

**SOUTH LANARKSHIRE LICENSING DIVISION  
NO.3 (HAMILTON)**

**LICENSING (SCOTLAND) ACT 2005**

**STATEMENT OF LICENSING POLICY**

**This Statement will be kept under review and will be  
Subject to ongoing consultation**

**..... November 2007 – November 2010 .....**

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## FORWARD

1. Section 6 of the Licensing (Scotland) Act 2005 (the Act) requires all licensing authorities such as the South Lanarkshire Licensing Division No 3 (Hamilton Area) (the board) to publish every three years a statement of licensing policy (the policy). This statement fulfils that statutory requirement for the board.
2. Prior to the publication of this policy, the board consulted with:
  - the local licensing forum for the board area
  - such other person or persons who appear to the board to be representative of holders of licences
  - the Chief Constable of Strathclyde Police
  - persons having functions relating to health, education and social work and young people
  - persons resident within the licensing forum's area and
  - such other persons as the board thinks appropriate
  - community Councils for the Board area.
3. This policy has been drawn up at a time when publication of some regulations is still awaited. It will require to be updated in light of those regulations and of the definitive guidance still to be issued by the Scottish Executive.
4. The Council's Licensing Standards Officers, referred to at paragraph 12 of this policy, may be contacted at:  
  
by email: [dlr@southlanarkshire.gov.uk](mailto:dlr@southlanarkshire.gov.uk)  
by telephone: 08457 406080  
by fax: 01698 454810  
in writing: District Court, Licensing & Registration  
Montrose House  
Montrose Crescent  
Hamilton  
ML3 6LB
5. The Board adopted this policy on 26 November 2007.

## SECTION A – GENERAL

### 1 Introduction

- 1.1 The South Lanarkshire Licensing Division No 3 is the licensing authority for the purposes of the Licensing (Scotland) Act 2005 and is responsible for granting:

premises licences  
occasional licences  
temporary licences  
provisional licences  
personal licences  
variations of licences  
transfers of licences  
extensions of licensing hours

in the area which it covers in respect of:

- the sale of alcohol by retail;
- the supply of alcohol in members' clubs.

- 1.2 South Lanarkshire Licensing division 3 – Hamilton area is one of four divisions of South Lanarkshire Licensing Board.

South Lanarkshire is the fifth largest of Scotland's council areas, with a population of 302,216 (2001 census) living in an area of 700 square miles. It is a varied area, with heavily populated towns and extensive rural areas. Although the Council has 67 councillors rather than one councillor for each ward there are multi member wards comprising either 3 or 4 councillors.

South Lanarkshire Licensing Division No. 3 (Hamilton area) has the following membership:

Jean McKeown (Chair)	Bobby Lawson
Hugh Dunsmuir (Depute)	Jim McGuigan
Jackie Burns	John Murray
Andy Carmichael	Bert Thomson
Graeme Horne	

All members of the Licensing Board are Councillors.

- 1.3 There has been a relatively constant number of premises requiring licences over the last few years.

Under the present legislation, the current number of premises holding licences/certificates which permit the sale/supply of alcohol is as follows, but the figures can only give an indication of the position at the time of drafting this policy:

- public house licences – 111
- restaurant licences – 19
- off sales licences – 100
- hotel licences – 11
- refreshment licences – 1
- restricted hotel licences - 3

- regular extensions – 126
- occasional permissions – 122
- occasional licences – 314
- occasional extensions – 2073
- club registration certificates – 42
- entertainment – 10

1.4 The board has a duty under the Act to carry out its various licensing functions with a view to promoting the five licensing objectives. These are:

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

The pursuit of these five objectives is a principal feature of this board's policy. The Board will consider all applications on their merits within the context of this Licensing Policy Statement.

1.5 The Act further required that the Board publishes a statement of licensing policy which sets out the policies the board will generally apply to promote the licensing objectives when making decisions on applications.

1.6 The board is required to have regard to the guidance issued by the Scottish Executive and to consult with:

- the local licensing forum for the board's area
- such other person or persons who appear to the board to be representative of holders of licences
- the Chief Constable of Strathclyde police
- persons having functions relating to health, education, social work, young people
- persons resident within the licensing division's area and such other persons as the board things appropriate.

1.7 This policy has been prepared in accordance with the provisions of the Act. It takes effect on 30 November 2007 and will remain in force for a period of not more than 3 years. It will be subject to regular review and further consultation prior to October 2010. If necessary the board will prepare and publish supplementary statements of licensing policy.

1.8 It should be recognised that this policy covers a wide variety of activities and premises and cannot provide for every eventuality but seeks to detail those factors and the board's policies which will influence the achievement of the objectives.

1.9 This policy does not seek to prevent any individual applying under the terms of the Act and to have such an application considered on its individual merits. It does not seek to override the right of any person to make representations on an application or to seek a review of a licence where provision has been made for this in the Act.

## **2 CONSULTATION**

- 2.1 In developing this policy, the board will consult widely and give due consideration to the views of all those who respond to the consultation process. There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration in the promotion of the licensing objectives. The board will also consult those involved in and responsible for its local strategies on crime prevention, planning, transport, culture, tourism and economic development.
- 2.2 In determining a licence application, the overriding principle to be adopted is that each application will be determined on its merits. Any conditions which are imposed will be tailored to the individual application.
- 2.3 The board will avoid duplication with other regulatory regimes and will not use its powers under the Licensing (Scotland) Act 2005 to arrive at outcomes that can be achieved under other legislation or by other enforcement agencies. Therefore licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public.
- 2.4 In particular, the board's licensing functions will be discharged separately from the South Lanarkshire Council's functions as the local planning authority. The board recognises that planning and licensing regimes are separate and that the processing of licensing applications should be an exercise distinct from the processing of planning applications. The board as the licensing authority will not be bound by decisions made by the South Lanarkshire Council as the local planning authority. Applicants for licences are reminded that planning permission may be required for certain uses and that planning consents may carry conditions.
- 2.5 It is appropriate that planning permission is obtained first, or alternatively that an appropriate certificate has been obtained in terms of the proposed activities and trading hours.
- 2.6 The formulation of this policy will involve consultation with the South Lanarkshire Licensing Forum for the Hamilton area which will keep under review the operation of the Act in this board's area and will advise and make recommendations to the board as appropriate. The board will have regard to any advice given or recommendations made to it or give reasons where it felt it was inappropriate to do so. To ensure proper communication with the South Lanarkshire Licensing Division (Area 3) Licensing Forum, the board may provide reports to it from time to time to enable it to have regard to the detail of such matters when deliberating.
- 2.7 All premises for which a licence is being sought will be expected to comply so far as is reasonably practicable with the building standards requirements in force at the time of their construction, or at the time of any alteration. This is particularly relevant in respect of the licensing objectives relating to public health and public safety. Where construction work is proposed or completed, the applicant should be able to produce appropriate certificates issued by the local authority.
- 2.8 There is considerable overlap between the licensing regime and the wider health & safety regulatory regimes. Many specific licensing requirements

relate to matters potentially affecting public health and public safety, two of the licensing objectives.

### **3 APPLICATIONS FOR LICENCES AND DISPOSAL OF BUSINESS**

- 3.1 When assessing applications for premises licences, the board must be satisfied that the measures proposed aim to achieve the five licensing objectives. Therefore, the board may require the applicant to satisfy them at a hearing that the application will be consistent with the five licensing objectives.
- 3.2 The board will expect individual applicants to address the five licensing objectives when applying for a premises licence. In certain circumstances the board may require the premises to demonstrate how the premises will be good neighbours to both residents and to other venues and businesses.
- 3.3 In respect of each of the five licensing objectives, the board will expect applicants to provide evidence that suitable and sufficient measures will be implemented and maintained, relevant to the individual style and characteristics of their premises and activities. The board may ask for information on what additional measures, if any, to be taken on an occasional or specific basis, such as when a special event or promotion is planned, which is likely to attract larger audiences.
- 3.4 Any premises licence application which fails to satisfy the requirements of Section 20 of the Act and any regulations made under the Act will not be accepted and will be returned to the applicant.
- 3.5 The board will deal with all of its business in an open and transparent manner. Information will be made available to those persons who wish to apply for a licence, to make representations or to lodge objections. The board is aware of the need to be accessible to all and assistance will be available on request to those who require any special arrangements to be made.

### **4 DELEGATION OF LICENSING FUNCTIONS**

- 4.1 It is the board's intention to provide a speedy, efficient and cost effective service to all parties involved in the licensing process.
- 4.2 Decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at ensuring timely, efficient and cost effective decision making.
- 4.3 The scheme will be made by the board in accordance with the Act. The scheme will set out decisions which may be made by the Clerk to the Board or his/her staff.
- 4.4 To ensure the board is aware of the nature and types of applications being granted under delegated powers, reports will be made to the board at regular intervals.
- 4.5 Unless there are justifiable reasons or, as provided in regulations made under the Act, the board will meet in public, although members may retire into private sessions to consider their decision.

## **5 NOTIFICATION OF APPLICATION, OBJECTIONS AND REPRESENTATIONS**

- 5.1 The board will give notice of each premises licence application it receives to those persons referred to in the Act, namely:
- each person with a notifiable interest in neighbouring land
  - any community council within whose area the premises are situated
  - South Lanarkshire Council
  - the Chief Constable of Strathclyde Police
  - Strathclyde Fire and Rescue Service.
- 5.2 The board expect the Chief Constable of Strathclyde Police to consider all applications and to give one of the statutory notices as appropriate, referring in particular to the crime prevention objective. The Chief Constable of Police may lodge an objection but only if a connection with serious organised crime is detected and the crime prevention objective is threatened.
- 5.3 The board will consider all relevant representations or objections from any person as defined in section 22 of the Act. Objections or representations which are regarded as frivolous or vexatious may not be considered and in the case of an application for the review of a licence if it does not disclose any matter relevant to any ground for review the board may reject it.
- 5.4 Any person may submit an objection or representation to the Board but any objection must relate to one of the 5 licensing objectives and relate to specific premises.

## **6 CONDITIONS ATTACHING TO LICENCES**

- 6.1 The board acknowledges the mandatory conditions laid down in Schedules 3 and 4 of the Act and is aware that other conditions have yet to be decided. Appropriate use will be made of all such conditions.
- 6.2 Where relevant representations are made, the board will make an objective judgement as to whether other conditions may need to be attached to a licence to achieve the licensing objectives. Any conditions arising as a result of representations will primarily focus on the impact of the activities taking place at the licensed premises, on those attending the premises and members of the public living, working or engaged in normal activity in the vicinity of the premises, and will cover matters that are within the control of the licence holder.
- 6.3 The board recognises that all applications should be considered on their own merits. Any condition attached to a licence will either be derived from the licence holder's operating plan, licensing board's own local knowledge, or as a result of a representation and will be tailored to each individual premises.
- 6.4 The board believes that it would be helpful, **but not essential**, for applicants to offer conditions which they consider are necessary to achieve the five licensing objectives.
- 6.5 If an applicant volunteers a prohibition or restriction in their operating plan because their own assessment has determined such prohibition or restriction

to be appropriate, such volunteered prohibition or restriction if accepted will become a condition attached to the licence and will be enforceable as such.

## **7 CONSIDERATION OF APPLICATIONS BY THE BOARD**

7.1 When considering any premises licence, the board will consider each application on its own merits. The board will take into account such matters including:

- the means of access to the premises, including the location and adequacy of customer entrances and exits, the provision of toilet facilities, the ventilation of the premises.

However, in the event of their being no representations or objections from the relevant body the board will assume that these issues comply with the appropriate regulation. The board will also take into account such matters including:

- 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
- whether children and/or young persons are to have access to the premises or parts of premises and under what conditions/ regulations
- the need for door supervisors
- any potential areas giving rise to crime, disorder or public nuisance and any proposed measures intended to reduce such potential.

7.2 Where it is possible to take steps to mitigate or prevent any potential impact the board may still be able to grant a licence subject to conditions; each case will be considered on its merits and appropriate advice will be sought by the board.

7.3 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 will also look at the measures proprietors put in place to mitigate the adverse impact.

## **8 OVERPROVISION**

8.1 The board must, in terms of section 7 of the Act, publish in this policy a statement on the extent to which it considers there to be overprovision of licensed premises or overprovision of licensed premises of a particular description in any locality within the board's area.

8.2 Since this duty will not come into force until 1 September 2009 the Licensing Board will issue and consult upon a draft statement in respect of this matter at a later date.

8.3 When preparing this proposed statement, the Licensing Board will as well as consulting with licence holders and persons resident in the locality, as required by section 7(4) of the Act, the board will consult more generally throughout its full area and will take into account all observations as part of its commitment to the wider alcohol agenda, including those submitted by South Lanarkshire Licensing Division (Area 3), Licensing Forum and building

standards officers from the Enterprise Team of South Lanarkshire Council will advise the board on capacity and seating.

- 8.4 Account will be taken of the type, size and capacity of premises and the board will pay close attention to licensed premises of particular descriptions, which have distinct styles of operation, recognising that they may have a greater impact on a local community.

## **9 OCCUPANCY CAPACITY**

- 9.1 The occupancy capacity of a premises is an important factor in the assessment of overprovision for the purpose of this policy statement. It is a factor in the ground of refusal of a premises licence on the basis of overprovision.

## **10 REVIEW OF PREMISES LICENCES**

- 10.1 A licence may be reviewed on the application of any person on the grounds specified in section 36 of the Act. A review will include consideration being given to the suspension, revocation or variation of a licence or alternatively to the issue of a written warning.

The grounds for review are:

- a) one or more of the conditions to which the premises licence is subject has been breached; or
- b) any other ground relevant to the licensing objectives.

- 10.2 If a premises licence review application does not disclose any matter relevant to any ground for review or if it is vexatious or frivolous the board may reject it.

## **11 OCCASIONAL GRANTS**

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

It may be applied for by:

- the holder of a premises licence
- the holder of a personal licence
  
- a representative of any voluntary organisation to cover a period of a maximum of 14 days.

- 11.2 Any applicant for such a licence should be aware of their responsibility, if necessary, to apply for a public entertainment licence issued under the Civic Government (Scotland) Act 1982, where appropriate.
- 11.3 The board recognises the right of any person to object to an application for an occasional licence in terms of section 58 of the Act.
- 11.4 The grant of an occasional licence is subject to the mandatory conditions laid out in schedule 4 to the Act.

- 11.5 Event organisers are encouraged to provide as much notice of their event as possible to the board and the Chief Constable of Police but no later than 28 days before the event is due to take place.
- 11.6 Extended hours applications allow for an occasional extension of licensed hours and operate only for a period of up to one month. If the board receives a number of applications to extend licensed hours it will expect the applicant to consider whether an application should be made to vary the premises licence, by adjustment of the operating plan.
- 11.7 The board may decide under section 67 of the Act to extend licensed hours to enable premises to remain open longer for certain special occasions. The board prior to reaching its decision will request observations from the Chief Constable of Strathclyde Police and from other relevant parties on the issues of crime prevention and public safety. The board will notify the Chief Constable of Strathclyde Police, holders of licences and other relevant parties of its decision and will take appropriate steps to publicise the determination as widely as possible.

## **12 LICENSING STANDARDS OFFICERS**

- 12.1 South Lanarkshire Licensing Division (No. 3) will employ a licensing standards officer (LSO) which will be shared with the other South Lanarkshire Licensing Divisions. Licensing standards officers will investigate allegations of unlicensed activities, ensure that licence conditions are complied with and provide information and guidance and a mediation service. The licensing standards officers will be based within the Legal Services division of Corporate Resources and may be contacted as noted at paragraph 6 of the preamble to this policy.

There is a firm commitment to ensuring that the LSOs are fully trained as early as possible and they will be given all assistance necessary to ensure that they are able to carry out their functions efficiently and effectively including participating as members of the South Lanarkshire Licensing Division (Area 3) Licensing Forum.

- 12.2 Resources will be targeted towards high-risk premises and activities that require greater attention. A lighter touch will be applied to those premises which are low-risk i.e. are shown to be well managed and maintained.
- 12.3 South Lanarkshire Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a level playing field. The enforcement of the licensing regime is one of these services. The council and therefore the board has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the board is committed to the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 12.4 The board recognises the interests of both citizens and businesses and will work closely with its partners, to assist licence holders to comply with the law and the five licensing objectives it seeks to promote. Proportionate but firm action will be taken against those who commit offences.

- 12.5 The board expects enforcement agencies to adopt a similar approach and will seek to work actively with them to enforce the licensing legislation. In particular the board anticipates cooperation with the police and to share information where appropriate in order to enhance the promotion of the five licensing objectives.

### **13 MANAGEMENT OF LICENSED PREMISES**

- 13.1 Within the operating plan for premises on which alcohol will be sold, a premises manager must be specified. The board expects the premises manager to have the day to day responsibility for running the premises and to be present at the licensed premises on a regular basis when alcohol is being sold. The premises manager must have in place appropriate arrangements for monitoring.

- 13.2 The premises manager must hold a personal licence.

- 13.3 Premises with Restricted Sale of Alcohol  
Some businesses only supply restricted types/volume of alcohol. For example, florists only supplying champagne or wine or stores only supplying alcohol in gift sets.

The Board may consider, if appropriate, after having considered the circumstances of each case imposing conditions to ensure these restrictions are adhered to.

- 13.4 Disabled Facilities  
[While the board appreciates these matters are covered by separate legislation and other regulatory regimes it would anticipate that appropriate disabled facilities should be provided on the premises to ensure compliance with the legislation covering disabled persons and disabled facilities.](#)

- 13.5 Condition of Premises  
Licensees 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.

- 13.6 Litter and Waste Management  
Licensees are expected to have a suitable litter and waste management programme in place to ensure that the area outside the premises are kept free of litter at all times including cigarette butts and waste including human waste.

- 13.7 Smoking  
While the Board welcomes the legislation prohibiting smoking in enclosed public places it appreciates that 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. Licensees and their staff are expected to have sufficient measures in place to prevent such problems arising.

- 13.8 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 licensees to make use of these. Where used, such systems must be kept in proper working order at all times, all licensees and staff must be able to operate the system, and images should be kept for at least one month and made available to Strathclyde Police on request.

#### 13.9 Team Colours

The wearing and displaying of team colours, particularly football colours, by licensees, staff and patrons can be a factor leading to crime and disorder or public nuisance. Licensees are expected to demonstrate how they will deal with such issues.

#### 13.10 Radiolink & Pubwatch

In those areas where it is available, Radiolink and Pubwatch can be of assistance to licensees and their staff in preventing crime and disorder and undue public nuisance. The Board supports the use of such schemes and would encourage licensees to join these in areas where this is available.

#### 13.11 Dispersal of Customers

Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol. Licensees should ensure that they and their staff have sufficient measures in place to ensure customers exit the premises as quickly as possible, in good order and as quietly as possible.

#### 13.12 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.

### **14 PERSONAL LICENCES**

14.1 Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence.

14.2 The board will grant a personal licence if it is satisfied that the applicant:

- is over 18 years of age
- possesses a relevant licensing qualification
- has not had revoked in the previous five years, ending with the day on which the application was received, a personal licence
- has not been convicted of any relevant offence or foreign offence.

14.3 The board will give notice of any personal licence application to the Chief Constable of Police, who may give notice to the board in one of the forms laid out in section 73 of the Act. The board will consider carefully whether it can be satisfied that the grant of a licence is necessary for the purposes of the crime prevention objective. It will consider the seriousness and relevance of any conviction, the period that has elapsed since the offences were

committed and any mitigating circumstances. If not so satisfied the board will refuse the application.

## 15 LICENSED HOURS and EXTENDED HOURS

15.1 While each application is dealt with on its own particular merits, the Licensing Board intends to introduce the following policy on licensing hours. Any application which seeks licensed hours outwith the Board's policy will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances.

15.2 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 10am to 10pm 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.

15.3 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) the Licensing Board considers the commencement of the sale of alcohol shall be no earlier than 11 am (Monday to Saturday and 12.30 pm Sunday).

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 and that mandatory conditions specified by Regulation apply to those premises opening after 1am, 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.

On-sales premises or parts of premises where the supply of alcohol for consumption is ancillary to a table meal taken by persons within the premises and premises offering no significant entertainment facilities i.e. those premises or parts of premises where the provision of alcohol is the principle activity and significant entertainment facilities are not provided. For clarification purposes this would include former restaurants and public houses.

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	11am to 11.45pm	11am to 11.45pm	11am to 11.45pm	11am to 11.45pm	either a Friday or a Saturday of each week 11am to 1am with the remaining day either the Friday or Saturday from 11am to 11.45pm		12.30pm to 11.45pm

- 15.4 Premises offering significant entertaining in function rooms : Members clubs  
Premises or parts of premises which ordinarily fall under “Premises offering no significant entertainment facilities” but which have a separate function room (i.e. a function room with a separate entrance).

Entertainment/functions considered acceptable for this purpose included dances, discos, dinner-dances, wedding receptions and parties where a disco or band is provided. Entertainment/functions not considered acceptable for this purpose include darts, dominos or pool competitions or karaoke evenings where there is no significant entertainment. Where live entertainment is not an integral part of the function then this would also not be acceptable, eg background piano music.

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	11am to 1am	11am to 1am	11am to 1am	11am to 1am	11am to 1am	11am to 1am	12.30pm to 1am

- 15.5 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.

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	11am to 3am	11am to 3am	11am to 3am	11am to 3am	11am to 3am	11am to 3am	12.30pm to 3am

- 15.6 Festive Trading

The Board has an existing practice of permitting longer licensed hours over the Festive period, and that will continue to be the case. The Festive period, and the hours of trading for the purpose of this aspect of the policy, will be determined by the Board on an annual basis.

- 15.7 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 one month.

Where the hours sought fall outwith 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.

## **16 SPECIAL ISSUES : Outside Areas**

- 16.1 When applicants propose to provide outside seating, tables or other facilities in any outdoor area, whether covered or not, regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. These areas should be shown on the required plan of the premises and will be taken into account in the overall assessment, particularly in relation to exits and sanitary facilities. The board may introduce additional conditions relating to the outdoor seating area or any area covered with a canopy. Each individual application will be decided on its own merits.

## **17 SPECIAL ISSUES : Members Clubs**

- 17.1 Members Clubs are currently authorised to supply alcoholic liquor by a certificate of registration granted by the Sheriff. With some exceptions, members clubs will be regulated under the Licensing (Scotland) Act 2005. To authorise the sale of alcohol on the premises, a premises licence will be necessary.
- 17.2 Members clubs are non-profit making with a constitution and limited access to members of the public. Each club in submitting an application for a premises licence should also submit a copy of its current constitution.

The Board expects clubs to reflect certain operational requirements in their constitution and may impose conditions on a premises licence to that effect on the following matters (though not limited to):-

- that the business and affairs of the club shall be under the management of a committee or governing body who shall be elected for not less than one year by a general body of members;
- that the committee or governing body shall hold periodic elections and meetings;
- that correct accounts and books shall be kept showing the financial affairs and intromissions of the club;
- that no member of the committee or governing body and no manager or staff employed in the club shall have any personal interest in the sale of alcoholic liquor in the premises or in the profits arising from;
- that there shall be a definable subscription payable in advance by members of the club;
- that no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the constitution; and
- that a maximum of 3 visitors per member shall be permitted in the club premises provided they are signed into the club by that member into a book kept for that purpose by the club.

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.

## **18 SPECIAL ISSUES : Excluded Premises – Garages**

- 18.1 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 diesel, (b) the sale of motor vehicles, or (c) the maintenance of motor vehicles.
- 18.2 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 diesel, or (b) groceries.
- 18.3 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 diesel 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 diesel, or (b) groceries.
- 18.4 Factors the Licensing Board may consider include:-
- the number of premises selling petrol or diesel or groceries in the locality;
  - the distance to the nearest other premise selling petrol or diesel 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 diesel, or (b) groceries, with particular reference to weekly groceries rather than convenience goods.

## **SECTION B – LICENSING OBJECTIVES**

### **19 Overview**

- 19.1 The following sub-sections set out the board's policy relating specifically to the five licensing objectives:
- preventing crime and disorder
  - securing public safety
  - preventing public nuisance
  - protecting and improving public health
  - protecting children from harm.
- 19.2 In each section relating to the objectives, the board has defined its intended outcome. Each section lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. Applicants will know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and the licensable activities for which they are seeking a licence.
- 19.3 The board considers that the applicant should provide, [if required](#), details of the arrangements for effective and responsible management of the premises and for instruction, training and supervision of staff. This is considered to be an essential measure for the achievement of all the licensing objectives.

### **20 LICENSING OBJECTIVE – PREVENTING CRIME AND DISORDER**

- 20.1 South Lanarkshire Licensing Division No 3 is committed to improving the quality of life for the people in its area by adopting policies and introducing measures designed to increase community safety and reduce crime, the fear of crime and disorder.
- 20.2 There are already in existence a wide range of measures for preventing and reducing crime and disorder. The Act reinforces the duty of the board to make this a top priority.
- 20.3 The promotion of the licensing objective to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and the activities at those premises.
- 20.4 The applicant should be able to demonstrate, if necessary, that all those factors, which impact on crime and disorder have been considered. These include:
- underage drinking
  - drunkenness on premises
  - public drunkenness
  - illegal possession and/or use of drugs
  - violent behaviour
  - anti-social behaviour

- litter
- unauthorised advertising.

## **21 LICENSING OBJECTIVE – SECURING PUBLIC SAFETY**

- 21.1 The board is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Therefore, applicants **may be required** to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and the licensable activities for which the licence is being sought.
- 21.2 When addressing the issue of public safety, an applicant must demonstrate that those factors which impact on standards of public safety have been considered. These include:
- the standard of maintenance of the building having regard to its age and the design and layout of the premises, including the means of escape in the event of fire
  - the structural stability of the premises
  - the adequacy of vehicular access to the premises by the fire and rescue service
  - the safety of gas and electrical installations
  - the nature of the activities to be provided, in particular the sale or supply of alcohol and the provision of music and dancing, including whether those activities are of a temporary or permanent nature
  - the hours of operation differentiating the hours of opening from the hours when licensable activities are provided, if appropriate
  - the use of special effects such as lasers, pyrotechnics, smoke machines and foam machines.

## **22 LICENSING OBJECTIVE – PREVENTING PUBLIC NUISANCE**

- 22.1 The board wishes to maintain and protect the amenity of residents and occupiers of other businesses from any adverse consequence of the operation of licensed premises, whilst also recognising the valuable cultural, social and business importance that such premises provide.
- 22.2 The board will interpret public nuisance in its widest sense and will take it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 22.3 Applicants need to be aware that the board may apply stricter conditions, including controls on licensed hours, where premises are in residential areas or where their activities may impact on residents or other business premises and where relevant representations have been received.
- 22.4 The board believes that the impact licensed premises can have on a neighbourhood is significantly influenced by the times when those licensed premises are open. The board may stipulate shorter hours when considering a premises licence application, if it considers this to be appropriate for instance where the premises are, or may be, a source of anti-social behaviour. The board will consider each case on its merits but may be

inclined to stipulate an earlier terminal hour for the sale of alcohol in appropriate circumstances.

- 22.5 Applicants may be required to satisfy the board that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.
- 22.6 When addressing the issue of prevention of public nuisance, the following factors may be relevant (although it should be appreciated that this is not an exhaustive list but merely gives examples of relevant considerations):
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
  - the opening hours, particularly after 23:00
  - 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 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 availability of public transport
  - the wind down period between the end of the licensable activities and the closure of the premises
  - the last admission time.

## **23 LICENSING OBJECTIVE – PROTECTING AND IMPROVING PUBLIC HEALTH**

- 23.1 The board will have regard to the views of the relevant bodies responsible for and interested in the protection and improvement of public health within its area. It will take advice from those relevant bodies who will be represented on the South Lanarkshire Licensing Division (Area 3) Licensing Forum set up under the legislation.
- 23.2 Applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect customers' health. This will include such measures as making available information with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance is required with problem drinking.
- 23.3 A major concern about excessive alcohol consumption is its impact on people's health. There is ignorance of the advisable daily and weekly units of alcohol which may be consumed which are that men should not regularly drink more than 3 to 4 units a day and that women (excluding pregnant women) should not drink more than 2 to 3 units a day. There is also ignorance of the number of units in commonly consumed drinks, although some manufacturers are taking an initiative in this regard and publishing information on the labels of their products. The board considers that greater awareness of this issue would be achieved by more overt displaying of information. It wishes to impress upon licence holders the importance of the issue and will expect prominent informative signage to be displayed in

appropriate places within their premises such as for example, areas of circulation and in toilet areas. The board would also like to see the use of drink mats with sensible drinking messages.

#### Premises

If necessary, and as a result of a relevant representation, such requirements may be imposed by way of a condition on a premises licence.

- 23.4 The board is very aware of the risk of harm to children's health and this will be of paramount consideration when determining applications. Children may be adequately protected from harm by the action taken to protect adults but they also may need special consideration. It is recognised that no policy can anticipate every situation but applicants will be expected to demonstrate that they have given particular care to introduce measures designed to protect children's health while in or around their premises.
- 23.5 Licence applicants, door supervisors (where employed) and premises managers, as well as other staff employed in the premises, must remain vigilant at all times to the risks of excessive consumption, there should be established practice within the premises to ensure that a standard approach is taken where customers' 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 drunk persons.
- 23.6 In terms of schedule 3 of the Act applicants must provide tap water fit for drinking free of charge **on request** and **other non-alcoholic drinks must be available at a reasonable price**. Applicants are encouraged to provide food on the premises, so that patrons may eat at the same time as consuming alcoholic beverages if they wish.
- 23.7 Adequate ventilation and sanitary provision must be provided by the applicant to the satisfaction of the board. **However, in the absence of any representations or objections the board will assume that the facilities provided are adequate.**

## **24 LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM**

- 24.1 The board will have particular regard for the views of the South Lanarkshire Council Child Protection Committee from whom it will take advice.
- 24.2 The board wishes to see family friendly premises thriving within its area. When considering an application from those who wish to operate a licensed premises accommodating children the risk of harm to children will be paramount to its consideration.
- 24.3 Where applicants wish to operate such premises, the board expects them to appreciate that this places additional responsibilities upon them while at the same time recognising that parents and other adults accompanying children also have responsibilities.
- 24.4 Applicants will be expected to demonstrate that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics

of their premises and the licensable activities for which a licence is being sought.

- 24.5 Children may be adequately protected from harm by the action taken to protect adults but they may also need particular measures to be taken; no policy can anticipate every solution. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors which may particularly impact on harm to children, have been considered.

These include whether:

- entertainment or services of an adult or sexual nature are commonly or regularly provided
- there have been convictions of members of the current staff at the premises for serving alcohol to children
- the premises have a reputation for under age drinking
- there has been a known association with drug taking or dealing and
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided there.

- 24.6 The board requires applicants who submit operating plans including the admission of children to ensure that they are not given access to premises when activities such as adult entertainment are taking place.

- 24.7 Pending further consideration and prior to the adoption of any model conditions which may be formulated by the South Lanarkshire Licensing Division (No 3), the Licensing Division would like to see the following conditions included in licenses where application has been made to have children on the premises:-

1. Children under 14 years of age should not be present in the part of the premises to which children are permitted unless they are accompanied by an adult, which for clarification is a person more than 18 years of age and only for the purpose of the consumption of a meal sold or supplied on the premises.
2. Non glass drinking containers and plastic plates must be available for children on request.
3. All open fires in the public areas of the licensed premises must be adequately guarded.
4. A children's menu must be available at all times or alternatively the main menu must show that half portions are available for Children.
5. An adequately sized lidded bin for the disposal of soiled nappies must be provided in the facilities for baby changing which require to be in an area which is accessible to persons of either gender on the premises where it has been indicated on the operating plan that children under 5 are to be admitted to the premises.
6. All electrical sockets in the public areas of the licensed premises must have safety appliances fitted.

7. At least one high chair must be available for use by young children.
- 24.8 The Board also takes very seriously the issue of underage drinking and wishes to remind licensees that they should ensure that their staff along with themselves 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.

## **25 MODEL CONDITIONS – PROTECTING CHILDREN FROM HARM**

- 25.1 The board will consider whether model licence conditions relating to protecting children from harm should be drafted.