

INVERCLYDE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

LICENSING POLICY STATEMENT

1 November 2023 – 31 October 2028

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1. INTERPRETATION

In this Licensing Policy Statement the following terms are referred to:

“ the Act” refers to the Licensing (Scotland) Act 2005, as amended by the Criminal Justice and Licensing (Scotland) Act 2010, the Alcohol Etc. (Scotland) Act 2010, the Alcohol Minimum Pricing) (Scotland) Act 2012, the Air Weapons and Licensing (Scotland) Act 2015 and any subsequent legislation.

“the Board“ or “the Licensing Board” refers to the Inverclyde Licensing Board constituted in terms of section 5 and schedule 1 of the Licensing (Scotland) Act 2005,

“Licence Holders “ refers to the holders of both Premises Licences and Personal Licences unless where otherwise specifically indicated.

“The licensing objectives“ refers to the objectives set out in section 4 of the Licensing (Scotland) Act 2005.

“Operating Plan” refers to the document forming part of a Premises Licence setting out details of the nature of the operation of the premises and licensed hours.

“the Policy Statement” refers to the Licensing Policy Statement produced by the Inverclyde Licensing Board in terms of section 6 of the Licensing (Scotland) Act 2005.

“a child” is defined in the 2005 Act as a person who is 15 years of age or younger.

“a young person“ is defined in the 2005 Act as a person who is 16 or 17 years of age.

2. FOREWORD

The Policy that has been set out is the policy that will guide the Inverclyde Licensing Board for the next five years.

It is a policy that has been refined and amended from that which was in place before following lengthy and thorough consultation with the Inverclyde Licensing Forum and many different bodies and individuals representing those within the Licensed Trade as well as those who speak for local communities and other partner agencies including Police Scotland and Greater Glasgow & Clyde Health Board.

In all that the Board do and in all decisions that we make, our aim will be a consistent one, to promote a responsible attitude to the sale and consumption of alcohol. The Board are aware of the UK Chief Medical Officers Low Risk Drinking Guidelines published in 2016 along with the health risks associated with alcohol. Whilst the Board is committed to the promotion of the public health objective alongside the other licensing objectives, it is aware that its role is not to prohibit the sale of alcohol but to regulate it in order for Inverclyde to have a healthy relationship with alcohol and minimise the adverse effects alcohol can have within the area.

The Board is committed to ongoing consultation with the Inverclyde Licensing Forum and all other interested parties on the content of this document and will continue to monitor the effectiveness of the Statement of Licensing Policy.

The Policy Statement was approved and adopted by the Inverclyde Licensing Board on 26 October 2023, such adoption with effect from 1 November 2023.

Councillor Graeme Brooks Chair of the Inverclyde Licensing Board.

3. INTRODUCTION

- 3.1 Section 6 (1) of the Licensing (Scotland) Act 2005 (“the Act”) requires all licensing boards to publish a statement of licensing policy with respect to the exercise of their functions under the Act 18 months after an ordinary local government election of councillors. This statement fulfils that statutory requirement for Inverclyde Licensing Board for the period November 2023 - November 2028.. This Policy Statement shall be effective for the period until 2028 unless the next planned date for the ordinary election of councillors is moved for any reason. It will be subject to regular review and monitoring during this period, and if the Board considers it necessary, the Board will prepare and publicise a supplementary statement of licensing policy.
- 3.2 The Board is required to ensure that its policies promote the licensing objectives. They are set out in section 4 of the Licensing (Scotland) Act 2005 and are:
- (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.

Subject to the promotion of the licensing objectives the Board recognises and supports the contribution which licensed premises make to the economy, to employment, to tourism and to the vitality of the area.

- 3.3 In exercising its functions under the Act the Board is required to have regard to its Licensing Policy Statement. However, the Licensing Board will consider all applications on their own merits and the Board will give due consideration to an application whether or not it conforms to any requirements set out in the Licensing Policy Statement. The Board will also bear in mind its obligation to grant an application if no ground of refusal applies.

The Licensing Board will expect all applicants to show how they will conform to the licensing objectives and in particular how they will do so in the context of the circumstances pertaining to the locality in which the application premises is located.

Applicants will also require to take into account any relevant policy as set out in this Licensing Policy Statement.

- 3.4 The Board acknowledges that its licensing powers are not the main statutory mechanism for dealing with many of the problems faced by our local community, and society in general such as anti social behaviour and nuisance. Accordingly, the Board shall pay due regard to any statutory or other systems of control which may be more appropriately applied to the circumstances.
- 3.5 The Board will have regard to any relevant strategy of the Scottish Government, any relevant publications or advice from appropriate organisations at national or local level, including Inverclyde Council, and any recommendations from the Local Licensing Forum.
- 3.6 Inverclyde Council has in place byelaws within certain parts of the Board area, which regulate the drinking of alcohol in public places. It is the responsibility of members of the public and licence holders to familiarise themselves with the terms of those byelaws and to ensure compliance with them. The byelaws can be viewed on the Council's website : <https://www.inverclyde.gov.uk/uk/law-and-licensing/inverclyde-council-byelaws>

4. THE LICENSING BOARD

- 4.1 The Board's area lies in the west of Scotland. It is located on the West Coast of Scotland with the major population centres being centred on Greenock, Gourock and Port Glasgow. Smaller communities are found in the villages of Inverkip, Kilmacolm and Weymss Bay. A map of the Licensing Board area is set out in **Appendix 1**.. The population of the area as at 14 September 2023 is 78,400. There are issues in relation to depopulation within the area and according to the National Records of Scotland it is suggested that by 2028 the population will have fallen to 73,418..
- 4.2 The Board is established under the Licensing (Scotland) Act 2005 and deals with the administration of liquor licensing and certain other statutory duties. It comprises eight members, who are elected members of Inverclyde Council and are appointed to the Board by the Council.
- 4.3 As at 18 August 2023 , the number of licensed premises in the Board's area is as follows: 214 licensed premises including 36 licensed members' club premises (made up of 82 off sales premises, 48 on sales premises and 48 on and off sales premises).

4.4 Contacting the Board

Clerk to the Licensing Board – Iain Strachan, Head of Legal, Democratic, Digital & Customer Services, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LX.. Tel. 01475 712710. email: iain.strachan@inverclyde.gov.uk

Licensing Team – Inverclyde Council, Municipal Buildings, Greenock, PA15 1LX. Tel. 01786 233612 email: licensing@inverclyde.gov.uk Website –

5. EQUALITIES & HUMAN RIGHTS

5.1 The Board is committed to fulfilling the three key elements of the general equality duty as defined in the Equality Act 2010 namely:-

- Eliminating discrimination
- Eliminating harassment and victimisation
- Advancing equality of opportunity between people who share a protected characteristic and those who do not, and fostering good relations between people who share a protected characteristic and those who do not.

The protected characteristics are; age, disability, gender reassignment, pregnancy and maternity, race - this includes ethnicity, colour and national origin, religion or belief, sex, sexual orientation and marriage/civil partnership.

The Board recognises the links between equality, human rights and fairness; and seeks to help improve the quality of life for everyone in the Inverclyde Council area by working with community partners and the way in which it grants and regulates licences.

In carrying out its functions the Board will seek to ensure the mainstreaming of the general equality duty. In particular, the Board will ensure that people with protected characteristics are able to fully participate in the application process and in meetings of the Board.

The Board also expects licence holders to be aware of and address equality and diversity issues during the operation of their business. All applications for premises licences made to the Board must now include a Disabled Access and Facility Statement.

5.2 The Human Rights Act 1998 incorporates the European Convention on Human Rights (“ECHR”) and makes it unlawful for public bodies to act in a way which is incompatible with a convention right. The Board will have particular regard to the following relevant provisions of the ECHR in exercising its functions under the Act:-

- Article 1: that every person is entitled to the peaceful enjoyment of their possessions;

- Article 6: that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law; and
- Article 8: that everyone has the right to respect for their home and private life.

More on the Licensing Board and Equality and Diversity is available on the Board's website.

6. THE LICENSING OBJECTIVES

6.1 The Licensing Objectives

In general terms the Board will continue to promote the licensing objectives as follows. The Board expects applicants to be able to demonstrate that they have addressed the objectives and measures set out in this part. Similarly, the Board expects existing licence holders to be able to demonstrate that they have addressed these issues and measures in their operation of premises. The measures and steps detailed in this part are not an exhaustive list of best practice and part of the educational role of the Board's Licensing Standards Officer will be to encourage and share areas of best practice throughout the licensed trade in the Board's area:

6.2 Preventing Crime and Disorder

The Board supports a strategy aimed at making Inverclyde a safe place to live in and visit. The Board is committed to improving the quality of life for the people in the area by ensuring that licensed premises are run in such a way as not to contribute to crime and disorder. Licence holders shall so far as practicable and within their control, address any of the following problems attributable to their premises:

- Underage drinking;
- Drunkenness on premises;
- Public drunkenness;
- Illegal possession, supply and/or use of drugs and other substances;
- Violent behaviour;
- Anti-social behaviour;
- Litter

The following are examples of control measures which licence holders should consider introducing having regard to their particular type of premises and/or licensable activities:-

- having a written crime prevention strategy;
- effective and responsible management of premises;

- training given to staff to include preventing crime and disorder and conflict management;
- effective supervision of staff;
- acceptance of accredited proof of age card scheme, together with the introduction of the Challenge 25 scheme;
- provision of effective CCTV in and around the premises;
- security policies and regular toilet checks;
- employment, when necessary, of Security Industry Authority licensed door staff;
- active membership of Pubwatch or Radiolink or similar schemes;
- provision of litter bins and lighting outside premises;
- provision of plastic or toughened drinking vessels; and
- choice of size of wine glass.
- Consider adopting the “Safe Home” initiatives for staff working within their premises later at night;
- Having “Stop the bleed kits” available within the premises.

Licence holders are called upon to take positive action to discourage drinking and driving which is a serious offence and can have catastrophic effects on families of both victims and offenders. Licence holders are, therefore, encouraged to play an active part in preventing drink driving by:-

- displaying anti-drink driving materials;
- supplying reasonably priced non-alcoholic drinks; and;
- promoting awareness of campaigns such as “designated drivers” schemes.

In order to ensure the greatest possible degree of protection for the public, the Board recommends that premises install CCTV. Modern Digital CCTV systems are now readily available and can be fitted within premises with minimal disruption to the operation of the premises and a cost that is not prohibitive. Police Scotland have advised, and the Board agrees, that CCTV systems can play a key role in the prevention and detection of Crime and Disorder. Licence holders who do install CCTV must be aware of the additional legal responsibilities that they will require to adhere to with regard to data protection (including under the General Data Protection Regulation (GDPR) and the safe

storage of images recorded. Licence holders should obtain their own independent legal advice on such matters.

Safety of Staff Working in Licensed Premises

The Licensing Board has no direct remit in relation to employment issues, or health and safety issues involving staff working within licensed premises. The Board however 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. The Board expects Licence Holders to ensure staff within Licence Premises receive adequate training in order to support them in relation to any risks associated with the sale of alcohol. The Board recognises that there may be occasions where the safety of staff could be compromised by patrons who are either intoxicated, or have been refused service. The Board is of the view that Licence Holders have additional responsibilities towards staff flowing from issues relating to the sale of alcohol. The Board also acknowledges concerns raised by staff and trade unions in relation to licence holders ensuring that staff who work late hours within licensed premises get home safely following a shift. The Board is encouraged by “ **Safe Home**” initiatives adopted by some licence holders for their staff and would strongly encourage others to take a similar responsible approach to the safety of staff working within their premises later at night.

The Board also welcomes the growing number of campaigns and initiatives aimed at improving pay and conditions for staff working within the hospitality sectors and expects that licence holders in Inverclyde will lead the way in helping to eliminate unfair working practices within the licensed trade.

The Board would also expect licence holders to ensure that individuals undertaking the role of a door steward, which the Board recognises can be a challenging role, are properly qualified to do so under the Security Industry Authority (SIA) licensing scheme,

6.3 Securing Public Safety

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. Every licensed premises has its own particular issues, which may include:

- occupancy capacity of the premises;
- age, design and layout including means of escape;
- nature of activities such as music and dancing;
- hours of operation;
- customer profile (e.g. age, disability); and
- use of special effects such as laser, pyrotechnics and, smoke machines.

The following are examples of control measures which licence holders should consider introducing having regard to their particular type of premises and/or licensable activities:-

- suitable and sufficient risk assessments;
- effective and responsible management of premises;
- sufficient number of staff;
- effective supervision of staff;
- having an effective glass management policy either involving the removal of all glassware regularly or by providing toughened or plastic drinking vessels.
- having a written policy on how to deal with customers and any other person in the premises who may become incapacitated or vulnerable due to drink or drugs;
- having first aid facilities;
- informing Police Scotland of any special events taking place in the premises or issues relating to public safety;
- having a written accident recording system;
- displaying local transport information to facilitate safe journeys home for customers;
- adoption of best practice guidance;
- provision of effective CCTV coverage;
- implementation of crowd management systems; and
- proof of regular testing and certification where appropriate of procedures, appliances and safety systems.

The Board expects licence holders to appropriately safeguard those within their premises, including against specific risks that may arise from the consumption of alcohol. The Board encourages the use of schemes such as 'Ask for Angela'.

6.4 Preventing Public Nuisance

The Board aims to protect and maintain the amenity of residents and occupiers of other businesses from any adverse consequences of the operation of licensed premises.

Although interpretation is ultimately a matter for the courts, the Board intends to interpret "public nuisance" widely and understands it to include such issues as noise, light, odour, litter and anti-social behaviour where these impact on those living, working or otherwise engaged in normal activity in an area or locality.

"Anti-social behaviour" is defined in the Anti-Social Behaviour etc. (Scotland) Act 2004 as behaviour where a person acts in a manner that causes or is likely to cause alarm or distress or pursue a course of conduct that can or is likely to cause alarm or distress to at least one person who is not from the same household as the person engaging in the behaviour. Conduct includes speech.

The Board expects that licence holders will have regard to good practice. It is their responsibility to make every effort to ensure that patrons do not create a nuisance or disturbance for residents living nearby. This includes noise arising as a result of patrons smoking outside the premises and any associated littering of the area.

Every business has a duty to ensure that waste is disposed of securely and to keep their premises clear of all litter generated by staff and customers. The Board expects licence holders to be aware of their responsibilities and of the possibility of statutory street litter control notices in the case of non-compliance. In addition, when applicants propose to provide outside seating, tables or other facilities in any outdoor area, whether covered or not, regard should be had to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of other premises in the vicinity.

When addressing the issue of preventing public nuisance, the following factors are relevant and should be considered:-

- The location of premises and proximity to residential properties and other noise sensitive premises such as hospitals, hospices, care homes and places of worship.
- The hours of opening, particularly after 11pm.
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises.
- The design and layout of premises and in particular the presence of noise limiting features and a CCTV system, which complies with current legislative requirements.
- The occupancy capacity of the premises.
- The availability of public transport and taxis.
- The wind down time between the end of the licensable activities and the closure of the premises
- The last admission time.

The following are examples of control measures which licence holders should consider introducing, having regard to their particular type of premises and/or licensable activities:-

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.
- Control of operating hours for all or parts of the premises - for instance, garden areas, bottle disposal and deliveries.
- Adoption of best practice guidance.
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Liaison with public transport providers.
- Siting of external lighting, including security lighting and installation of an effective CCTV system which complies with current legislative requirements.
- Effective ventilation systems to prevent nuisance from odour.

6.5 Protecting and Improving Public Health

The Board is concerned about the link between the consumption of alcohol and public health. The Board wishes to see licensed premises thriving in the area, but this cannot be at the expense of the health and wellbeing of patrons or the wider community. The Board will have regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in the area. It will take advice from those relevant bodies.

Licence holders can help promote this objective in many ways. They can use materials such as posters and beer mats which promote moderate consumption of alcohol along with awareness of units of alcohol and the recommended guidelines for consumption of alcohol by men and women. A wine list, for example, might state how many units of alcohol per glass or bottle together with a reminder of the guidelines.

Licence holders, door stewards where employed and premises managers together with staff employed in the premises must remain vigilant at all times to the risks of excessive consumption. There should be an established practice within the premises to ensure that a standard approach is taken where a patron's demeanour demonstrates an excessive consumption of alcohol. There should also be a clear understanding of the offences committed in connection with the service of alcohol to children or persons who appear drunk and allowing drunkenness on the premises. Licence holders must also not promote irresponsible drinking practices and should ensure their staff are appropriately trained not to do so either.

The following are examples of control measures licence holders should consider introducing having regard to their particular type of premises and/or licensable activities:-

- displaying anti-drunkenness materials along with information on units of alcohol in the context of recommended guidelines;
- having a workplace alcohol policy in order to raise awareness, minimise harm and ensure that staff are able to access help (without fear of a job loss) when a problem arises;
- ensuring customers are aware of choice in relation to alcohol measures particularly wine eg small, medium or large glasses should be available;

- ensuring that managers and staff are complying with the law regarding pricing of alcohol and irresponsible drinks promotions and appropriately trained to make judgements on the sale of alcohol;
- ensuring that children are not seated at any bar within the establishment. Children should be seated in appropriate seating away from the bar, and preferably within a section designated for families;
- ensuring that Stop the Bleed Kits are available on the premises and staff are trained in their use.

The Board expects premises to offer a wide selection of reasonably priced low alcohol or non-alcoholic beverages during the whole period the premises are operating.

6.6 Protecting Children and Young Persons from Harm

The Board wishes to see family friendly premises thriving in the area. Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time recognising that parents and other adults accompanying children also have responsibilities.

The Act defines a “child” as a person aged 15 years of age or younger, and a “young person” is a person aged either 16 or 17 years of age.

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

The following examples of control measures are given to assist applicants who may need to take account of them in their operating plan having regard to their particular type of premises and/or licensable activities:-

- effective and responsible management of premises;
- effective supervision of staff;
- adoption of best practice, including a written policy on prevention of sales of alcohol to children;

- limitation on the hours when children may be present, in all or parts of the premises;
- limitations or exclusions by age;
- acceptance of accredited proof of age schemes including Challenge 25;
- measures to ensure children do not purchase, acquire or consume alcohol;
- measures to ensure children are not exposed to incidences of strong and offensive language, violence or disorder;
- use of fixed fire guards on open fires and prohibition of mobile heaters when young children are in the premises;
- availability of high chairs and suitable drinking vessels for young children; and
- ensuring that children are not seated at any bar within the establishment. Children should be seated in appropriate seating away from the bar, and preferably within a section designated for families;
- ensuring that staff involved with the delivery of alcohol along with take away food have appropriate training.

For many years, the Board has actively encouraged that events should be alcohol free where the primary focus is on children. This includes, but is not limited to, prize-giving events for sports clubs. The Board continues to encourage such events.

7. BOARD BUSINESS

7.1 Openness and accessibility

The Board will deal with all of its business in an open and transparent way. Information and assistance will be made available to those who wish to apply for a licence, to make representations or to object to an application. The Board is also aware of the need to ensure that the licensing process is accessible to all. Assistance will be available on request for those who require special arrangements to access any part of the process.

7.2 Decision making

The Board shall take all decisions in public by way of a vote, which meetings may be held in person, fully remote (through an appropriate system) or on a hybrid basis combining an in person and remote element. The Board may, from time to time, retire to discuss matters and seek legal advice in private, but shall return to make their decision in public. The Board will prepare and publish an annual functions report, summarising its activity in the preceding financial year, which report will include annual statistics of licences granted by the Board. The Board will also prepare and publish an annual financial report, summarising its income and expenditure.

7.3 Delegated Authority

It is the Board's aim to provide an efficient and cost effective service to all those who are involved in the licensing process. Therefore, the Board will adopt a Scheme of Delegation to ensure that decisions can be made in a way which is consistent with this aim. This Scheme will in particular set out the decisions which may be made by the Clerk to the Board or their staff.

The Board has agreed that only those matters which are required by statute to be considered by the Board will be put before them. Decisions on all other applications will be delegated to the Clerk/Depute Clerk of the Board who will refer the matter to the Board as and when necessary.

In addition to those applications and matters which may be delegated to the Clerk as set out in the Scheme of Delegation approved by the Licensing Board in June 2022, determination of the following may be delegated to the Clerk/Depute Clerk of the Board in consultation with the Chair, failing which the Vice-Chair, and one other Board Member. In the absence of the Chair or Vice-Chair, the Clerk/Depute Clerk shall consult with two other Board Members:

1. grant of Extended Hours or Occasional Licence applications for hours which are outwith the Board's Licensing Policy hours or where objections/representations have been received or conditions proposed and not accepted by the applicant in circumstances where it is not reasonably practical to hold a meeting, and which in the opinion of the Clerk/Depute Clerk in consultation with the Chair/Vice-Chair and one member or in the absence of the Chair/Vice-Chair, two members, may be determined without a hearing. In such circumstances applicants will be invited to submit written submissions in response to the objection/representation for consideration under delegated authority.
2. Authority 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.

The Board receives regular reports regarding the use of delegated decision-making powers, as referred to above.

8. PREMISES LICENCES

Premises that wish to sell alcohol for consumption on or off the premises will require to have a premises licence. This will govern, amongst other things, what activities are allowed on the premises and what hours the premises can be open for business. Each licence will be tailored to the type of premises in question. There must be a description of the premises, an operating plan and a layout plan of the premises.

Under the 2005 Act, any person, which includes corporated (e.g. Public Ltd Companies), unincorporated bodies (e.g. a partnership) and statutory bodies (e.g. organisations created by an Act of Parliament) as well as individuals can apply for a Premises Licence. Any individual who wants to submit an application must be over 18 years of age.

When assessing applications for premises licences the Board must be satisfied that the measures proposed in the applicant's operating plan aim to achieve the five licensing objectives. The Board strongly encourages all applicants to submit, along with their application, a written statement tailored to their particular premises setting out how they intend to conform to and promote the licensing objectives, paying particular attention to the locality in which the premises are situated and the activities to be carried out. The Board considers that a written statement demonstrates a pro-active consideration by the applicant as to the practical application of the licensing objectives in their premises.

The Board will expect individual applicants to address the five licensing objectives in their operating plan and/ or in their representations to the Board. It will expect the operating plan to have regard to the nature of the area where the premises are situated, the type of premises, the activities to be provided, the arrangements made in respect of children on the premises, operational procedures and the concerns of the local community. The Board will expect the operating plan to demonstrate how it is intended that the premises will be good neighbours to residents and to other venues and business.

Applicants should pay particular attention to the operating plan and the layout plan. If a particular activity is not mentioned in the operating plan that activity

cannot take place on those premises until further authorisation is sought from the Board by way of seeking a variation of the premises licence.

The Board will provide assistance to all applicants in relation to the requirements for operating plans and layout plans, but cannot complete applications or provide any legal advice.

8.1 Notification of applications, Objections and Representations

The Licensing Board must give notice of a premises licence application to:

- (a) Each person having a notifiable interest in neighbouring land (to be defined by Regulation);
- (b) Any community council within whose area the premises are situated;
- (c) Inverclyde Council;
- (d) Chief Constable of Police Scotland;
- (e) Scottish Fire and Rescue Service.
- (f) Inverclyde HSCP / NHS Greater Glasgow and Clyde.

Any person may submit an objection or representation to the Board. Any objection must relate to one of the 5 licensing objectives and relate to specific premises.

A new provision to the 2005 Act was introduced by the Criminal Justice & Licensing (Scotland) Act 2010 whereby an objection or representation concerning a premises licence application may include any information that the person submitting the objection or representation considers relevant to consideration of any of the grounds for refusal, including information in relation to a “connected person”, in relation to the application and the premises if the application were granted. The Licence Holder must notify the Board of the existence of any “connected person” to premises thus enabling the Board to consider the conduct of those parties in determining the licensing application or considering whether to review an existing licence.

8.2 Disabled Access and Facilities Statement (DAFS)

In terms of the 2005 Act as amended by the Criminal Justice & Licensing (Scotland) Act 2010, each Premises Licence application, for the sale of alcohol

for consumption on or off premises, requires to provide a Disabled Access & Facilities Statement (DAFS) along with their application. The DAFS must contain information about disabled access to the premises and the facilities and any other provision available to aid the use of premises by disabled people. The prescribed form of the statement is set out in the Premises Licence (Scotland) Amendment Regulations 2018. The Board is unable to progress a premises licence application until this documentation is received.

8.3 Consideration of premises licence applications

The Licensing Board will assess each premises licence application on its own merits but always having regard to its legal duties and the terms of this policy statement. The Board will also have regard to the licensing objectives set out in section 4 of the Licensing (Scotland) Act 2005. For the assistance of applicants the Board will have particular regard to:

- the nature of the premises, the style and type of use, the potential number and profile of the customers likely to attend the premises;
- the proposed hours of operation;
- the means of access to the premises including the location of customer entrances and exits;
- the provision of toilet facilities;
- whether children and/or young persons are to have access to the premises or parts of premises and upon what terms;
- the need for door supervisors;
- areas or activities which may have potential for crime and disorder or public nuisance and any measures to mitigate those issues.

When considering any application for premises which have been previously licensed, or in any review of an existing licence, the Board will take into account any relevant evidence, especially of the impact on local residents and businesses and will also look at the measures proposed by the applicant to mitigate any adverse impact.

8.4 Conditions

Mandatory conditions are set out both in the Act and in Regulations. The Board will consider on an individual basis whether it is necessary or expedient to impose additional conditions, to promote one or more of the licensing objectives or otherwise to give effect to the provisions of this policy statement or to the provisions of the Act. The decision whether to impose a condition will be made on an objective basis, having regard to the operating plan and any representations made and any other relevant information available to the Board when considering the application. The Board will seek to avoid the imposition of conditions that would have a disproportionate effect on the operation of the premises.

9. MANAGEMENT OF PREMISES

9.1 Introduction

The Board considers that licensees and their staff should operate their business or operation in a manner which is consistent with the 5 licensing objectives. There are various aspects of running licensed premises which are of particular concern to the Board. The Board has therefore determined to implement policies in these areas, as follows:

9.2 Noise

Licensees shall be expected to take all reasonable steps to ensure that noise from amplified and non-amplified music, singing and speech sourced from licensed premises shall not be audible in any adjoining residential property after 11pm.

Licence holders are expected to be aware of the impact on neighbours of noise from their premises and are expected to take reasonable steps to prevent noise nuisance. Steps to be taken may include sound tests; installation of a sound limiter; soundproofing; keeping doors and windows closed; door staff to ensure patrons leave quickly and quietly; and notices at exits asking patrons to leave quietly.

9.3. Children and Young Persons on Licensed Premises

The Board aims to ensure that premises which seek to accommodate children are run in such a way that they are suitable for children and young persons. In determining any application where the operating plan indicates that children and young persons are to be allowed on the premises, the Board will consider the need to protect children and young persons from harm as its paramount concern.

Applicants will be expected to demonstrate understanding of the additional responsibilities placed on them when children and young persons are on the premises. Specifically, applicants will be expected to demonstrate that suitable

and sufficient measures are in place to protect children and young persons from harm.

Parts of premises to which children and young persons are to be allowed entry will require to have a suitable character and atmosphere. Toilets should be of a reasonable standard and reasonably accessible to the area to which children and young persons are allowed entry.

The Licensing Board may impose conditions on a premises licence or in granting an occasional license where children and young persons are to be allowed entry such as, but not limited to, the following:-

- (i) Children shall be accompanied and supervised by a suitable adult or adults when they are in licensed premises as follows:-
 - Children may be in licensed premises until 8 pm;
 - Children may be in licensed premises between 8 pm and 11 pm while they and/or the accompanying adult(s) are having a meal;
 - Children may be in licensed premises between the hours of 8 pm and 1 am while accompanied and supervised by a suitable adult or adults whilst attending a family orientated private function (such as weddings, golden/silver anniversaries or special birthday celebrations e.g. an 18th birthday party);
 - Young persons may be within licensed premises until 11 pm while accompanied by a suitable adult;
 - Young persons may be within a restaurant until 11pm unaccompanied by an adult while having a meal;
 - Young persons may be in licensed premises between 11 pm and 1 am while they and the accompanying adult(s) are having a meal.
 - Young persons may be in licensed premises between the hours of 11pm and 1 am while attending a family orientated private function (such as weddings, golden/silver anniversaries or special birthday celebrations e.g. an 18th birthday party).
- (ii) All heating appliances in the public area of the licensed premises must be adequately protected.
- (iii) All electrical sockets in the public areas of the licensed premises must be adequately protected.

- (iv) Children must not be permitted to operate any amusement with prize machines which are in licensed premises.
- (v) A children's menu must be available at all times or alternatively the main menu must show that children's portions are available.
- (vi) Baby's high chairs must be provided for very young children.
- (vii) An adequate sized lidded bin must be provided in both male and female toilets for the disposal of soiled nappies and the bins must be clearly marked to indicate the purpose for which they are provided.
- (viii) Changing facilities for infants must be provided and maintained in both male and female toilets.

Licence holders are reminded that they and their staff must comply with all other legislation in relation to children and young persons including not selling or allowing the sale of alcohol to children and young persons; not delivering alcohol to a child or young person; the employment of children and young persons; and preventing or stopping a child from being breast fed in terms of the Breastfeeding etc. (Scotland) Act 2005.

Each and every application shall continue to be decided upon in terms of its own facts and circumstances. However, the Board wish to reaffirm its position that applications that do not comply with the Board's policy on children and young persons will only be granted in exceptional circumstances. The Board would also support and would encourage "no alcohol events" where the event in question primarily involves children and young persons. Examples of such events are club prize-giving ceremonies and fund-raising events for children's clubs where children are in attendance.

9.4 Disabled Facilities

Appropriate disabled facilities should be provided on the premises to ensure compliance with the Equality Act 2010 and any subsequent amending legislation relating to disabled persons and disabled facilities. All new applications will require to have disabled facilities available.

As set out at section 4.3 above a Disabled Access & Facilities Statement (DAFS) must be submitted with an application for a Premises Licence.

9.5 Condition of Premises

Licence holders and their staff are expected to ensure that the premises, both internally and externally, are maintained in good, clean and tidy condition at all times.

9.6 Litter and Waste Management

Licence holders are expected to have a suitable litter and waste management program in place to ensure that the area outside the premises is kept free of litter at all times.

9.7 Smoking

The Board welcomes the legislation prohibiting smoking in enclosed public places. Licence holders have been effective in ensuring patrons do not smoke within their premises, however, other issues can arise in the area around the premises such as noise nuisance, litter, disorder, and smoke drift into neighbouring residences or back into the licensed premises. Licence holders and their staff are expected to have sufficient measures in place to prevent such problems arising.

9.8 CCTV

The use of CCTV on premises can be an important measure in complying with the licensing objectives, particularly in (a) preventing crime and disorder and (b) preventing public nuisance. Digital CCTV systems are readily available which may include both internal and external camera coverage of the premises. The Board supports the use of such systems and would encourage licence holders to make use of these. Where used, such systems should be kept in proper working order at all times, all licence holders and staff must be able to operate the system, and images should be kept for at least one month and made available to Police Scotland on request.

Premises which will, on any occasion, be open for a continuous period beginning on one day and ending after 1am on the following day may have additional conditions attached to their licence relative to CCTV. These conditions are enshrined within statutory regulations and premises licence

holders should ensure they are fully aware of all licence conditions and statutory requirements.

9.9 Dispersal of Patrons

Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol. Licence holders should ensure that they and their staff have sufficient measures in place to ensure patrons exit the premises as quickly as possible, in good order and as quietly as possible. Measures may include limiting the amount of alcohol sold just before the terminal hour, i.e. only permitting a group to purchase one round, not two; making sure all patrons know well in advance the last time for purchasing alcohol is approaching; covering bar taps once the terminal hour has past, raising the lighting level, and inspecting all parts of the premises for patrons. All music shall be turned off at the terminal hour.

9.10 Door Supervision

The Licensing Board, taking into account the licensing objectives of preventing crime and disorder, securing public safety, and preventing public nuisance may consider door supervision appropriate. Whether or not door supervisors are to be required and, if so, the number of door supervisors, the occasions they must be present, the hours they must be present, and possible specification of particular duties and functions will be assessed according to the merits of each individual application.

Licence holders are reminded that as from 1 November 2007 all door supervisors must be registered with the Security Industry Authority under the Private Security Act 2001. To employ a door supervisor who is not registered is a criminal offence. Licence holders involved in what is termed manned guarding activities, whether or not door supervisors are used, may also have to be registered. Applicants should contact the Security Industry Authority for more information.

The provisions contained within this subsection do not pertain to Private Members Clubs. The rules regarding door stewarding within these establishments may be found within Section 10 of this Policy Statement.

9.11 Substance Use

This includes both over consumption of alcohol and illegal use of drugs or other substances.

In respect of alcohol, premises will comply with the law on sales to drunk people. They will have a register which details occasions when the sale of alcohol has been refused for such a reason as well as written procedures to deal with how the sale should be refused and how to deal with a customer who reacts badly to being refused.

Premises must have a zero tolerance policy in relation to the illegal use of drugs or other illegal substances on the premises. There must be a register in which any such incidence is recorded and a written policy on how to deal with any drugs or other illegal substances. This will be of less significance for premises where alcohol is only sold for consumption off the premises.

The Board is interested in learning information from applicants and Licence Holders regarding the steps they have in place to prevent such illegal substances being brought into licensed premises. The Board is interested in hearing from applicants and Licence Holders the processes they have in place to provide medical assistance to persons who may have become unwell within Licensed Premises due to misuse of drugs. The Board is encouraged with the roll out of Naloxine kits across Inverclyde, and would encourage Licensed Premises Holders to consider having such kits on their premises and provide adequate training for staff in relation to their use.

Advice and assistance for licensees can be obtained from the Inverclyde Alcohol and Drugs Partnership. The Partnership can provide service information, prevention literature, campaign resources and can also signpost people to data relating to alcohol and drug use where appropriate. Their contact details are: ADPartnership@inverclyde.gov.uk

10. PREMISES PROVIDING LATE NIGHT ENTERTAINMENT

10.1 Premises providing Late Night Entertainment

Premises which provide late night entertainment, such as nightclubs, are an important contributor to the night time economy and involve a substantial investment in the facilities and entertainment provided on the premises. Those premises tend to be places where patrons arrive from other licensed premises and stay until the terminal hour.

In light of this and the 5 licensing objectives, the Board may impose conditions on the licence of a premises which in its view provides significant entertainment as follows:

- The provision of alcohol is for consumption on the premises only;
- The provision of alcohol is ancillary to the entertainment provided;
- The entertainment provided is to be musical entertainment for public dancing and/or public entertainment;
- The entertainment provided must be on a continuous basis with breaks of not more than 15 minutes in any one hour.
- Alcohol to be sold in toughened glass or plastic drinking vessels after 23:00 hours.

The conditions mentioned or referred to in this Section may be imposed on a premises licence for such premises unless the circumstances of a particular application indicate otherwise and/or an applicant is able to demonstrate to the Board that a condition is not appropriate in the circumstances.

10.2 Adult Entertainment

The Scottish Government may from time to time publish Regulations on adult entertainment and until their publication, premises offering adult entertainment will be treated on a case by case basis.

The Board will expect applicants to give consideration to the promotion of the licensing objectives in relation to the protection of children and the prevention of crime and disorder.

The Council has adopted and approved a Sexual Entertainment Policy Statement with effect from 9 June 2022. As at the date of this Licensing Policy Statement, there are no Sexual Entertainment Venues in Inverclyde.

11. LICENSED HOURS AND EXTENDED HOURS

11.1 Introduction

While each application is assessed on its own merits, the following sets out the Licensing Board's policy on licensing hours. For applications for licensed hours at times out with the Board's policy, applicants will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances.

11.2 Off-Sales

For applications relating to premises licences and to occasional licences, the licensed hours for the sale of alcohol for consumption off the premises (off-sales hours) are 10 am to 10 pm, each day. The Licensing Board has no discretion to permit licensed hours outwith these times. In determining applications and licensed hours within these times, the Board will, in considering the merits, have particular regard to the effect (if any) which the proposed off-sales hours would have on the occurrence of antisocial behaviour.

11.3 On-Sales

For applications relating to premises licences, including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises (on-sales hours) shall not normally commence earlier than 11 am every day of the week.

Premises offering significant entertainment facilities will normally be permitted to sell alcohol from 7pm on each day.

Licensed hours for on-sales premises in particular can have an impact not only within the individual premise but also within the locality in which the premises are situated. Taking into account the 5 licensing objectives, the presumption against 24 hour drinking and the Guidance for Licensing Boards and Local Authorities issued by the Scottish Executive at the time the Act was introduced and subsequent Guidance, and the mandatory conditions specified by Regulation applying to those premises opening after 1 am, the Licensing Board

considers the following to be appropriate for the terminal hour beyond which alcohol must not be sold on the premises or parts of premises:-

11.4 Restaurants

Those premises, or parts of premises where the supply of alcohol for consumption is ancillary to a table meal taken by persons within the premises.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
24:00	24:00	24:00	01:00	01:30	01:30	24:00

A table meal generally consists of a meal eaten by a person sitting at a table, counter or other structure which serves the purpose of a table. Snacks, sandwiches and crisps are not considered to constitute table meals.

11.5 Premises offering no significant entertainment facilities

Those premises, or parts of premises where the provision of alcohol is the principal activity and significant entertainment facilities are not provided. This includes public houses and members clubs.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
24:00	24:00	24:00	01:00	01:30	01:30	24:00

11.6 Premises offering significant entertainment facilities and subject to conditions the Board may impose

Premises or parts of premises where the provision of alcohol to persons frequenting the premises for consumption on the premises is ancillary to the significant entertainment provided and subject to conditions the Licensing Board may impose in relation to such premises. These include nightclubs and discotheques.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
01:00	01:00	02:00	02:00	03:30 (bar to close 03:00)	03:30 (bar to close 03:00)	01:30

The Board will interpret the phrase “significant entertainment” strictly and will only grant late opening premises hours if the entertainment offered is adequately specified in the operating plan submitted with the application. The Board will require applicants to demonstrate the entertainment proposed will not be merely ancillary to the consumption of alcohol. In particular, applicants must satisfy the Board that significant facilities within the premises will be dedicated to the provision of the entertainment. Examples could include provision of a significant dance floor area and/or a dedicated stage or performance area. Applications should also provide evidence that forthcoming entertainment will be pre-advertised. Where these tests are met, the Board considers that entertainment such as, musical performances including live music for concerts, nightclubs, cabaret and theatrical plays and comedy nights may amount to significant entertainment. Pool, darts, dominoes and background music will not be accepted as significant entertainment.

Regardless of the above, what the Board considers to amount to provision of entertainment or other facilities or activities bringing a premises into the category above will be determined on the facts and circumstances of each application. It is up to the applicant to satisfy the Board that genuine entertainment or other activities or facilities will be provided. The Board has a presumption against granting an application based on the above where that application purely seeks an additional period for drinking where no entertainment or other activities or facilities are provided on the grounds that this contravenes the promotion of public health under the Act.

11.7 Festive Trading

The Board has an existing practice of annually considering whether to permit longer licensed hours over the Festive period, and that will continue to be the

case. The Festive period for the purposes of this aspect of the policy will be determined by the Board on an annual basis.

11.8 Curfew

Prior to the publication of this policy, Inverclyde was the only local authority area in Scotland that had a curfew in place for all licensed premises. Following consultation with Police Scotland, representatives of the local trade and the public, the unanimous decision was taken by the Board to remove the curfew whereby no person could be admitted to any licensed premises after 12 midnight. The Board was not satisfied that there was any evidential basis, with regard to the licensing objectives for retaining the Curfew. This decision was unanimously made by the Board after careful consideration of the evidence from Police Scotland and other consultees. This decision will be kept under review and monitored closely by the Board and may be reconsidered in future. If premises wish to adopt a curfew and not admit any person after a particular time into the premises then that is a purely operational decision for them and would not be contrary to this policy.

11.9 Additional Considerations

In determining applications where more than one activity takes place in the premises or where parts of premises fall under different categories as specified above, the Licensing Board will have regard to when the activities take place and the principal activity taking place. The Board may impose further conditions to ensure other activities do not take place or remain ancillary to the principal activity for those licensed hours.

Premises where more than one of the categories applies in different parts of the same premise will be given careful consideration. The Licensing Board may impose conditions and/or different licensed hours to those parts of premises to ensure the activities remain separate.

11.10 Extended Hours Applications

The Licensing Board may extend the licensed hours in respect of premises by such period as the Board considers appropriate. The Board will normally only

do so in connection with (i) a special event or occasion to be catered for on the premises, or (ii) a special event of local or national significance. The grant of an extension of licensed hours can only last for a maximum of one month.

Where the hours sought fall out with the on-sales hours specified in this statement, the applicant will have to demonstrate the hours requested are appropriate in the circumstances. The applicant should provide to the Board sufficient information to enable a decision to be made. This will include:-

- the hours sought;
- the description of the special event or occasion;
- what activities are proposed to take place during those 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-sales hours specified above.

The Board is of the view that extended hour applications should not be used consistently by licence holders to extend their operating hours and/ or to facilitate the operation of their premises. Licence holders should consider whether a variation to their licence is more appropriate than making repeated extended hour applications. The Board may refuse to grant an extended hours application if it considers that any licence holder is using this mechanism when in its view the licence holder should make an application to vary their premises licence.

12. OCCASIONAL LICENCES

12.1 Introduction

An occasional licence authorises the temporary sale or supply of alcohol which is not authorised by a premises licence.

It is possible to make an application for an occasional licence authorising the sale of alcohol on premises which are not licensed premises. This may be made by:-

- the holder of a premises licence;
- the holder of a personal licence;
- or a representative of any voluntary organisation.

An occasional licence can only last up to a maximum of 14 days provided it relates to the same event or activity.

The holders of a premises licence or a personal licence may make unlimited applications. There are restrictions on the number of applications a voluntary organisation can make, in any period of 12 months. Guidance is available.

To allow time to consult with the Police and for objections to be made, applications should be submitted as far in advance of the event as possible. The Board strongly recommends that 6 weeks' Notice be provided if possible. This time scale ensures that the application shall be considered by the Licensing Board in the event that there are objections to the granting of the application. Where an application is submitted less than 28 days in advance of the proposed event, no guarantee can be given that the application can be processed in time or that the matter can be considered by the Board in the event of objections to the application and would accordingly fall to be refused. Late applications will be accepted at the applicant's risk.

Information in relation to the event will require to be detailed on the application form and the applicant will be asked to provide supporting documentation. The Board will consult with the Chief Constable and the Licensing Standards Officer on all applications,

The Board considers that activities such as dances, discos and dinner-dances, wedding receptions and parties where a disco or band is provided are generally acceptable for granting an occasional licence. Darts, dominos or pool competitions, karaoke evenings or private parties where there is no significant entertainment are not considered acceptable activities. Where live entertainment is not an integral part of the function, then this would also not be acceptable.

The Board recognises the terms of the Act which, allows repeated applications for occasional licences and no restriction on the numbers of occasional licences that can be applied for except where the applicant is a voluntary organisation. However, the Board is concerned that some premises may seek to avoid the requirements of the Act by applying for repeated applications. Accordingly, the Board may require to be addressed by the applicant as to why an application for an occasional licence is appropriate rather than an application for a premises licence. Each application will, however, be determined on its own merits.

It is important that appropriate precautions are applied to occasional licences to ensure that children and young people are adequately protected and do not access alcohol inappropriately. They should be supervised at all times and the restrictions applied to standard licensed premises for the protection of children and young persons are also applicable to premises operating under an occasional licence.

12.2 Applications Out with Policy

For applications for licensed hours at times out with the Board's policy, applicants will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances.

12.3 Conditions

The Board is aware of the mandatory conditions which are set out both in the Act and in Regulations. The Board will also consider on an individual basis whether it is necessary or expedient to impose additional conditions, to promote one or more of the licensing objectives or otherwise to give effect to the

provisions of this policy statement or to the provisions of the Act. The decision whether to impose a condition will be made on an objective basis, taking account of any representations made and any other relevant information available to the Board when considering the application. The Board will seek to avoid the imposition of conditions whose effect upon the operation of the premises is disproportionate to the objective of the condition.

12.4 Minimum Pricing

The Board acknowledges the implementation of legislation requiring minimum unit pricing to alcohol from May 2018. Those minimum pricing requirements will be imposed by the Board as a mandatory condition on all relevant licences. The Board's Licensing Standards Officer will have a role in supporting and educating licence holders but responsibility for compliance sits with licence holders.

Licence holders and applicants are also referred to the Scottish Government Guidance on the Implementation of Minimum Unit Pricing which can be accessed via the following link:
<https://www.gov.scot/Resource/0053/00534378.pdf>

12.5 'Fit and Proper'

The Board acknowledges the introduction of the 'fit and proper test' as a ground on which it may now refuse to grant certain licence applications. The Board will consider each application on its own merits and will take into account relevant information presented to it by the Chief Constable, the applicant and other relevant persons in making any such determination. The Board shall have regard to the licensing objectives, and specifically whether the applicant's conduct is consistent with those objectives, in making a determination as to whether they are a fit and proper person to hold the licence applied for.

13. OVERPROVISION AND OCCUPANCY CAPACITY

13.1 Overprovision of Licensed Premises

Section 7 of the Licensing (Scotland) Act 2005 places a duty on the Board to include within its Policy Statement a statement as to the extent 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. It is for the Board to determine the "localities" within the Board's area for the purposes of the Act.

13.2 Localities

As the determination of "localities" is largely a matter for the Board, local knowledge plays a significant part in such determinations. The Board has had extensive consultations with Inverclyde Licensing Forum, who have in turn consulted with Community Councils, premises licence holders, the Inverclyde Alcohol and Drug Partnership, the NHS, Police Scotland, Inverclyde Community Health and Care Partnership and local residents.

The Board had an overprovision area in place for a number of years. This was essentially Greenock town centre. The overprovision policy was introduced with the licensing objectives in mind. Following consultations with a number of partners, the previous Board concluded that the over provision area previously implemented had no discernable impact on levels of crime or alcohol-related illness in that locality. The Board accordingly did not implement an area of over provision within the previous policy.

For the purpose of this policy the Board has had extensive consultations with Inverclyde Licensing Forum, Community Councils, Police Scotland, Premises Licence Holders, The Inverclyde Alcohol and Drug Partnership, the NHS, Inverclyde Health and Care Partnership (HSCP) and local residents.

The Board determined that there were 17 localities within Inverclyde for the purpose of assessing overprovision, as set out in the document and plans in

Appendix 2 to this policy. Following consultation and having considered carefully the information available from consultees thus far the Board has concluded that there is insufficient information currently available in order to assess overprovision in any of the 17 locality areas. The Board has determined that a further consultation should be undertaken in relation to overprovision and the outcome of the consultation will be considered at a future meeting of the Board. The Board has accordingly not implemented an area of over provision in relation to on-sales and off-sales within this policy. The Board reserves the right to implement an overprovision policy in future, following a further consultation, in the event there is evidence to support such a policy.

Each application for off-sales premises shall continue to be considered on its own merits. However the Board will seek to satisfy itself that any increase in the number of off-sales licensed premises, taking into account capacity figures in terms of the total area given over to alcohol display, will not be inconsistent with the licensing objectives.

13.3 Occupancy Capacity

The occupancy capacity of premises is one factor in the assessment of overprovision for the purpose of this policy statement. It may be a factor in the ground of refusal of a premises licence on the basis of overprovision, and may be a factor for consideration in an Occasional Licence application.

The Board may consider setting maximum occupancy limits to ensure the safety of persons in the premises and safe escape in the case of an emergency.

The Licensing Board will consider various factors when assessing the appropriate capacity for premises or events. These include:-

- The design and layout of the premises;
- The location, availability and size of exits including emergency exits;
- The nature of the premises or event;
- The nature of the activities being provided;
- The provision or removal of temporary structures such as a stage or furniture;

- The number of staff available to supervise customers both ordinarily and in the event of an emergency;
- The age of the customers;
- The attendance by customers with disabilities;
- The availability of suitable and sufficient sanitary accommodation;
- The nature and provision of facilities for ventilation.

Licence holders will be expected to have monitoring arrangements in place to verify the number of persons present at any point to ensure that the occupancy capacity is not exceeded.

14. MEMBERS CLUBS

14.1 In terms of the regulations a members club-

- Is not conducted for the purposes of making a profit
- Has a written constitution and rules which make provision to the effect specified in paragraph 10.2

14.2 The following provisions apply to members clubs –

- the business of the club is to be under the management of a committee or other governing body elected by members of the club;
- no person under 18 is to be admitted as a member of the club (unless the club is devoted primarily to some sporting purpose or is a students' union);
- No member of the committee or other governing body and no person employed by the club is to have any personal interest in the sale of alcohol on the club premises or in the profits arising from such sale;
- Other than when an occasional licence has effect, no person is to be supplied with alcohol on the club premises unless that person is
 - (i) a member of the club;
 - (ii) a person who is on the premises at the invitation of a member of the club and is accompanied by that member; or
 - (iii) a member of another members club.
- where a person referred to in sub paragraph (ii) above is supplied with alcohol on club premises when an occasional licence is not in effect, there is to be entered in a book kept for the purpose –
 - (i) the date in question;
 - (ii) the name and address of the person; and
 - (iii) the name of the member accompanying the person.

- correct accounts and books are to be kept showing the financial affairs and intromissions of the club;
- the club has to have at least 25 members to be properly constituted;
- no person is to be allowed honorary or temporary membership of the club or to be relieved of the payment of the regular entrance fee or subscription –
 - (i) except to allow temporary participation in the activity which is the prime purpose of the club; and
 - (ii) except in accordance with specific provision set out in the club rules.
- where a club obtains an extension of hours in connection with a football match, only members attending the football match shall be able to enter the premises during those extended hours.

14.3 The Board in terms of the regulations may issue in respect of club premises in any period of 12 months –

- Not more than 4 occasional licences each having effect for a period of 4 days or more, and
- Not more than 12 occasional licences each having effect for a period of less than 4 days

Provided that, in any period of 12 months, the total number of days on which occasional licences have effect does not exceed 56.

During any period when an occasional licence has effect the conditions of any premises licence are not to have effect.

14.4 Clubs must keep their constitutions updated and when revised, submit a copy of the revised constitution to the Clerk to the Licensing Board. Clubs must also ensure their constitution, accounts and entry book are available for inspection by the Licensing Standards Officer and the Police at all reasonable times.

14.5 In the event that Clubs decide not to hire appropriate and professional door stewarding, they will be responsible for stewarding access to and from the

premises. The Club Committee should be aware of their responsibilities in this regard and the consequences of failing to adequately monitor access and egress from the premises.

- 14.6 Members' clubs will be subject to the same provisions regarding access by children and young persons as other licensed premises. They will require to specify in their Operating Plans whether or not it is proposed that children and young persons are to be allowed entry to the premises, and, if so, to specify the terms, to include the times, the ages of such children and young persons and the parts of the premises to which they could be permitted access. Any conditions regarding access by children and young persons may be attached by the Board.

15. EXCLUDED PREMISES - GARAGES

15.1 Some premises are excluded from authorising the sale of alcohol including premises or parts of a premise used as a garage. Such premises are used as a garage if there is (a) sale by retail of petrol or derv (diesel), (b) the sale of motor vehicles, or (c) the maintenance of motor vehicles.

15.2 However, where those premises or parts of premises are used for sale by retail of petrol or derv, alcohol may be authorised to be sold in some circumstances. Alcohol may be sold where the Licensing Board determines that in relation to such premises persons resident in the locality are, or are likely to become, reliant to a significant extent on the premises as the principal source of (a) petrol or derv, or (b) groceries.

15.3 In determining an application for such a premise, the Licensing Board expects the applicant to provide sufficient information to enable the Board to consider:

- (i) the locality in which the premises are situated,
- (ii) what other sources of (a) petrol or derv and/or (b) groceries are in that locality, and
- (iii) the extent to which persons resident in that locality are, or are likely to become, reliant on the premises as the principal source of (a) petrol or derv, or (b) groceries.

15.4 Factors the Licensing Board may consider include:-

- the number of premises selling petrol or derv or groceries in the locality;
- the distance to the nearest other premise selling petrol or derv or groceries;
- the opening hours of other premises selling petrol or derv or groceries in the locality;
- the number and/or percentage of persons resident in the locality who are, or are likely to become, reliant on the premises and,
- to what extent, as the principal source of (a) petrol or derv, or (b) groceries, with particular reference to weekly groceries rather than convenience goods.

15.5 Taking into account the licensing objectives as set out in section 4 of the Act of (a) preventing crime and disorder, (b) securing public safety, (c) preventing public nuisance (d) protecting and improving public health and (e) protecting children and young persons from harm, and therefore the public health messages on the danger of drinking and driving, the Licensing Board, will impose conditions in relation to a garage which is not an excluded premise that all payments for fuel will be made separately from payments for alcohol either (i) through the use of different buildings or (ii) by payment of fuel from outside the premises or part of premises through a payment window without fuel customers entering the premises. The Licensing Board will also require the premises to have signage, the size, content and location of which it deems appropriate of that payment arrangement. The foregoing conditions will not apply when the Licensing Board is satisfied that it is not appropriate to impose such conditions.

16. OUTDOOR AREAS

16.1 The Licensing Board recognises that outdoor licensed areas provide an enjoyable experience for customers. However, the Board also recognises the need to balance the use of such areas with the needs of local residents to ensure that such areas will not cause disturbance or nuisance to the occupiers of other premises in the locality. Where an applicant proposes seating, tables or other facilities in any outdoor area (whether covered or not), the Board will assess the suitability of such an 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.

16.2 Where applicants for Premises Licence or variation propose within their Operating Plan to provide an outside drinking area, or to do so under an Occasional Licence, the Licensing Board will expect the applicant to have regard to the need to ensure that the use of such areas will not cause disturbance or nuisance to residents or occupiers of other premises in the locality.

The Board's general policy is that there shall be no consumption of alcohol in any outdoor area after 9pm. However, every application will be considered on its own merits.

17. ALCOHOL DELIVERIES

- 17.1 Section 108 of the Act contains a number of offence provisions relating to the delivery of alcohol to a child or young person where the alcohol delivery is made or accepted by a person under 18 years of age who works in a paid or unpaid capacity involving alcohol deliveries.
- 17.2 The Act sets out certain requirements in relation to the information to be recorded in relation to an alcohol delivery, including the quantity, description and price of the alcohol and the name and address of the person to whom it is to be delivered.
- 17.3 The following requirements, in addition to those set out in the Act are necessary to provide for the effective regulation of alcohol deliveries and to ensure that there are similar safeguards to those applied to alcohol sold directly to a member of the public in licensed premises:
- The Challenge 25 Policy for the premises must be implemented at the point of delivery and strictly adhered to; Documentation presented as verification of age requires to be of a type prescribed in the Licensing (Scotland) Act as suitable for that purpose;
 - If Premises use a third party to deliver alcohol, then it is the premises licence holder's responsibility to ensure that the third party follows the Challenge 25 age verification process when delivering alcohol.
 - An order register must be kept on the premises containing details of the items ordered/despatch, with details of when the order was placed and when the alcohol was despatched.
 - A delivery/refusal register requires to be kept on the premises containing details of the items orderd/despatched, with details of when the order was placed and when the alcohol was despatched
 - Information must be provided to customers at the point of order that alcohol will only be delivered to a person aged 18 or over, subject to the terms of section 108 of the Act;
 - Licence Holders should take all reasonable steps to ensure that the person delivering the appropriate training on the application of the Challenge 25 Policy, and in particular on procedures relating to requesting age verification documentation; and

- Licence Holders should take all reasonable steps to ensure that the person delivering alcohol has been given appropriate training to mitigate the risk of alcohol being delivered to a person who is drunk,
- No delivery of alcohol should be left unattended or with children or young persons where there is no adult available to accept delivery.
- No delivery of alcohol should be left with anyone who is visibly intoxicated or drunk and Licence Holder should take all reasonable steps to ensure that the person delivering the alcohol has been given appropriate training to mitigate the risk of alcohol being delivered to a person who is drunk.
- Delivery of alcohol must only take place within the off-sale hours permitted by the operating plan and must not take place during any hours prohibited by the Licensing (Scotland) Act 2005.
- Deliveries containing alcohol should only be permitted when delivering with food unless the licensed premises is a dedicated off sales premises.

18. PERSONAL LICENCES

When considering an application for a personal licence, the Board will work closely with the police to establish whether the applicant has been convicted of any relevant or foreign offence (which will be set out in Regulations).

Where the police have advised that the applicant has an unspent conviction for a relevant or foreign offence, the Board will consider whether the application should be refused under the Act. In making a decision the Board will have regard to the seriousness and age of the conviction along with any other circumstances it considers to be relevant.

19. LICENSING STANDARDS OFFICERS

A Licensing Standards Officer has been employed by Inverclyde Council and has the functions set out in the Act. Their role will be (i) to ensure that licence conditions are complied with, (ii) to investigate allegations of unlicensed activities, (iii) to investigate complaints and (iv) to provide an information, guidance and mediation service. They will also be a member of the Licensing Forum for the Inverclyde area.

The Licensing Standards officer will work with the public, the Council's partners and the business community in seeking to promote the licensing objectives and ensuring compliance with the law.

Resources will be targeted towards high-risk premises and activities that require greater attention, whilst a lighter touch will be provided in respect of low-risk premises which are well operated.

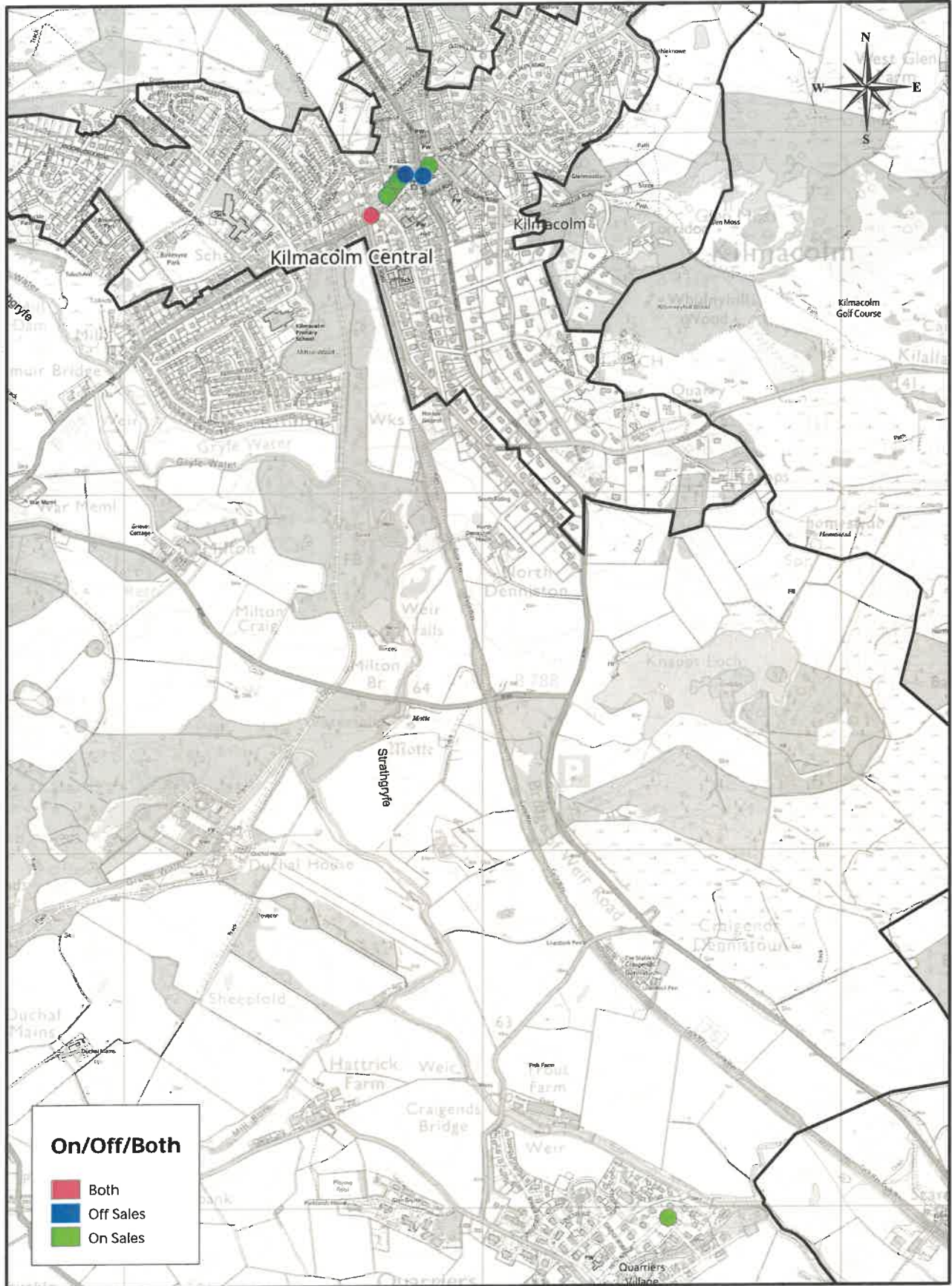
When a matter is submitted to the Board by the Licensing Standards Officer, it is expected, except in the most serious cases, that attempts will already have been made to address the matter through advice, mediation and negotiation. It is therefore envisaged that very few such cases will need to be submitted to the Board. However, it should be appreciated that in appropriate cases the Board will not hesitate to use its powers to revoke or suspend a licence notwithstanding that this may have a detrimental impact on the business.



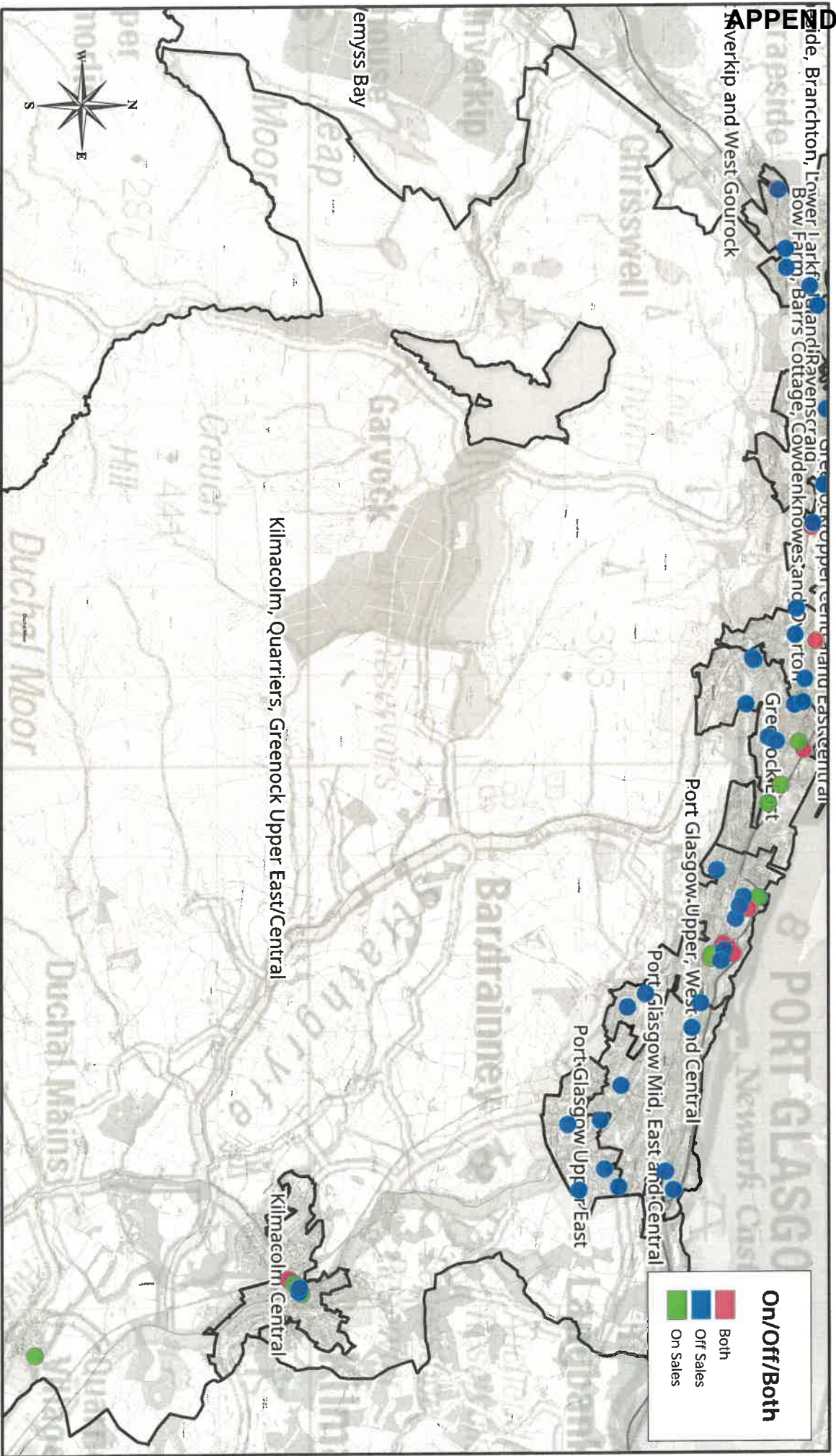
INVERCLYDE LICENSING BOARD AREA

Locality Areas in Inverclyde within Inverclyde Licensing Board Area:

1. Bow Farm, Barrs Cottage, Cowdenknowes and Overton;
2. Braeside, Branchton, Lower Larkfield and Ravenscraig;
3. Gourock Central, Upper East and IRH;
4. Gourock East, Greenock West and Lyle Road;
5. Gourock Upper and West Central and Upper Larkfield;
6. Greenock East;
7. Greenock Town Centre and East Central;
8. Greenock Upper Central;
9. Greenock West and Central;
10. Inverkip and Wemyss Bay;
11. Kilmacolm Central;
12. Kilmacolm, Quarriers, Greenock Upper;
13. Lower Bow, and Larkfield, Fancy Farm, Mallard Bowl;
14. Port Glasgow Mid, East and Central;
15. Port Glasgow Upper East;
16. Port Glasgow Upper, West and Central;
17. West Braeside, East Inverkip and West Gourock



Licences - Kilmacolm, Quarriers, Greenock Upper East/ Central



On/Off/Both
 Both
 Off Sales
 On Sales

Inverclyde
 council

Environmental & Public Protection
 Municipal Buildings
 Coyne Square
 GREENOCK
 PAIS 4LY

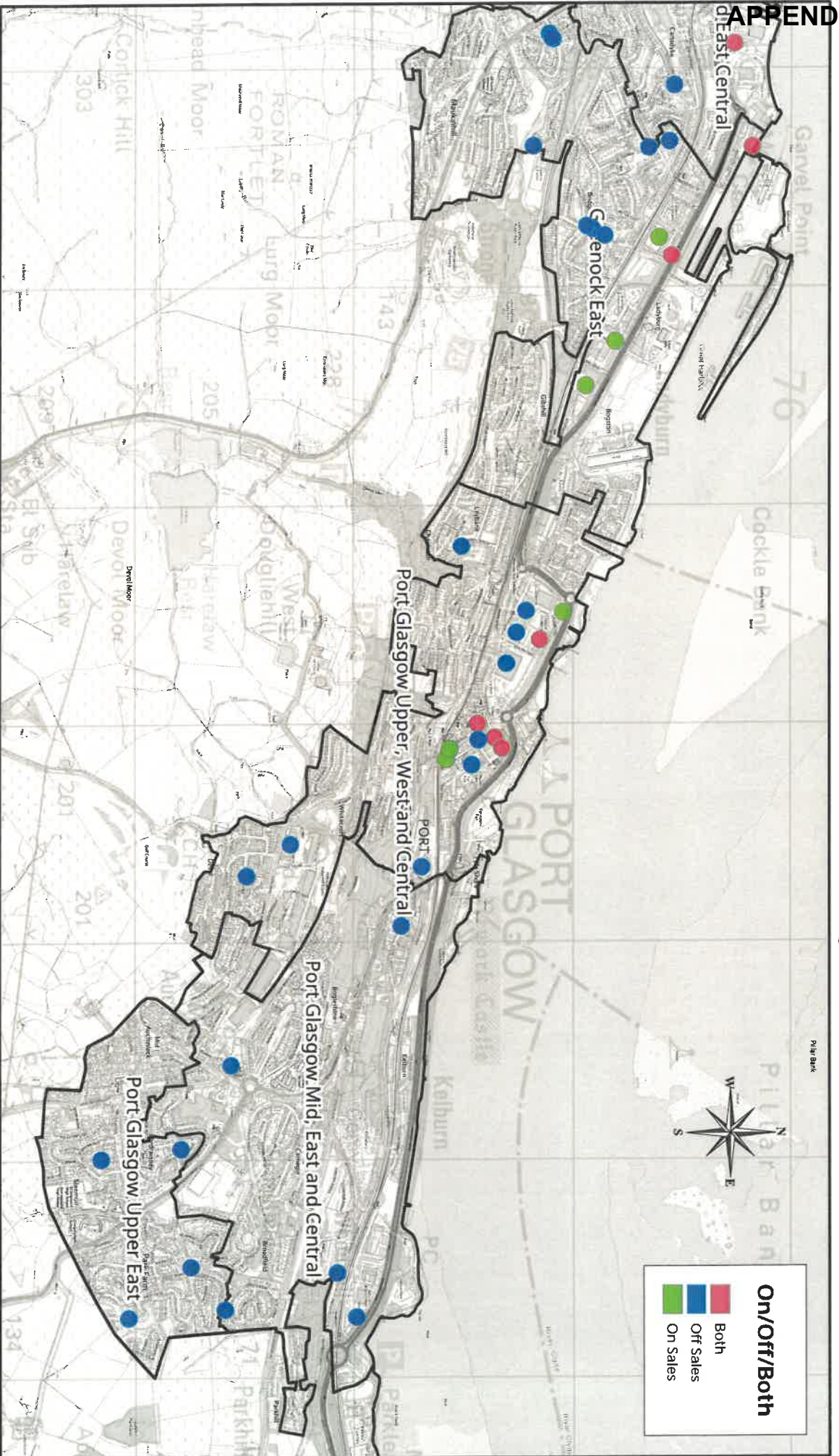
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 public.protection@inverclyde.gov.uk

Scale: 1:60000

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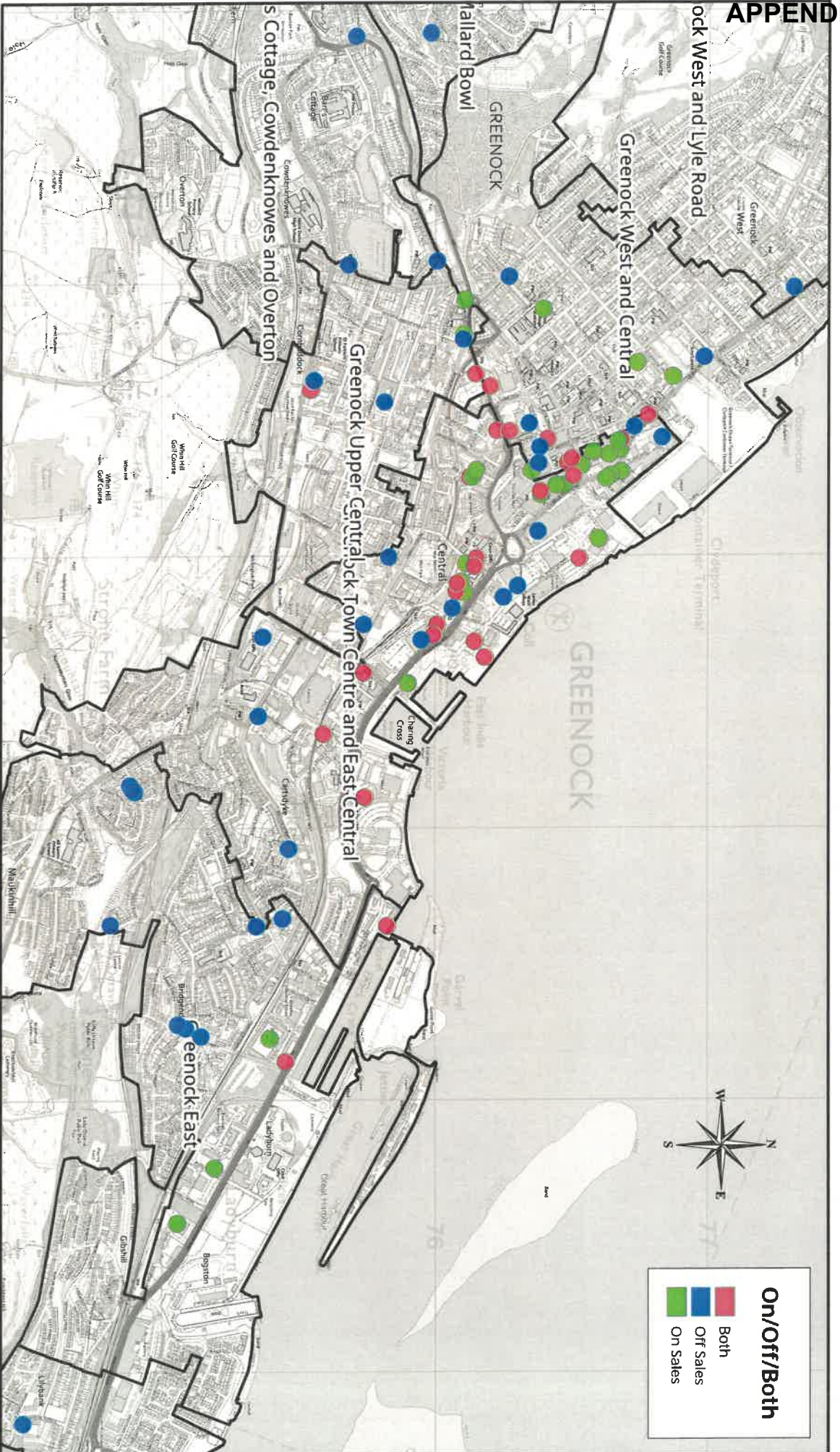
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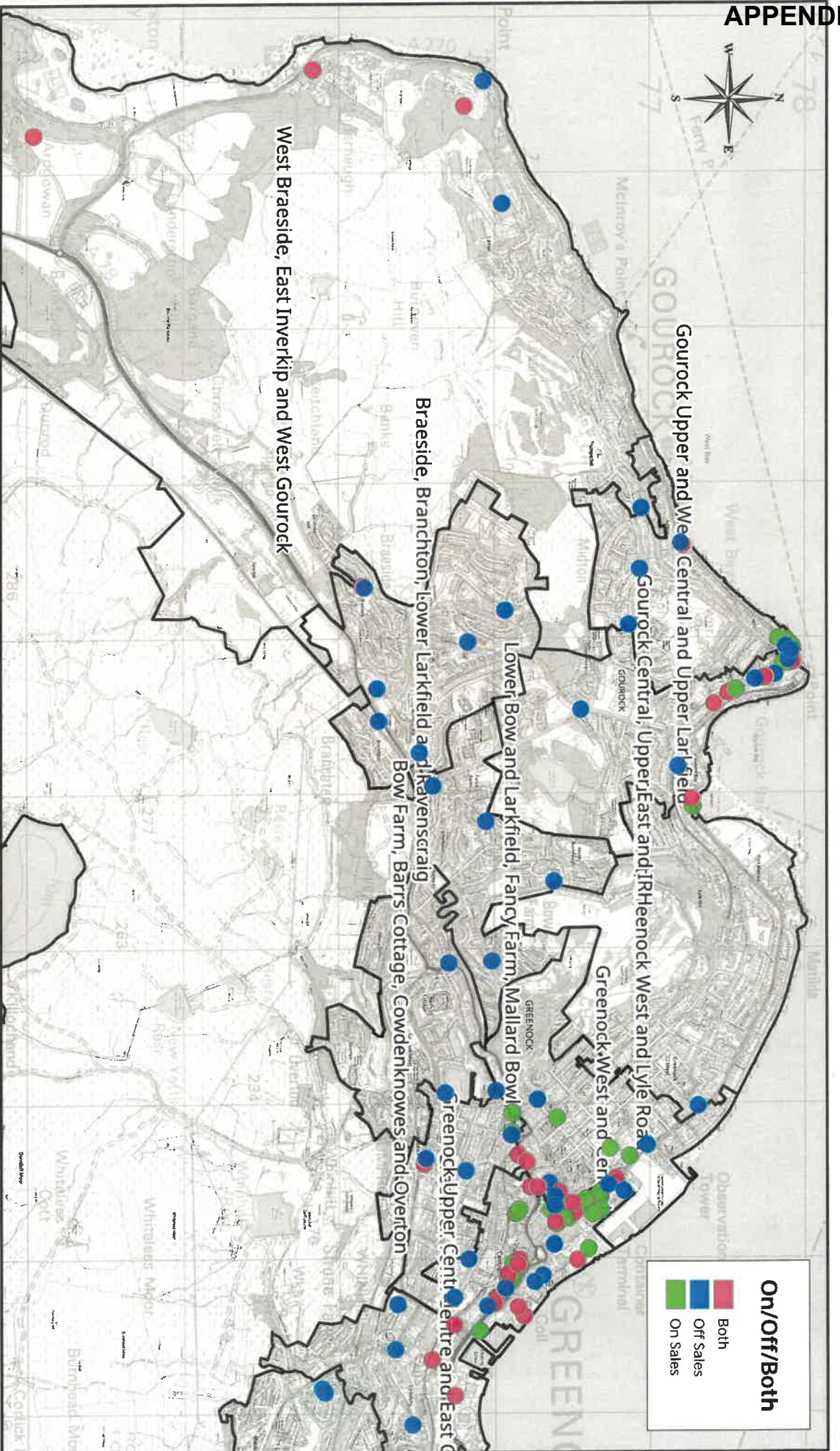
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Civic Centre
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PAISLEY

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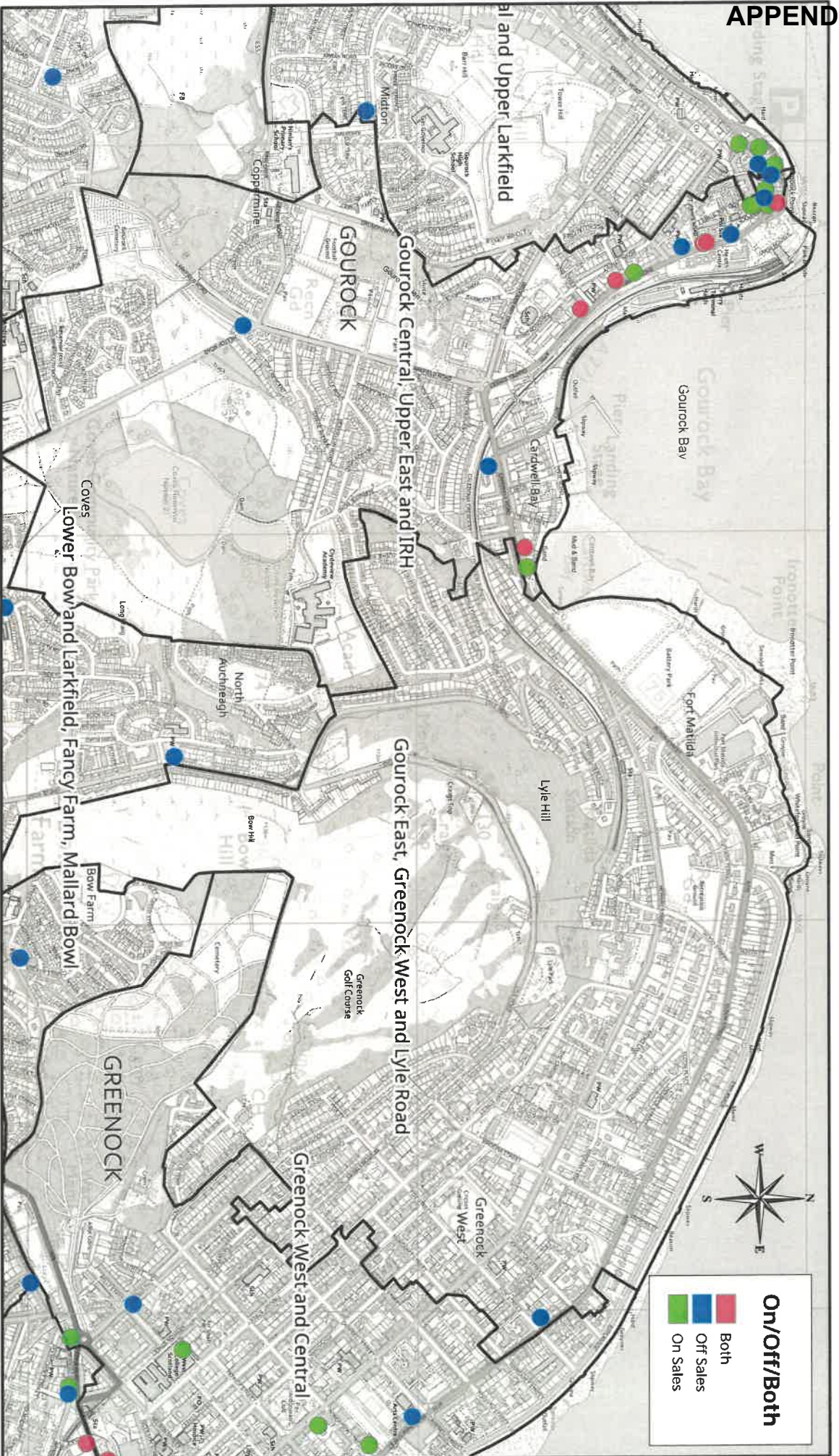
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Licences - Gourock East



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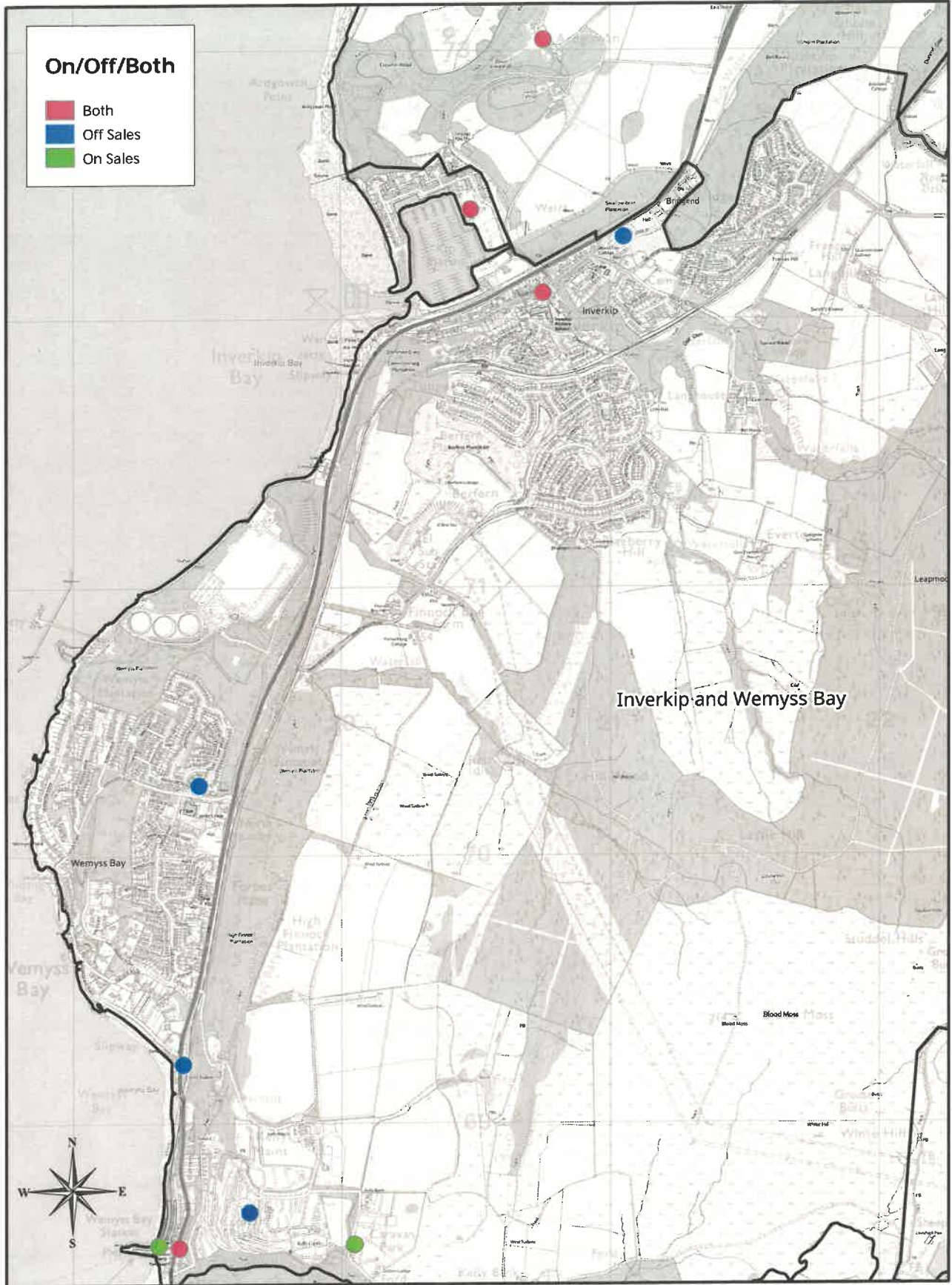
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