

City *Of* Glasgow Licensing Board

City of Glasgow Licensing Board

Report by the Clerk to the Licensing Board

Contact: Mairi Millar Ext: 75509

**Licensing (Scotland) Act 2005
3rd Edition Licensing Policy Statement**

Purpose of Report

To advise Members of the Community Area Partnerships of the development and publication of the Licensing Board's new Licensing Policy Statement.

Recommendation:

The Area Partnership is recommended to note the contents of the report.

1. Introduction

- 1.1 The Licensing (Scotland) Act 2005 requires the Licensing Board to prepare and publish a Licensing Policy Statement every three years with respect to the exercise of its functions under the Act. The third edition of the Board's Policy Statement was published on 27 November 2013 and will be effective until 26 November 2016.
- 1.2 The Policy Statement sets out the ways in which 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 from Harm.
- 1.3 These Licensing Objectives underpin each of the individual policies set out in the Policy Statement and are at the heart of the Board's decision making process.
- 1.4 During the next three years 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.
- 1.5 Where revisions are made, the Licensing Board will carry out a further consultation process before publishing a Supplementary Licensing Policy Statement.

2. Approach to Policy Development

2.1 Overview

- 2.1.1 In the development of the new Policy Statement the Licensing Board carried out a comprehensive and wide ranging pre-consultation exercise 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 was to ensure that there is a reliable and credible basis for the development of the policies set out in the Policy Statement, justified against one or more of the Licensing Objectives.

2.2 Pre-Consultation Evidence Gathering

- 2.2.1 The Board prepared a pre-consultation document and views on the development of the 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
- The Scottish Fire and Rescue Service
- NHS Glasgow City Community Health Partnership
- Public Health Directorate for Greater Glasgow & Clyde
- Safe Glasgow Group
- Various representatives and organisations from the licensed trade
- Glasgow Chamber of Commerce
- The Council's Environmental Health and Licensing Standards Section
- Alcohol Focus Scotland
- Alcohol and Drug Partnerships

2.3 Evidence Sessions

- 2.3.1 As part of this evidence gathering process, the Licensing Board held two evidence sessions to allow all of those who had submitted responses to the consultation an opportunity to address the Board on their views regarding the development of the new Policy Statement and to allow the Board to test and examine the basis of any evidence in support of those views.
- 2.3.2 The evidence sessions were held in public on 3 and 10 May 2013 and included representatives from Hillhead Community Council and Dowanhiill, Kelvinside and Hyndland Community Council.

2.4 Recommendations from the Local Licensing Forum

- 2.4.1 The Licensing Board also requested that the Local Licensing Forum establish a sub-group to consider the Board's general approach to overprovision 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 subsequently approved by the Forum for consideration by the Board in the development of the Policy Statement.

2.5 Evaluation of Evidence

- 2.5.1 Following completion of the pre-consultation exercise and evidence gathering, the Board had a full day meeting on 11 June 2013 during which it extensively considered and discussed all of the views and evidence submitted to it in order to prepare a draft version of the Policy Statement for release to public consultation.

2.6 Public Consultation

- 2.6.1 The draft Policy Statement was issued for consultation at the end of August 2013 for a period of 8 weeks. As well as including the consultation on the council's website, a copy of the draft was sent directly to various interested parties, including all elected members and community councils.
- 2.6.2 A total of 55 responses were received, of which 4 were received from Community Councils.

2.6.3 The responses to the consultation were analysed in detail at a meeting of the Licensing Board on 7 November, with a final version of the Policy Statement approved at a meeting of the Licensing Board on 22 November. The Policy Statement was subsequently published on 27 November 2013.

3. Summary of the main changes to the Policy Statement

3.1 Part One – Introduction

- More emphasis has been placed on the promotion of the Licensing Objectives in the exercise of the Board's functions and in the development of licensing policy.
- Reference has also been made to the Glasgow 2014 Commonwealth Games and the particular challenges this will bring to balancing all of the competing interests involved in the licensing process.

3.2 Part Two – The Licensing Board's approach to the licensing process

- Reference has been included to the Councillor's Code of Conduct published by the Standards Commission for Scotland.
- An explanation of the policy development and evidence gathering process undertaken by the Board has been included.
- Public Health has been given a more prominent position in relation to integration with other strategies, which is also extended to include Glasgow's Single Outcome Agreement, the Safe Glasgow Group, the Equalities Act 2010 and Pub Watch/Club and Off-Sales Watch groups.
- A reference to the association between alcohol and gender based violence is included under the heading of Crime and Disorder.

3.3 Part Three – The Licensing Objectives

- A requirement for CCTV systems as a condition of new off-sales licences has been included under the heading of "Preventing Crime and Disorder".
- Reference has been included to the problems associated with customers smoking outside of licensed premises under the heading of "Preventing Public Nuisance", encouraging licence holders to manage these issues.
- The section on "Protecting and Improving Public Health" has been updated to include health information provided by the Community Health Partnership and in the Single Outcome Agreement, together with the additional suggestion that licence holders use materials to promote safe drinking guidelines.

- Under the heading of “Protecting Children from Harm”, a suggestion regarding avoiding any obvious promotion of alcohol at events targeted towards children has also been included.
- A further suggestion has been added that in relation to events mainly or exclusively for children, licence holders should consider obtaining disclosure records for members of their staff involved in the supervision of children, having regard to the Protection of Vulnerable Groups Scheme introduced by the Protection of Vulnerable Groups (Scotland) Act 2007.

3.4 Part Five – Licensed Hours

3.4.1 A number of changes were proposed in the draft policy statement issued for consultation, including a 1am standard terminal hour for the city centre and a 3am terminal hour for later opening premises outwith the city centre. Taking account of the majority views of consultees across a broad range of stakeholders and interested parties, these proposals were not taken forward in the final version of the Policy Statement.

3.4.2 The following changes were made to the policy on licensed hours:-

- The exception to allow new hybrid premises to open beyond 12 midnight has been removed.
- The exception for early morning licensed hours has been removed, with a statement added that the Board does not consider early morning hours to be appropriate in any circumstances.
- A statement has been added that the operation of later licensed hours in casinos should be subject to additional scrutiny so as to ensure that they are not operated in a manner which is inconsistent with the Licensing Objectives.
- While the standard terminal hour for outdoor areas remains 10pm, there is the possibility that a later terminal hour may be permitted in limited circumstances where the premises are not located below or in close proximity to residential properties.

3.5 Part Seven – Overprovision

3.5.1 The Board is committed to continuing with its evidence based approach to policy and decision making and has set out that it will work with the Police and the NHS to assess the impact of its policy on overprovision in the 8 confirmed overprovision localities over the next three years, particularly in relation to alcohol related crime and disorder and alcohol related hospital admissions. These overprovision localities are:-

- **Calton, Gallowgate and Bridgeton**
- **Carntyne West and Haghill**
- **Govan and Linthouse**
- **Ibrox**

- **Laurieston and Tradeston**
- **Parkhead West and Barrowfield**
- **Shettleston North**
- **Whiteinch**

3.5.2 There will be a presumption against the grant of further premises licences in the overprovision localities, but the Board has retained its discretion to grant licences in these areas if it is satisfied that the Licensing Objectives will not be compromised. Additionally, the Board has retained its discretion to refuse new licences applications in areas outwith the overprovision localities, on a case by case basis.

3.5.3 In addition to confirming the 8 localities as areas of overprovision, the Board has identified 4 other localities as areas of particular concern where it would wish to work with the Police, the NHS and other stakeholders to analyse the impact of licensed premises over the next 3 years in relation to these issues in order to determine whether they should be included in future overprovision assessments.

3.5.4 These localities are:- Hillhead, Shawlands, Ruchill and Possilpark.

3.6 Part Eight – Occasional Licences and Extended Hours

3.6.1 In considering applications for extended hours, the Board has stated that it would generally not consider it appropriate to grant extended hours to premises for any more than 10 days in each calendar year.

3.6.2 This is in addition to any hours granted by way of seasonal variations or by general extension, such as the additional licensed hour granted for on-sales licensed premises during the Commonwealth Games.

3.7 Part Nine – Policy Relative to Off-Sales

3.7.1 This has been updated and includes reference to some of the concerns associated with off-sales licensed premises around anti-social behaviour issues and so called “drinking dens”, as referred to in evidence from Police Scotland.

3.8 Part Eleven – Malicious or Ill intentioned Conduct

3.8.1 This part of the Policy Statement has been updated, with the removal of specific references to certain football clubs. While some of the wording within this part of the policy has been updated to reflect the recognised links between such conduct and concern for the Licensing Objectives in an environment where alcohol is available, the principles and application of the policy remain unchanged.

3.9 Part Twelve – Management of Outdoor Areas

- 3.9.1 The standard condition relating to the removal of outdoor furniture has been amended to allow for it to be stored safely and securely within the outdoor area so long as it is taken out of use and does not cause a nuisance to the public.

4. Recommendation

- 4.1 The Area Partnership is recommended to note the contents of the report.