

# **EAST DUNBARTONSHIRE LICENSING BOARD**

## **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](http://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 (“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 are responsible for considering applications for:-

- premises licences
- occasional licences
- provisional licences
- temporary licences
- personal licences
- transfer of premises licences
- variation of premises licences
- 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 109,000 people live within the area which is bounded to the north by the Campsie Hills. Local communities include Bearsden, Bishopbriggs, Kirkintilloch, Lennoxton, Lenzie, Milngavie, Milton of Campsie, Torrance and Twechar. A map of East Dunbartonshire is provided in Appendix 1 to this Statement of Licensing Policy (“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 represent the values on which the Scottish alcohol licensing system is based. The objectives 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 A Licensing Board must ensure that its statement of licensing policy seeks to promote the licensing objectives. 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 its policy with respect to the exercise of its functions under the Act within 18 months of the ordinary local government elections. Section 7 of the Act requires each statement of licensing policy 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 have effect from 5 November 2023, and subject to review, until 18 months after the next ordinary local government elections. It will be kept under review during that period. Prior to the publication of the next Policy Statement, 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 licensing objectives and relevant statutory guidance issued by the Scottish Government. This Policy Statement covers a wide variety of issues. However, it cannot cover

every eventuality. It seeks to detail those factors which will influence the achievement of the licensing objectives.

- 4.5 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.
- 4.6 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 In accordance with section 6(3)(b) of the Act, consultation was undertaken in preparing this statement of licensing policy. The Board consulted widely and took account of the consultation responses received. Details of persons and organisations consulted are found in Appendix 2.

## **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 East Dunbartonshire Local Outcome Improvement Plan and the East Dunbartonshire Health & Social Care Partnership Strategic Plan, the East Dunbartonshire Local Police Plan, the East Dunbartonshire Alcohol & Drugs Partnership Strategy 2023-25 and the East Dunbartonshire Public Health Improvement Service Plan 2023-24. In developing this Policy Statement, the Board sought consultation and engagement with relevant key stakeholders, including Police Scotland and East Dunbartonshire Health & Social Care Partnership, to assist with the proper integration with other strategies. In addition, the Board will endeavour to secure proper integration with the Scottish Government's strategies and frameworks for tackling alcohol harm.
- 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](http://www.eastdunbarton.gov.uk). The Board will at all times act in accordance with the public sector equality duties.
- 6.3 The Board also recognises the importance of tourism to the East Dunbartonshire area as a whole and supports properly managed venues that appropriately contribute to tourism and a vibrant night time economy.

6.4 The Board will make arrangements to receive, when appropriate, reports on the needs for economic development in East Dunbartonshire and reports on the local tourist economies.

## **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. Applicants should be aware that the granting of an application by the Board does not give permission under other statutory functions. Separate permissions, such as planning permission and building warrants, may also be required.

## 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 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
- drinks spiking and needle spiking
- harassment of customers on or leaving premises
- antisocial behaviour
- coercive behaviour
- drink driving
- litter

9.4 Suggested control measures include:

- appropriate instruction, training and supervision of staff to include conflict management and preventing crime and disorder including customer safety measures, for example the “Ask for Angela” campaign
- 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 (or suitable alternative)

- 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
- evidence of a commitment to ongoing staff training and social responsibility, including late night transport arrangements for staff

## **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
- customer profile (e.g. age, disability, gender and any vulnerable customers)

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
- measures to prevent drinks spiking and needle spiking

- employment of adequate numbers of suitably trained staff
- proof of regular testing and, where appropriate, certification of procedures, appliances and safety systems
- employment, when necessary, of Security Industry Authority licensed door staff (or suitable alternative)
- ensuring safe access to those with disabilities

## **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
  - 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
- effective management of outdoor areas to reduce nuisance
- employment, when necessary, of Security Industry Authority licensed door staff (or suitable alternative)
- management arrangements for the collection and disposal of waste, empty bottles and cigarette butts
- 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

## **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. In particular, the Board welcomes representations from East Dunbartonshire Health & Social Care Partnership on applications.

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 alcohol, particularly when consumed without food
- drinking a lot of alcohol in a single occasion, sometimes referred to as "binge drinking", is associated with accidents, increased risk taking, becoming a victim of or a perpetrator of crime, self harm and suicide
- regular or frequent consumption of alcohol is associated with cancer, cardiovascular disease, mental health problems and social issues

- 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 including the UK Chief Medical Officer's Low Risk Drinking 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
- availability of non-alcoholic alternatives and low alcohol 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
- increasing the proportion of seating available so as to reduce the level of "vertical drinking"
- monitoring levels of consumption of alcohol by customers upon entry to premises, at the bar if applicable, and whilst standing or sitting in the premises.

### **13.0 Protecting Children and Young Persons 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. For on-sale premises, the Board will give consideration to the access permitted for children and young persons on a case-by-case basis having regard to the nature and activities of the premises. For example, the Board may give consideration to whether children and young people will only be permitted access for the purposes of a meal. In addition, the Board will consider whether the activities on a premises are appropriate to permit access of children and young persons.
- 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, serving or delivery 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
  - those affected are at a higher risk of developing hazardous drinking patterns and dependence in adult life
  - potential child protection issues related to harm or neglect of children whilst parents or carers are drinking alcohol
- 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
- consideration of separate family seating areas
- imposition of reasons for children and young people to be present in licensed premises
- where premises are family friendly, ensuring that children and young persons are catered for including non-glass drinking vessels, highchairs and appropriate facilities
- no obvious promotion of alcohol at family events where alcohol is not provided

## **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
- the impact additional licensed hours may have on police operational demands in conjunction with resources available to deal with such needs

14.2 The Board may restrict licensed hours for off-sales premises where it is considered that the hours proposed would be inconsistent with the Licensing Objectives.

#### **15.0 On-Sales**

15.1 For applications relating to premises licences and occasional licences, the Board's general policy on the licensed hours for the sale of alcohol for consumption on the premises is set out in Appendix 5 to this Policy Statement. The hours set out in Appendix 5 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. 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 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. Accordingly, applicants are entitled to make applications outwith policy hours. However, the onus will be on applicants to demonstrate to the Board why an exception should be made to policy hours. Applicants should also be aware of section 64 of the Act which states that a 24 hour licence will only be granted in exceptional circumstances.
- 15.5 Late Hours On-Sales Premises – Terminal hour of 1am
- 15.6 The Board will consider granting a terminal licensed hour of 1am for Friday and Saturday nights where the licence holder is able to demonstrate that the premises make a positive contribution to the late night economy and is able to evidence a commitment to and investment in safety and security measures for both staff and customers, designed to promote the licensing objectives. The Licensing Board considers this to be an opportunity to reward and continue to encourage good practice in the licensed trade.
- 15.7 The Licensing Board has no direct remit in relation to employment issues, or 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. This is in furtherance of the licensing objectives contained in Section 4 of the Licensing (Scotland) Act 2005; in particular securing public safety and preventing public nuisance.
- 15.8 The Board believes that all licence holders, and particularly those operating or applying for later licensed hours, should consider what arrangements they have in place or intend to introduce for staff returning 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 strongly encourage others to take a similarly responsible approach to the safety of staff working within their premises later at night.
- 15.9 In considering variation applications from on-sale premises to extend their terminal licensed hour to 1am or for new applications seeking the later terminal hour, the Licensing Board will have regard to issues such as:
- 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 hour after 12 midnight;

- 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 the Council's 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. However, this list will be used by the Licensing Standards Officers as a guide when discussing applications with applicants.

#### 15.10 Night Clubs

15.11 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.

#### 15.12 Members' Clubs

15.13 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

15.14 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.

#### 15.15 Christmas and New Year's Mornings

15.16 Appendix 5 also provides the policy on-sale hours for Christmas and New Year's Mornings. To enjoy use of the hours, a premises licence should have festive hours on its operating plan. Otherwise, an extended hours application should be submitted.

## **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 5, 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.

17.2 The Board has carried out an overprovision assessment in accordance with the Act and having regard to the Scottish Government's statutory guidance. The Board initially carried out an informal consultation on the Statement of Licensing Policy as a whole but also asked for responses to provide views on overprovision. Following this initial exercise, potential areas of overprovision were identified and a further exercise was carried out. As part of this further exercise, evidence was obtained from Police Scotland, the Council's Community Protection Service and East Dunbartonshire Health & Social Care Partnership as key stakeholders. This included statistical data on alcohol related harm in terms of health, crime and incidents. Evidence was also sought on the impact of increased deliveries and the impact of minimum unit pricing. A further formal consultation was carried out on the draft Statement of Licensing Policy which included seeking views on overprovision in accordance with the Act. This overprovision assessment has been informed by matters the Board considered relevant including the evidence gathered, responses to consultations, the number and capacity of licensed premises in localities identified, the licensed hours of premises in localities identified and the Board's own local knowledge.

17.3 The Board has assessed that the two localities of Hillhead, Kirkintilloch and an area within Kirkintilloch West remain as localities which have an overprovision of off-sales premises. The Board is of the view that an increase to off-sale capacities in these areas would likely result in an adverse impact on the licensing objectives, in particular, preventing crime and disorder and protecting and improving public health. Moreover, the locality in Kirkintilloch West is a town centre with a high number of commercial units and shops that serve the surrounding area. In this overprovision assessment, it was assessed that the locality within the Kirkintilloch West area should be increased slightly to the north and to the south so that other commercial/shopping areas bordering the previous locality be brought within this locality. These areas within the commercial/shopping area of Kirkintilloch properly form part of the locality within the Kirkintilloch West area and if they are not included then the integrity of the overprovision area would be prejudiced.

- 17.4 A map of the new locality within Kirkintilloch West is found at Appendix 6a, a map of Hillhead locality is found at Appendix 6b and a map of the combined area is found at Appendix 6c.
- 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 two localities of Hillhead and the area within Kirkintilloch West. However, each application will still be determined on its own merits. The Board recognises that the purpose of the overprovision assessment is to reduce alcohol related harm. Accordingly, the Board may grant an application where it can be demonstrated that the granting of an application would not undermine the licensing objectives or the relevant overprovision locality. It is for an applicant to demonstrate why an application should be granted. Relevant factors may include the nature of the premises and the price of alcohol products.
- 17.6 For applications for premises outwith the overprovision areas, it should be noted that in accordance with an Act, an application may still be refused if the Board is satisfied that the granting of an application would result in overprovision in that locality. For the avoidance of doubt, an application may be refused if the Board is satisfied that a ground of refusal exists, including if the Board considers that the granting of an application would be inconsistent with one or more of the licensing objectives.

## **PART 5**

### **DELIVERIES**

- 18.0 The delivery of alcohol has the potential of contributing to alcohol related harm if not carried out in a responsible manner. Accordingly, in order to promote the licensing objectives, the Board considers it appropriate to regulate the delivery of alcohol. Premises are only permitted to deliver alcohol purchased by customers if delivery is an activity listed on a premises' operating plan. In addition, delivery of alcohol is only permitted during the off-sales hours listed on a premises' operating plan as made clear by the local condition. It should however be noted that, regardless of the off-sales hours, it is also an offence to deliver alcohol between the hours of midnight and 6am.
- 18.1 Appendix 3 provides the local conditions that will likely be attached to premises applying to include delivery to the operating plan. There is a rebuttable presumption that these conditions will be added however it is open to an applicant to demonstrate to the Board why local conditions should be disapplied.
- 18.2 It is also the practice of the Board to consider the nature of the premises. Depending on the nature and/or activity of a premises, the Board may consider adding a restriction that only permits the delivery of alcohol to accompany food. This is particularly the case if the premises is a café, restaurant or take-away.

## **PART 6**

### **MISCELLANEOUS ISSUES**

#### **19.0 Board Business**

- 19.1 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.
- 19.2 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.
- 19.3 The Board meetings will be held in public. If meetings are held online then arrangements will be made to allow the public to view proceedings online.
- 19.4 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.
- 19.5 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. A copy of the scheme is found in Appendix 4 to this statement.

#### **20.0 Representations and Objections**

- 20.1 Any person is entitled to make an objection or representation to an application. Even if an application or premises appears to comply with this Policy Statement, a person is still entitled to make an objection as each application will be considered on its own merits. No statement of policy overrides the right of any person to make a representation or an objection.
- 20.2 An objection to a licensed premises or variation (other than a minor variation), must relate to one or more of the licensing objectives or other relevant ground of refusal under the Act. A proforma to assist anyone wishing to make an objection or representation is available on the Board's website which is currently:  
[www.eastdunbarton.gov.uk/business/licensing-permits/licensing-board](http://www.eastdunbarton.gov.uk/business/licensing-permits/licensing-board)
- 20.3 Objections or representations should be made within the time limit specified on the notice which is displayed at the premises which is the subject of the application. However, the Board may allow a late objection or representation unless there is good reason not to allow it late.

## **21.0 Provisional Premises Licence**

21.1 Section 45 of the Act allows for applications to be made in relation to a premises which, at the time the application is being made, is in the course of being constructed or converted for use as licensed premises. These are known as provisional premises licence applications. The provisions of the Act should be considered when making an application for a provisional premises licence. However, it should be noted that when applicant is seeking confirmation of a provisional premises licence, the Board may make a variation of the conditions to which the licence is subject. The purpose of such variation is to ensure consistency with any licensing Policy Statement published since the provisional premises licence was issued.

## **22.0 Licensing Standards Officers**

- 22.1 Two Licensing Standards Officers are employed by East Dunbartonshire Council to exercise the functions set out in the Act. Their role involves providing guidance, supporting mediation and ensuring compliance. They 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.
- 22.2 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 are expected to advise both licence holders and the public on their rights and responsibilities.
- 22.3 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.
- 22.4 At least one Licensing Standards Officer will be a member of East Dunbartonshire Licensing Forum.
- 22.5 Persons can also contact Licensing Standards Officers if there are any transport concerns or views in relation to licensed premises, such as disbursement arrangements, and the Licensing Standards Officers will pass on these concerns to the relevant body such as Police Scotland.
- 22.6 The Licensing Standards Officers can be contacted via email on [licensing.enforcement@eastdunbarton.gov.uk](mailto:licensing.enforcement@eastdunbarton.gov.uk) or by calling East Dunbartonshire Council on 0300 123 4510.

## **23.0 Occasional Licences**

- 23.1 An occasional licence authorises the temporary sale or supply of alcohol which is not authorised by a premises licence.
- 23.2 It may be applied for by:
- The holder of premises licence;

- The holder of a personal licence; or
- A representative of any voluntary organisation to cover a period of a maximum of fourteen days.

23.3 The grant of an occasional licence is subject to the mandatory conditions laid out in Schedule 4 of the Act. The Act also limits the number of occasional licences that a voluntary organisation can make in any period of twelve months.

23.4 For occasional applications received, the Board will consult with Police Scotland, the licensing standards officers and the Council's Planning, Building Control and Roads departments. Public notice of applications is also placed online. A hearing of the Board may be required should a consultee or member of the public object to the application. Accordingly, applicants are encouraged to make the application with as much notice as possible and with a minimum of 28 days prior to the first date of the occasional licence sought to ensure that there is sufficient time to consult and, if necessary, hold a hearing. This is particularly important if the occasional licence is for an event. If an application is for an event, the applicant should check whether other permissions are required. For example, there may be a requirement to obtain a public entertainment licence.

## **24.0 Outdoor Areas**

24.1 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. This includes ensuring that alcohol is not taken from an outdoor area to an area outwith the premises or an unlicensed area.

24.2 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

24.3 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.

24.4 Applicants should also seek advice from East Dunbartonshire's Planning Service on whether planning permission is required.

## **25.0 Reviews of Premises Licences**

25.1 Any person is entitled to make an application for review of a premises licence. Even if a premises appears to comply with this Policy Statement, a person is still entitled to make an application for review as each application will be considered on its own merits. No statement of policy overrides the right of any person to make an application to seek a review. However, an application for review must be on one or more of the grounds specified in section 36 of the Act. The grounds of review must

be specified and the application must set out the reasons why the applicant believes the ground exists.

- 25.2 An application may be rejected on the grounds that it is frivolous or vexatious. However, the Board recognises that making an application for a review of a premises licence may be difficult for a person not familiar with licensing law or procedure. Accordingly, guidance may be sought from the Licensing Standards Officers. Moreover, prior to submitting any application to the Board, applicants are encouraged to send an application to the Licensing Standards Officers in the first instance who can provide guidance on the competency of the application.

## **26.0 Smoking**

- 26.1 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.
- 26.2 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 or vaping outside the premises and obstructions that may be caused as a result of patrons standing in public areas.

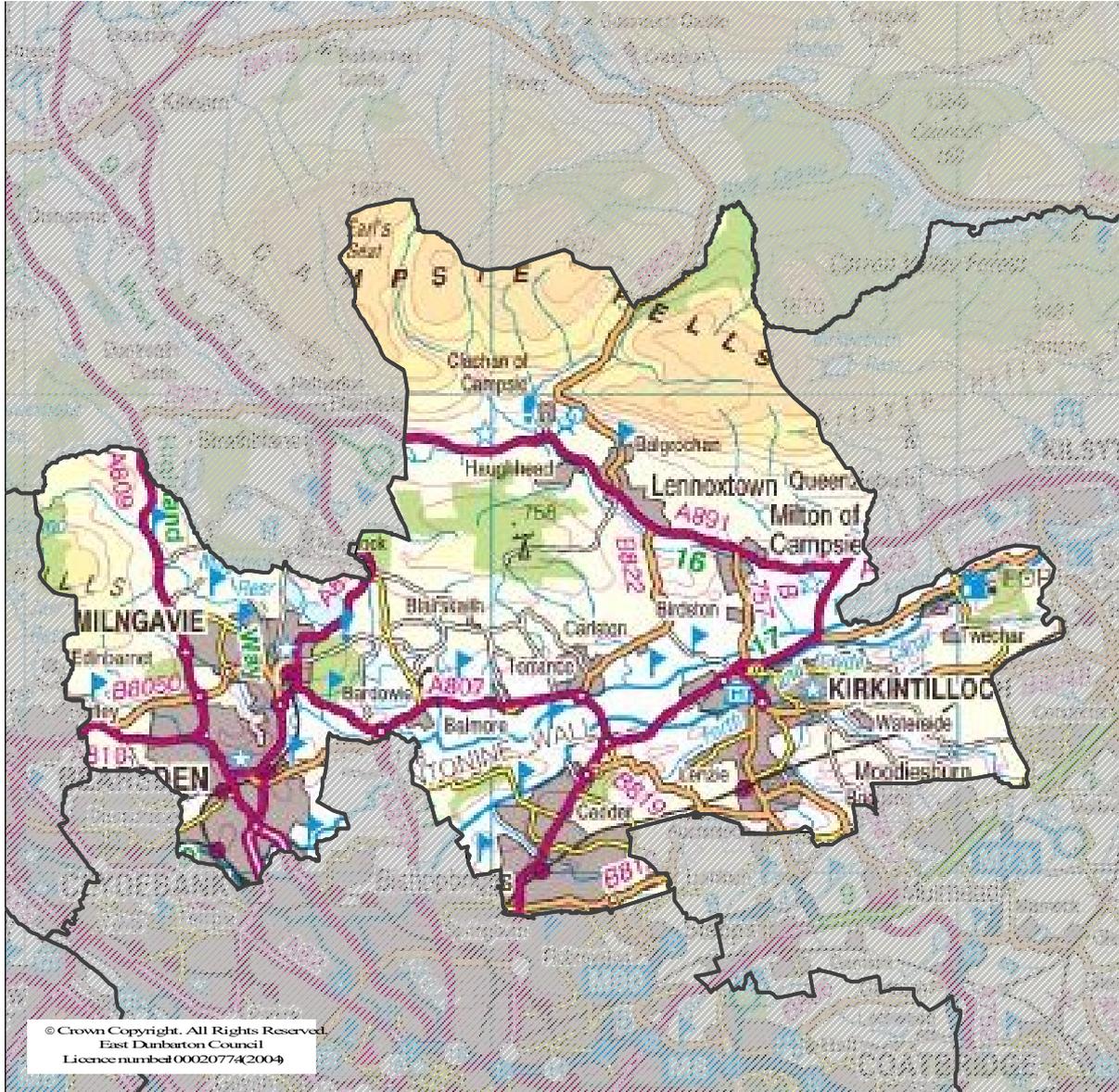
## **27.0 East Dunbartonshire Local Licensing Forum**

- 27.1 Under the Licensing (Scotland) Act 2005, each Local Authority must set up a Local Licensing Forum.
- 27.2 The purpose of the Local Licensing Forum is to keep under review the operation of the Licensing (Scotland) Act 2005 in the East Dunbartonshire area and, in particular, the exercise by the Licensing Board of its functions. The Forum can give advice and make recommendations to the Board on general policy. However it cannot give advice or make recommendations in relation to a particular application or case.
- 27.3 In exercising its functions the Board must have regard to any advice given, or recommendation made to them in relation to the function by the Local Licensing Forum. If advice or recommendation is not followed, reasons must be provided to the Forum. The Forum can also request copies of such relevant statistical information as the Forum may reasonably require.
- 27.4 The Forum membership must include a Licensing Standards Officer and a person nominated by the Health Board. In addition, the Council will try and ensure that the Forum's membership includes persons who represent the following:
- Holders of premises licences and personal licences
  - The Chief Constable
  - Persons having functions relation to health, education or social work
  - Young people
  - Person resident within the Forum's area

- 27.5 Further information on the Forum can be found on the Council's website. The current webpage is:  
[www.eastdunbarton.gov.uk/business/licensing-permits/local-licensing](http://www.eastdunbarton.gov.uk/business/licensing-permits/local-licensing) forum
- 27.6 If you wish to request further information on the Forum or wish to enquire about becoming a member then please contact [liquor.licensing@eastdunbarton.gov.uk](mailto:liquor.licensing@eastdunbarton.gov.uk) or call 0300 123 4510 and ask to speak to a member of the Licensing Team.

# APPENDIX 1

## MAP OF EAST DUNBARTONSHIRE LOCAL AUTHORITY AREA



## APPENDIX 2

### LIST OF CONSULTEES

In addition to a social media campaign and advertisement of the consultation, the following persons and organisations were written to directly:

- All premises licence holders in East Dunbartonshire
- All Community Councils in East Dunbartonshire
- NHS Greater Glasgow & Clyde Health Board
- East Dunbartonshire Health & Social Care Partnership
- The Chief Constable, Police Scotland
- The Chief Officer, Scottish Fire & Rescue Service
- Education Service, East Dunbartonshire Council
- Social Work Service, East Dunbartonshire Council
- Alcohol and Drug Partnership, East Dunbartonshire Council
- East Dunbartonshire Community Addiction Team
- East Dunbartonshire Community Planning Partnership
- Alcohol Focus Scotland
- Dunbartonshire Chamber of Commerce
- Planning Service, East Dunbartonshire Council
- Building Standards Service, East Dunbartonshire Council
- Community Protect Service, East Dunbartonshire Council
- Scottish Beer and Pub Association
- Licensing Standards Officers
- East Dunbartonshire Access Panel
- East Dunbartonshire Youth Panel
- Scottish Youth Parliament
- East Dunbartonshire Citizens Advice Bureau
- The Church of Scotland
- Roman Catholic Church
- The Methodist Church of Great Britain
- The Scottish Episcopal Church
- United Free Church of Scotland
- UK Bahá'í Faith
- Baptist Church
- Church of God Scotland
- Religious Society of Friends
- Bearsden Muslim Association
- Bishopbriggs Community Church
- Bishopbriggs Mosque and Community Centre
- Bishopbriggs Community Church
- Kirkintilloch Baptist Church
- Riverside Gospel Church
- Allander Evangelical Church

## APPENDIX 3

### LOCAL CONDITIONS FOR DELIVERIES

1. A robust age verification policy requires to be in place for deliveries that include alcohol and must be strictly adhered to by all delivery staff, incorporating a Challenge 25 approach. Documentation presented as verification of age requires to be of a type prescribed in the Licensing (Scotland) Act 2005 or Regulations under that Act as suitable for that purpose.
2. If Premises uses a third party to deliver alcohol, then the Licence Holder must ensure that the delivery partner follows the Challenge 25 age verification process when delivering items including alcohol.
3. No delivery of alcohol should be left unattended or with a child or young person where there is no adult available to accept delivery.
4. No delivery of alcohol should be left with anyone who is visibly intoxicated or drunk.
5. Delivery of alcohol must only take place within the off-sales hours permitted by the operating plan and must not take place during any hours prohibited by the Licensing (Scotland) Act 2005. For the avoidance of doubt, this includes when the delivery is completed by a third party.

## **APPENDIX 4**

### **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 an application for variation of premises licence where the variation sought is a minor variation as defined in the Licensing (Scotland) Act 2005.
  - 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 and no notice has been provided by the Chief Constable recommending refusal or other information the Chief Constable considers may be relevant to the Board's consideration of the application.
  - 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, no notice recommending refusal has been given by the Chief Constable and no information has been received from the Chief Constable or a Licensing Standards Officer which they consider may be relevant to the Board's consideration of the application.
  - Granting an application for confirmation of a provisional premises licence with no variation of licence conditions other than adding the Board's local conditions in accordance with section 46(6) of the Act.
  - Determining an application for extended hours where there are no objections, the hours sought are within the policy hours set out in the Board's statement of licensing policy and where conditions proposed by the Chief Constable or other consultees have been accepted by the applicant.

- Determining an application for an occasional licence where there are no objections, the hours sought in the application are within the policy hours set out in the Board's statement of licensing policy and where conditions and/or representations proposed by the Chief Constable or other consultees have been accepted by the applicant.
- Where satisfied that an application for an occasional licence requires to be dealt with quickly, to determine a shortened period for notification being not less than 24 hours.
- Where satisfied that an application for extended hours requires to be dealt with quickly, to determine a shortened period for notification being not less than 24 hours.
- Variation of a premises licence under section 54(6) of the Licensing (Scotland) Act 2005.
- To decide whether any application for a premises licence review is vexatious or frivolous and if so to reject it on behalf of the Board.
- Revocation of a personal licence under section 87(3).

2.2 The following powers are delegated to and exercisable by the Clerk only:-

- To decide whether to hold a hearing or to take no action in relation to a premises licence or personal licence, where, after notification of a relevant conviction, no recommendation to vary, suspend or revoke the licence has been received from the Chief Constable.
- To decide whether to extend, on cause shown, the 28 day period following upon a decision to revoke a premises licence at a review hearing (on the ground that a person is not fit and proper), pending determination of an application for transfer or variation made within that period.
- To determine whether an objection or representation to an occasional licence application should be treated as not made where it is received after the period referred to in regulation 18(2) of the Licensing (Procedure) (Scotland) Regulations 2007.

2.3 All powers under the Licensing (Scotland) Act 2005 other than those set out in paragraphs 2.1 and 2.2 above shall be exercisable by the Licensing Board. For the avoidance of doubt, any matter which may be considered under delegated powers may be referred to the Board for consideration by the Clerk of the Board.

## APPENDIX 5

### 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 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.

##### 1.3 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:

- (e) the function must be held in a separate function suite distinct from the public drinking area of licensed premises;
- (f) admission to the function suite must be by ticket or invitation only sold or issued in advance of the date of the function;
- (g) no tickets shall be sold or invitations issued on the night of the function; and
- (h) no person shall gain admission to the function without a ticket or invitation.

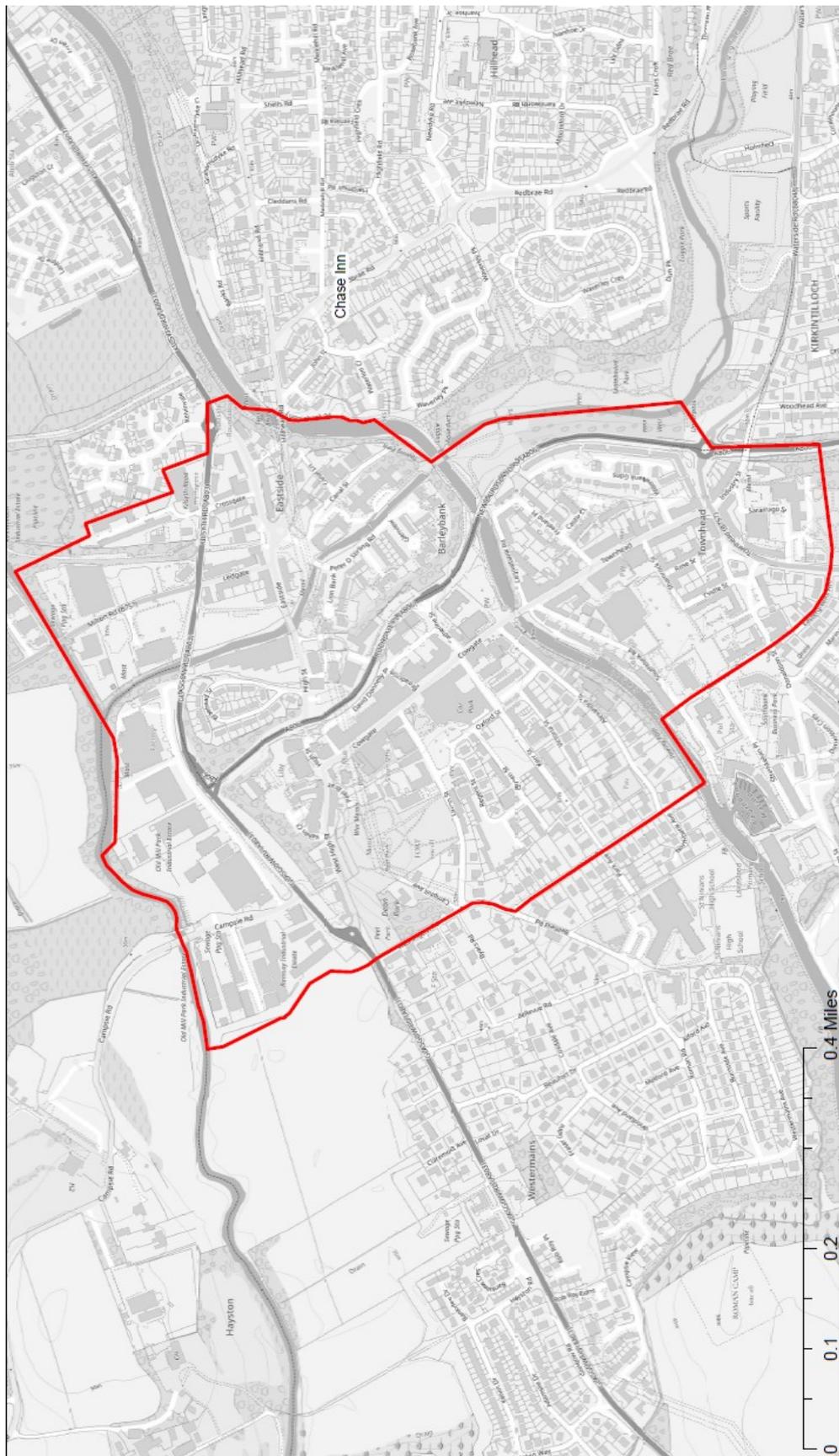
Premises operating as public houses and hotels will be allowed to open until 2.00 am on Christmas and New Year's mornings.

## **2.0 OCCASIONAL LICENCES (For Events Outwith Licensed Premises)**

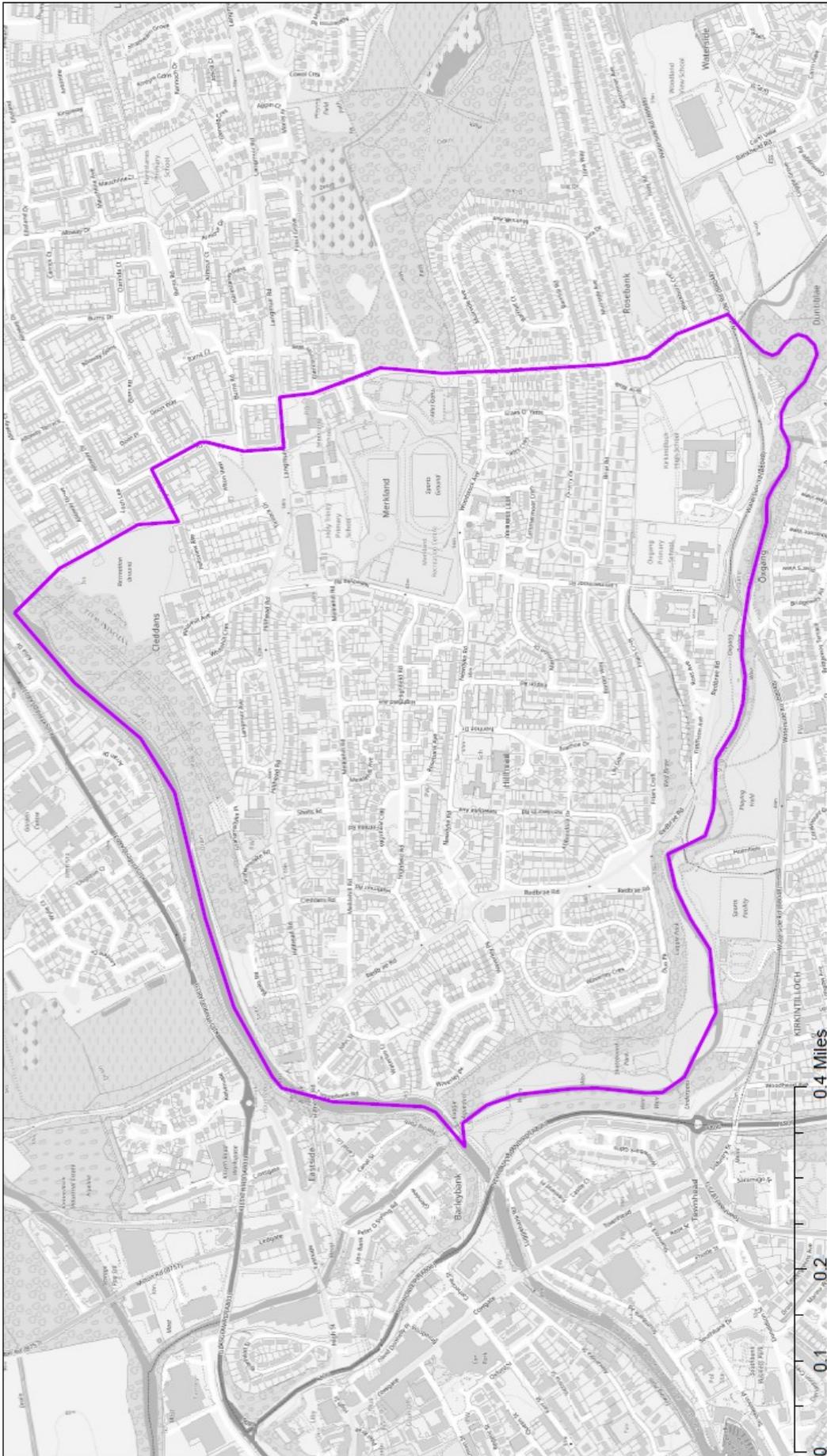
Sundays: 11.00 am – 12 midnight  
Mondays – Thursdays: 11.00 am – 12 midnight  
Fridays: 11.00 am – 1.00 am  
Saturdays: 11.00 am – 1.00 am

**APPENDIX 6**  
**OVERPROVISION AREAS**

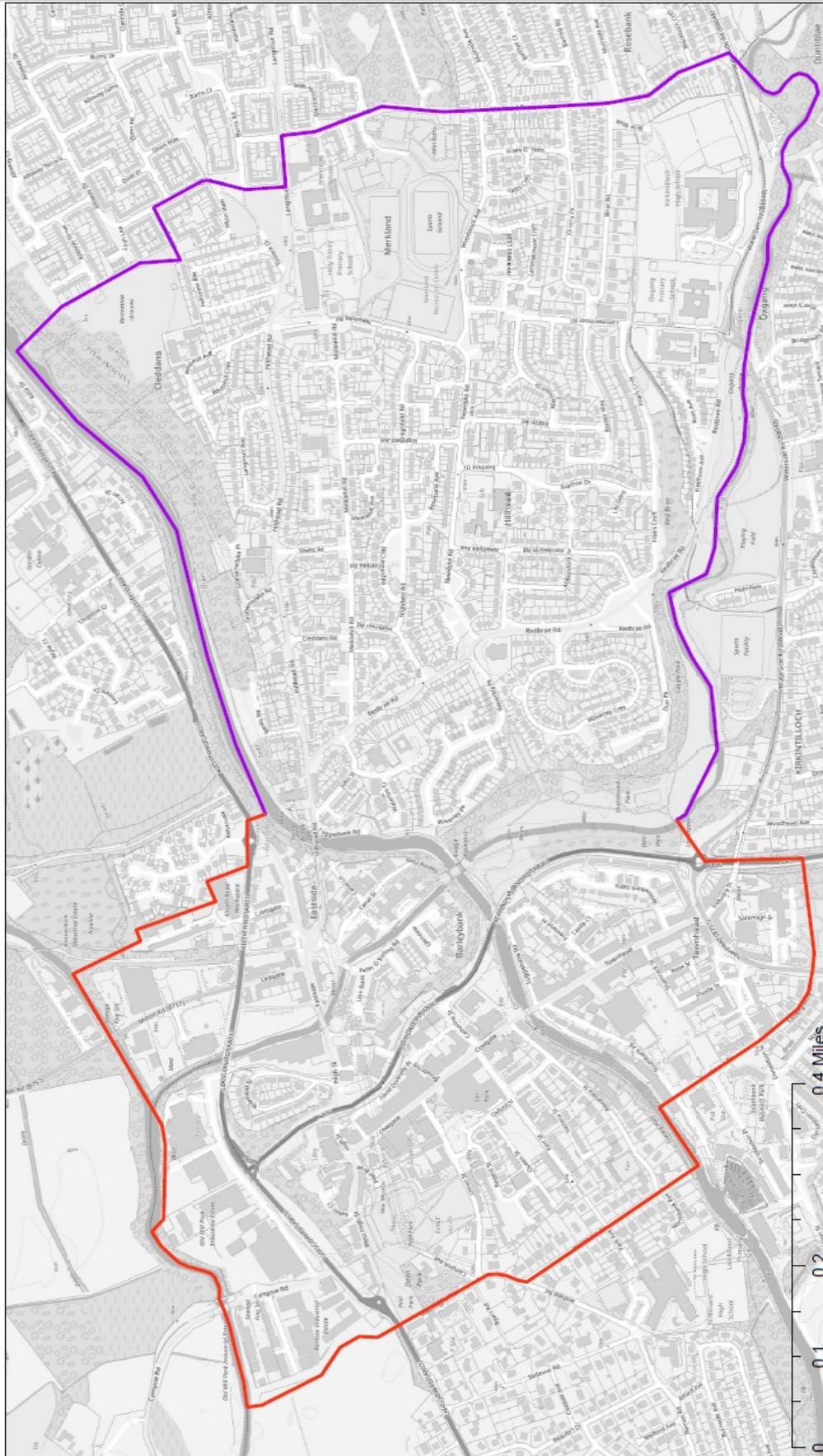
# 6A KIRKINTILLOCH WEST AREA



# 6B HILLHEAD OVERPROVISION AREA



# 6C COMBINED OVERPROVISION AREA



## 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 جاسکتا ہے۔ براہ 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 ਫੋਨ ਕਰੋ।

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

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