

Licensing (Scotland) Act 2005

Informing development of the new Licensing Policy Statement

An invitation to participate in the pre-consultation exercise to gather views on the development of the City of Glasgow Licensing Board's new Licensing Policy Statement for the regulation and sale of alcohol in Glasgow.



INTRODUCTION

- 1.1** The City of Glasgow Licensing Board is responsible for the licensing and regulation of the sale of alcohol in Glasgow.
- 1.2** The Licensing Board is required to have a licensing policy statement setting out the ways in which it will exercise its functions under the Licensing (Scotland) Act 2005 in order to promote each of the five licensing objectives.
- 1.3** The licensing 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.
- 1.4** The current licensing policy statement was adopted in November 2013 and will continue to apply until a new version is published. The new version of the licensing policy statement must be published no later than 2 November 2018.
- 1.5** The current policy statement can be viewed online at:
www.glasgow.gov.uk/licensingboard
- 1.6** The Licensing Board is committed to engaging with our communities and businesses to ensure that policy is developed taking into account as wide a range of views as possible.

SEEKING YOUR VIEWS

- 2.1** In order to develop the new licensing policy statement, the Licensing Board is carrying out a pre-consultation exercise with key stakeholders that have particular interest or expertise in the licensing process.
- 2.2** This pre-consultation exercise is an important first stage in the development of the new policy statement and is essential for establishing the evidential basis of the policy, particularly on the key policy areas of licensed hours and overprovision.
- 2.3** The Board is therefore inviting your views on a range of issues relating to its current licensing policy statement and how it can further promote the licensing objectives in the way in which it exercises its functions under the Licensing (Scotland) Act 2005.
- 2.4** The Board is especially keen to hear your views as to what has worked well in the current policy statement and what could be improved.
- 2.5** The Board would also welcome any suggestions for the development of new policies in relation to matters not covered in the current policy statement.

HOW TO RESPOND

- 3.1** The appendices to this document set out the key areas of the Board's current policy statement. Each section provides questions that the Board is keen to hear your views on.
- 3.2** You can respond to as many or as few of the questions as you choose depending upon your particular area of interest or expertise. Where possible, please try to explain why you have a certain view, providing any evidence you have in support of that view.
- 3.3** If you have any views on new policies not currently included in the policy statement or you have suggestion as to how we can improve the consultation and evidence gathering process, please include these in your response.
- 3.4** Your response should be in written form and can be sent to the Board as follows:

Post: The Clerk
City of Glasgow Licensing Board
City Chambers
George Square
Glasgow G2 1DU

Email: mairi.millar@glasgow.gov.uk
- 3.5** Your response should be received by the Board no later than **Friday 10 November 2017** to ensure your views are considered as part of the pre-consultation exercise.

NEXT STEPS

- 4.1** Once this pre-consultation exercise has been completed, the Licensing Board intends to hold evidence sessions with a cross section of those who have taken part in order to further explore the views expressed and to assess the evidence available to support the development of the new policy statement.
- 4.2** The Board also intends to carry out a number of engagement sessions with representatives of the licensed trade, community and resident groups and other interested parties in order to hear directly from as many people as possible who are impacted by licensing policy. The Licensing Board is particularly keen to hear the views of young persons as to how they think licensing policy affects issues relevant to them.
- 4.3** Following the evidence gathering process, the Licensing Board will prepare a draft of the new licensing policy statement, taking into account all of the views and evidence provided to it. This will be issued for full public consultation allowing everyone an opportunity to submit their comments.
- 4.4** All of the feedback received will be reviewed and evaluated before the final version of the new policy statement is prepared and published.

CONFIDENTIALITY & DATA PROTECTION

- 5.1** The Licensing Board will process any personal data you provide in your response appropriately in accordance with the Data Protection Act 1998.
- 5.2** The Licensing Board intends to publish a summary of responses received to the pre-consultation exercise – this will include your name if you submit a response.
- 5.3** The Freedom of Information (Scotland) Act 2002 gives the public a right of access to information held by the City of Glasgow Licensing Board; this includes any responses we receive to the pre-consultation exercise.
- 5.4** The Board may disclose your response to third parties on request. In disclosing responses the Board will take appropriate steps to redact personal data subject to the relevant provisions of the 1998 and 2002 Acts.
- 5.5** The Licensing Board will hold your response for a period of 5 years from the date it is received. At the end of this period your response will be destroyed unless there are exceptional circumstances that require the response to be retained for a longer period.

FURTHER INFORMATION

- 6.1** If you would like further information on the pre-consultation exercise or to discuss any other aspect of the Board's approach to developing the new policy statement, please contact Mairi Millar, Clerk to the Licensing Board:

Email: mairi.millar@glasgow.gov.uk

Phone: 0141 287 5509

A.1

Appendix 1: Introduction – Background to the Policy Statement

Part one of the current policy statement sets out the background to its development and an introduction to the City of Glasgow and the issues particular to it in relation to alcohol.

Issues for consideration:

- Do you have any other comments to make on this part of the policy?

A.2

Appendix 2: The Licensing Board's approach to the Licensing Process

Part two of the current policy statement sets out the way in which the Licensing Board aims to integrate its policies with a number of local and national strategies and initiatives, particularly those connected with alcohol and the night time economy.

These include public health data from the Glasgow Centre for Population Health, crime and disorder figures from the Scottish Crime and Justice Survey, Community Planning, the Single Outcome Agreement, developments in equality legislation, strategies dealing specifically with children and young persons, tourism, the night time economy and the Clean Glasgow initiative.

Issues for consideration:

- Are the initiatives and strategies mentioned in the current policy still relevant?
- What impact do you think these have, or should have, on the development of licensing policy?
- Should other initiatives or strategies be added?
- Do you have any other comments to make on this part of the policy?

Appendix 3: The Licensing Objectives

Part three of the current policy statement explains how the Licensing Board will generally approach the decision making process in meeting its statutory duty to promote the licensing objectives. It explains the way in which the Board tries to balance the commercial interests of licensed premises while at the same time seeking to ensure that the public interest is protected by mitigating, so far as possible, the potential for alcohol related harm.

Since the current policy statement was adopted, the licensing objective of protecting children from harm has been amended to include young persons aged 16 and 17.

Issues for consideration:-

- **Has the Board achieved the right balance in how it seeks to promote each of the licensing objectives? If you feel the right balance hasn't been struck, please explain how you feel this could be better achieved in this part of the policy.**
- **Are there any specific issues you think the Board should address in relation to protecting young persons from harm?**
- **Do you have any other comments to make on this part of the policy?**

Part four of the current policy statement sets out the Licensing Board's general approach to the attachment of conditions to premises licences in order to promote the licensing objectives.

Style conditions are set out in Appendix One of the policy statement and are intended to regulate matters such as the operation of outdoor licensed areas, the terms on which children are permitted access to licensed premises, the operation of late opening premises and the operation of off-sales licensed premises.

The style conditions are not intended to be exhaustive and will be applied on a case by case basis.

Issues for consideration:

- **What do you think about the general approach set out in the policy for attaching conditions to licensed premises?**
- **Do you think the style conditions set out in Appendix One are appropriate? Do you think any are too onerous or do not go far enough in regulating matters relating to the sale of alcohol?**
- **Are there any other matters you think should be controlled or regulated by additional style conditions?**
- **Do you have any other comments to make on this part of the policy?**

Part five of the current policy statement deals with licensed hours. The Board's standard policy licensed hours for on-sales are currently 11am to 12 midnight each day of the week across the city.

There are a number of exceptions to that policy including:-

- nightclubs or other late night entertainment premises are generally licensed to 3am where the premises are located in the city centre and 2am in all other areas
- where later licensed hours are granted to new or existing licensed premises, the commencement licensed hours will generally be restricted to 7pm, moving away from previous policy on so-called "hybrid premises" which were licensed throughout the day and into the early morning hours.
- restaurants are generally granted licensed hours until 1am
- dedicated function rooms are generally granted licensed hours until 1am
- casinos have been granted licensed hours until 6am

With regard to on-sales licensed hours prior to 11am, the current policy statement provides that there are generally no circumstances under which it would consider granting early morning licensed hours.

The 2005 Act sets out that the maximum permitted licensed hours for off-sales are 10am to 10pm each day of the week. The current policy statement indicates that the Licensing Board will generally grant these hours unless it considers that they would be inconsistent with one or more of the licensing objectives.

In regulating the use of outdoor areas for the sale and consumption of alcohol, the Board generally applies a terminal licensed hour of 10pm, but recognises that there may be exceptional circumstances where a later terminal licensed hour will be permitted, for example where the premises are not located below or in close proximity to residential properties or other noise sensitive premises.

Issues for consideration:-

- **Do you think the Board's current standard policy for on-sales licensed hours is appropriate? If not, please explain what hours you feel would be more appropriate.**
- **What do you think about the exceptions granted to certain premises, such as nightclubs, casinos, restaurants and function rooms? Are there any other types of premises where exceptions to the standard licensed hours should be considered as a matter of policy?**

- **Do you think the policy should continue to apply different licensed hours for nightclubs and other later opening premises located within the city centre from those located in other parts of the city?**
- **What do you think about the presumption against granting on-sales licensed hours prior to 11am?**
- **Do you think the policy approach to off-sales licensed hours is appropriate? If not, please explain why it should be changed.**
- **Do you think 10pm is the appropriate terminal licensed hour for outdoor areas? Should later hours only be granted in exceptional circumstances? Should a different approach be taken in relation to outdoor licensed areas in the city centre from those located in other parts of the city?**
- **Generally, do you think that a policy on licensed hours is important to reducing the potential for alcohol related harm or public nuisance?**
- **Do you have any other comments to make in relation to the policy on licensed hours?**

Appendix 6: Children's Access to On-sales Licensed Premises

Part six of the current policy statement sets out the Board's general approach to children's access to on-sales licensed premises and the reasons for adopting that approach in pursuance of the licensing objective of protecting children from harm.

In particular, it provides that where children are permitted access to licensed premises, the terminal licensed hour will generally be 9pm, but that greater flexibility will be considered on a case by case basis taking into account the nature of the licensed premises.

The Board recognises that this part of the policy statement will require to be amended to reflect the inclusion of young persons aged 16 and 17 within the licensing objective.

Issues for consideration:

- **Do you think the general approach to children's access to licensed premises is appropriate?**
- **Do you think the standard terminal hour of 9pm remains appropriate? If not, do you think it should be earlier or later and if so, why?**
- **Do you think the Licensing Board should apply the same policy to young persons or should it have a different policy from that applied to children?**
- **Do you have any other comments to make on this part of the policy?**

Part seven of the current policy statement sets out the Licensing Board's approach to overprovision, including details of the localities where the Board considers there to be an overprovision of licensed premises and the factors it will consider when determining individual applications.

The Board is required to make a proactive assessment of localities within the city where it considers that there is an overprovision of licensed premises, or licensed premises of a particular description. The Board's current policy statement sets out a number of localities where there is a rebuttable presumption against granting further licences based on:-

- Incidents of disorder per 10,000 population in the locality
- Alcohol related emergency hospital admissions in the locality
- The scoring for the locality based on the Scottish Index of Multiple Deprivation
- The number and capacity of licensed premises in the locality
- The Board's local knowledge of the locality

The current overprovision localities are defined with reference to intermediate data zones. Intermediate data zones are areas recognised at a national level for the purposes of disseminating government statistics and for supporting policy making.

The current overprovision localities are:-

- Calton, Gallowgate and Bridgeton
- Carntyne West and Haghill
- Govan and Linthouse
- Ibrox
- Laurieston and Tradeston
- Parkhead West and Barrowfield
- Whiteinch

Although there is a rebuttable presumption against granting new licence applications in these localities, each application is considered on its own merits. The Board can also decide to refuse an application based on overprovision even where the application relates to premises outwith the above localities.

The Licensing Board also identified the following localities as areas of potential concern and agreed in November 2013 to specifically look at whether they should be included in a future overprovision policy:-

- Hillhead
- Possilpark
- Ruchill
- Shawlands

In considering whether there is overprovision, the Board will generally look at premises within 200 metres of the applicant premises within the city centre area and within 500 metres of the applicant premises outwith the city centre area. The Board also distinguishes between different types of licensed premises, normally depending upon whether the applicant premises intend to provide alcohol for consumption:-

- On the premises;
- Off the premises; or
- Both on and off the premises.

Section 7 of the 2005 Act was recently amended to allow the Licensing Board to identify the whole of its area as an overprovision locality. A further amendment to section 7 of the 2005 Act provides that in determining whether there is overprovision in any locality, in addition to considering the number and capacity of licensed premises, the Board may have regard to such other matters as it thinks fit, including, in particular, the licensed hours of licensed premises in the locality.

Issues for consideration:-

- **Do you think that the Board should continue to include the current localities within the pro-active assessment on overprovision? What impact do you think this policy has had on any of these localities? Do you consider that any of these localities have changed to any significant extent since the policy was adopted in November 2013?**

- **Do you think any of the localities identified as areas of potential concern should be included as an overprovision locality? Do you consider that any of these localities have changed to any significant extent since the policy was adopted in November 2013?**
- **Are there any other localities which you consider should be identified as an overprovision locality?**
- **Do you think the city centre should be considered as a possible overprovision locality?**
- **Do you think the city as a whole should be considered as a possible overprovision locality?**
- **Do you think the Licensing Board should take into account the licensed hours of premises when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?**
- **Are there any other matters you think the Licensing Board should take into account in considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?**
- **What do you think about the general approach to assessing overprovision outlined in the current policy statement?**
- **Do you have any other comments to make in relation to the Board's policy on overprovision and the impact it has had in the city?**

Appendix 8: Occasional Licences and Extended Hours Applications

Part eight of the current policy statement sets out the approach to the processing of occasional licence and extended hours applications and the factors it will take into account when determining these.

The current policy statement also provides that each year the Licensing Board will issue a statement of its policy on extensions for the festive period, and in recent years this has been extended to include bank holidays and other events of national or local significance.

The current policy statement provides that due to concerns in relation to the frequency with which a number of premises applied for extended hours in the past, the Board considers that it would not be appropriate to grant licensed premises extended hours on any more than 10 days in each calendar year. The 10 days are in addition to any extended hours granted automatically through the Board's policy on extensions for the festive period or any general extensions granted in respect of events of national or local significance.

Issues for consideration:

- **Do you think the general approach to processing and determining applications for occasional licences and extended hours is appropriate?**
- **Do you think the Board should continue to have a policy restricting the number of extended hours applications it will grant in any one calendar year?**
- **Do you have any other comments to make on this part of the policy?**

Appendix 9: Off-sales Licensed Premises

Part nine of the current policy statement sets out the Licensing Board's approach to the consideration of applications for off-sales licensed premises with regard to conduct, suitability and use and the factors it will take into consideration in determining such applications.

Since the current policy was adopted in November 2013, the Board has observed an increase in the number of premises providing a delivery service for alcohol sold for consumption off the premises.

The Board has also observed a growing trend for internet based operations, with some applications being lodged in respect of non-traditional style premises, for example in residential homes and outbuildings. The Board is therefore considering whether specific policies should be developed to better regulate the sale of alcohol in these type of situations.

The Board is also aware of a growing trend for non-traditional licensed premises to be used for the sale of alcohol both on and off the premises, such as warehouses, former industrial units, vehicles, vessels and moveable structures. The Board will give consideration to whether a separate policy should be developed to reflect this trend, which would set out the factors it will take into account in determining the suitability of non-traditional premises for the sale of alcohol, in a similar way to its existing policy on off-sales licensed premises.

Issues for consideration:

- **Do you think the current policy for considering the suitability of off-sales licensed premises is appropriate?**
- **Do you have any views on the development of a specific policy for alcohol deliveries and internet sales? Do you think there is a need for these to be regulated in the policy statement? Are there any matters which you feel should be specifically mentioned in such a policy?**
- **Do you have any views on the development of a specific policy for considering the suitability of non-traditional premises for the sale of alcohol? What factors do you think the Board should take into account in determining the suitability of non-traditional licensed premises?**
- **Do you have any other comments to make on this part of the policy or areas suggested for future policy development?**

A.10

Appendix 10: Toughened glass and other recognised safety products

Part ten of the current policy statement sets out the Licensing Board's longstanding approach to the use of toughened glass and other recognised safety products in licensed premises in pursuance of the licensing objective of securing public safety.

Issues for consideration:-

- Do you think this policy continues to remain appropriate?
- Do you have any other comments to make on this part of the policy?

A.11

Appendix 11: Prevention of malicious or ill-intentioned conduct

Part eleven of the current policy statement sets out the Licensing Board's longstanding approach to tackling malicious or ill-intentioned conduct on the basis of race, politics or religion associated with the management of licensed premises in pursuance of the licensing objectives.

Issues for consideration:-

- Do you think this part of the policy continues to remain appropriate? If so, could it be improved? Are there any other types of malicious or ill-intentioned conduct that should be specifically referenced in the policy?
- Do you have any other comments to make on this part of the policy?

A.12

Appendix 12: Management of Outdoor Drinking Areas

Part twelve of the current policy sets out the Board's approach to the regulation of outdoor licensed areas in pursuance of the licensing objective of preventing public nuisance. It sets out various factors which the Board will take into account when considering applications to licence outdoor drinking areas.

The Board recognises that outdoor licensed areas provide an enjoyable experience for customers, but that this should be balanced against the needs of local residents and the impact that outdoor drinking areas might have on local communities.

Issues for consideration:-

- **Do you have any comments to make in relation to the Board's policy on outdoor drinking areas?**

A.13

Appendix 13: Monitoring, Compliance and Enforcement

Part thirteen of the current policy statement sets out the Licensing Board's general approach to monitoring, compliance and enforcement, taking into account the general principles of openness, proportionality and fairness. It also recognises that while there is a need to monitor levels of compliance within licensed premises, the Police and Licensing Standards Officers should continue to take a risk based approach to visits and inspections of licensed premises.

Issues for consideration:-

- **Do you have any other comments to make on this part of the policy?**