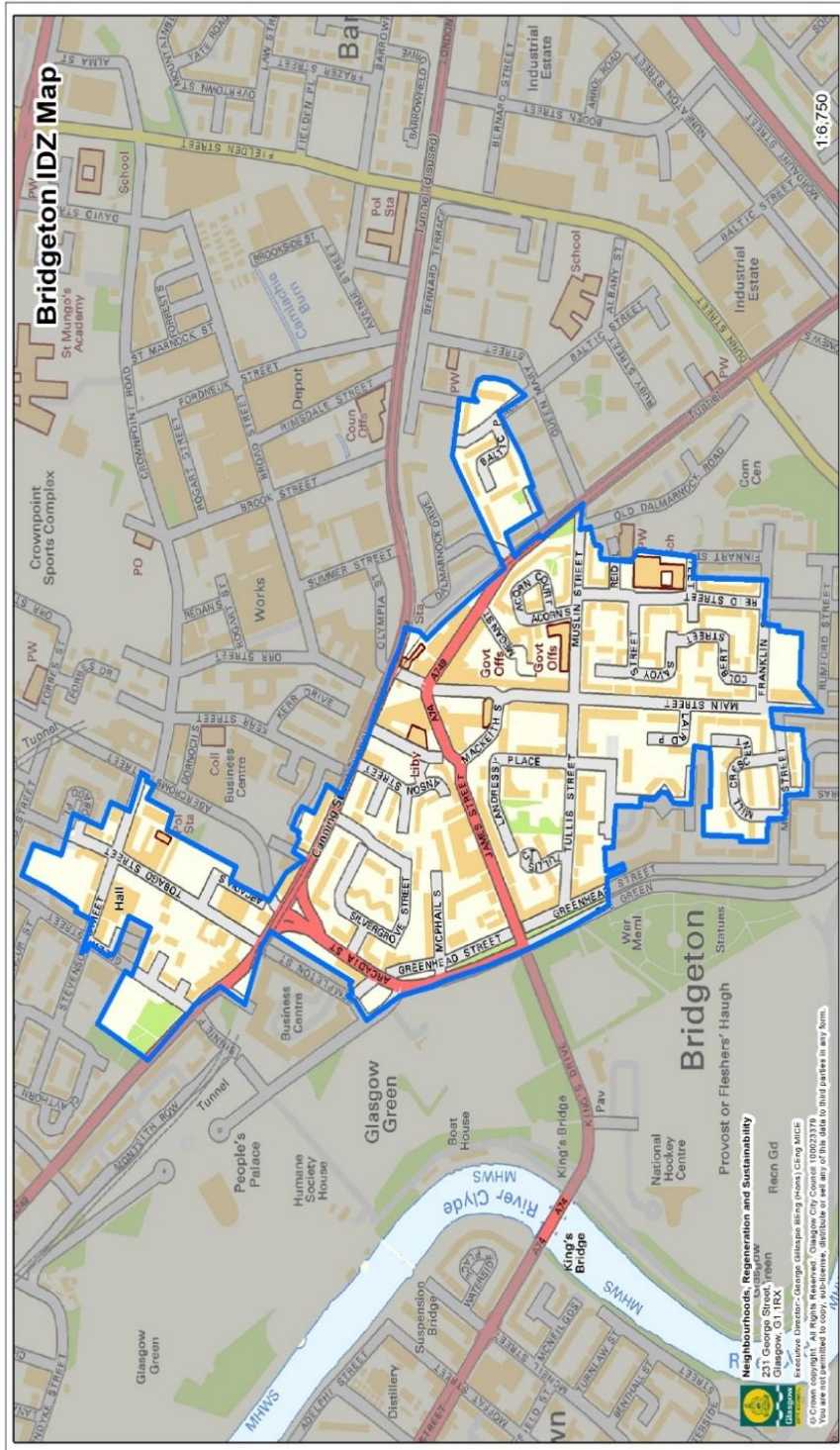
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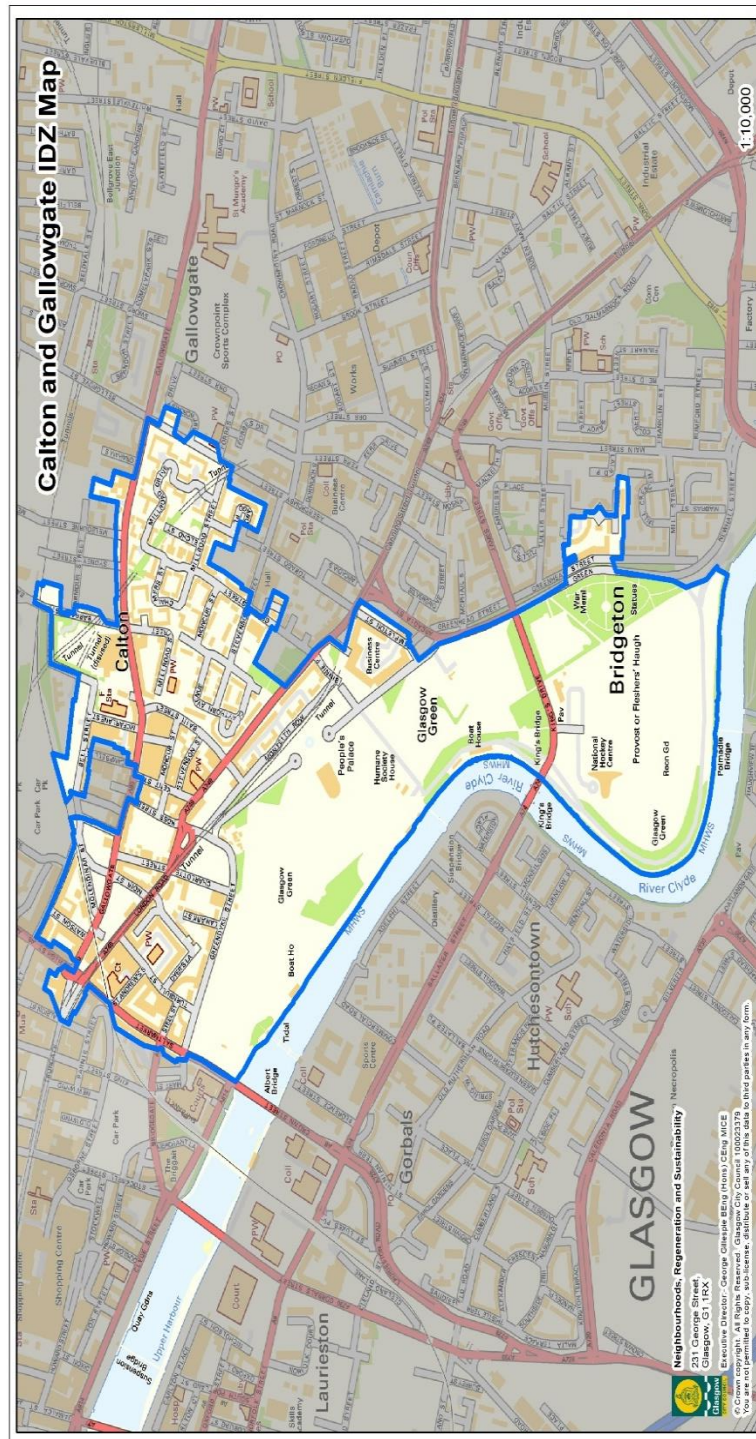
Appendix Four: Maps of Overprovision Localities

All Maps of the Overprovision Localities detailed below are available as interactive maps using the online link <https://glasgowgis.maps.arcgis.com/apps/webappviewer/index.html?id=de1e8ff4bb6a44b48258e937110b23aa>

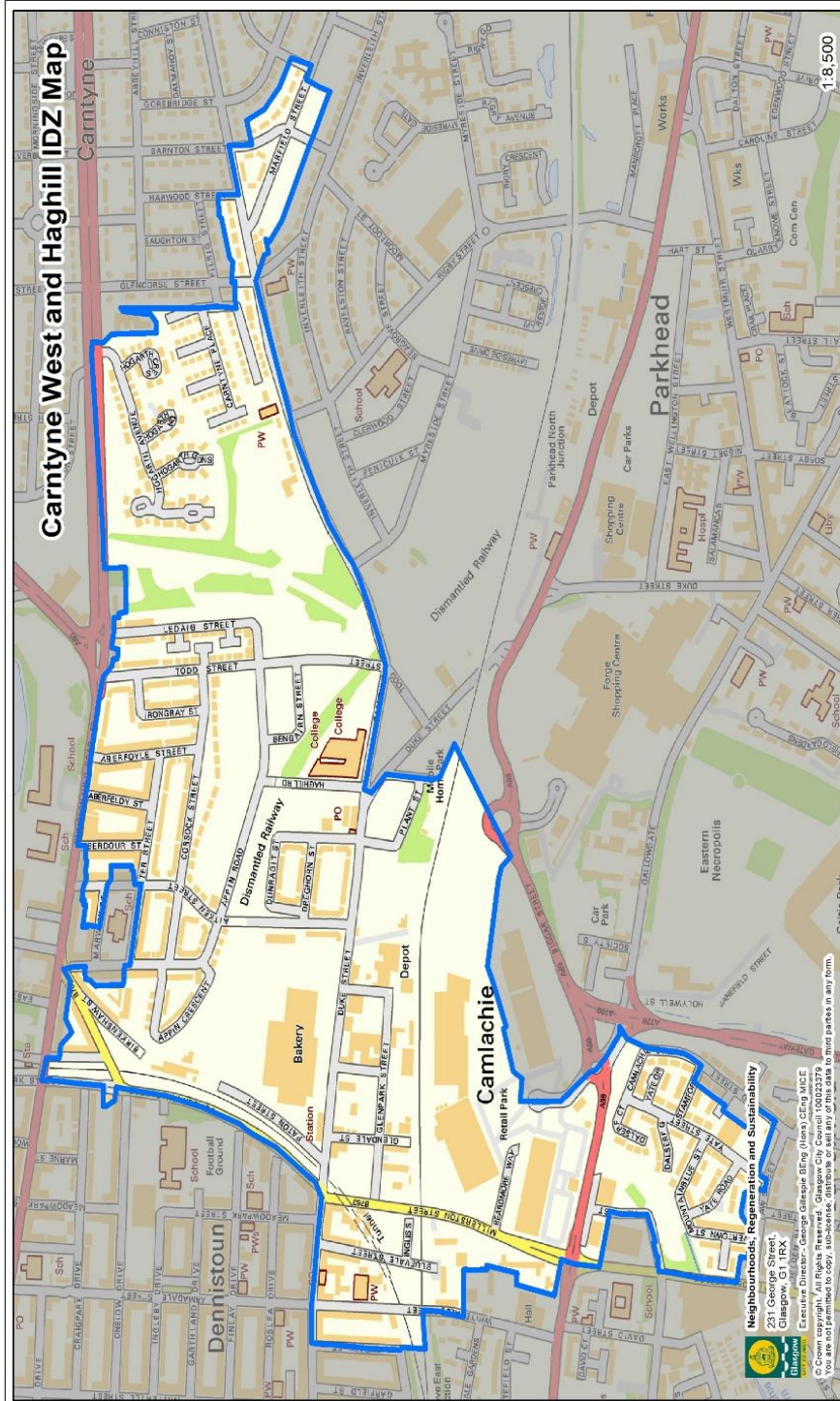
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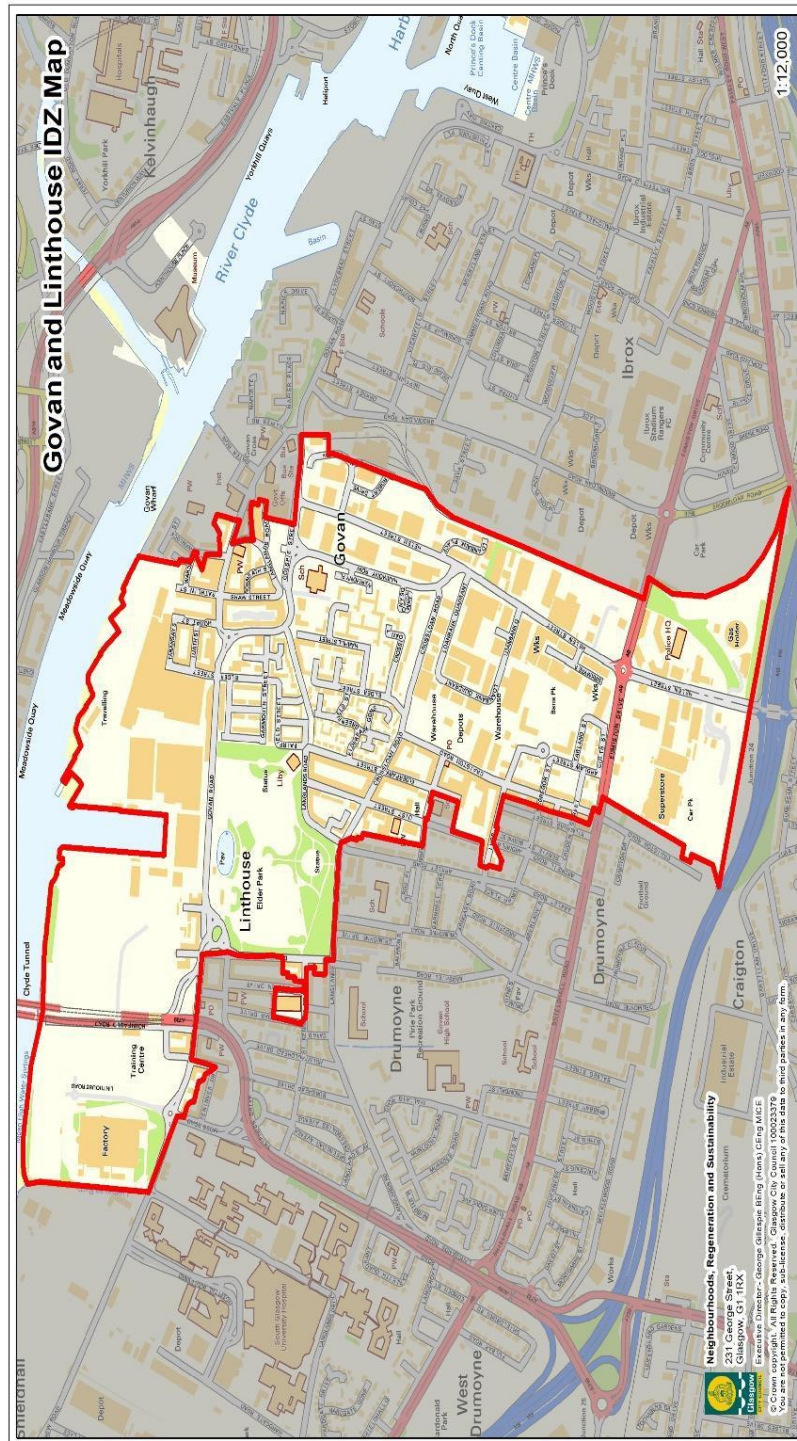
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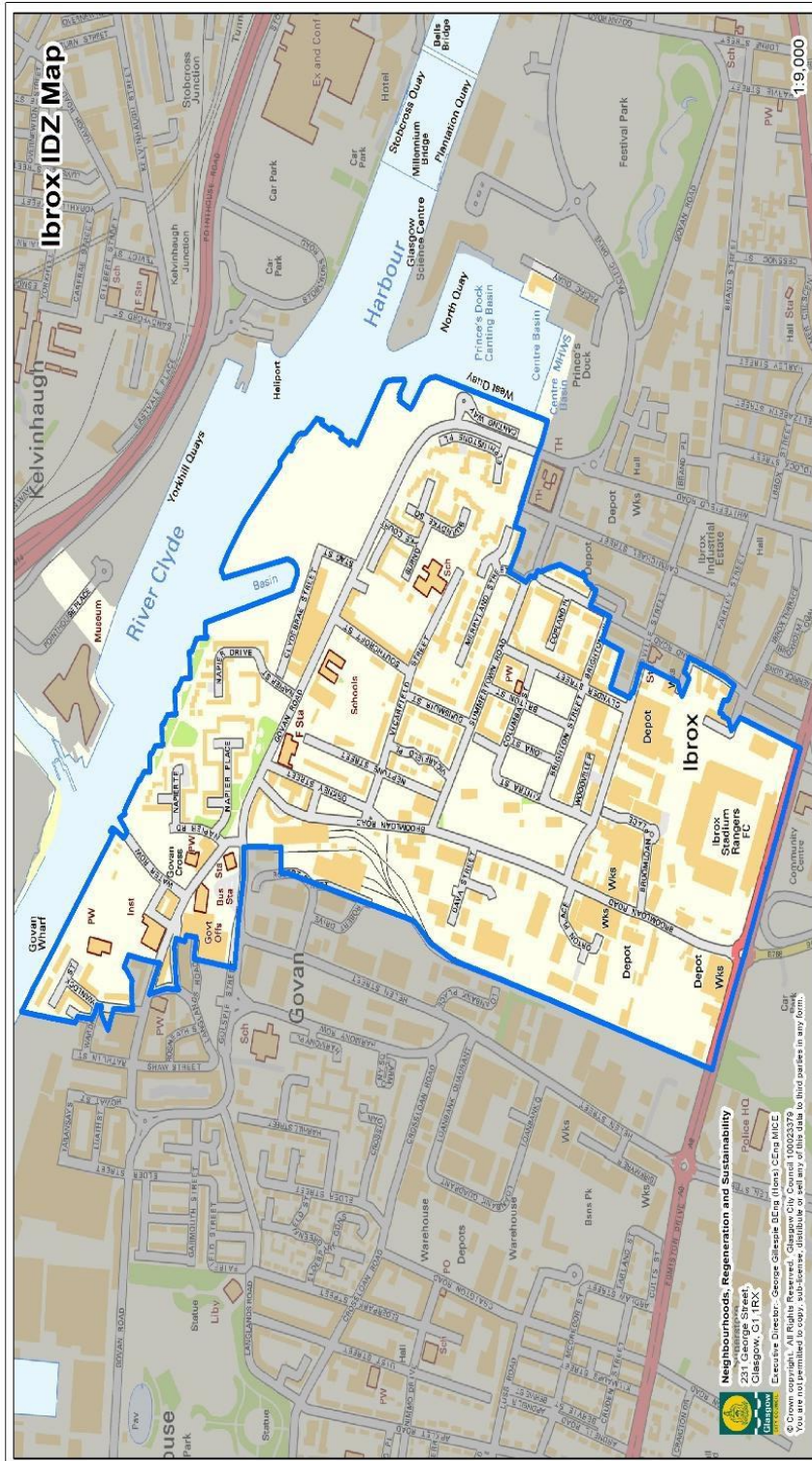
Carntyne West and Haghill



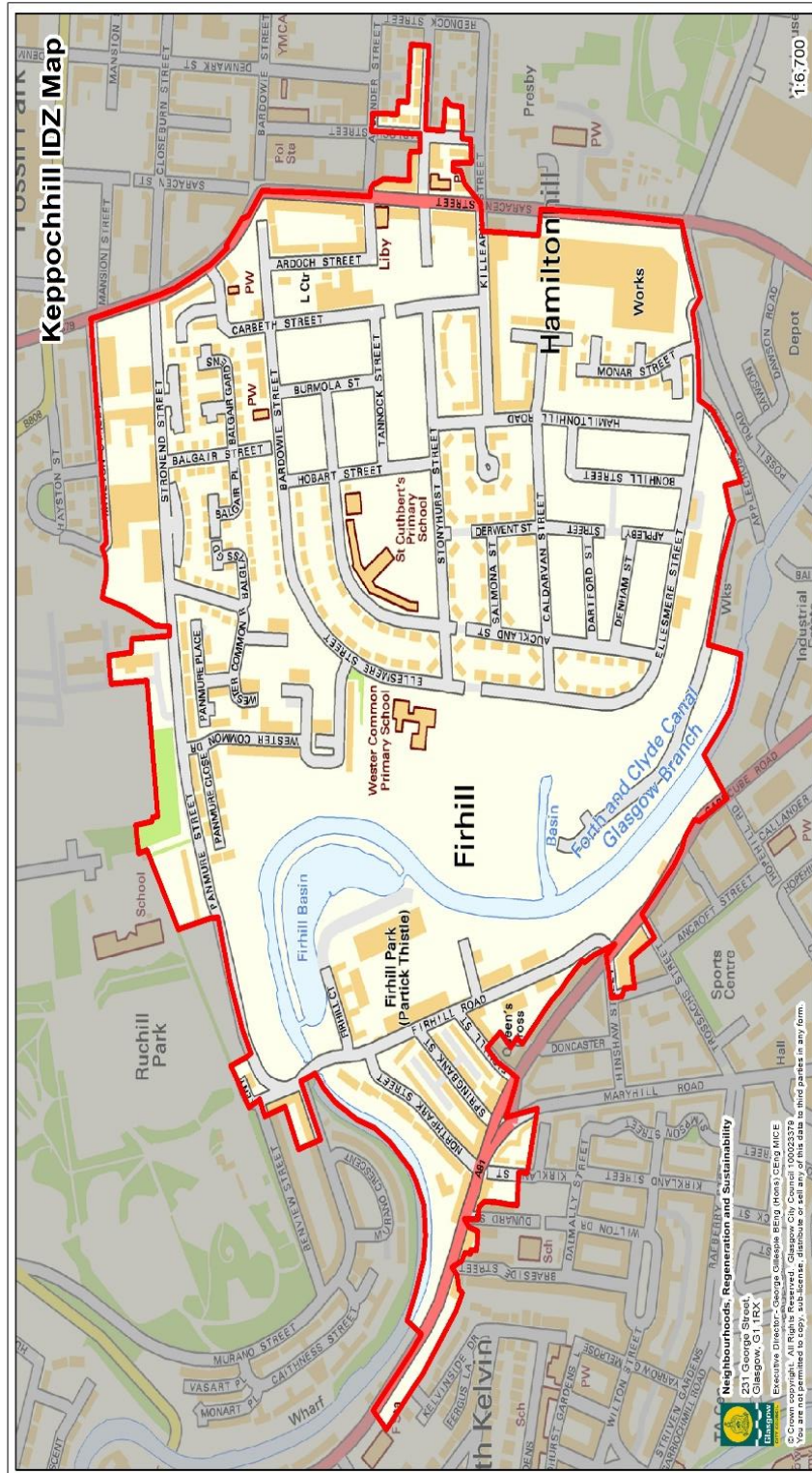
Govan and Linthouse



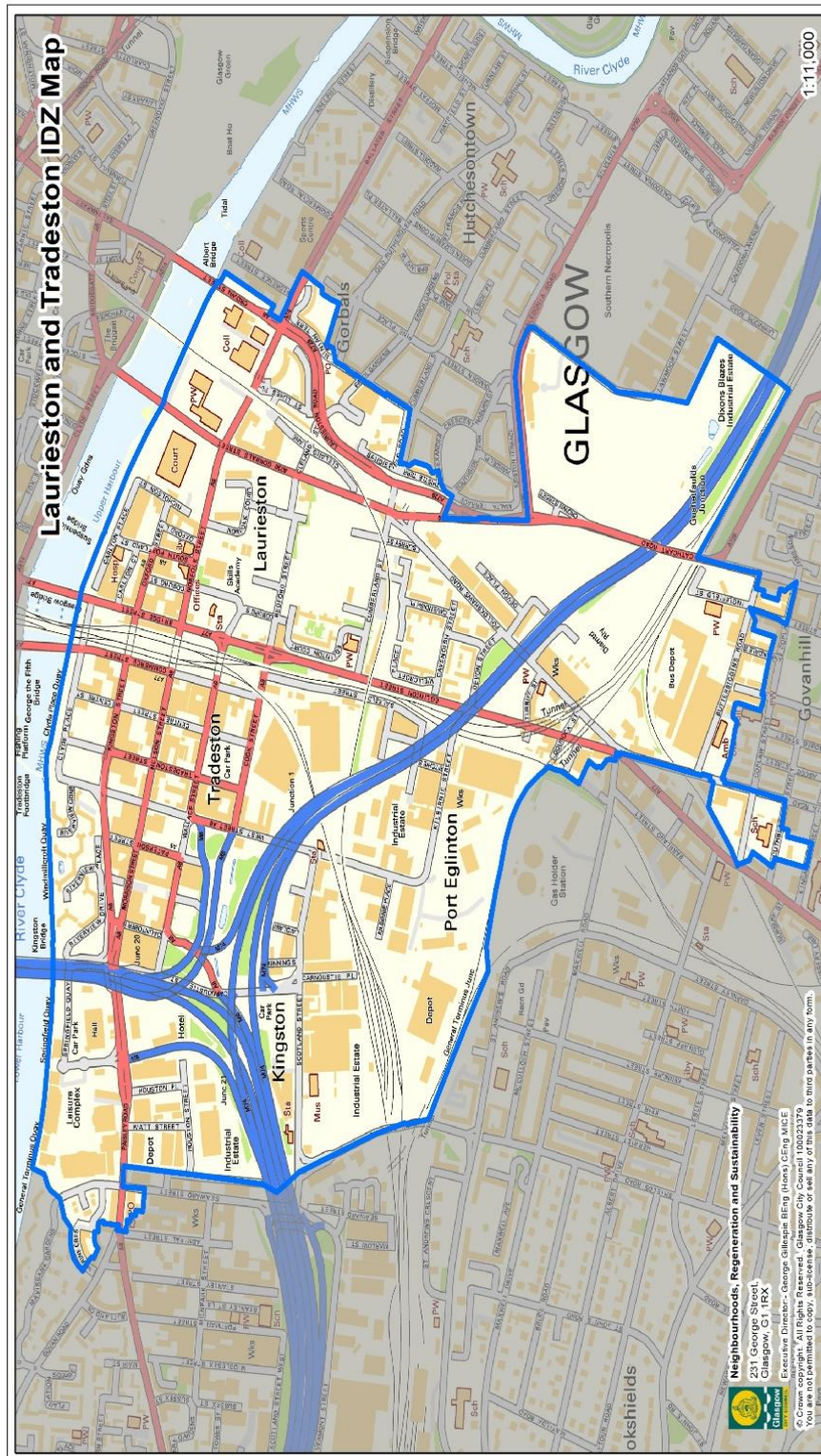
Ibrox



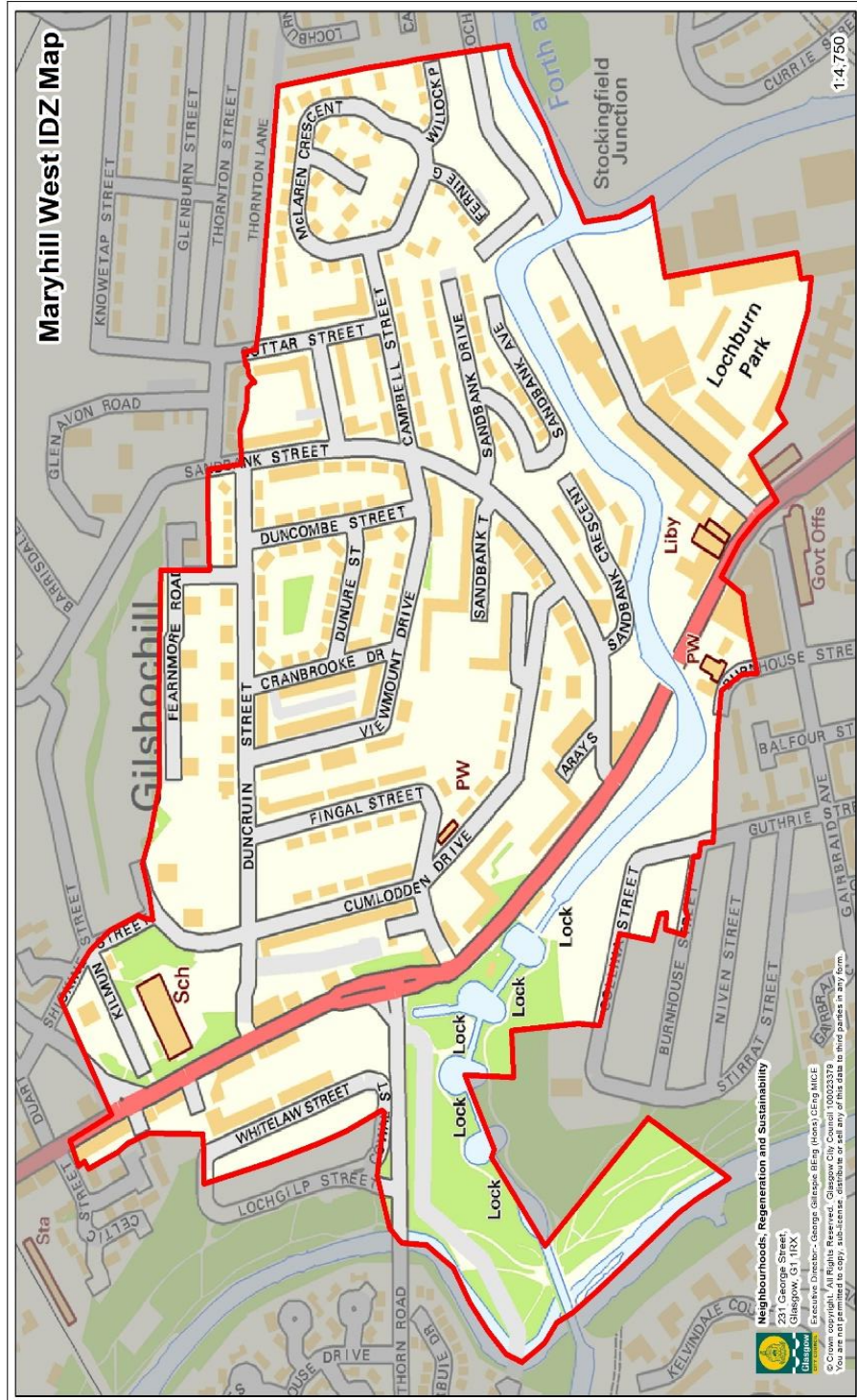
Keppochhill



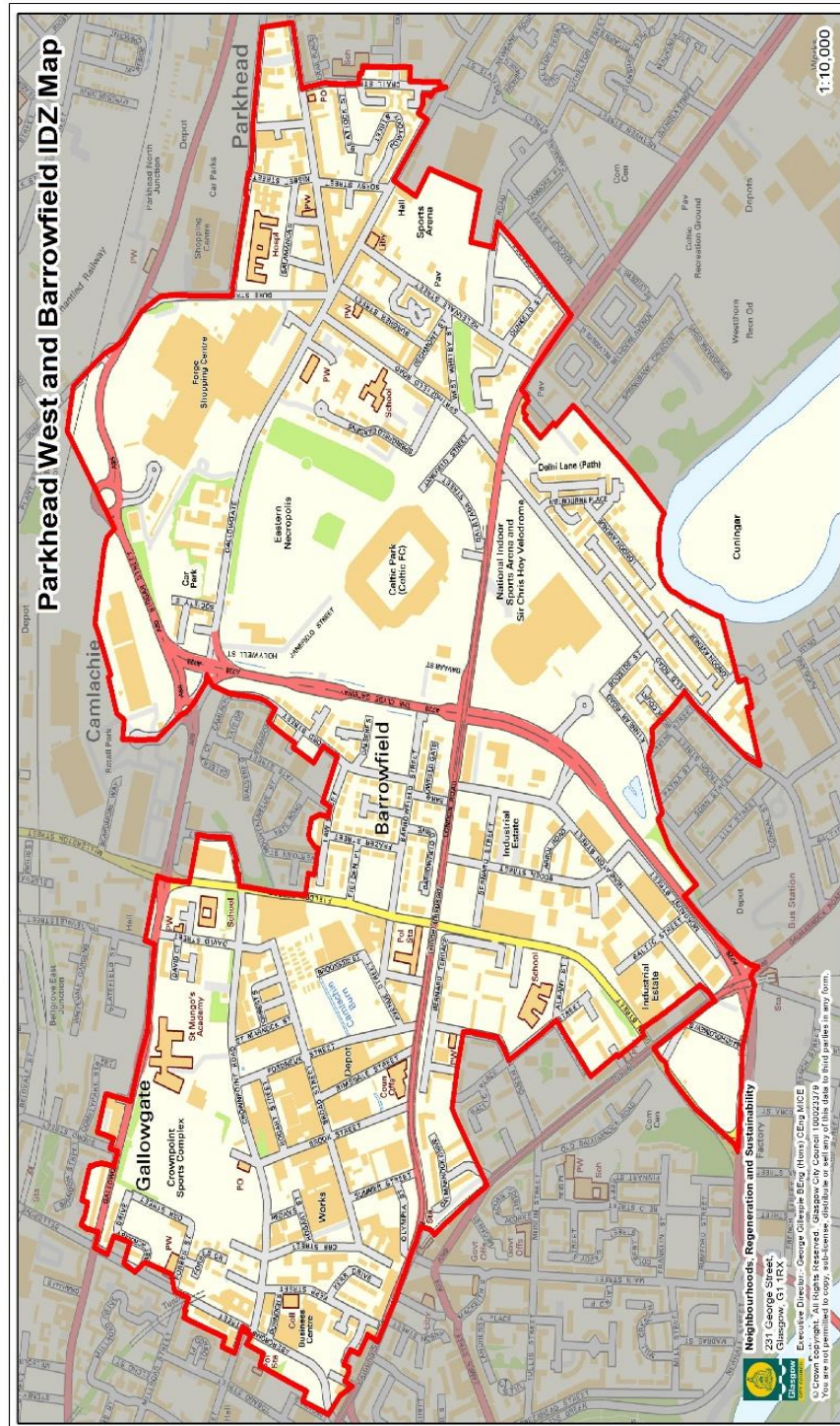
Laurieston and Tradeston



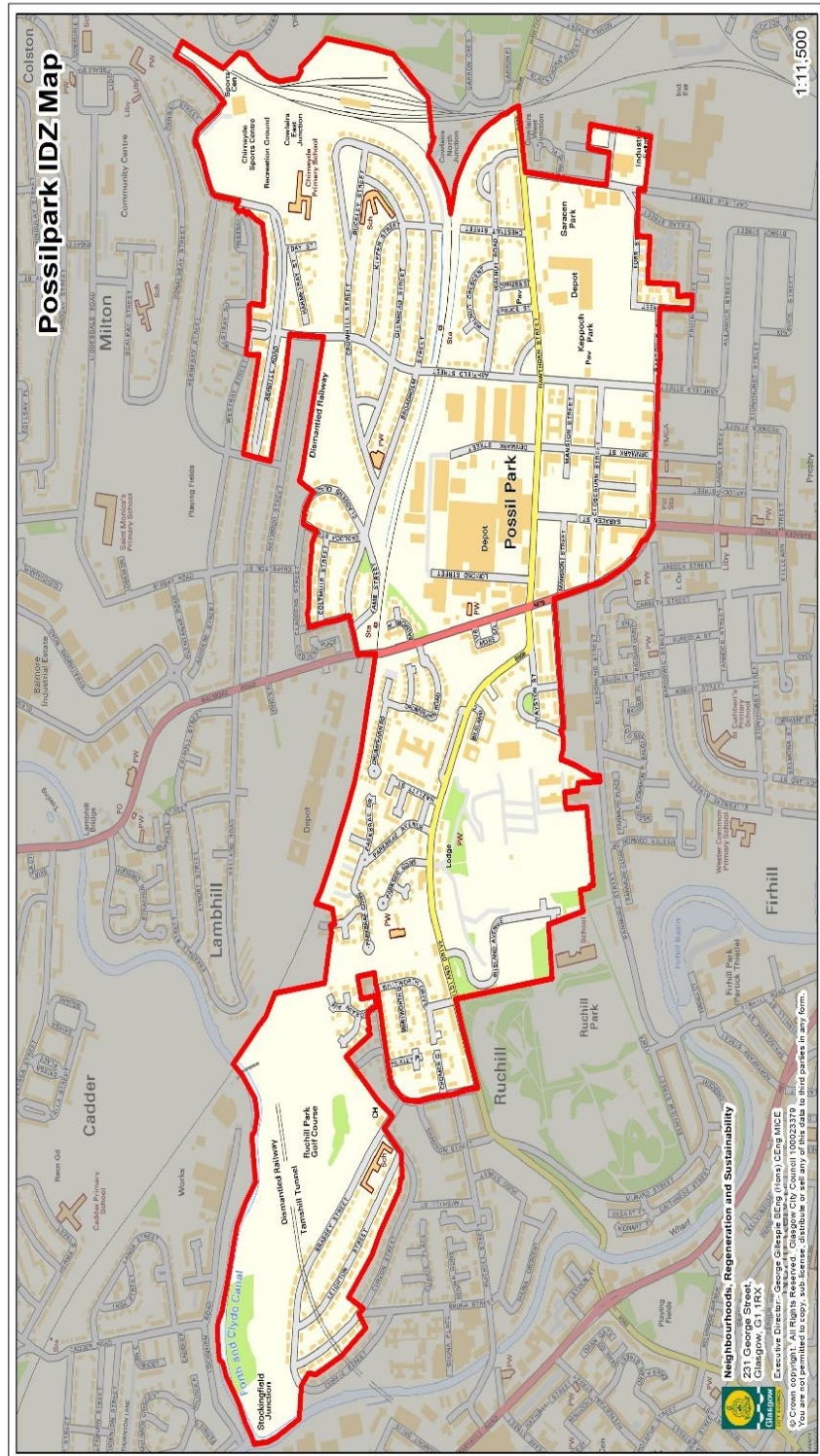
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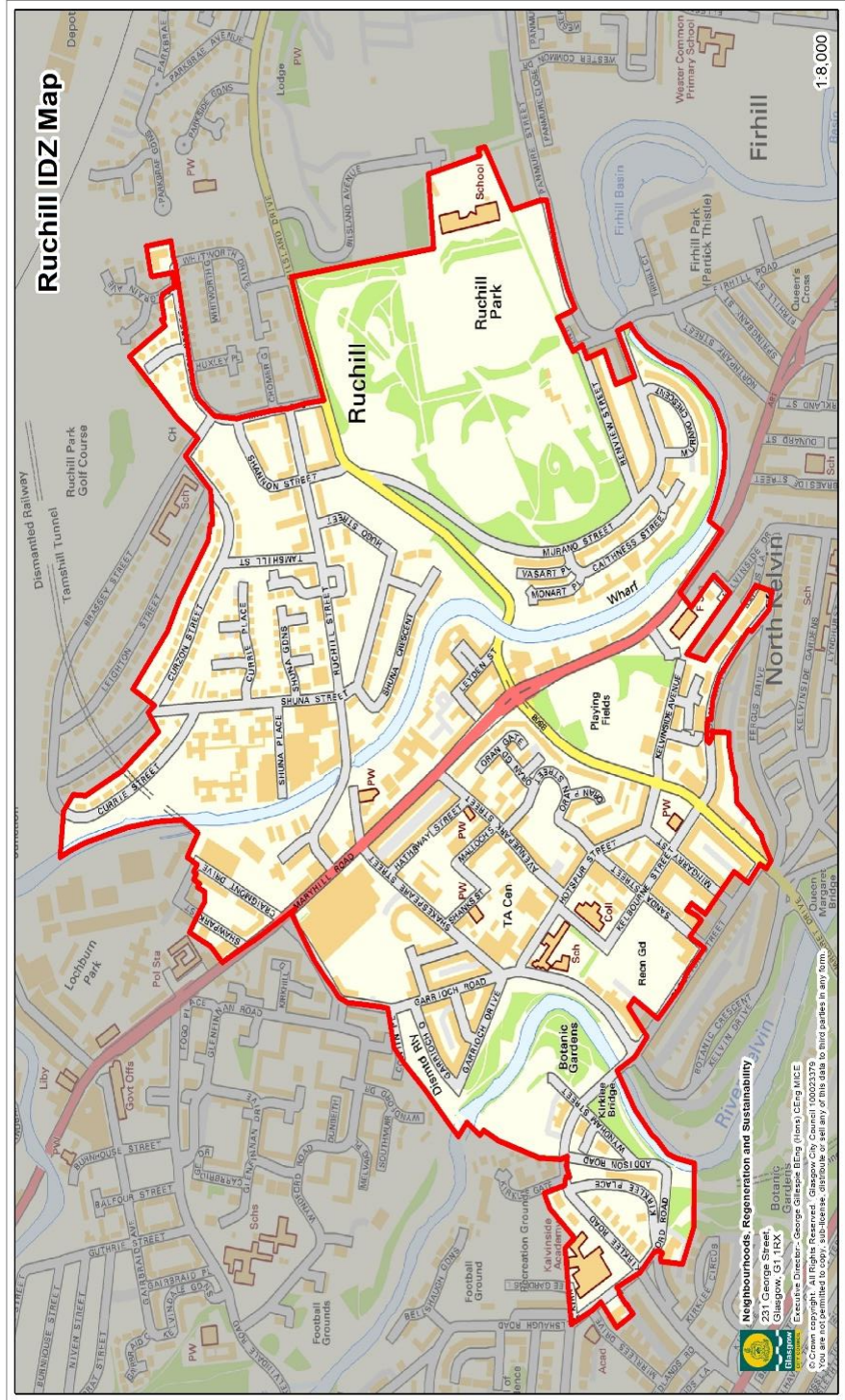
Parkhead West and Barrowfield



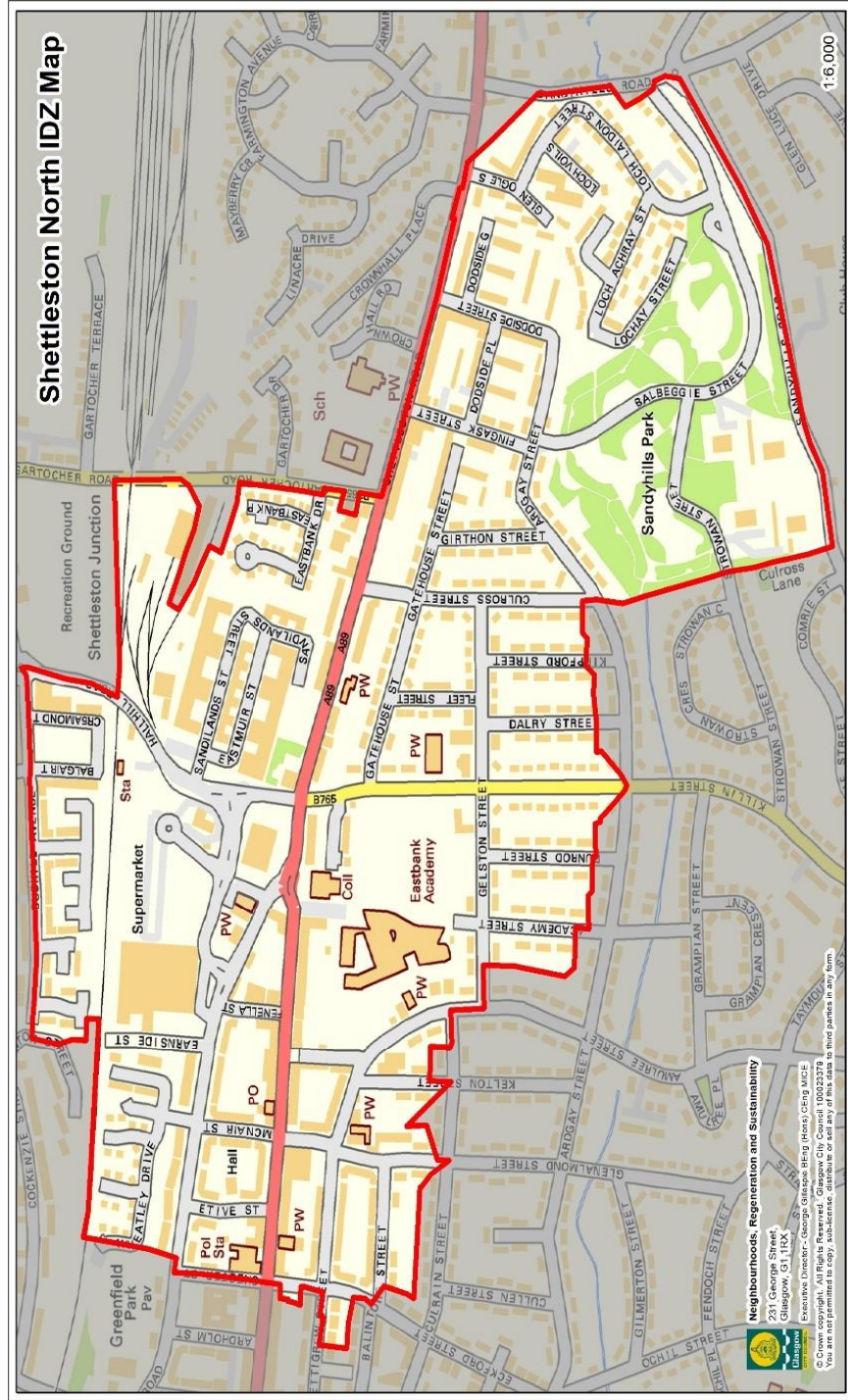
Possilpark



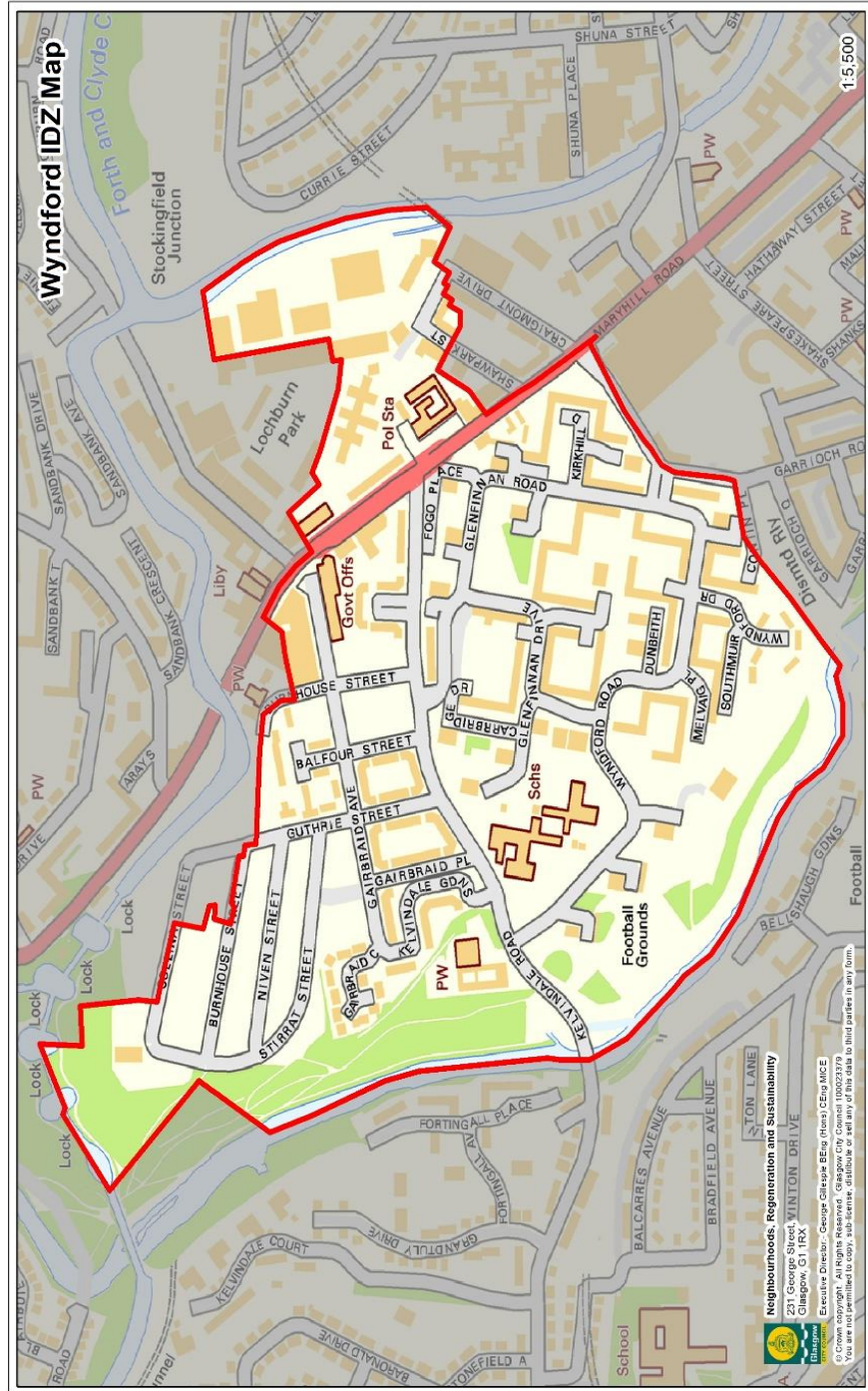
Ruchill



Shettleston North



Wyndford



Appendix Five: Summary of Conclusions on Licensed Hours from the Consultation and Evidence Gathering Process

Having consulted widely in the development of this Policy Statement and having considered at great length the range of different views expressed to it during the information gathering process, the Licensing Board has reached the following conclusions with regard to its approach on licensed hours:

- There are generally no circumstances under which the Licensing Board would consider granting early morning licensed hours for on sales prior to 11am. In the view of the Licensing Board, the operation of such early morning hours could be detrimental to the Licensing Objective of Protecting and Improving Public Health by increasing the availability of alcohol in the city throughout a substantial period of the day. The Board noted there was support for this approach in the views and evidence provided during the evidence gathering process, with no compelling views or evidence provided in support of retaining early morning licensed hours.
- It continues to be appropriate, with 47% of respondents to the consultation agreeing, to retain a differential in the terminal licensed hour for entertainment based and later opening premises between those located within the city centre (generally 3am) and those located out with the city centre (generally 2am).
- In setting out its proposals for a pilot scheme of a terminal licensed hour for on sales premises within the city centre, the Licensing Board listened carefully to a number of submissions made to it about the importance of the late night economy to the city centre. The Licensing Board considered views received to the public consultation whereby the majority of respondents, 74% of those who answered the question, agreed with the consultation “in principle” proposal of 1am, if the 4am for nightclubs within the city centre was continued. The Licensing Board also considered the responses to the consultation relating to the criteria for the 1am proposal (74% of those who answered the question agreed with the criteria) and agreed to take this forward. By setting a criteria the Licensing Board believes that the additional hour will only be available to licence holders that can demonstrate a level of excellence in the way they manage their premises. The Licensing Board also believes that a pilot scheme will be an effective way to properly measure and gauge the impact, if any, on the dispersal of customers from the city centre, alcohol related crime and disorder, public nuisance and public health.
- The Licensing Board considered responses to the consultation in relation to the 4am pilot scheme for “nightclubs” within the city centre. The Licensing Board is aware from the responses received (61% of respondents who answered the question relating to it within the public consultation), that the 4am pilot scheme for city centre nightclubs was good, with 68% of respondents, who answered the question, wishing 4am to be continued. In light of these responses together with submissions made as part of the evidence gathering process, the Licensing Board has agreed a 4am terminal hour for nightclubs within the city centre, subject generally to the licensed premises meeting certain criteria.

- In relation to restaurants being able to benefit from a 1am terminal licensed hour, where the plans show 75% or more of the premises given over to full restaurant facilities, the Licensing Board noted concerns being raised regarding the condition that after 12 midnight alcohol is only to be sold to, and consumed by, customers who have taken a meal at the premises. The Board has therefore amended this condition so that the customer must have taken a meal at the premises *that evening*. In response to the amended condition, the Licensing Board is aware that 64% of respondents who answered the question on it within the consultation, agreed that the amended wording was appropriate.
- The Board continues to consider that it is necessary and appropriate to have a policy that recognises that extensive licensed hours until 6am for casinos should not be operated in such a way as to undermine the Licensing Objectives of Preventing Crime and Disorder, Securing Public Safety, Preventing Public Nuisance and Protecting and Improving Public Health.
- The Board noted comments from the evidence gathering process as to the need for some degree of flexibility with regard to licensed hours for outdoor drinking areas. While the Board acknowledges that the number of these areas operating within the city has increased in the last few years as a result of the Covid-19 pandemic, it is of the view that 10pm continues to be the appropriate terminal hour for the vast majority of such areas, taking account of the potential for public nuisance to those living in close proximity to licensed premises. The Board however, continues to accept that there may be some exceptional circumstances where it would be prepared to grant a terminal hour beyond 10pm but in doing so it would require to be satisfied that the area is not located close to residential or other noise sensitive dwellings.