

Inverclyde Licensing Board and Licensing Forum Joint Meeting

ALL MEMBERS OF THE LICENSING BOARD AND LICENSING FORUM

Direct Line: 01475 712114
Enquiries To: Lindsay Carrick
E-mail: Lindsay.carrick@inverclyde.gov.uk
Our Ref: AS/LC
Your Ref:
Date: 28 July 2023

Dear Member

Please attend a Joint Meeting of the Inverclyde Licensing Board and Licensing Forum to be held on Tuesday 1 August 2023 at 10.00 a.m. within the Council Chambers, Municipal Buildings, Greenock.

The Joint Meeting will be held in hybrid format. Members may attend the meeting in person or access the meeting by remote online access. The joining details have been sent to Members and Officers. Members are requested to notify Lindsay Carrick by 12 noon on Monday 31 July regarding how they intend to access the meeting.

Joint Meetings of the Inverclyde Licensing Board and Licensing Forum are held in public with the exception of any business which requires to be dealt with in private. Members of the public are free to attend the public part of the meeting in person or via remote online access. Any member of the public who wishes to attend the meeting remotely should contact Lindsay Carrick no later than 12 noon on Monday 31 July in order to request a web link to the meeting.

Please note that this meeting will be recorded only for the purposes of preparation of the Minute of the meeting. Further information relating to the recording of meetings can be found at the end of this notice.

Yours faithfully

Clerk

AGENDA

- 1. Apologies, Substitutions and Declarations of Interest**
- 2. Presentation by Representative of Unite on the Get me Home Safe Campaign**
- 3. Inverclyde Licensing Board Policy Statement Review**
Report by Clerk

The reports are available publicly on the Inverclyde Licensing Board's website and the Minute of the meeting will be submitted to the next standing meeting of the Licensing Board. The agenda for the meeting of the Inverclyde Licensing Board will be available publicly on the Licensing Board's website.

Please note: this meeting may be recorded for the purpose of preparation of the Minute of the meeting.

You should be aware that the Inverclyde Licensing Board is a Data Controller under the Data Protection Act 2018. Please note that all administrative functions of the Board is administered by the Inverclyde Council. Data collected during any recording will be retained in accordance with the Council's published policy.

If you are participating in the meeting, you acknowledge that you may be filmed and that any information pertaining to you contained in the recording of the meeting, will be used for the purpose of preparing Minutes of the meeting. In making this use of your information the Council is processing data which is necessary for the performance of a task carried out in the public interest. If you are asked to speak at the meeting then your submission to the Licensing Board will be captured as part of the recording.

If you have any queries regarding this and, in particular, if you believe that use and/ or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact the Information Governance Team at dataprotection@inverclyde.gov.uk

Report To:	The Inverclyde Licensing Board	Date:	1 August 2023
Report By:	The Clerk to the Licensing Board	Report No:	LS/069/23
Contact Officer:	Anne Sinclair	Contact No:	01475 712034
Subject:	Inverclyde Licensing Board Policy Statement Review		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to update Members of the Licensing Board and Local Licensing Forum with additional information to assist the Licensing Board and Local Licensing Forum to have a discussion regarding review of the Licensing Board's Policy Statement at the joint meeting of the Board and Forum on 1 August 2023.

1.3 The Licensing Board's Policy Statement requires to be published within 18 months of the Local Government Elections on 5 May 2022 and thereafter no later than 4 November 2023.

2.0 RECOMMENDATIONS

2.1 It is recommended that Members of the Licensing Board and Licensing Forum note the additional information contained within this report which is intended to assist the Licensing Board in its discussions with the Local Licensing Board at its joint meeting in relation to the Licensing Board's Policy Review.

Iain Strachan
Clerk to the Licensing Board

3.0 BACKGROUND AND CONTEXT

- 3.1 In terms of Section 6 of the Licensing (Scotland) Act (the 2005 Act) every Licensing Board must publish a statement of their policy, with respect to the exercise of their functions under the 2005 Act. This is referred to as a Licensing Policy Statement and following legislative changes by the Air Weapons and Licensing (Scotland) Act 2015 (the 2015 Act), the Licensing Board Policy Statement now requires to be published within 18 months of a Local Government Election rather than every three years. Accordingly, Inverclyde Licensing Board Policy Statement requires to be published no later than 4 November 2023. A copy of the Inverclyde Licensing Board's existing Policy Statement can be accessed via this link: <https://www.inverclyde.gov.uk/law-and-licensing/licensing/alcohol-and-gambling/licensing-board/licensing-board-policies-regulations-and-public-information/policy-statement>
- 3.2 At its meeting on 28 June 2023 the Members of the Licensing Board considered a report on the outcome of the Licensing Board's initial consultation regarding the review of the Licensing Board's Policy Statement. The Licensing Board did not consider that it had sufficient information in order to consider making any proposed changes to the existing Licensing Board Policy Statement. Licensing Board Members wished to hear and consider the views of the Local Licensing Forum before reaching any view as to amendment of the existing policy. The Licensing Board also requested additional information and data from Police Scotland in support of its position regarding the Curfew and overprovision. Police Scotland are in the course of collating this data which will be made available to members of the Licensing Board and Licensing Forum in advance of the joint meeting. In addition, at the meeting on 28 June 2023 Members of the Licensing Board determined that there should be 17 localities for the purpose of assessing overprovision. These localities are made up of the Council's 17 Intermediate Zones. Members also requested that a report be brought to the joint meeting of the Licensing Board and Licensing Forum with relevant data in relation to each intermediate zone, including mapping, together with confirmation of the number of licensed premises in each intermediate zone. Data for the 17 Intermediate Zones is produced in **Appendix 4** to this report providing the numbers of off-sales, on-sales and both in each Intermediate Zone together with a breakdown of the type of premises. Officers are continuing to finalise maps in relation to each Intermediate Zone/Locality and these will be made available to Members of both the Board and Forum in advance of the hearing.

4.0 CONSULTATION

- 4.1 When preparing a Licensing Statement of Licensing Policy, a Licensing Board is required by the 2005 Act to consult the Local Licensing Forum for the Board's area and if the membership of the Forum is not representative of the interests of all of the persons specified in paragraph 2(6) of Schedule 2 of the 2005 Act, that is holders of premises licences and personal licences, the Chief Constable, persons having functions relating to health education or social work, young people, and persons resident within the Forum's area or such person or persons as appear to the Board to be representative of those interests of which the membership is not representative – the relevant Health Board and – such other persons as the Board thinks appropriate.
- 4.2 A consultation has now been undertaken by the Clerk and Depute Clerk of the Licensing Board with statutory consultees, including Police Scotland, Greater Glasgow & Clyde Health Board, the local Licensing Forum and Community Councils. The consultation, which closed on 23 June, also included all premises licensed holders. Consultees were asked to either complete a short on-line survey commenting on the extent to which they agreed with each section of the existing Policy Statement or alternatively email the Depute Clerk of the Licensing Board with any views they may hold regarding any part of the current Policy Statement. 65 responses were received in total in relation to the online survey with the vast majority of responses from individuals (93.7 %) and the remaining responses, from organisations. A copy of the analysis of the on-line survey results are set out in **Appendix 1** to this report. In relation to the key areas of the existing Licensing Policy Statement, the majority of respondents were satisfied with most of the provisions

of the existing Statement. It should be highlighted that not all respondents completed every section of the survey, and 20% indicated that they were unwilling to consent to publication of their views.

4.3 A Summary of the Survey questions and results in relation to the key areas of the Policy Statement are summarised below:

Board Business

Section 3 of the existing Licensing Board Policy Statement deals with Board business and sets out that the Board will deal with all of its business in an open and transparent manner and explaining that the Board shall take all decisions in public by way of a vote, albeit the Board may retire in private to discuss and seek legal advice. The response to the online survey in relation to this section is as follows:

STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	RESPONSE TOTAL
7	26	18	2	7	2	62

Therefore 33 out of 62 respondents were in agreement with this section of the report (53%) with only 9 out of 62 respondents disagreeing with this section of the policy (14.5%).

No additional comments were provided for these views.

Delegation of Functions (Section 3.3)

This section of the existing policy sets out that the Licensing Board will adopt a Scheme of Delegation to ensure consistency and in order to set out the decisions which may be made by the Clerk to the Board under delegated authority.

The results of the online survey were as follows:

STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	RESPONSE TOTAL
6	26	21	4	4	1	62

Accordingly, 32 out of 62 respondees (51.6%) were in agreement with this section of the existing policy whilst 8 out of 62 respondents disagreed (12.9%)

None of the additional information from the respondees provided any rationale for their views in relation to this section of the report.

Applications for Premises Licences (Section 4)

This section of the existing report provides information and guidance on the information which should be provided by applicants in support of their application and explains the notification process for applications. It also sets out the issues the Board will have regard to when considering an application together with providing advice on mandatory conditions. The results are as follows:

STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	RESPONSE TOTAL
8	27	16	4	5	1	61

Therefore 34 out of 61 respondents agreed with this section of the report (57.3%) whilst only 9 out of 61 disagreed (14.75%).

Management of Premises (Section 5)

This section of the existing report explains that licences should operate their business in a manner which is consistent with the 5 licensing objectives:

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

This section of the report sets out the various aspects of running a licensed premises which are of particular concern to the Board and sets out details of the Board’s policy in relation to noise, children and young persons, disabled facilities, condition of premises, litter and waste management, smoking, CCTV, dispersal of patrons and door supervision.

In response to the online survey the following results were received:

STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	DON’T KNOW	RESPONSE TOTAL
8	25	16	6	5	1	61

Therefore 33 out of 61 respondents agreed with this section of the policy (54%) whilst 11 out of 61 respondents disagreed (18%).

One respondent commented that the rules around children and young persons are outdated, and they arrange family events out with the local area. Another respondent urged the Board to promote family friendly places where the surrounding area is nice, and everyone can relax.

Licensed Hours (Section 7)

The existing policy sets out the hours which apply to off-sales and on-sales in relation to restaurants, premises offering no significant entertainment facilities and those premises offering significant entertainment facilities. This section also covers applications for extended hours. The responses to the online survey were as follows:

STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	DON’T KNOW	RESPONSE TOTAL
7	15	13	11	16	0	61

Therefore 27 out of 62 (43.5%) respondents disagreed with the existing hours whilst 22 out of 62 (35.5%) respondents were in agreement.

There were very few comments from respondents to explain their view. One respondent however commented that Sunday is treated as a weekend day for premises in many other Councils and therefore should be allowed to remain open until the terminal hour of 1am. This was also the view shared by two other respondents who thought that premises should be allowed to stay open on a Sunday until 1am. One respondent commented that weekends should be regarded as Thursday to Sunday in order to recoup losses from a Monday to Wednesday. Another respondent submitted that a commencement hour of 12.15pm on a Sunday should change to 11am in order to be consistent with every other day of the week.

Children and Yong Persons Access to Licensed Premises (Section 5)

STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	RESPONSE TOTAL
10	23	15	5	8	1	62

33 out of 62 respondents were in agreement with the existing policy (53.2%) while 13 out of 62 respondents disagreed (21%).

Curfew (Section 7.8)

The existing policy sets out that Inverclyde is the only local authority area in Scotland with a curfew in place for all licensed premises. In terms of the existing policy no person shall be admitted to any licensed premises after 12 o'clock midnight apart from those circumstances where any policy allows such entry, for example, Hogmanay under the Board's Festive Policy. However, the Board's Policy Statement sets out that those wishing to leave licensed premises to smoke or use a mobile telephone will not be re-admitted to the premises after midnight once they have left the premises. Those taking friends or relatives to waiting taxis shall also not be readmitted to the premises if after midnight. In response to the online survey the following results were received:

STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	DON'T KNOW	RESPONSE TOTAL
2	3	4	6	45	0	65

Accordingly, 51 out of 65 respondees disagreed with the Board's current policy in relation to curfew (78%) whilst only 10 out of 65 respondents were in agreement (15.4%). There was overwhelming opposition from respondents to the existing curfew and the majority of additional comments from respondees were in relation to this policy. 40 respondents provided additional comments in support of their view that the curfew should be withdrawn with most calling the existing policy outdated and many highlighting that Inverclyde is the only local authority in Scotland to have such a policy curfew.

5.0 OVER-PROVISION

5.1 Respondents were also asked to confirm if they considered there is over-provision in any geographical part of the Inverclyde Licensing Board. 65 respondees completed this section of the survey. Only 15 out of 63 (23.8%) respondents considered that there was over-provision whilst 29 out of 63 (46%) did not think there were any areas of over-provision, with 19% stating they did not know.

5.2 Respondents were also asked to specifically state if there was any geographical area of concern and if so, why they considered that there was over-provision in that area. Only 11 respondents (16.9 %) completed this section of the survey. One respondent classed Port Glasgow as an area of over-provision but did not provide any explanation to support this view. Another respondent stated "the town centre" but did not specify which town they were referring to. The comments on areas of overprovision were as follows:

- Port Glasgow;
- The town centre should have an open licence like other towns;
- The town centre;
- Word Up;
- All of Inverclyde;

- East Crawford Street, there are three licensed premises in a 100m stretch.

5.3 Police Scotland was also consulted in relation to the consultation and responded to the Depute Clerk by email dated 29 May 2023, a copy of which is set out in **Appendix 2** to this report. Police Scotland comments are summarised as follows:

- They do not consider there are any areas of over-provision within the Inverclyde Licensing Board area;
- The current licensed hours and children and young person's access to licensed premises in the existing policy are sufficient;
- Police Scotland support a continuation of the curfew with the exception of where the Board's policy allows later entry for occasions such as Hogmanay;
- Police Scotland is supportive of the "Get Me Home Safely Campaign" and any measure that secures public safety.

5.4 A detailed joint response was submitted on behalf of the NHS Greater Glasgow & Clyde and Inverclyde HSCP to the consultation by Dr Daniel Carter, Consultant in Public Health Medicine. As the entire response could not be submitted via the Smart Survey webform, a full version of the response was submitted and is produced in **Appendix 3** to this report. The joint response of NHS Greater Glasgow & Clyde and Inverclyde HSCP submits that there is over-provision in Inverclyde. In support of this position the respondent states that Inverclyde has the highest rate of alcohol specific deaths of any local authority area in Scotland and that for the period from 2017 to 2021 the rate of alcohol specific deaths in Inverclyde was 32.9 deaths per 100,000 per head of population compared to 21.1 in Scotland as a whole. The response states that whilst the rate of alcohol related hospital admission appears to be declining, in 2021/2022 Inverclyde had the sixth highest rate of alcohol related hospital admissions of any local authority in Scotland.

5.5 There are 17 intermediate data zones in Inverclyde and Dr Daniel Carter has provided statistics in relation to all 17 zones. All but one of the intermediate zones has a rate of alcohol specific deaths greater than the rate for Scotland as a whole. Two intermediate data zones, Greenock West and Central and Greenock Upper Central are reported to have rates of alcohol specific deaths more than three times the rate for Scotland as a whole.

5.6 The joint response of NHS Greater Glasgow & Clyde and Inverclyde HSCP states that whilst the rate of alcohol specific deaths in Inverclyde fell during the first decade of the millennium, since 2014 the figure has been steadily rising. It should be noted that Inverclyde Licensing Board had an over-provision policy in place from 2013 until December 2018 in relation to Greenock town centre. Following consultation with a number of partners, the previous Board concluded that the over-provision area had no discernible impact on levels of crime or alcohol related illness in that locality.

6.0 PROPOSALS

6.1 The 2005 Act places a duty on Licensing Boards to make an assessment of over-provision and to include a statement regarding this in their Licensing Policy Statement. Licensing Board have the power to consider the unique circumstances of their area and decide whether, based on local needs, it is appropriate to restrict access to alcohol through limits on new licences, licences of a particular type or variations of existing licences. Where it is assessed that there is an over-provision a rebuttable presumption is created against granting new licences, although each case must be considered on its own merits.

6.2 A Licensing Board requires to include in its statement of licensing policy, a statement as to the extent to which the Board considers there is over-provision of:

- (a) licensed premises, or
- (b) licensed premises of a particular description

in any locality within the Board's area and accordingly the Board may determine that the whole of the Board's area is a locality. This is the approach which has been adopted in the Board's existing Licensing Policy. Scottish Government guidance highlights that an over-provision assessment must be evidence based and when undertaking this assessment, a Licensing Board should be mindful of the five licensing objectives. The Licensing Board should ensure that the approach to ingathering, weighing, and interpreting evidence and consultation responses is robust and all of the relevant evidence before them is taken into account, and the rationale for regarding/disregarding any evidence in developing a Licensing Policy Statement is clearly set out.

6.3 It is for each Licensing Board to determine the locality within the Licensing Board's area for the purposes of the 2005 Act. This process is not prescribed in legislation, and this allows Licensing Boards to reflect the different circumstances in different geographical areas throughout the area. A locality area in a rural area may be larger than a locality in an urban area. As has happened in Inverclyde's Licensing Board area a Licensing Board can determine that the whole of the Licensing Board area is a single locality.

6.4 There are a number of underlying principles that the Licensing Board should take into account as they approach the development of an over-provision policy. Licensing Boards require to use alcohol/harm information to identify localities and then proceed to consider the number, type and capacity of premises in those areas. It is the cumulative effect rather than the actions of any single operator that is key. Consideration should be given as to whether aggregate information and evidence from a number of sources demonstrates a link between the availability of alcohol in an area and alcohol related harm. To demonstrate a "dependable causal link", the proof of the link must be on a balance of probabilities. That is, based on the evidence of harm in a locality, it is more likely than not that alcohol available is a cause, or that increasing the availability of alcohol in that area will increase that harm.

6.5 The Inverclyde Licensing Board area is made up of 17 intermediate zones. These zones are defined geographical areas made up of approximately 4,000 household residents set nationally which are used by multiple agencies to gather data and benchmarking information. The Inverclyde Council has divided its local authority area into 6 Locality areas, Kilmacolm & Quarrier Village, Port Glasgow, Greenock East & Central, Greenock South & South West, Greenock West & Gourock, and Inverkip & Wemyss Bay. Whilst statistics are readily identifiable for intermediate zones, including health statistics for alcohol specific mortality and alcohol related hospital admissions, it is unclear if the same level of detail is readily available for the Council's Locality areas. Accordingly, it is proposed that the Board consider using the intermediate zones for the purposes of assessing overprovision.

6.6 The Local Licensing Forum plays an important role in relation to the Licensing Board's review of its policy statement. The Local Licensing Forum met on 13 June 2023 to discuss the Policy Statement review and will now attend the joint meeting of the Licensing Board and Local Licensing Forum which is due to take place in order to discuss review of the Licensing Board Policy Statement.

6.7 There is an outstanding remit from the Licensing Board to consider Unite, the Unions' "Get Me Home Safely Campaign". Members of the Board have previously agreed at any earlier meeting that this campaign shall be considered as part of the Licensing Board's review of its Policy

Statement and a presentation is due to be delivered by a representative of Unite to the members of the Board and Forum at the joint meeting.

6.8 At the meeting of the Licensing Board on 28 June 2023 members considered that a timeline would be helpful in connection with the ongoing review of the Licensing Board's Policy Statement. Accordingly, a proposed timeline of events has been prepared and is set out in **Appendix 5** to this report. The timeline details the order of events that are required to be followed to ensure successful implementation. It should be highlighted that these dates are provided as a guide and dates may require to change as the review process progresses.

6.9 Children and Young Persons

At the Board's meeting on 28 June 2023 members discussed the Board's current policy regarding children (aged 15 years and under) and young persons (aged 16 and 17 years). The Board's current Policy stipulates that children and young persons shall be permitted in licensed premises until 8pm and between 8pm and 11pm while having a meal. In both scenarios they must be accompanied by an adult. Young persons may also be in licensed premises between the hours of 11pm and 1am while attending a function, such as a wedding or 18th birthday party, but again they require to be accompanied by an adult. Members asked officers to carry out some research into how other Licensing Board's deal with the management of young persons on licensed premises. Officers have therefore now looked at the current provisions which exist in a number of neighbouring Licensing Boards. A range of different provisions exist however it does appear that the current provisions in place within Inverclyde are not unusual. Information about a number of other Licensing Boards are set out at **Appendix 6** to this report.

6.10 Alcohol deliveries

Information was sought by one Member in relation to the law around alcohol deliveries, and in particular, the use of apps to order alcohol and on-line sales. The maximum hours for off-sales are 10am to 10pm. Section 63(6) of the Alcohol (Scotland) Act 2005 ("the 2005 Act") allows the order to be placed out with licensed hours however the order should not be paid for or delivered until the start of the next period of licensed hours, that is, 10am. The alcohol can be dispatched by the seller at any time from 10am but not delivered between 12 midnight and 6am.

Section 119 of the 2005 Act sets out a number of rules which apply in relation to the delivery of alcohol. Before the alcohol is dispatched certain details must be entered into a day book kept on the premises from where the dispatch occurs and before the alcohol is dispatched certain details must be entered into a delivery book or invoice which is carried by the person delivering the alcohol. The information to be entered into the daybook and the delivery book/invoice is the quantity, description and price of the alcohol.

It is an offence to carry any alcohol other than what is stated on the books; and it is an offence to deliver anywhere other than the address stated on the books. It is also an offence to deliver alcohol to a child or young person and it is an offence to send a child or young person to collect alcohol. The principal of " age verification" is identical to that when endeavouring to access age in an on-sales or off-sales shop. Alcohol cannot be delivered to a person under the age of 18 and the usual checks in relation to " Challenge 25 " and age verification apply as if the person receiving the alcohol was a customer in licensed premises.

7.0 IMPLICATIONS

7.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO
Financial		X
Legal/Risk	X	
Human Resources		X
Strategic (Partnership Plan/Council Plan)	X	
Equalities, Fairer Scotland Duty & Children/Young People's Rights & Wellbeing	X	
Environmental & Sustainability		X
Data Protection		X

7.2 Finance

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
N/A					

Annually Recurring Costs/(Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
N/A					

7.3 Legal/Risk

The Legal issues are as set out in this report. There is a risk of legal challenge in relation to overprovision if the Board's assessment of overprovision is not robust and evidence based with a clear rationale for any decision.

7.4 Human Resources

None.

7.5 Equalities, Fairer Scotland Duty & Children/Young People

(a) Equalities

This report has been considered under the Corporate Equalities Impact Assessment (EqIA) process with the following outcome:

X	YES – Assessed as relevant and an EqIA is required, and a copy of this will be made available on the Council website in due course.
	NO – This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, assessed as not relevant and no EqIA is required. Provide any other relevant reasons why an EqIA is not necessary/screening statement.

(c) Children and Young People

Has a Children’s Rights and Wellbeing Impact Assessment been carried out?

X	YES – Assessed as relevant and a CRWIA is required, and a copy of this will be made available on the Council website in due course.
	NO – Assessed as not relevant as this report does not involve a new policy, function or strategy or recommends a substantive change to an existing policy, function or strategy which will have an impact on children’s rights.

7.6 Data Protection

Has a Data Protection Impact Assessment been carried out?

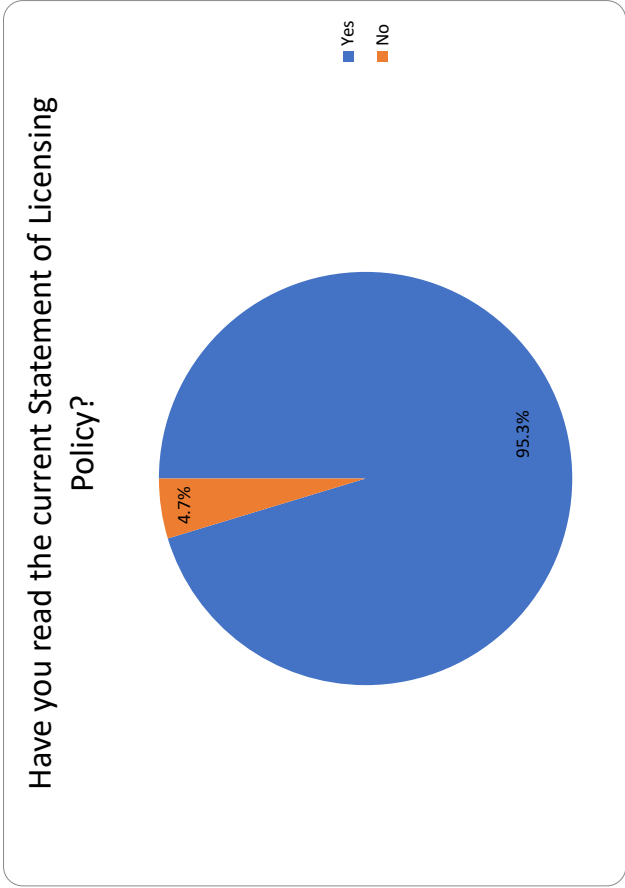
	YES – This report involves data processing which may result in a high risk to the rights and freedoms of individuals.
X	NO – Assessed as not relevant as this report does not involve data processing which may result in a high risk to the rights and freedoms of individuals. There are some data protection considerations, as 20.3 % of Respondents did not want their names or responses published.

8.0 CONSULTATION

8.1 A consultation exercise has been carried out with statutory consultees, the Local Licensing Forum, and all Licensed Premises.

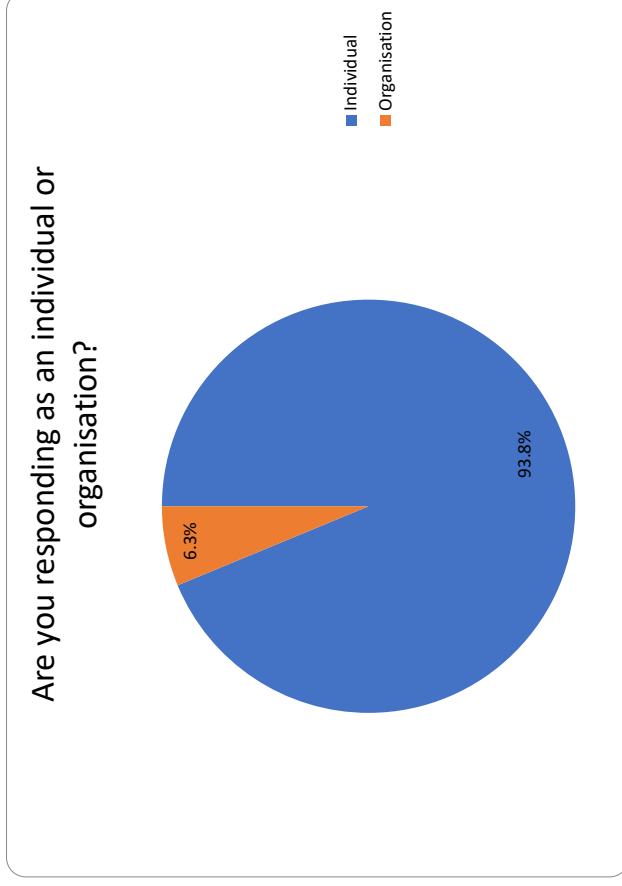
Licensing Board policy statement review

Have you read the current Statement of Licensing Policy?			
Answer Choice	Response Percent	Response Total	
1 Yes	95.3%	61	
2 No	4.7%	3	
		answered	64
		skipped	1



Licensing Board policy statement review

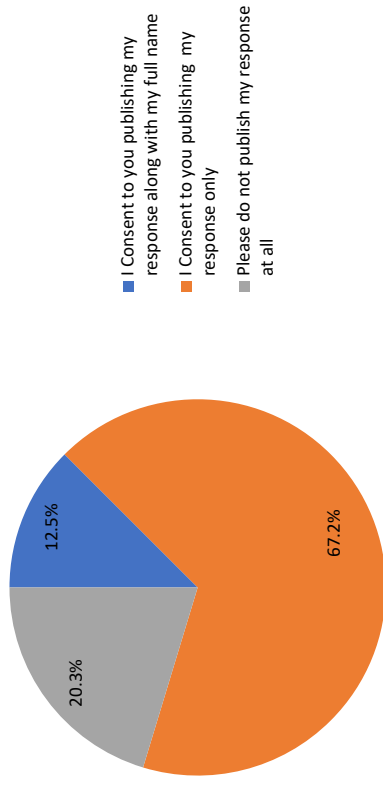
Are you responding as an individual or organisation?			
Answer Choice		Response Percent	Response Total
1	Individual	93.8%	60
2	Organisation	6.3%	4
		answered	64
		skipped	1



Licensing Board policy statement review

Inverclyde Council seeks permission to publish responses to consultations. We would like your permission			
Answer Choice	Response Percent	Response Total	
1	I Consent to you publishing my response along with my full name	12.5%	8
2	I Consent to you publishing my response only	67.2%	43
3	Please do not publish my response at all	20.3%	13
			answered 64
			skipped 1

Inverclyde Council seeks permission to publish responses to consultations. We would like your permission to publish:



- I Consent to you publishing my response along with my full name
- I Consent to you publishing my response only
- Please do not publish my response at all

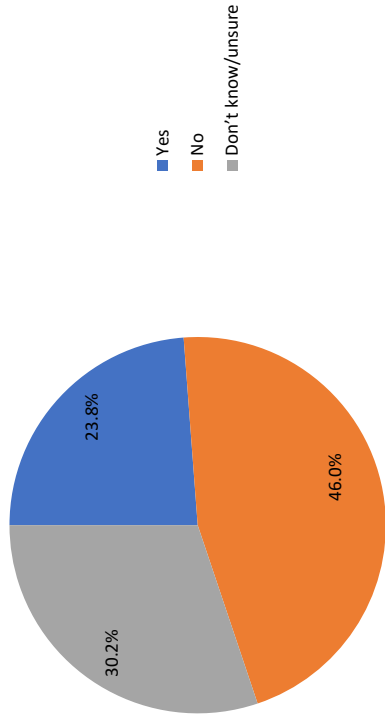
Licensing Board policy statement review

Please state your level of agreement or disagreement with each of the following aspects of the Licensing Board Policy Statement:							Response Total	
Answer Choice	STONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE	DON'T KNOW		
Choose from the drop down menu below:								
1	7	26	18	2	7	2	62	
2	6	26	21	4	4	1	62	
3	8	27	16	4	5	1	61	
4	8	25	16	6	5	1	61	
5	7	15	13	11	16	0	62	
6	10	23	15	5	8	1	62	
7	2	8	4	6	45	0	65	
							answered	65
							skipped	0

Licensing Board policy statement review

Do you think there is overprovision in any geographical part of the Inverclyde Licensing Board area?			
Answer Choice	Response Percent	Response Total	
1 Yes	23.8%	15	
2 No	46.0%	29	
3 Don't know/unsure	30.2%	19	
		answered	63
		skipped	2

Do you think there is overprovision in any geographical part of the Inverclyde Licensing Board area?



Appendix 2

From: Renfrewshire Inverclyde Licensing <>
Sent: 29 May 2023 11:16
To: Anne Sinclair <>
Cc: Renfrewshire Inverclyde Licensing <>
Subject: RE: (Official - Sensitive) INVERCLYDE POLICY STATEMENT [OFFICIAL]

OFFICIAL

Morning Anne

I note the survey in respect of Inverclyde Licensing Boards Policy Statement is now closed therefore please find this email as Police response to your letter dated 20 April 2023.

- Having undertaken a review of licensed premises within Inverclyde I don't believe there is overprovision within any area of the Local Authority. If the board look to adopt an overprovision policy then Police Scotland would be supportive of the Boards decision on promoting licensing objectives.
- Having reviewed the Policy Statement with regards to licensed hours and children and young person's access to licensed premises during those hours, Police Scotland find current policy hours to be sufficient and don't propose any changes.
- Police Scotland support the continuation of the local authority curfew where no persons shall be admitted to any licensed premises after 12 midnight apart from those circumstances where any policy allows such entry e.g. Hogmanay under the Boards Festive Season Policy.
- In regards to the "Get Me Home Safely" campaign, Police Scotland are supportive of any campaign that secures public safety.

If you require any further information, please let me know.

Many thanks

Ian

Sergeant Ian Robertson K93 / 310262 / 1599406
Divisional Coordination Unit
Police Scotland - Renfrewshire & Inverclyde Division
Paisley Police Office
Mill Street
Paisley

Tel:- 0141 532 6022 Internal:- 701 6022
email:- ian.robertson2@scotland.police.uk

From: Anne Sinclair []
Sent: 19 May 2023 17:36
To: Robertson, Ian-2 <>
Cc: Renfrewshire Inverclyde Licensing <>
Subject: RE: (Official - Sensitive) INVERCLYDE POLICY STATEMENT

Classification - Official - Sensitive

Classification: Official - Sensitive

Hi Iain,

Thank you for your email and apologies for the delay replying.

The current Inverclyde Licensing Board Policy Statement can be found on the following page of the Council's Website : Policy Statement - Inverclyde Council

The short survey can be accessed via : <https://www.smartsurvey.co.uk/s/BJJ4FB>

Alternatively, any submission can be sent to me by email.

Kind regards

Anne

From: Robertson, Ian-2 < >

Sent: 18 May 2023 14:54

To: Anne Sinclair < >

Subject: INVERCLYDE POLICY STATEMENT

Afternoon Anne

Hope you're keeping well

Regards the attached document, I've received a hard copy of the Policy Statement consultation request sent to our Divisional Commander Laura Waddell. As it's a hard copy and not an email I don't have the links to either the Policy Statement or the requested survey.

I can get access to the survey by typing in the https address however could you please email me a copy of the Policy Statement, as the first question on the survey is 'have you read the current statement of Licensing Policy'.

If you could please forward the policy statement asap, I'll endeavour to meet the response submission date of 20th May 2023.

Many thanks

Ian

***Sergeant Ian Robertson K93 / 310262 / 1599406
Divisional Coordination Unit
Police Scotland - Renfrewshire & Inverclyde Division
Paisley Police Office
Mill Street
Paisley***

***Tel:- 0141 532 6022 Internal:- 701 6022
email:- ian.robertson2@scotland.police.uk***

Appendix 3

From: Carter, Daniel <>
Sent: 16 May 2023 13:18
To: Anne Sinclair <>
Cc: Nikki Boyle <>
Subject: (Official - Sensitive) Inverclyde Licensing Board Policy Review

Hi Anne

In response to this request, I have just submitted a joint response from NHSGGC and Inverclyde HSCP to the Inverclyde Licensing Board policy statement consultation, via Smart Survey.

The response includes several figures and tables that could not be submitted via the Smart Survey web form. I am therefore attaching a full Word version of our response that includes these figures and tables. I would be grateful if you could ensure that this is passed on to Licensing Board and that our full submission (including these figures and tables) is taken into consideration by the Board in its formulation of the renewed policy.

Thank you for your assistance.

Kind regards

Daniel

Dr Daniel Carter
Consultant in Public Health Medicine (GMC number 6077273)
NHS Greater Glasgow and Clyde
1st Floor, West House
Gartnavel Royal Hospital
1055 Great Western Road, Glasgow G12 0XH

From: Anne Sinclair []
Sent: 21 April 2023 14:49
To: Crighton, Emilia <>
Subject: (Official - Sensitive) Inverclyde Licensing Board Policy Review

Classification - No Classification

Classification: Official - Sensitive

Dear Emilia,

Please find attached a letter regarding a consultation in respect of review of the Inverclyde Licensing Board Policy Statement.

I look forward to hearing from you or a colleague with a response on behalf of NHSGG&C Health Board.

Regards,

Anne

Anne Sinclair
Legal Services Manager(Licensing, Litigation & Committees)
Legal & Democratic Services
Municipal Buildings
Clyde Square
Greenock
PA15 1LX

All correspondence to be addressed to the Clerk

Inverclyde Licensing Board

Clerk: Iain Strachan

Municipal Buildings, GREENOCK PA15 1LX
Switchboard: 01475 717171

Emilia Crighton, Director of Public Health
NHS Greater Glasgow & Clyde
Headquarters
1055 Great Western Road
GLASGOW
G12 0XH

Direct Line: 01475 712139
Enquiries To: Anne Sinclair
E-mail: anne.sinclair@inverclyde.gov.uk
Our Ref: AS
Your Ref:
Date: 20 April 2023

Dear Consultee

Inverclyde Licensing Board - Policy Statement Consultation Period : April – May 2023

I refer to the above and write to inform you of a public consultation which is now being undertaken with the purpose of reviewing the Inverclyde Licensing Board's Policy Statement. The current Licensing Board Policy Statement can be found on the following page of the Council's website: [Policy Statement - Inverclyde Council](#).

In terms of section 6 of the Licensing (Scotland) Act 2005 ("the 2005 Act") every Licensing Board must publish a statement of their policy, with respect to the exercise of their functions under this Act during the 2005 Act. This is referred to as a Licensing Policy Statement and previously required to be published before the end of each three year period. However section 42 of the Air Weapons and Licensing (Scotland) Act 2015 ("the 2015 Act") has amended the 2005 Act and every Licensing Board now requires to publish their Licensing Policy Statement within 18 months of any local government election, rather than three years. The most recent local government election was held on 5 May 2022, and hence the Inverclyde Licensing Board Policy Statement requires to be published by 4 November 2023.

The Licensing Board is required to ensure that its policies promote the licensing objectives set out in section 4 of the 2005 Act:

- (a) Preventing crime and disorder;
- (b) Securing public safety;
- (c) Preventing public nuisance;
- (d) Protecting and improving public health;
- (e) Protecting children and young persons from harm.

There is no Overprovision policy in terms of the current Inverclyde Licensing Board Policy Statement. The Board is interested in your view in relation to overprovision and whether it should implement an overprovision policy on any locality within Inverclyde.

Furthermore, the current policy addresses issues such as Licensed Hours and Children and Young Persons' access to Licensed Premises. It would be very helpful to receive your views on the current terms of the policy or any proposed changes you wish to put forward.

I should also highlight that Inverclyde Council is the only local authority area in Scotland that has a curfew in place for all licensed premises. Accordingly, at present no person shall be admitted to any licensed premises after 12 midnight apart from those circumstances where any policy allows such entry e.g. Hogmanay under the Board's Festive Season Policy. It would be very helpful to have your views on the above.

Separately, the Licensing Board agreed on 26 October 2022 that consideration be given to the "Get Me Home Safely" Campaign which has been promoted by Unite, the union, as part of the Board's consultation on the Licensing Board Policy Statement. Whilst it would be out with the scope of the Licensing regime to attach a condition to a licence it is open to the Board to consider making recommendations to Licence Premises Holders and therefore views are sought in this regard.

I should be very grateful if you would take time to complete a short survey which can be accessed: <https://www.smartsurvey.co.uk/s/BJJ4FB>

Alternatively, If you have any views regarding the above or on any other part of the current Policy Statement, or wish to propose any changes, please provide them in writing by emailing the Depute Clerk Anne.Sinclair@inverclyde.gov.uk.

Submissions can be posted by Royal Mail or hand delivered to the Customer Contact Centre within the Municipal Buildings. Postal Submissions should be addressed to Anne Sinclair, Licensing Service Manager, Legal, Democratic, Digital & Customer Services, Inverclyde Council, Municipal Buildings, Clyde Square, Greenock, PA15 1LX.

Please note that any responses require to be submitted no later than **20 May 2023**.

If you require any assistance with your response, please contact the Licensing Section on 01475-717171.

Yours faithfully

A solid black rectangular box used to redact the signature of the Depute Clerk.

Depute Clerk of the Board

1. Have you read the current Statement of Licensing Policy?

Yes

2. Are you responding as an individual or organisation?

Organisation

3. What is your name or organisation's name?

This is a joint response from NHS Greater Glasgow and Clyde (NHSGGC) and Inverclyde Health and Social Care Partnership (IHSCP)

4. Inverclyde Council seeks permission to publish responses to consultations. We would like your permission to publish:

I Consent to you publishing my response along with my full name

5. Please state your level of agreement or disagreement with each of the following aspects of the Licensing Board Policy Statement:

Board business (Section 3)	Neutral
Delegation of Functions (Section 3.3)	Neutral
Applications for Premises Licenses (Section 4)	Neutral
Management of Premises paragraph (Section 5)	Neutral
Licensed Hours (Section 7)	Neutral
Children & Young persons access to licensed premises (Section 5.3)	Neutral
Curfew (Section 7.8)	Neutral

6. If you disagreed with any of the above please tell us how you think this aspect of the policy could be improved.

We recommend that:

- Section 4.2 item f should be amended to "Inverclyde HSCP / NHS Greater Glasgow and Clyde".
- The first sentence of section 4.3 should be amended to "The Licensing Board will assess each premises licence application on its own merits but always having regard to the terms of this policy statement and the licensing objectives set out in section 4 of the Licensing (Scotland) Act 2005".
- The list that follows the statement in section 4.3 "For the assistance of applicants the Board will have particular regard to" should be amended to include an additional item that reflects the circumstances and needs of the area in which the premises are to be located, such proximity to schools or other services used by vulnerable persons, and the extent of alcohol-related harms in that community.
- The bullet points that follow section 5.3 item (i) be simplified to clarify what the Board's position is on the conditions under which children may be permitted in licenced premises at various hours, particularly where the statements in the existing list appear to be similar in some aspects but contradictory in others.

7. Do you think there is overprovision in any geographical part of the Inverclyde Licensing Board area?

Yes

8. If yes, please state specifically the area of concern and why you think there is overprovision?

The position set out in the current policy is that “there does not exist an overprovision of licensed premises, or premises of a particular description within the local authority area” but that the Board “reserves the right to implement an over provision policy in the event that there is evidence to support such a policy”.

We ask that the Board now exercise that right and that it implements an overprovision policy, in light of the following:

- Inverclyde has the highest rate of alcohol-specific deaths (deaths caused by alcohol consumption) of any local authority area in Scotland. For 2017-2021, the age and sex standardised rate of alcohol-specific deaths in Inverclyde was 32.9 deaths per 100,000 population, compared to 21.1 in Scotland as a whole (figure 1).

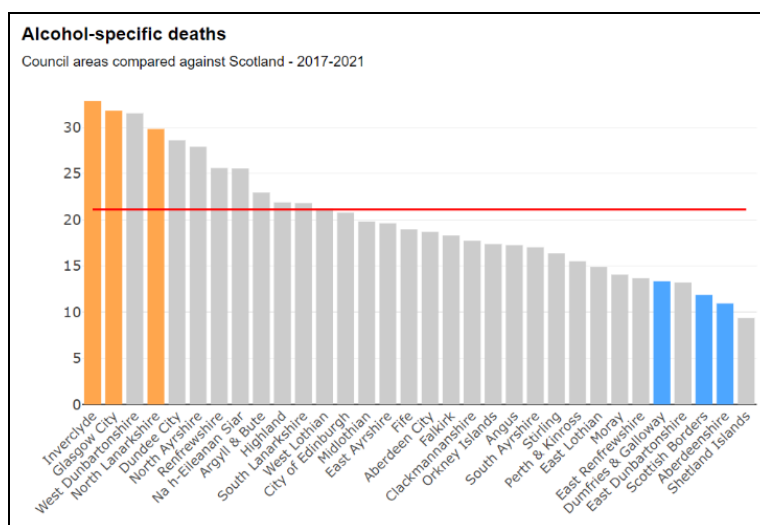


Figure 1 (Source: ScotPHO).

- Whilst the rate of alcohol-specific deaths in Inverclyde fell during the first decade of the millennium, since about 2014 it has been steadily rising. As a result, there is now a widening gap between the rate of deaths in Inverclyde and in Scotland as a whole (figure 2).

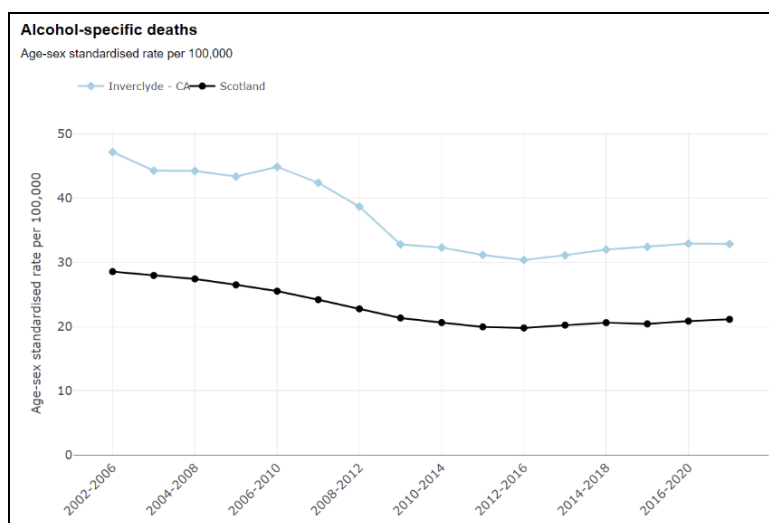


Figure 2 (Source: ScotPHO).

- The situation regarding alcohol-related hospital admissions (hospital admissions in which alcohol consumption has played a contributory role) is somewhat better but is nonetheless also concerning. Whilst the rate of alcohol-related admissions appears to be declining, in 2021/22 Inverclyde had the sixth highest rate of alcohol-related hospital admissions of any local authority area in Scotland, and a rate that is significantly higher than for Scotland as a whole.

Data provided by Public Health Scotland indicate clearly that these harms are widespread across Inverclyde, albeit with some variations between intermediate zones:

- All but one of the Intermediate zones in Inverclyde have a rate of alcohol-specific deaths greater than the rate for Scotland as a whole. Two intermediate zones (S02002043 and S02002045) have rates of alcohol-specific deaths more than three times the rate for Scotland as a whole.
- Not only do these intermediate zones have a rate of alcohol-specific deaths that is higher than for Scotland as a whole, in seven of them the rate is rising. In only four of the intermediate zones with a rate of alcohol-specific deaths higher than for Scotland are there signs that the rate is falling.

In view of this situation, we recommend that as a minimum the licencing board designates as an area of overprovision any intermediate zone in which:

- The rate of alcohol-specific deaths is higher than the rate for Scotland as a whole and is on a rising trajectory, and/or
- Both the rate of alcohol-specific deaths and the rate of alcohol-related hospital admissions are higher than the rates for Scotland as a whole.

A full set of data upon which basis each Intermediate Zone may be assessed against these criteria is provided in table 1. In this, the Intermediate Zones that meet the criteria are highlighted in yellow.

Intermediate Zone / Area	Alcohol-specific deaths		Alcohol-related hospital admissions		
	2019-2021	Trend	2019-2021	Trend	
S02002034	Kilmacolm Central	7.9	Stable	31.6	Fluctuating
S02002035	Kilmacolm, Quarriers, Greenock Upper East/Central	6.3	Stable	27.3	Falling
S02002036	Inverkip and Wemyss Bay	10.0	Rising	32.7	Falling
S02002037	West Braeside, East Inverkip and West Gourock	6.7	Stable	36.8	Falling
S02002038	Gourock Upper and West Central and Upper Larkfield	7.2	Rising	53.7	Falling
S02002039	Gourock Central, Upper East and IRH	15.5	Falling	94.9	Falling
S02002040	Braeside, Branchton, Lower Larkfield and Ravenscraig	6.4	Falling	69.1	Falling
S02002041	Lower Bow and Larkfield, Fancy Farm, Mallard Bowl	4.4	Stable	93.3	Fluctuating
S02002042	Gourock East, Greenock West and Lyle Road	8.2	Rising	48.2	Falling
S02002043	Greenock West and Central	18.7	Rising	90.2	Rising
S02002044	Bow Farm, Barrs Cottage, Cowdenknowes and Overton	10.0	Rising	65.1	Falling
S02002045	Greenock Upper Central	18.8	Rising	181.6	Falling
S02002046	Greenock Town Centre and East Central	8.3	Stable	193.3	Falling
S02002047	Greenock East	6.1	Falling	98.1	Falling
S02002048	Port Glasgow Upper, West and Central	16.7	Rising	73.6	Falling
S02002049	Port Glasgow Mid, East and Central	6.8	Falling	60.3	Falling
S02002050	Port Glasgow Upper East	15.0	Fluctuating	78.6	Falling
Inverclyde		10.2		79.9	
Scotland		5.8		62.8	

Table 1: Rates of alcohol-specific deaths and alcohol-related hospital admissions in Inverclyde by Intermediate Zone. Intermediate Zone rates that are higher than the rate for Scotland as a whole are in red font. Rates that are above the Scottish rate and rising are highlighted in red, those that are below the Scottish rate and are stable or falling are highlighted in green, and all others are highlighted in amber. Intermediate Zones that meet the proposed criteria for being designated as areas of overprovision are highlighted in yellow. (Data source: PHS LIST).

Should the Board choose not to differentiate some areas as being overprovided and others as not being so, we ask that it take into account the high and widespread extent of alcohol harms in Inverclyde, and accordingly would encourage it to consider designating all areas of Inverclyde as being overprovided for the purposes of its forthcoming licensing policy.

Further points for the Board to consider in relation to its overprovision policy are as follows:

- Alcohol-specific deaths are deaths that are directly caused by alcohol and which cannot therefore be explained by any factor other than excess consumption of alcohol. These deaths are therefore a particularly concerning indicator of alcohol harms and are particularly useful indicator of overprovision since they are specific to the consumption of alcohol.
- However, neither alcohol-specific deaths nor alcohol-related hospital admissions reflect the true extent of health and other harms associated with alcohol. Other forms of harm to consider include domestic violence, child neglect and economic loss due to alcohol consumption. These are not reflected here but are all likely to be significant issues in Inverclyde.
- Alcohol harms are related to deprivation. There is evidence that whilst more deprived people may on average consume less alcohol than less deprived people, they experience a degree of harms associated with alcohol including higher rates of alcohol-specific deaths and alcohol-related hospital admissions. This is of particular relevance to Inverclyde, which has a higher proportion of people living in the 40% most deprived areas of Scotland than any other local authority area.

9. Do you have any other comments you wish to make in relation to the above questions or any other matter relevant to this consultation?

No further comments, though we would be happy to provide the board with further information if required.

Classification - No Classification.

INTERMEDIATE ZONES/LOCALITIES

Row Labels	Both	Off Sales	On Sales	Grand Total
Bow Farm, Barrs Cottage, Cowdenknowes and Overton		1	1	2
Braeside, Branchton, Lower Larkfield and Ravenscraig	1	6		7
Gourock Central, Upper East and IRH	6	6	6	18
Gourock East, Greenock West and Lyle Road	3	1	1	5
Gourock Upper and West Central and Upper Larkfield	1	4	5	10
Greenock East	2	11	4	17
Greenock Town Centre and East Central	18	12	19	49
Greenock Upper Central	2	5	2	9
Greenock West and Central	5	5	7	17
Inverkip and Wemyss Bay	4	4	2	10
Kilmacolm Central	2	2	5	9
Kilmacolm, Quarriers, Greenock Upper East/Central			2	2
Lower Bow and Larkfield, Fancy Farm, Mallard Bowl		4		4
Port Glasgow Mid, East and Central		5		5
Port Glasgow Upper East		4		4
Port Glasgow Upper, West and Central	4	9	5	18
West Braeside, East Inverkip and West Gourock	3	3	1	7
Grand Total	51	82	60	193

BREAKDOWN OF TYPES OF PREMISES IN EACH INTERMEDIATE ZONES/LOCALITIES

Row Labels	Café_Restrnt_Takeaway	Off licence_Distillery	Pub_Club	Retail Other	Sport_leisure Club	Supermarket_Convenience Store	Grand Total
Bow Farm, Barrs Cottage, Cowdenknowes and Overton					1	1	2
Braeside, Branchton, Lower Larkfield and Ravenscraig			1	2		4	7
Gourock Central, Upper East and IRH	5	1	7	1		4	18
Gourock East, Greenock West and Lyle Road					4	1	5
Gourock Upper and West Central and Upper Larkfield	2	1	2		2	3	10
Greenock East	3	3	1	3	3	4	17
Greenock Town Centre and East Central	21	3	15	3	1	6	49
Greenock Upper Central			3		1	4	9
Greenock West and Central	4	1	7	1	1	3	17
Inverkip and Wemyss Bay	1	1	4	1		4	10
Kilmacolm Central	5	1			1	2	9
Kilmacolm, Quarriers, Greenock Upper East/Central	1				1		2
Lower Bow and Larkfield, Fancy Farm, Mallard Bowl						4	4
Port Glasgow Mid, East and Central		1		1		3	5
Port Glasgow Upper East				1		3	4
Port Glasgow Upper, West and Central			6	3	2	7	18
West Braeside, East Inverkip and West Gourock	1	1	1	2	1	1	7
Grand Total	43	13	47	18	18	54	193

TIMELINE OF EVENTS FOR REVIEW OF LICENSING BOARD POLICY STATEMENT

Joint meeting of the Licensing Board and Licensing Forum 1 August 2023

In order that the Licensing Forum can provide input in relation to the Licensing Board's review of its Policy Statement. A representative of Unite the Union is due to deliver a presentation on Unite's Get Me Home Safe Campaign.

Private meeting of the Licensing Board Members mid August 2023

The purpose of this meeting is to enable members of the Board to consider and discuss the input from the Licensing Forum, and consider what amendments may be necessary in relation to the existing Policy Statement.

Special Meeting of the Licensing Board End August 2023

This is a special meeting of the Licensing Board to formally consider, propose and vote, if necessary, on any proposed amendments to the Licensing Board Policy Statement in light of the consultation responses, additional information provided, and input from the Licensing Forum. Members also require to consider the issue of overprovision in relation to the 17 Localities determined by Board Members at a Special Licensing Board meeting on 28 June 2023.

Public Consultation Beginning of September

A public consultation will commence in relation to the draft Licensing Board Policy Statement inviting responses within a period of 1 month.

Meeting of the Licensing Board mid October

A further meeting of the Board shall be held to consider and discuss the responses to the second consultation, and approve the Policy Statement.

The Licensing Board Policy Statement requires to be published by 4 November 2023

Summary of Scottish Local Authorities Licensing Policy Provisions relating to Children & Young Persons

1. Renfrewshire

- 1.1 Renfrewshire Council's draft 2023-2027 Policy states *"When preparing the operating plan or submitting an application or an occasional licence, applicants must set out the terms on which children and young persons are to be allowed entry including the ages of children and young persons to be allowed entry, times and parts of the premises to which children and young persons will have access. The Board will have regard to these terms and if the Board consider it to be necessary will arrange a visit to the applicant premises to inform their determination of the application"*.
- 1.2 The 2018-2022 Policy is drafted in the same terms.

2. Glasgow City Council

- 2.1 Glasgow City Council's 2018-2023 licensing policy statement regarding Children and Young Persons states that the terminal hour for children in licensed premises shall be 9pm and for young persons it shall be 11pm, although each application shall be considered on its merits.

While children are in any part of the licensed premises they should remain under the supervision of an accompanying adult.

3. East Renfrewshire Council

- 3.1 East Renfrewshire Council's draft policy 2023-2026 states: *"Where children and young persons are permitted entry to the premises, the Licensing Board may place a limit on the hours when children and young persons may be present on the premises. Generally this limit will be for on sales, children 15 years and under must vacate by 10 pm. 16 years and above may stay until the appropriate terminal hour but each application will be considered on its merits and the Licensing Board will take into account the measures each applicant proposes taking in order to protect children from harm"*.

4. Stirling

- 4.1 Stirling's 2018-2023 policy states:

Children and Young Persons

4.35 Where premises elect to allow children and young persons onto the premises, they need to ensure that they are protected from harm and are catered for appropriately. Depending on the type of premises, measures that could be taken are baby changing facilities and play areas. Consideration should be given to ensuring that children and young persons do not sit at, or get served at, any bar in the premises.

4.36 The Board expects that, in general, children should not be allowed in licensed premises beyond 10.00pm. If however an applicant or licence holder intends to allow children in the premises beyond 8.00pm, they should demonstrate how they will ensure that the children are protected from harm. This should include, for example, ensuring that they are

accompanied by an adult, that they are having a table meal or that they are attending a private function such as a wedding.

4.37 A mandatory condition for all premises licences and occasional licences requires that there must be an age verification policy in relation to the sale of alcohol on the premises.

4.38 The law has set a minimum age of 25 years for this policy where it appears to the person selling the alcohol that the customer may be under the age of 25 years proof of age must be requested.

4.39 Premises should also keep a record of any refusal to sell to someone because they are, or appear to be, under age.

4.40 Where premises do not elect to allow children on to the premises, they must have an enforceable procedure setting out how access to the premises will be controlled.

5. West Dunbartonshire

5.1 The children and young persons section of West Dunbartonshire Council's 2018-2023 policy states the following:

Access to premises by Children and Young Persons

18.2 The Board's Policy is that children and young people under the age of 18 will only be permitted into licensed premises which are considered to be restaurants or into other licences premises where:-

a) The primary purpose of allowing them access is to consume a meal; or

b) To attend a pre-booked function; or

c) Hotels – the Board accepts that children and young persons under the age of 18, who are resident in the premises, are allowed free access throughout the premises with the exception of the bar area. No children or young persons will be permitted in the bar area except where the primary purpose of allowing them access is to consume a meal or to attend a pre-booked function. Within the bar area, children and young persons will not be permitted to remain after 10 p.m. other than in exceptional circumstances, for example a wedding or other pre-booked function being held in the bar where the presence of children or young people after 10 p.m. can be justified. A condition to this effect will be imposed by the Board on the licences of all premises where children may be resident; or

d) In tourist areas children may be present in premises other than for the purpose of attending a pre-booked function or having a meal providing that individual premises can satisfy the Board that tourism is a very significant part of their trade. In such cases children shall not be entitled to remain after 10 p.m. nor to remain in the vicinity of the bar.

e) In relation to clubs whose primary object is sport, children and young persons under the age of 18 are permitted to have the following access to the premises:-

- Children and young persons who are junior members of such a club, plus junior guests, are permitted to access all areas of the premises (excluding the bar) until half an hour after closure of the sporting facilities to which they have access;

- *In relation to the bar area, children under 16 are permitted to purchase non-alcoholic drinks at the bar area but are not permitted to drink in the bar area. Young persons aged 16 to 18 are permitted to purchase and consume non-alcoholic drinks in the bar area providing there are no gaming machines or pool tables in the area;*
 - *Children and young persons should not be permitted to access any area of the premises in which gaming machines are located.*
 - *Children under 16 are permitted to remain in the bar area in compliance with paragraph 5.5 of the Board's Licensing Policy Statement (i.e. for the purpose of consuming a meal or attending a pre-booked function).*
- f) *Children should be accompanied by an adult whilst, on the Premises and this should be specified in the operating plans. Separate criteria apply to sports clubs as specified at paragraph (e) above.*

18.3 Children and young people will not be permitted in the licensed premises after 10 p.m. (other than as detailed in paragraph (c) hereof or in exceptional circumstances, for example a wedding or other pre-booked function being held on a licensed premises where the presence of children and young people after 10 p.m. can be justified).

18.4 For the avoidance of doubt paragraph 18.2 does not apply to premises where no on-sales takes place and the sale of alcohol is for consumption off the premises only.

6. West Lothian

6.1 The level of access to licensed premises for children and young persons which West Lothian Council's Licensing Board deems appropriate, as set out in their 2018-2023 policy, is as follows:

"The terminal hour for children and/or young persons on licensed premises will generally be 10 pm, on the basis that they are accompanied by a responsible adult and (other than for premises whose primary function is something other than the provision of food and drink, including hotels, theatres, cinemas, family focused entertainment centres, sports centres and museums) that they are on the premises for the purposes of taking a meal. The terminal hour for children and/or young persons in outside seating areas will generally be 9 pm on the same basis as for access to licensed premises generally.

However, where a private function (i.e. where members of the public are admitted by invitation only such as a wedding, anniversary celebration, christening or birthday celebration) is being held within licensed premises and children and/or young persons are to be attending the function, the Board is of the view that it is generally permissible for children and/or young persons to remain for the duration of the function, provided that due regard is had to the licensing objective of protecting children and young persons from harm."

6.2 The list of conditions which West Lothian Council's Licensing Board will consider applying to all licences for premises which will admit children and young persons is set out as follows:

Children and Young Person's Conditions (Protecting Children and Young Persons from Harm)

1. *The premises licence holder and their staff shall ensure that children and/or young persons are supervised adequately by the adult(s) accompanying them at all times.*
2. *If the premises licence holder or their staff are not satisfied that children and/or young persons are being supervised adequately, the group of which they are a part will be required to leave the premises.*
3. *If the premises licence holder or their staff have such concerns about the level of intoxication of the accompanying adults they should not require the group to leave the premises. They should contact the police without delay to report the matter.*
4. *For the duration of any function held on the premises, a staff supervisor shall be appointed to act as managerial liaison for the premises with the organiser of the function, and to monitor the function to ensure that its operation is consistent with the 5 licensing objectives.*

Where children under the age of 5 are permitted access to the premises:

5. *Heating facilities with the potential to cause injury in areas of the premises to which children and/or young persons have access shall be protected adequately.*
6. *A children's menu shall be available at all times when children are permitted to be on the premises or alternatively the main menu shall show that children's portions are available during such times.*
7. *Baby food and bottle warming facilities shall be available.*
8. *A minimum of two baby high chairs shall be available.*
9. *An adequate sized lidded bin shall be provided in any toilets designated for baby changing for the disposal of soiled nappies and the bins should be clearly marked to indicate the purposes for which they are provided.*

6. Argyll & Bute

7.1 The section relating to Children and Young Persons access to licensed premises in Argyll & Bute's 2020 Policy states the following:

13.6 Where children and young persons are permitted entry to premises, the Board may place a limit on the hours when they can be present. Children under the age of 16 must be excluded from any room where there is a bar counter after 10pm except during private functions, for the purpose of viewing live entertainment, or where the child is in the room for the purpose of taking a meal. This will not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress. The Board will require that whilst in any room with a bar counter all children must be in the company of, or supervised by, an appropriate responsible adult (unless the children are those of the licence holder or children who are resident on the premises). In addition, children must not be permitted to sit or remain at the bar counter at any time.

Terminal Hour – Meals

*13.7 The terminal hour for children and young persons on licensed premises will generally be 10pm **but only** if they are accompanied by an appropriate responsible adult over the age of 18 years and they are on the premises for the purposes of taking a meal. It may be that young persons can remain on the premises beyond this hour but that will be a matter for the Board to determine on an individual basis having regard to factors such as the nature of the establishment, the type of facilities provided, etc. as detailed below.*

13.8 In relation to premises which are family-orientated and operate principally for the provision of food (where 75% or more of the floor area is given over to dedicated restaurant facilities), the Board is of the view that the terminal hour may be extended by the Board beyond 10pm (with the exception of any bar area), if the licence holder demonstrates that this is justified and that suitable and sufficient measures are in place to protect children and young persons from harm. In such cases the Board will generally only look to review, restrict or enforce the terminal hour set out in the Operating Plan where there is a concern that the protecting children from harm objective is not being met.

Terminal Hour – Private Functions

13.9 Where a private function (e.g. wedding, christening, birthday party, etc.) is being held on a licensed premises and children and young persons are to be attending the function, then the Board is of the view that it is generally permissible for children and young persons to remain for the duration of the private function provided due regard is had to the licensing objective of protecting children and young persons from harm.

Terminal Hour – Outside Drinking Areas

13.10 The default terminal hour for children and young persons in outside drinking areas will be 8pm unless otherwise agreed by the Board (see 15 below). However where licensed premises are hired for the exclusive use of a pre-booked event and if the premises are not in close proximity to residential areas, then a later terminal hour is likely to receive positive consideration by the Board.