

Statement of Licensing Policy 2023-28 - Informal consultation - Response from the Community Protection Service

1/ Licensing Hours

The Board's general policy for off-sales is that licensed hours of 10.00am to 10.00pm each day are appropriate for off-sales. Pages 23-25 of the Statement of Licensing Policy set out the Board's current on-sales policy hours. Consultees are invited to make comments on whether there should be changes made to these hours.

On Sales policy hours were altered in the last policy statement in December 2018. These hours were welcomed by trade and brought East Dunbartonshire premises in line with those in surrounding local authorities. These hours seem to work well for the area and we have not heard of premises licence holders looking to increase the policy hours from what is currently permitted.

Festive Extension - Currently policy allows for a terminal hour of 2am on Christmas and New Years morning's. Each premises must make an application for extended hours unless they have festive extensions on their operating plan. We would ask that the festive policy be removed and let the Board determine on a yearly basis.

2/ Descriptions of Licensed Premises

In paragraph 15.6 of page 15 of the Statement of Licensing Policy there is reference to entertainment premises. Pages 23-25 of the Statement of Licensing Policy sets out the onsales hours for entertainment premises. Consultees are invited to comment on whether it is appropriate and/or necessary for there to be a separate category of entertainment premises within the categories of on-sales premises.

We would welcome the removal of the category of entertainment premises. If a premises licence holder wishes to apply for later hours outwith permitted policy hours the application would be considered by the Board.

3/ Licensing Conditions for Alcohol Delivery

The Board has noted that in recent years more and more premises are seeking permission to deliver alcohol to customers. The Licensing (Scotland) Act 2005 includes provisions regulating the delivery of alcohol. This includes the requirement to keep records of deliveries and the prohibition of delivering alcohol between midnight and 6am. The Board would welcome any comments on whether the Board should attach licensing conditions to premises that wish to deliver alcohol to customers. This may, for example, include a condition incorporating a Challenge 25 approach to the delivery of alcohol.

In the past 3 years we have seen an increasing number of premises adapting to a different trading pattern due to the COVID 19 Pandemic. There are now a large number of both on and off sales premises offering home delivery of alcohol. We would welcome the addition of conditions to premises that wish to deliver alcohol to customers. We would ask that the conditions allow for technology to be used in the recording of the delivery notes and that the conditions also incorporate a mandatory age verification check.

Overprovision

In the current Statement of Licensing Policy, there are two localities assessed as being areas where there is an overprovision of off-sales licensed premises. These are the locality of Hillhead, Kirkintilloch and the Kirkintilloch West area. Full details of these areas are found on pages 17 and 18 of the Statement of Licensing Policy. Consultees are invited to comment on whether there are other areas which should be assessed as overprovided. This includes whether the two localities currently assessed as being overprovided continue to be so, whether there is an overprovision of licensed premises in any other locality in East Dunbartonshire and whether there should be exceptions provided for within the terms of any overprovision policy. In submitting comments on overprovision, consultees are asked to give consideration on what impact has been made by the introduction of minimum unit pricing for alcohol has made.

We have no recommendation to make in relation to overprovision. We do note that in the area of Kirkintilloch West, all off sales applications made since the area was added to East Dunbartonshire's overprovision area have been successful. These applications have demonstrated that they have exceptional circumstances i.e. high end whisky retailers or a community interest company.

Supplementary Statement of Licensing Policy

The Supplementary Statement of Licensing Policy sets out issues to which the Board may have regard when considering major variation applications from on-sale premises seeking to extend their terminal hour to 1am or for new applications seeking a 1am terminal hour. This includes “evidence of a commitment to ongoing staff training and social responsibility, including late night transport arrangements for staff.”

Consultees are invited to comment on whether there should be changes to the Statement of Licensing Policy as it applies to late night on-sales policy and what steps the Board could consider taking to ensure the safety of staff.

The implementation of the Supplementary Policy has been welcomed and adopted by the trade across East Dunbartonshire. Through our continued engagement we are confident that the principles of the Supplementary Policy will continue to be promoted and adopted by the trade.