

**REVIEW OF STATEMENT OF LICENSING
POLICY 2018-2022**

The comments below set out the Board's reasoning in response to each of the areas of the policy covered by the Forum's formal consultation response: -

1. Overprovision-

Prior to the Board deciding upon its localities for the purposes of the formal consultation, an informal consultation was carried out (between December 2017 and February 2018). In response to this initial consultation, the Convener of the Forum had responded in an individual capacity, suggesting that the Board consider an extended Paisley Town Centre area as a locality for the purposes of the formal consultation. At the Board's meeting on 11th May 2018, the Board considered this proposal, as well as a different proposal from Police Scotland which asked the Board to continue to declare the existing Paisley Town Centre area as a locality. The Board had available to them, at that meeting, maps showing each of these areas, with details as to the numbers, capacities and licensed hours in each of the proposed areas. The Board, after considering each of the proposed localities, preferred the submission of Police Scotland that the existing area of Paisley Town Centre should be considered a 'locality' for the purposes of the formal consultation.

The Forum's response to the subsequent formal consultation suggested extending this identified locality for the purposes of assessing overprovision. However, the Board had regard to recent case law which stated that the Board should identify any localities prior to the formal consultation. The Board had identified the locality (the area covered by the Board's previous policy), as stated above, at its meeting of 11th May and this was the area on which views had been requested from the numerous consultees. Those consultees had not therefore expressed views on any extended area. The Board were of the view that any consideration of further areas in relation to overprovision would require a future consultation exercise.

The Board considered detailed information on the numbers, capacities and licensed hours of the licensed premises in the locality and were satisfied that there continued to be overprovision in this locality in relation to "liquor or pub type premises" (as defined in the previous policy), excluding hotels, restaurant and nightclub premises. The Board were not persuaded by the terms of the Forum's submission that there was overprovision of all licensed premises types in the area.

2. Licensing Objectives-

The Board agreed with the Forum that further control measures should be adopted within the policy in relation to door supervisors being identifiable by wearing high-visibility clothing and them being instructed to encourage persons leaving premises to do so in an orderly fashion without causing disturbance.

The Board did not agree that CCTV should be required as a condition of licence for new licensed premises. The Board were aware in this regard that the Information Commissioner's Office (ICO) advise against a blanket requirement to install CCTV in licensed premises. A copy of the ICO's guidance note is available at the link below for the Forum's information:

https://ico.org.uk/media/for-organisations/documents/1565/ico_view_on_cctv_in_pubs.pdf

In relation to imposing a CCTV requirement as a licence condition at review hearings, the Board were of the view that this would require consideration of the circumstances of an individual review, as any variation of licence at a review hearing would require to be proportionate and necessary/ appropriate for the licensing objectives.

3. *Children's Access-*

The Board considered the Forum's suggestion in relation to specifying children's hours of access. However, they did not agree that this would achieve a standardised time for access by children and young persons to all premises, as any change in policy would not alter the times they access any existing licensed premises with children and young persons' access. The Board were of the view that the existing policy allowed consultees to raise their concerns about individual licence applications, with any new application for grant or variation (which sought an increase in children and/or young persons' access) requiring to be considered by the Licensing Board at a meeting. The Board were of the view that, irrespective of any policy agreed on access, they would still require to consider any requests for exceptions to that policy. The Board were, in any event, aware that, in relation to a number of recent applications, children and young persons' access had been restricted by the Board, when considering applications, and by Board Members, when considering occasional licence applications.

4. *Licensing Hours-*

The Board noted that the Forum proposed no change to the current policy in relation to the commencement or terminal hour of licences. The Board agreed that the current policy on licensed hours should continue.

5. *Enforcement-*

The Board agreed to include more information in relation to the role of the Licensing Standards Officers, as proposed in the Board's consultation document ("Issues Paper"). This proposal had been supported by the Forum.

6. *Alcohol Deliveries-*

The Licensing Board agreed to introduce the licence conditions in relation to deliveries of alcohol set out in the "Issues Paper", which the Forum supported, with the exception of the condition that alcohol deliveries be accompanied by a delivery of food. The Board considered the formal consultation responses received to this suggested condition, including the response received from the Scottish Grocers' Federation which did not favour this particular condition. While the Board noted that there was some support for this condition from other consultees, they were of the view that there was no general requirement for food to be sold with alcohol and that the proposed condition would therefore place a very specific restriction on deliveries. The Board

agreed in the circumstances that this condition should not be included within the terms of their policy.

The Board did however agree an additional condition that alcohol should not be left unattended or with children or young persons in the absence of an adult to accept delivery. This additional condition was agreed in light of concerns raised in the formal consultation responses from NHS Greater Glasgow and Clyde and Alcohol Focus Scotland.

7. Extended Use of Occasional Licences-

While the Board had set out in its Issues Paper possible changes to how repeated applications for occasional licences might be dealt with, the Board decided that the arrangements set out in the Board's previous Statement of Licensing Policy should continue.

While the Board understood the concern that premises might operate on the basis of repeated occasional licences for a significant period prior to obtaining their full premises licence, they were of the view that the terms of the 2005 Act required that these applications required to be granted in the absence of specific concerns raised by objectors, Police Scotland and the Licensing Standards Officers. The 2005 Act gave Boards no discretion to refuse such applications.

The Board were of the view that, were concerns to be raised in respect of particular premises, then an application for an occasional licence would already require to be considered at least by two Licensing Board Members and, potentially, by the full Licensing Board. As such, there appeared to be little benefit in requiring applications to be referred to Members or the full Licensing Board in the absence of adverse comments, where the only option open to Councillors would be to grant these applications.