East Dunbartonshire Licensing Board

Licensing (Scotland) Act 2005

Statement of Licensing Policy

Further copies of this Statement may be obtained from the undernoted address or East Dunbartonshire Council's website:-
www.eastdunbarton.gov.uk/licensingboard

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PART 1

INTRODUCTION

1.0 The Licensing (Scotland) Act 2005

1.1 The Licensing (Scotland) Act 2005 as amended ("the Act") makes provision for regulating the sale of alcohol and for regulating licensed premises and other premises on which alcohol is sold.

1.2 Under the Act, Licensing Boards will be responsible for considering applications for:-

- premises licences;
- occasional licences;
- provisional licences
- temporary licences;
- personal licences;
- transfer of premises licences;
- variation of premises licences; and
- extensions of licensing hours.

2.0 East Dunbartonshire Licensing Board

2.1 East Dunbartonshire Licensing Board ("the Board") is the licensing authority for the local government area of East Dunbartonshire for the purposes of the Act. The Board comprises ten members, all of whom are elected members of East Dunbartonshire Council. The Board is responsible for the functions set out in paragraph 1.2 above within East Dunbartonshire.

2.2 East Dunbartonshire is situated just north of Glasgow and covers an area of some 77 square miles. Around 105,000 people live within the area which is bounded to the north by the Campsie Hills. Local communities include Bearsden, Bishopbriggs, Kirkintilloch, Lennoxtown, Lenzie, Milngavie, Milton of Campsie, Torrance and Twechar. A map of East Dunbartonshire is provided in Appendix 1 to this policy statement.

3.0 The Licensing Objectives

3.1 Section 4 of the Act sets out the following five licensing objectives:-

- preventing crime and disorder
- securing public safety
- preventing public nuisance
- protecting and improving public health
- protecting children and young persons from harm.

3.2 The licensing objectives provide a basis for the administration of the licensing regime. They also provide potential reasons for refusal of an application for the grant or variation of a premises licence or an occasional licence. Breach of the objectives may provide grounds for reviewing a premises licence. Conditions attached to a premises licence or an occasional licence may be based on any one or more of the licensing objectives.

3.3 In exercising its functions under the Act, the Board must have regard to the licensing objectives. Details of how the Board will seek to promote the licensing objectives are set out in Part 2 below.

4.0 Statement of Licensing Policy

4.1 Section 6(1) of the Act requires every Licensing Board to publish a statement of their policy with respect to the exercise of their functions under the Act, 18 months after an ordinary election of councillors. Section 7 of the Act requires each licensing policy statement published by a Licensing Board to include a statement as to the extent to which the Board considers there to be overprovision of:-

- licensed premises, or
- licensed premises of a particular description,

in any locality within the Board's area.

4.2 The Board has published this policy statement in fulfilment of the requirements of sections 6 and 7 of the Act. Section 6(3)(a) of the Act also requires a Licensing Board, in preparing a licensing policy statement, to ensure that the policy set out in the statement seeks to promote the licensing objectives.

4.3 This policy statement shall be effective for the period until 5 November 2023, unless the next planned date for the ordinary election of councillors is moved for any reason**.** It will be kept under review during that period. During that period the Board has the power under section 6(2) of the Act to publish a supplementary policy statement.

4.4 In preparing this policy statement, the Board has had due regard to the Guidance for Licensing Boards and Local Authorities issued by the Scottish Government. This is available at https://www.gov.scot/Resource/Doc/175487/0049459.pdf.

4.5 This policy statement covers a wide variety of issues. However, it cannot cover every eventuality and it seeks to detail those factors which will influence the achievement of the licensing objectives.

4.6 Section 6(4) of the Act requires the Board, in exercising its functions under the Act, to have regard to this policy statement. However, the Board will consider all applications on their own individual merits and it is open to an applicant to seek a decision from the Board which is inconsistent with the terms of this policy statement. Further, this policy statement will not override the right of any person to make representations on any application or seek a review of a premises licence where permitted to do so under the Act. Where persons seek a decision from the Board which is inconsistent with the terms of this policy statement the Board expects them to fully address the issue of why the policy statement should not be followed.

4.7 This policy statement should be read in conjunction with the Act and all regulations made thereunder. It is designed to be a strategic policy statement, not an operational guide to the legislation.

5.0 Consultation on Statement of Policy

5.1 Section 6(3)(b) of the Act states that in preparing this statement of policy the Board must consult the following:-

- East Dunbartonshire Local Licensing Forum;
- if the membership of the Forum is not representative of all of the various membership categories, such persons as appear to the Board to be representative of the under-represented categories;
- the relevant Health Board; and
- such other persons as the Board thinks appropriate.

5.2 The Board will consult widely on this statement of policy in fulfilment of the requirements of section 6(3)(b). The consultation will take place from 2 November 2018 to 30 November 2018. A list of the parties to be consulted is contained in Appendix 2 to this policy statement. In finalising the policy statement appropriate weight will be given to the views of those who responded to the consultation.

6.0 Links to Other Policies and Strategies

6.1 The Board will endeavour to secure proper integration with local crime prevention, community safety, health, planning, transport, tourism, equality and cultural strategies including, in particular, the Local Police Plan 2017-20, the Joint Health Improvement Plan 2018-21 and the Health and Social Care Partnership Strategic Plan 2018 – 21. In addition, the Board will endeavour to secure proper integration

with the Scottish Government's strategy entitled 'Changing Scotland's Relationship with Alcohol: A Framework for Action'.

6.2 The Board recognises its responsibilities under equalities legislation. The Board has an Equality and Diversity Scheme which is part of East Dunbartonshire Council's Equality and Diversity Scheme which can be viewed at www.eastdunbarton.gov.uk. The Board will at all times act in accordance with the public sector equality duties.

6.3 The Board will make arrangements to receive, when appropriate, reports on the needs for economic development in East Dunbartonshire to ensure that these are reflected in its considerations.

7.0 Duplication

7.1 So far as possible, the Board will avoid duplication with other regulatory regimes and will not use its powers under the Act to achieve outcomes which can be achieved under other legislation or by other enforcement agencies.

7.2 In particular, the Board's licensing functions will be discharged separately from East Dunbartonshire Council's functions as planning and building standards authority. The Board recognises that the licensing regime is separate from the planning and building standards regimes and that the processing of licensing applications shall be an exercise distinct from the processing of planning applications.

PART 2

PROMOTION OF THE LICENSING OBJECTIVES

8.0 Overview

8.1 This Part 2 sets out the Board's general approach to the promotion of the licensing objectives. In relation to each licensing objective the Board has set out the general policy it will pursue in seeking to promote that objective.

8.2 In respect of each licensing objective, the Board has:-

- defined its intended outcome; and
- listed factors, which, in its view, have an impact on the achievement of that objective.

Because of the wide variety of premises and activities to which this policy statement applies, these lists are not exhaustive. Applicants and licence holders will know their own premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and the licensable activities for which they are seeking, or have obtained, authorisation.

8.3 The Board considers that effective and responsible management of licensed premises is key to securing consistency with the licensing objectives. In respect of each licensing objective, the Board has specified a list of measures ("control measures") which it commends to applicants and licence holders as worthy of consideration in seeking to secure consistency with that objective. These lists are intended to assist applicants and licence holders but, again, are not exhaustive. Some control measures apply to more than one licensing objective.

8.4 The Board encourages applicants and licence holders to carry out a risk assessment on their premises. The risk assessment should be specific to the premises and the activities intended to be carried on in the premises. It should take into account the licensing objectives, the 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. The Board considers a risk assessment to be good practice and a means of selecting the appropriate control measures to put in place.

8.5 Additional control measures may be necessary on an occasional or specific basis such as when a special event is planned which is intended to, or likely to, attract larger audiences or audiences of a different nature. An individual risk assessment may be appropriate in these circumstances.

9.0 Preventing Crime and Disorder

9.1 In carrying out its functions under the Act the Board will have regard to the likely impact licensed premises may have on crime and disorder.

9.2 The Board supports a strategy aimed at making East Dunbartonshire a safe place to live in and visit. The Board is committed to further improving the quality of life of people in East Dunbartonshire by playing its part in ensuring that licensed premises are run in such a way as not to contribute to crime and disorder.

9.3 Applicants and licence holders should be able to demonstrate that all factors which impact on crime and disorder have been considered. These include:-

- underage drinking, including agency purchases
- drunkenness on or around the premises
- illegal possession and/or use of drugs
- violent behaviour/public disorder
- harassment of customers on or leaving premises
- antisocial behaviour
- drink driving
- litter including cigarettes and chewing gum (in this regard particular reference is made to paragraph 21 of this statement)

9.4 Suggested control measures include:-

- appropriate instruction, training and supervision of staff to include conflict management and preventing crime and disorder
- acceptance of accredited proof of age card schemes
- provision of effective CCTV in and around the premises
- security policies and regular toilet checks, for example, to prevent the consumption of drugs on the premises
- the display of notices which set out management policy in relation to drugs
- employment, when necessary, of Security Industry Authority licensed door staff
- provision of local transport information to permit customers to make safe arrangements to travel home
- proper management of people entering and leaving the premises
- licensed premises operating after midnight should take additional precautions including plastic and/or toughened glass to prevent the use of bottles or glasses as weapons

- active membership of Pubwatch or a similar scheme
- provision of litter bins and lighting outside the premises
- promoting awareness of schemes such as the designated driver scheme
- choice of size of glasses, particularly for wine
- appropriate checks on immigration status of employees and their eligibility for employment in the UK

10.0 Securing Public Safety

10.1 The Board is committed to ensuring that the safety of any person visiting, or working in, or in the vicinity of, licensed premises is not compromised.

10.2 Applicants and licence holders should be able to demonstrate that all factors which impact on public safety have been considered. These may include:-

- the occupancy capacity of the premises;
- the design and layout of the premises, including means of escape;
- the nature of the activities on the premises;
- the hours of operation; and
- customer profile (e.g. age, disability).

10.3 Suggested control measures include:-

- carrying out risk assessments;
- provision of effective CCTV in and around the premises;
- active membership of Pubwatch or a similar scheme;
- employment of adequate numbers of suitably trained staff;
- proof of regular testing and, where appropriate, certification of procedures, appliances and safety systems; and
- employment, when necessary, of Security Industry Authority licensed door staff.

11.0 Preventing Public Nuisance

11.1 The Board believes that licensed premises can potentially have an adverse impact on communities as a result of public nuisance arising from their operation. The Board aims to protect and maintain the amenity of residents and occupiers of other business premises from any adverse consequences of the operation of licensed premises whilst also recognising the valuable cultural, social and business importance that such premises provide.

11.2 Although interpretation is ultimately a matter for the courts, the Board intends to interpret “public nuisance” widely to include such issues as noise, light, odour, litter and antisocial behaviour where these impact on the local community.

11.3 The Board recognises that licensing legislation is not the primary statutory mechanism for controlling nuisance and anti-social behaviour by individuals once they are no longer on licensed premises and are beyond the direct control of the licensee. However, where it is apparent that public nuisance is the direct result of specific practices in the licensed premises, evidence of this activity may be reported to the Board for their consideration.

11.4 Applicants and licence holders should be able to demonstrate that all factors which might contribute to public nuisance have been considered. These include:-

- the location of the premises and the type of neighbouring premises;
- the hours of opening;
- the nature of the activities to be provided on the premises; and
- the occupancy capacity of the premises

11.5 Suggested control measures include:-

- appropriate instruction, training and supervision of staff to prevent incidents of public nuisance;
- proper management of people entering and leaving the premises;
- installation of sound proofing and sound limiting devices;
- sound tests for equipment used in providing live or amplified music;
- liaison with public transport providers;
- effective ventilation systems to prevent nuisance from odour;
- active membership of Pubwatch or a similar scheme;
- provision of effective CCTV in and around the premises
- employment, when necessary, of Security Industry Authority licensed door staff; and

- management arrangements for the collection and disposal of waste, empty bottles and cigarette butts etc.

12.0 Protecting and Improving Public Health

12.1 The Board wishes to see responsibly managed licensed premises thriving in East Dunbartonshire but not at the expense of patrons' health and wellbeing. One of the Board's priorities will therefore be the protection and improvement of the health and wellbeing of patrons of licensed premises. The Board encourages licence holders to demonstrate both within their Operating Plan and in their everyday practice, the measures which will be put in place to protect public health. The Board will have regard to the views of any other bodies responsible for, or having an interest in, public health.

12.2 Applicants, licence holders and all staff responsible for the sale or serving of alcohol on licensed premises should be aware of the risks associated with alcohol and the impact they could have on public health. These include:-

- hazards of rapid intoxication from high strength alcohol, particularly when consumed without food;

- regular heavy consumption of alcohol is associated with poor health, accidents and violence; and

- the burden on the NHS, Police, other services and local communities due to excessive alcohol consumption

12.3 Applicants, licence holders and all staff responsible for the sale or serving of alcohol on licensed premises should have a clear understanding of the offences in connection with the sale of alcohol to a person who appears drunk, or who is known to have consumed large quantities of alcohol, and allowing drunkenness on the premises.

12.4 Suggested control measures include:-

- Displaying material discouraging drink driving;

- making available information promoting moderate drinking along with awareness of units of alcohol and recommended guidelines;

- having a workplace alcohol policy in order to raise awareness, minimise harm and ensure that staff are able to access help (without fear of job loss) when an alcohol related problem arises;

- ensuring that customers are aware of choice in relation to alcohol measures, especially in the case of wine, e.g. small. medium and large glasses should be available;

- ensuring that customers are aware of choice in relation to the strength of alcohol in drinks such as wine and beer;

- availability of drinking water free of charge and low alcohol and non-alcoholic alternatives;

- encouraging the consumption of food;

- providing contact details where assistance for alcohol related problems may be sought;

- having in place a policy/practice to deal with patrons who have consumed excessive alcohol; and

- increasing the proportion of seating available so as to reduce the level of "vertical drinking".

13.0 Protecting Children and Young People from Harm

13.1 The Board wishes to see family friendly premises thriving in East Dunbartonshire. It will welcome premises licence applications from those who wish to operate licensed premises which accommodate children. The Board recognises that additional responsibilities will be placed on such applicants whilst at the same time recognising that parents and other adults accompanying children also have responsibilities. In determining any such application the need to protect children from harm will be a major consideration and the Board therefore wishes to ensure that such premises are run in a way that is suitable for children.

13.2 The Board also takes very seriously the issue of underage drinking and wishes to remind licence holders that they and their staff must comply with all legislation in relation to children and young persons, including not selling, or allowing the sale of, alcohol to children and young persons.

13.3 Applicants, licence holders, and all staff responsible for the sale or serving of alcohol on licensed premises should be aware of the risks associated with alcohol and the impact they could have on children. These include:-

- the toxic effects of alcohol on the social, physical and mental wellbeing of children and young people, particularly in regards to brain development;

- alcohol related brain damage in children and young people is irreversible;

- children and young people who frequently witness alcohol consumption as normal practice have an increased risk of consuming greater quantities of alcohol and at a younger age; and

- those affected are at a higher risk of developing hazardous drinking patterns and dependence in adult life.

13.4 Suggested control measures include:-

- appropriate instruction, training and supervision of staff;

- appropriate measures to ensure that children and young persons do not purchase or consume alcohol on the premises (unless such consumption is permitted by a young person in terms of section 105(5) of the Act);

- appropriate checks for staff who will be working in premises where children and young persons will be present;

- acceptance of accredited proof of age card schemes;

- measures to ensure that children and young people are not exposed to strong language, violence or disorder;

- measures to ensure that children and young people are not waiting or seated in the bar area; and

- provision of reasons for children and young people to be present in licensed premises.

PART 3

LICENSED HOURS

14.0 Off Sales

14.1 In terms of the Act, the sale of alcohol for consumption off the premises is not permitted before 10.00 am and after 10.00 pm. The Board's general policy is that licensed hours of 10.00 am to 10.00 pm each day are appropriate for off sales. Each off sales application will be assessed on its own merits against these licensed hours and the Board will wish to ensure that the licensing objectives are being promoted in such applications. The Board may consider the following factors, although this list is not exhaustive:-

- the prevalence of alcohol related anti-social behaviour in the vicinity of the applicant premises;
- the location of the premises and the general character of the area in which the premises are situated, including proximity to residential areas; and
- the impact additional licensed hours may have on police operational demands in conjunction with resources available to deal with such needs

15.0 On Sales

15.1 In response to a representation from the trade requesting an increase to the opening hours on a Saturday and Sunday, and in order to safeguard and promote the local economy, the Board has amended its general policy statement on the licensed hours for the sale of alcohol for consumption on the premises. The hours set out in Appendix 4 are referred to in this statement as "the on sale policy hours."

15.2 In formulating the on sale policy hours the Board has taken account of the licensing objectives, Scottish Government Guidance under the Act and the provisions of the Act itself as well as the representation from the trade. The Board recognises that licensing hours are important to individual licensed premises but can have a wider impact for an area. Balanced against this, the Board does not wish to unnecessarily inhibit the development of thriving and safe evening and night time local economies which are important for investment, employment and tourism. The Board considers that the revised on sale policy hours are appropriate for East Dunbartonshire and represent a balance between the interests of the public, residents, licensed businesses and patrons of licensed premises.

15.3 As East Dunbartonshire is a largely residential area and most licensed premises are a very short distances from people's homes, the Board may take into account the potential impact of noise, disruption, anti-social behaviour and public nuisance may have on local residents, particularly those premises operating after 11pm. Consideration may therefore be given to the location of the premises and the general character of the area in which the premises are situated, including proximity to

residential areas and the routes by which customers disperse through residential neighbourhoods.

15.4 Each application for a premises licence will be assessed on its own merits against the on sale policy hours appropriate to the type of activity for which a licence is being sought.

15.5 To be considered for the on sale policy hours pertaining to nightclubs, applicants will require to satisfy the Board as to the following matters:-

- the premises to which the application relates are purpose built or designed, fitted out and operated for the regular provision of either substantial live musical entertainment or a DJ operated discotheque facility;

- the premises have a comparatively high occupant capacity and are fitted out to a high standard of equipment with appropriate ancillary facilities, such as toilet provision and stewarding to cope with large numbers of late night patrons; and

- the operation of the premises is such that the sale of alcohol to patrons is ancillary to the entertainment provided and the primary reason for patrons visiting the premises is the entertainment itself rather than the provision of alcoholic refreshment.

15.6 To be considered for the on sale policy hours pertaining to entertainment premises, applicants will require to satisfy the Board as to the following matters:-

- the premises to which the application relates are purpose built or designed, fitted out and operated for the regular provision of entertainment of patrons, such as snooker or ten pin bowling (this list is not exhaustive); and

- the operation of the premises is such that the sale of alcohol to patrons is ancillary to the entertainment provided and the primary reason for patrons visiting the premises is the entertainment itself rather than the provision of alcoholic refreshment.

15.7 To be considered for the on sale policy hours relating to members' clubs, the applicant club will require to meet the description set out in regulation 2 of The Licensing (Clubs) (Scotland) Regulations 2007.

15.8 Licence applicants seeking licensed hours which extend after 1.00 am should note that mandatory conditions will be imposed on the licence. These mandatory conditions are set out in regulations under the Act.

16.0 Extended Hours Applications

16.1 The Board may extend the licensing hours in respect of premises for a period not exceeding one month. The Board may do so in connection with;-

- a special event or occasion to be catered for on the premises; or

- a special event of local or national significance.

16.2 Each extended hours application will be assessed on its own merits. When the extended hours sought in respect of on sale premises fall out with the on sale policy hours appropriate to the applicant premises as set out in Appendix 4, the applicant will require to demonstrate to the Board that there are good reasons for the hours sought and that the hours are appropriate in the circumstances. The applicant will require to provide the Board with sufficient information to enable a decision to be made in this regard. This information will include:-

- the hours sought;

- a description of the special event or occasion;

- the proposed activities to take place during these hours;

- when each activity will take place;

- why the event or occasion is considered to be special; and

- why the event or occasion cannot take place within the on sale policy hours appropriate to the applicant premises.

PART 4

OVERPROVISION

17.0 Overprovision Assessment

17.1 Section 7 of the Act states that each policy statement published by a Licensing Board must, in particular, include a statement as to the extent to which the Licensing Board considers there to be overprovision of:-

(a) licensed premises, or

(b) licensed premises of a particular description,

in any locality within the Board's area. For the purposes of overprovision members' clubs or premises operating under occasional licences are not included in the number of licensed premises.

17.2 The Scottish Government has set out guidance on how Licensing Boards should carry out an assessment of overprovision at part 3 of the Guidance for Licensing Boards and Local Authorities which is available at https://www.gov.scot/Resource/Doc/175487/0049459.pdf. In accordance with that Guidance the Licensing Board carried out a pre-consultation exercise with several interested parties as part of an evidence gathering process. Those interested parties were Police Scotland, East Dunbartonshire Alcohol and Drugs Partnership, East Dunbartonshire Health and Social Care Partnership, NHS Greater Glasgow and Clyde and East Dunbartonshire Council's Licensing Standards Service. The evidence received as a result of the Board's pre-consultation exercise, combined with the local knowledge of the Board, informs this policy statement.

17.3 After considering all the relevant evidence obtained through the consultation exercise, the Board have concluded that within East Dunbartonshire, there currently remains an overprovision of off-sales licensed premises within the locality of Hillhead, Kirkintilloch. This locality is shown outlined on the map at Appendix 5.

17.4 Following representations from East Dunbartonshire Alcohol and Drugs Partnership, East Dunbartonshire Health and Social Care Partnership and NHS Greater Glasgow and Clyde, and after undertaking an assessment of the available evidence, the Board considers that in addition to the Hillhead area, there is a further area of overprovision of off-sales licenced premises in part of the Kirkintilloch West area. This locality is shown outlined on the map found at Appendix 6a. The proposed combined area of overprovision can be found on the map at Appendix 6b.

17.5 The effect of the Board's overprovision assessment is that it creates a rebuttable presumption against the grant of an application in relation to off-sales licensed premises within the locality of Hillhead and in part of the locality of Kirkintilloch West. However, each application will still be determined on its own merits. The Board reserves the right to grant an application in relation to any locality for which an assessment of overprovision has been made, when the applicant is able to

demonstrate that the grant of the application would not undermine the licensing objectives.

17.6 If an existing licence ceases to be in force this does not necessarily mean that there is capacity for a new licence of a similar capacity. Any application seeking to replace capacity relinquished by other premises may be subject to an individual overprovision assessment.

PART 5

MISCELLANEOUS ISSUES

18.0 Board Business

18.1 The Board will deal with its business in an open and transparent manner. Information and assistance will be made available to persons wishing to apply for a licence, make representations or lodge objections. Whilst Board staff will give advice, it should be understood that they will not complete applications or operating plans.

18.2 The Board is aware of the need to ensure that the licensing process is accessible to all. Assistance will therefore be available on request for those who require special arrangements to access any part of the process.

18.3 The Board will generally meet in the Tom Johnston Chamber, East Dunbartonshire Council Headquarters, 12 Strathkelvin Place, Kirkintilloch. In terms of Schedule 1 to the Act, Board meetings will be held in public.

18.4 Where a hearing is to take place, the Board will attempt to make the process as informal as possible consistent with the carrying out of the Board's quasi-judicial function.

18.5 The Board's aim is to provide a speedy, efficient and cost effective service to all parties involved in the licensing process. To this end, the Board has adopted a scheme of delegation to ensure that decisions are made in a manner which fulfils this aim. The scheme sets out decisions which may be made by the Clerk of the Board and other specified Board officers and is set out in Appendix 3 to this statement.

19.0 Licensing Standards Officers

19.1 Two Licensing Standards Officers are employed by East Dunbartonshire Council to exercise the functions set out in the Act. Their role will involve guidance, mediation and compliance. They will work with the public and licensees in the promotion of the licensing objectives and in ensuring compliance with the Act. The Board recognises that Licensing Standards Officers play a key role in the licensing regime.

19.2 Whilst the Licensing Standards Officers are not in a position to give legal advice or make applications or objections on behalf of any party, they will be expected to advise both licence holders and the public on their rights and responsibilities.

19.3 Licensing Standards Officers' resources will be targeted at high risk premises and activities which require greater attention. A lighter touch will be employed in respect of low risk premises which are well operated.

19.4 At least one Licensing Standards Officer will be a member of East Dunbartonshire Licensing Forum.

19.5 The East Dunbartonshire Licensing Standards Officers can be contacted on the following numbers:-

Neil.miller@eastdunbarton.gov.uk 0141 578 8781 or 07799656843
Claire.mather@eastdunbarton.gov.uk 0141 578 8809 or 07799478044.

20.0 Outdoor Areas

20.1 Where an applicant proposes providing seating, tables or other facilities in any outdoor area (whether covered or not), the Board will assess the suitability of such area having regard to the licensing objectives, particularly those relating to preventing crime and disorder and preventing public nuisance. The Board reiterates that it considers effective and responsible management to be key in ensuring that such areas operate in a manner consistent with the licensing objectives.

20.2 In each individual case where an outdoor area is proposed, the Board will consider whether there should be a physical demarcation of the area, unless such demarcation already exists.

20.3 The Board's general policy is that there shall be no consumption of alcohol in any outdoor area after 10.00 pm on any day. As narrated elsewhere in this statement of policy, every application will be considered on its own merits.

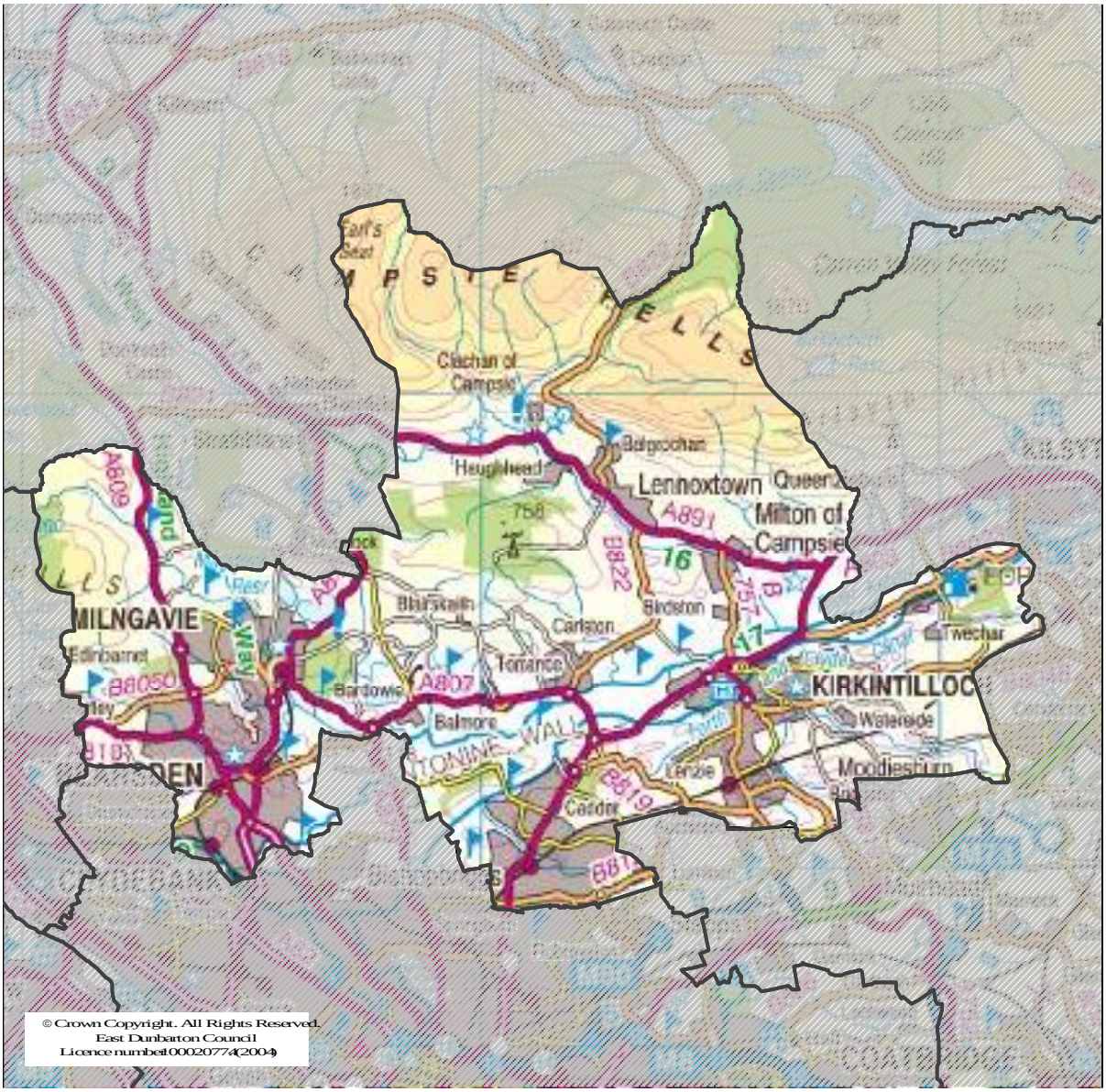
21.0 Smoking

21.1 The Board welcomes the legislation prohibiting smoking in enclosed public places. Licence holders have been effective in ensuring that patrons do not smoke within their premises. However, at times other issues can arise in the area around licensed premises such as noise nuisance, litter, disorder and smoke drift into neighbouring residences or back into the licensed premises.

21.2 The Board expects licence holders to have regard to good practice to ensure that patrons do not create a nuisance or disturbance for neighbouring residents. This includes noise arising as a result of patrons smoking outside the premises and obstructions that may be caused as a result of patrons standing in public areas.

APPENDIX 1

MAP OF EAST DUNBARTONSHIRE LOCAL AUTHORITY AREA



APPENDIX 2

LIST OF CONSULTEES

East Dunbartonshire Licensing Forum

East Dunbartonshire Multi Agency Partnership

The Chief Constable, Police Scotland

The Chief Officer, Scottish Fire & Rescue Service

NHS Greater Glasgow & Clyde

All premises licence holders in East Dunbartonshire

All Community Councils in East Dunbartonshire

Environmental Health Service, East Dunbartonshire Council

Planning Service, East Dunbartonshire Council

Building Standards Service, East Dunbartonshire Council

Education Service, East Dunbartonshire Council

Social Work Service, East Dunbartonshire Council

Alcohol and Drug Partnership

East Dunbartonshire Health and Social Care Partnership

East Dunbartonshire Community Planning Partnership

Delivering for Children and Young People Partnership

Alcohol Focus Scotland

Scottish Beer and Pub Association

APPENDIX 3

SCHEME OF DELEGATION

1.0 INTRODUCTION

1.1 This scheme of delegation sets out the powers under the Licensing (Scotland) Act 2005 delegated by East Dunbartonshire Licensing Board to the Clerk, Depute Clerk or nominated Council Solicitor of the Board.

1.2 In any particular case where powers are delegated to an officer under this scheme of delegation, if it appears to them that it is appropriate for the power to be exercised by the Board itself then they shall be entitled to refer the case to the Board for the exercise of the power.

2.0 POWERS DELEGATED UNDER THE LICENSING (SCOTLAND) ACT 2005

2.1 The following powers are delegated to and exercisable by the Clerk, Depute Clerk or nominated Council Solicitor :-

- Determining a premises licence variation application where the variation sought is a minor variation.

- Determining an application for the transfer of a premises licence where the applicant has not been convicted of a relevant offence or a foreign offence.

- Determining a personal licence application or a personal licence renewal application where the applicant has not been convicted of a relevant offence or a foreign offence.

- Granting an application for confirmation of a provisional premises licence with no variation of licence conditions.

- Determining an application for extended hours where there are no objections and the hours sought are within the policy hours set out in the Board's statement of licensing policy.

- Determining an application for an occasional licence where there are no objections/representations and the hours sought in the application are within the policy hours set out in the Board's statement of licensing policy.

- Variation of a premises licence under section 54(6) – no longer any premises manager specified in the licence.

- Revocation of a personal licence under Section 87(3).

2.2 All powers under the Licensing (Scotland) Act 2005 other than those set out in paragraph 2.1 above shall be exercisable by the Licensing Board.

APPENDIX 4

ON SALE POLICY HOURS

1.0 PREMISES LICENCES

1.1 Nightclubs

Mondays – Sundays: 7.00 pm to 2.30 am

Nightclubs will be allowed to open until 3.00am on Christmas and New Year's mornings.

1.2 Entertainment Premises

Mondays and Tuesdays: 11.00 am – 1.00 am
Wednesdays – Sundays: 11.00 am – 2.00 am

1.3 Members' Clubs

(a) Bowling and Golf Clubs

Sundays – Thursdays: 9.00 am – 12 midnight
Fridays: 9.00 am – 1.00 am
Saturdays: 9.00 am – 1.00 am

(b) Non Bowling and Golf Clubs

Sundays – Thursdays:	11.00 am – 12 midnight
Fridays:	11.00 am – 1.00 am
Saturdays:	11.00 am – 1.00 am

Where a members' club has a function suite, the Board's general policy is to allow the Suite to be open until 1.00 am on any night of the week in respect of a private function which meets the following criteria:-

(a) the function must be held in a separate function suite distinct from the public drinking area of licensed premises;

(b) admission to the function suite must be by ticket or invitation only sold or issued in advance of the date of the function;

(c) no tickets shall be sold or invitations issued on the night of the function; and

(d) no person shall gain admission to the function without a ticket or invitation.

Members' clubs will be allowed to open until 2.00 am on Christmas and New Year's mornings.

1.4 All Other Premises

Sundays:	11.00 am – 12 midnight
Mondays – Thursdays:	11.00 am – 12 midnight
Fridays:	11.00 am – 1.00 am
Saturdays:	11.00 am – 1.00 am

Where premises operating as a public house or hotel have a function suite, the Board's general policy is to allow the Suite to be open until 1.00 am on any night of the week in respect of a private function which meets the following criteria:-

(a) the function must be held in a separate function suite distinct from the public drinking area of licensed premises;

(b) admission to the function suite must be by ticket or invitation only sold or issued in advance of the date of the function;

(c) no tickets shall be sold or invitations issued on the night of the function; and

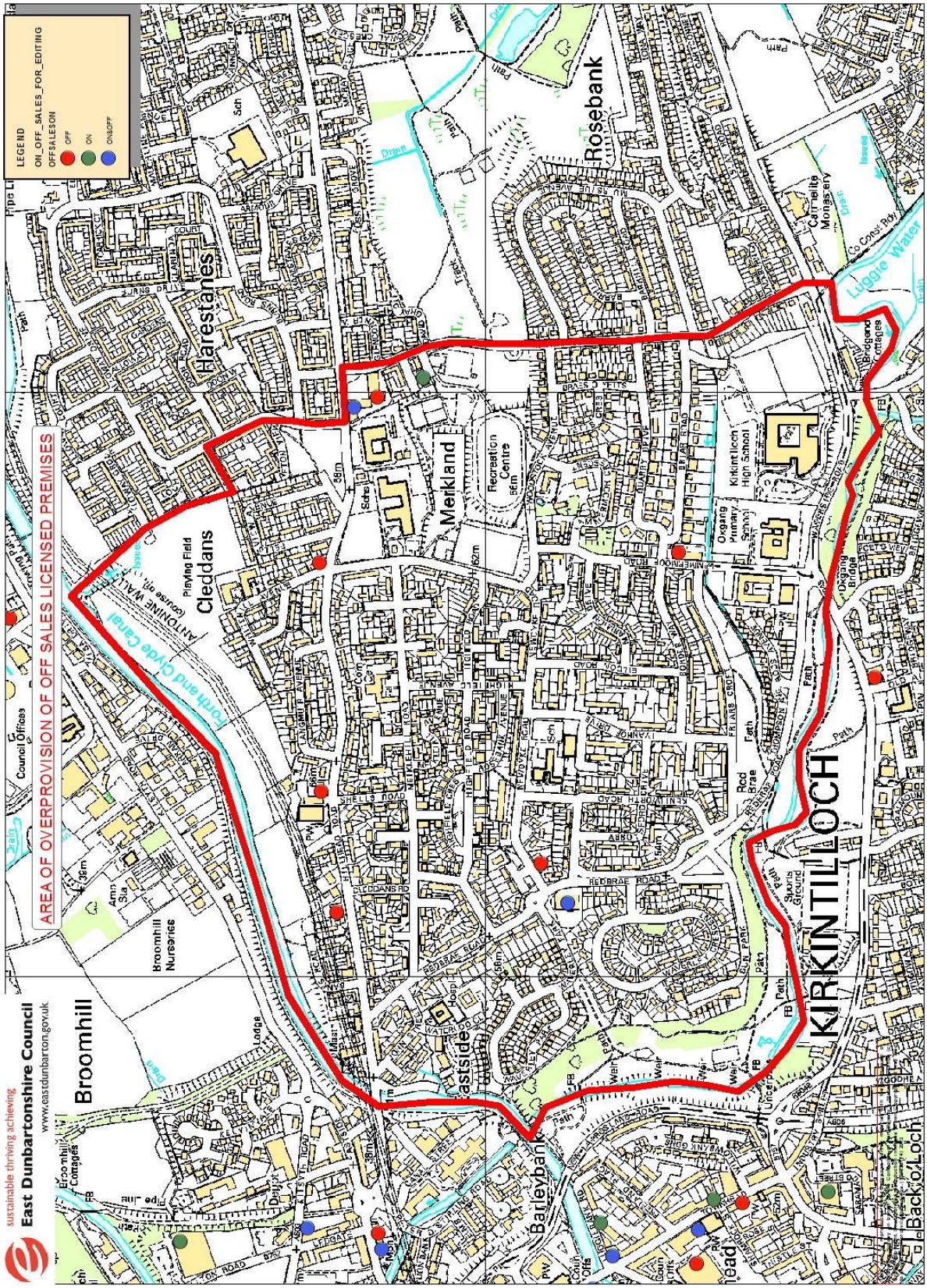
(d) no person shall gain admission to the function without a ticket or invitation.

Premises operating as public houses and hotels will be allowed to open until 2.00 am on Christmas and New Year's mornings.

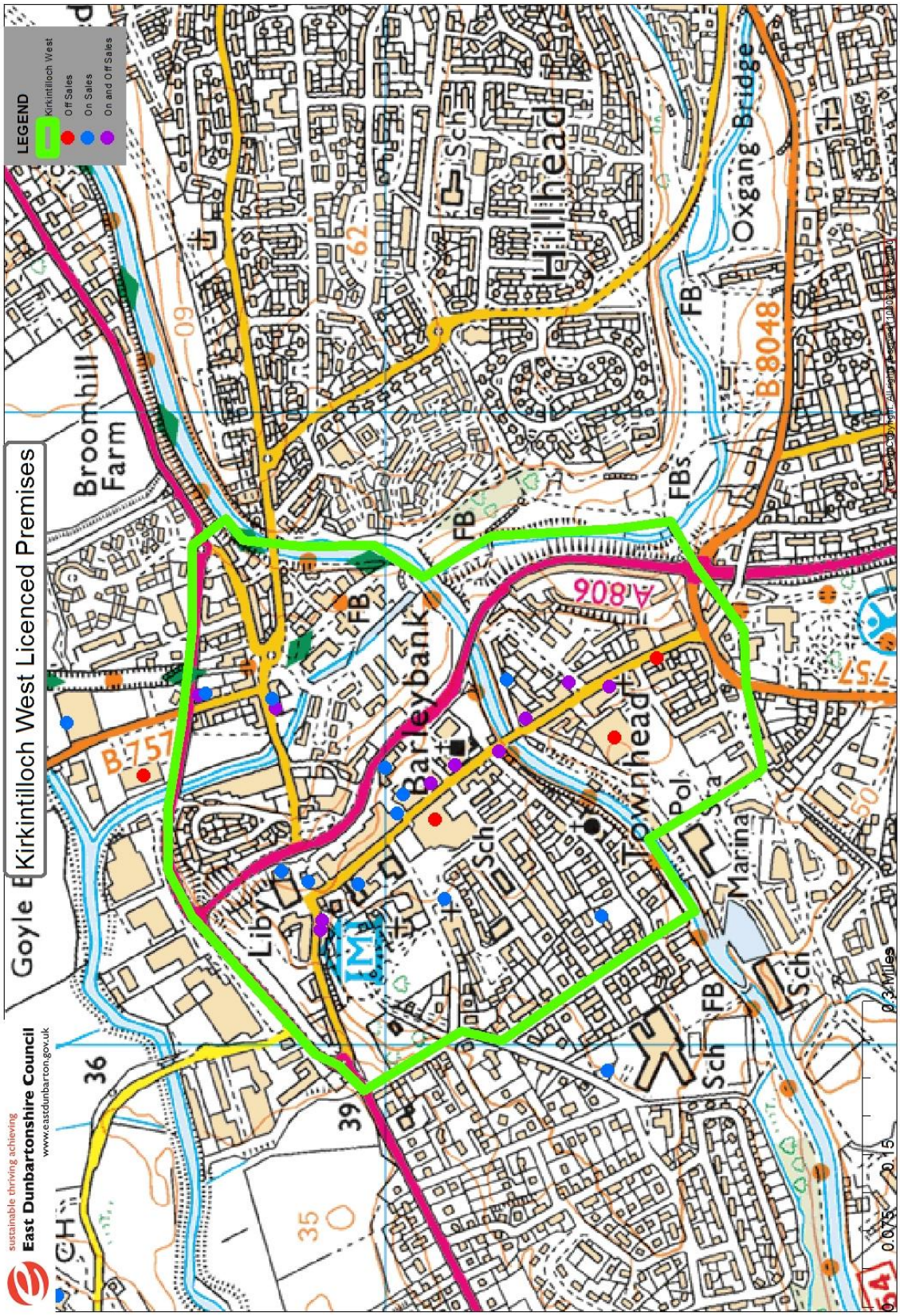
2.0 OCCASIONAL LICENCES
(For Events Outwith Licensed Premises)

Sundays:	11.00 am – 12 midnight
Mondays – Thursdays:	11.00 am – 12 midnight
Fridays:	11.00 am – 1.00 am
Saturdays:	11.00 am – 1.00 am

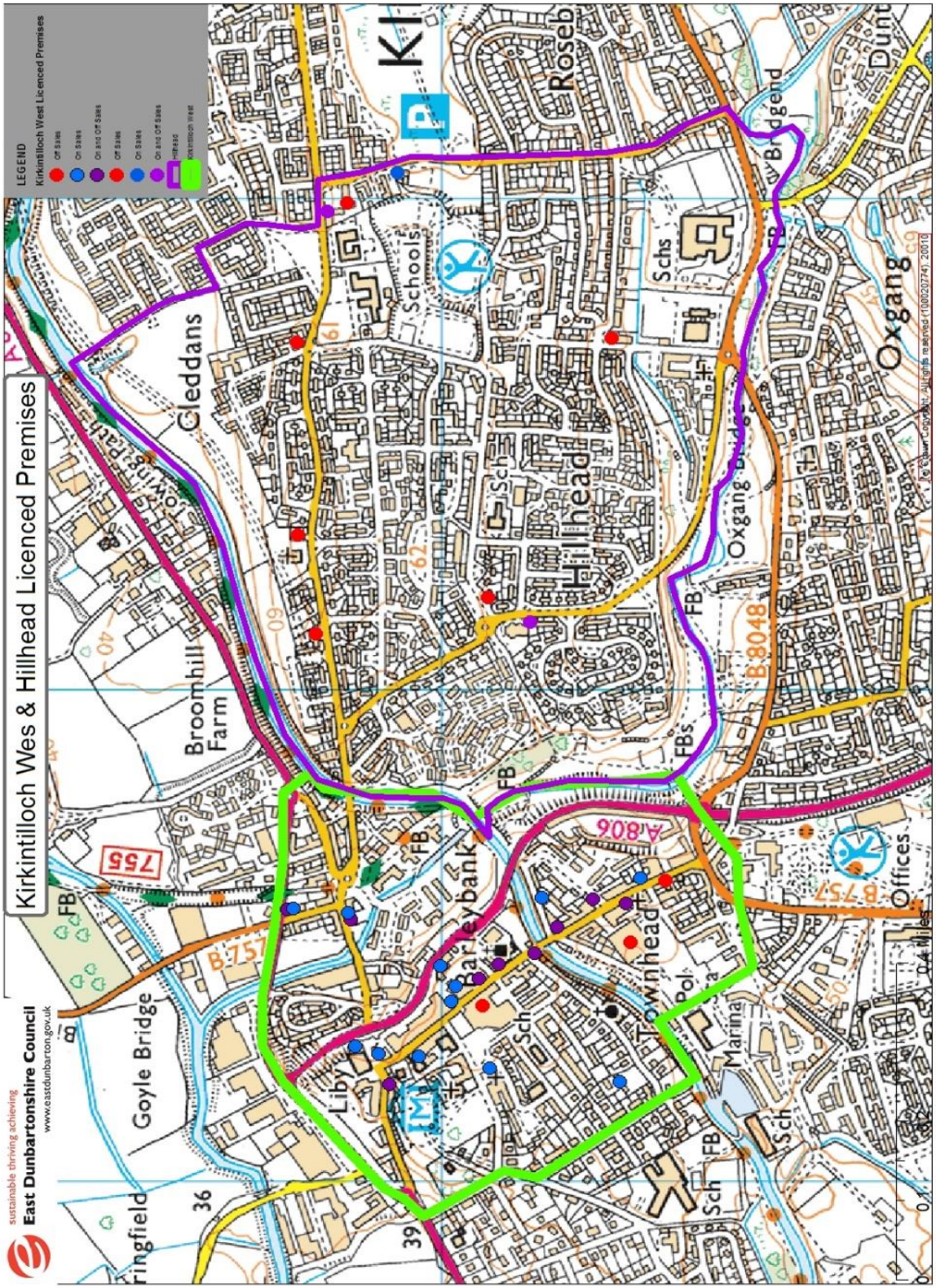
APPENDIX 5


AREA OF OVERPROVISION OF OFF SALES LICENSED PREMISES
LEGEND
ON_OFF_SALES_FOR_EDITING
OFFSALESON
OFF
ON
ONOFF
East Dunbartonshire Council
sustainable thriving achieving
www.eastdunbarton.gov.uk
Broomhill
Harestanes
Cleddans
Merkland
Rosebank
Barleybank
KIRKINTILLOCH
Back o'Loch
Forth and Clyde Canal
Luggie Water
Broomhill Nurseries
Kirkintilloch High School
Recreation Centre
Playing Field
Council Offices

APPENDIX 6a


Goyle Kirkintilloch West Licenced Premises
LEGEND
Kirkintilloch West
Off Sales
On Sales
On and Off Sales
East Dunbartonshire Council
www.eastdunbarton.gov.uk
sustainable thriving achieving
Broomhill Farm
Hillhead
Oxgang Bridge
B8048
B757
A806
Barleybank
Townhead
Marina
Library
Sch
FB
FBS
CH
36
39
35
0.3 Miles

APPENDIX 6b


Kirkintilloch Wes & Hillhead Licenced Premises
LEGEND
Kirkintilloch West Licenced Premises
Off Sales
On Sales
On and Off Sales
Off Sales
On Sales
On and Off Sales
Hillhead
Kirkintilloch West
Cleddans
Broomhill Farm
Hillhead
Oxgang
Goyle Bridge
Barleybank
Townhead
Marina
Offices
B757
B8048
A806
755
sustainable thriving achieving
East Dunbartonshire Council
www.eastdunbarton.gov.uk

Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council
12 Strathkelvin Place
Kirkintilloch
G66 1TJ
Tel: 0300 123 4510

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جا سکتا ہے۔ براہِ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫ਼ੋਨ ਕਰੋ।

Gabhaidh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòin gu 0300 123 4510

अनुरोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फ़ोन कीजिए।