

NORTH LANARKSHIRE LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

DRAFT STATEMENT OF LICENSING POLICY

2018-2022

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PREAMBLE

- (1) Section 6 of the Licensing (Scotland) Act 2005 ("the Act") requires all licensing authorities such as North Lanarkshire Licensing Board ("the Board") to publish a statement of licensing policy ("the policy") to be effective from November of this year until 18 months after the next ordinary local government elections. This statement fulfils that statutory requirement for the board.

- (2) In accordance with the requirements of Section 6 of the Act, and prior to the publication of this policy, the board has consulted with and taken cognisance of the views of:
 - 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 Police Scotland
 - persons having functions relating to health, education and social work and young people (if not already represented on the forum).
 - persons resident within the licensing forum's area and
 - such other persons as the board thought appropriate
 - the relevant health board

- (3) In preparing the policy, the board has had due regard to the guidance issued by the Scottish Government in relation to matters concerning alcohol.

In particular the board has recognised its duty to promote the five licensing objectives set out at Section 4 of the Act. These are:

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

- (4) The board welcomes the powers given to it by the Act and intends to use those powers in a socially responsible way. In doing so, the board recognises that the interests of the public, residents, businesses and patrons of licensed premises require to be balanced. The five licensing objectives outlined in the Act will provide a starting point.

- (5) This policy will be applied during the period until 18 months after the next ordinary local government elections; it will be kept under review and revised, if appropriate, by the issue of supplementary statements, during this period.

SECTION A - GENERAL

1. INTRODUCTION

1.1 North Lanarkshire Licensing Board is a licensing authority for the purposes of the Licensing (Scotland) Act 2005 and is responsible for the consideration of applications for:

premises licences,

occasional licences,

temporary licences,

provisional licences,

personal licences,

variations of licences,

review of licences,

transfers of licences, and

extensions of licensing hours

in the area of North Lanarkshire in respect of:

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

1.2 Based in the heart of Scotland North Lanarkshire has a population of around 339,000 people and covers one of the largest unitary authority areas in the country. The principal centres of population are:

(a) The Southern Area - Motherwell, Wishaw and Bellshill;

(b) The Central Area - Coatbridge and Airdrie; and

(c) The Northern Area - Cumbernauld and Kilsyth.

The full area of North Lanarkshire Council is detailed on the plan at Appendix A.

1.3 At present there are approximately 700 premises licences in existence. These licences authorise the sale and supply of alcohol at premises. Occasional permissions are also granted in terms of the said Licensing Act.

1.4 The Act requires the board to carry out its various licensing functions so as to promote the five licensing objectives. These are:

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

The pursuit of these five objectives is a principal feature of this board's policy. The objectives provide a basis for refusal of an application for the grant of a premises licence or of an occasional licence; their breach may lead to the imposition of sanctions on a personal licence holder or provide grounds for the review of a premises licence. The attachment of conditions to a premises licence or occasional licence may be based on any of the objectives.

- 1.5 The Act further requires 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 Government 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 Police Scotland
 - persons having functions relating to health, education, social work and young people (if not represented on the Forum)
 - persons resident within the licensing forum's area and such other persons as the board thinks appropriate.
 - the relevant health board
- 1.7 This policy has been prepared in accordance with the provisions of the Act. It takes effect from (date to be inserted) and will remain in force subject to review until 18 months after the next ordinary local government elections and will remain in force during this period. It will be subject to regular review and monitoring during this period. If necessary the board will prepare and publish supplementary statements of licensing policy within this period.
- 1.8 It should be recognised that this policy covers a wide variety of activities and premises including private members' clubs, sports clubs and community centres as well as premises selling alcohol for off-sale consumption. It cannot provide for every eventuality but seeks to detail those factors and the board's policies which will influence the achievement of the licensing objectives.
- 1.9 It is permissible under the Act for North Lanarkshire Council to seek premises licences in its own name, and it may seek to do this for leisure centres which are used for community events. This approach may facilitate the use of such areas for licensable activities and may alleviate the need for organisations, performers and entertainers to seek individual

licences, for 'one off' events. Any such premises licences would be subject to appropriate conditions to ensure that the use of the premises in question does not adversely impact upon any of the licensing objectives.

- 1.10 In exercising its licensing function the board acknowledges that other mechanisms exist to be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of an individual, club or business holding a licence. These include:
- planning controls
 - positive measures to create a safe and clean environment, in partnership with local businesses, transport operators and various appropriate services of the local authority
 - a positive and robust approach to binge drinking and underage drinking
 - the provision of close circuit television (CCTV) surveillance, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
 - powers to designate parts of the local authority area as places where alcohol may not be consumed publicly; reference is made to the byelaws of North Lanarkshire Council, Prohibiting the Consumption of Alcohol in Designated Public Places. The byelaws are entitled "The North Lanarkshire Council Prohibition of Consumption of Alcohol in Designated Places Byelaws 2002 as amended by The North Lanarkshire Council Prohibition of Consumption of Alcohol in Designated Places (Amendment) Byelaws 2008".
 - police enforcement of the general law concerning disorder and anti-social behaviour
 - greater use of the powers to deal with those who commit offences, such as selling alcohol to people who are drunk.
- 1.11 This policy does not seek to undermine the right of any individual to apply 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 AND LINKS TO OTHER POLICIES, STRATEGIES AND LEGISLATION**

- 2.1 In developing this policy, the board has consulted widely and given due consideration to the views of all those who responded to that 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. Ethnic minorities and faith groups have been included in the consultation process. The board also consulted those involved and responsible for its local strategies on crime prevention, planning, transport, culture, tourism and economic development.
- 2.2 The board will seek to ensure that cultural events are not discouraged through the imposition of unreasonable conditions. However, a balance will be struck between the desirability for such entertainment and the wider cultural benefits, particularly the cultural benefits for children and the natural concern to prevent public nuisance and disturbance from premises and in neighbourhoods. The board will monitor the impact of licensing on live music and dancing and, where there is any indication that such events are being deterred by licensing requirements, the issues will be investigated with a view to considering how the situation might be improved for all concerned.

- 2.3 In administering its responsibilities in respect of licensing the board believe that it is important that it does not operate in isolation. Due regard will be given to the policies and decisions of North Lanarkshire Council and of neighbouring local authorities and licensing boards, especially those local authorities and licensing boards who share boundaries with North Lanarkshire. The board anticipates that these other local authorities and licensing boards will similarly have regard to its licensing policy and decisions.
- 2.4 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for bodies such as the Board 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 European Convention of Human Rights ("ECHR") in respect of its licensing responsibilities:
- Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of his possessions, including for example the possession of a licence
 - Article 6 of the ECHR: that in the determination of his 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 of the ECHR: that everyone has the right to respect for his home and private life.
- 2.5 North Lanarkshire Licensing Board is a public authority and under the Equality Act 2010 Public Sector Equality Duties (PSED) the Board has to ensure it is incorporating the equality duties into its functions. The Board also has to publish equality outcomes that will help it perform its equality duties better. Details of how the Board is ensuring that it is incorporating the equality duties into its functions is contained in the Council's Equality Report which is on the Council's website. This report also details the equality outcomes that will enable the Board to perform its equality duties better.
- 2.6 The board will have regard to any strategy of the Scottish Government designed to address the social, health and crime and disorder issues raised by the misuse of alcohol.
- 2.7 So far as possible, 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.
- 2.8 In particular, the board's licensing functions will be discharged separately from North 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 North 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.
- 2.9 A full premises licence application or a provisional premises licence application requires to be accompanied by a planning certificate.
- 2.10 In general, planning permissions authorise a broad type of use of premises, whereas licences are granted for a particular type of activity. A planning permission may cover a number of activities that can have a wide range of different impacts in the locality.

- 2.11 There is the presumption of a common approach in the reasoning behind planning and licensing decisions and conditions attached to planning permissions may relate to one or more of the five licensing objectives.
- 2.12 The Council's planning policies are set out in their development plans supplemented by a variety of guidelines. Government guidance in the form of National Planning Frameworks, Scottish Planning Policy (SPP) and circulars are also relevant along with the Strategic Development Plan and Local Development Plan for the North Lanarkshire Area.
- 2.13 The formulation of this policy statement involved consultation with the North Lanarkshire Licensing Forum 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 recommendation made to it. To ensure proper communication with North Lanarkshire Council's Licensing Forum the Board may provide reports particular to it from time to time to enable it to have regard to the detail of such matters when deliberating.
- 2.14 A full premises licence application must be accompanied by a building standards certificate. If the activity involves the supply of food then the premises licence application must be accompanied by a food hygiene certificate.
- 2.15 Other statutory requirements may apply to the provision of any activities at a premises and the responsibility for compliance lies with the licence holder or owner/operator of the business.
- 2.16 There is considerable overlap between the licensing regime and the wider health and 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 in the applicant's operating plan are in accordance with the five licensing objectives.
- 3.2 The board 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, operational procedures and the concerns of the local community.
- 3.3 North Lanarkshire Council may itself make applications for premises licences. When this is the case the board and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made they will be given full and equitable consideration by the board.
- 3.4 The board will not accept any premises licence application which fails to satisfy the requirements of Section 20 of the Act and any regulations made under the Act. Any such application will be returned to the applicant.
- 3.5 The board will dispose 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 will remain at all times mindful 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. Applications for premises licences and non-minor variation of premises licences will be advertised on the Council's website.

- 3.6 The board will operate from the Civic Centre, Motherwell. An appropriate number of staff will be employed to ensure an efficient disposal of business. The board will meet on a regular basis.
- 3.7 All board members have been trained in accordance with the legislative requirements. Members will be kept informed of developments in the licensing arena and further training will be initiated as necessary.
- 3.8 The board will keep a register (a licensing register) which will be made available for public inspection at all reasonable times in conformity with Section 9 of the Act.
- 3.9 Premises operating as clubs come under the jurisdiction of the Licensing Board as opposed to the Sheriff which was the case previously.

4. DELEGATION OF LICENSING FUNCTIONS

- 4.1 It is the board's policy 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 underlining the principles of timely, efficient and effective decision making.
- 4.3 The delegations will be made by the board in accordance with the Act. A table setting out how the board delegates its various licensing functions is attached at Appendix B.
- 4.4 In order to maintain an overview the board can expect to receive regular reports regarding licences determined by clerks.
- 4.5 Unless provided in any regulations made under the Act, the board will meet in public, although members may retire into private session 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
 - the council within whose area the premises are situated
 - the Chief Constable of Police Scotland
 - the enforcing authority, in terms of section 61 of the Fire (Scotland) Act 2005.
 - the relevant health board

The board will also notify other relevant bodies as appropriate.

Additionally, the Board will list all applications on the Council's website.

- 5.2 The board expects the Chief Constable of Police Scotland to consider all applications and to respond as appropriate.

- 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. In the case of an application for the review of a licence if the application does not disclose any matter relevant to any ground for review or is considered frivolous or vexatious the board may reject it.

6. **CONDITIONS ATTACHING TO LICENCES**

- 6.1 The board acknowledges the mandatory conditions laid down in Schedule 3 and 4 of the Act and is aware that other conditions remain under discussion. 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 secure achievement of 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, or as a result of a representation and will be tailored to each individual premises.
- 6.4 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. **NEED FOR LICENSED PREMISES**

- 7.1 The board acknowledges that need, in the sense of the commercial demand for further licensed premises, is not a licensing policy matter. Licensing decisions will not therefore be based upon this issue.

8. **CONSIDERATION OF APPLICATIONS BY THE BOARD**

- 8.1 When considering whether any licence should be granted, the board will assess the likelihood of it having an adverse impact. The board may take into account relevant 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
 - the means of access to the premises including the location and adequacy of customer entrances and exits
 - the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that will be used by them

- the likely level of car parking demand on principal roads and surrounding residential streets in comparison with the existing situation, its effect on local residents and on residential parking and emergency access.

8.2 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.

8.3 When considering any application for premises which have been previously licensed, or in any review of an existing licence, the board may take into account any historical evidence, especially of the impact on local residents and may also look at the measures put into effect by the applicant to mitigate the adverse impact.

8.4 Interpreters are available, if required, at the Board's cost. Any party desiring the services of an interpreter is expected to give advance notice of this in order that appropriate arrangements can be made.

9. OVERPROVISION

9.1 The board is under a duty in terms of section 7 of the Act to 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 either case) in any locality within the area of the board.

9.2 The Board acknowledges that overprovision of licensed premises in a particular locality may impact on the promotion of the licensing objectives. The board, at this point in time, has not made any determination that there are areas within North Lanarkshire where the concentration of licensed premises or particular types of licensed premises are having an adverse impact.

9.3 Accordingly at this point in time there is no presumption that no further licences should be granted in any part of North Lanarkshire. All applications are considered on their own merits.

9.4 Paragraphs 9.2 and 9.3 above are, however, not to be interpreted as precluding the board at any point in future refusing a premises licence application or a premises licence non minor variation application on over provision grounds.

9.5 When an application is made for a premises licence the board will follow its existing practice in relation to those applications. The practice is that the board make a preliminary determination of the locality they are considering for the purposes of assessing whether there is overprovision and the Clerk to the board when issuing a citation on the applicant to appear will specify the locality and the number and capacities of the licensed premises situated within that locality. The board feel that approach enables an applicant to know with some degree of certainty the issues that will be taken into consideration by the Board when over-provision is discussed/debated upon.

9.6 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.

9.7 With regard to its future approach to overprovision, the board acknowledges that public nuisance and overall levels of disturbance arising from the density of licensed premises in a locality could be increased, where particular premises are of a size enabling a very large number of patrons to be inside at one time. The board may have particular concerns about large, so called vertical drinking establishments, which have exceptionally high capacities,

are used primarily for the sale and consumption of alcohol and provide little or no seating for patrons. The board acknowledges that these types of premises could have a significant bearing on the likelihood of crime and disorder.

9.8 The board may consider material relating to the following:

- noise and disturbance on the streets on several nights during the week and particularly at weekends
- high levels of bad behaviour in public places, particularly at night, with much of it being associated with excessive drinking of alcohol
- high numbers of pedestrians on the pavements which spill on to the roads
- high volumes of litter associated with fast food outlets
- fouling of doorways, alleys and private gardens and courts by urination and vomiting
- traffic congestion caused by dropping off and picking up people at licensed premises
- long queues and long waiting times at taxi ranks which contribute to nuisance disorder and occasionally crimes of violence
- the views of a significant proportion of the local residents/public who avoid areas because of the fear of crime and disorder

9.9 The board will expect all establishments to ensure that door supervisors are particularly vigilant about numbers entering the premises, denying entry to those who are drunk or disorderly on arrival and ensuring an adequate supervision of the premises at all times.

9.10 The approach to the definition of locality will be flexible, recognising that different areas throughout the North Lanarkshire area have their own defining features and exhibit a variety of characteristics.

9.11 Reference is made to the provisions of paragraph 10 (below) relating to occupancy capacity. For the avoidance of doubt clubs, as defined in the relevant regulations, will not be subject to an overprovision assessment.

10. **OCCUPANCY CAPACITY**

10.1 Reference is made to the provision of paragraph 9 above, which relate to overprovision. The occupancy capacity of premises will be an important factor in the assessment of overprovision.

10.2 The occupancy capacity for premises and events is important in the achievement of the five licensing objectives except in respect of premises licensed only for the consumption of alcohol off the premises. The board will set a maximum occupancy in circumstances where this is deemed appropriate to ensure the safety of persons in the premises and safe escape in the case of an emergency. If there are additional concerns about crime and disorder or public nuisance, the board may consider setting a lower maximum occupancy limit than that recommended by building standards officers if the board feel this is necessary to avoid an adverse impact on the aforementioned licensing objectives.

10.3 The board suggest applicants 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 entrances and exits, including emergency exits;
- the nature of the premises or event;
- the nature of the activities being provided, including the noise in the neighbourhood;
- 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.

10.4 The board have concerns about the so called vertical drinking establishments. Particular attention may be paid to any applications for a premises licence, which demonstrates that large numbers of patrons will be provided only with standing accommodation. It is considered that likely levels of disturbance and public nuisance caused by the number of licensed premises in a locality could be exacerbated where those premises had very high capacity levels.

10.5 Each case will be considered on its merits but the board will consider very carefully the type, size and capacity of licensed premises in the particular locality in respect of which the application is made. The board recognises its responsibility to assess overprovision, not only of the number of licensed premises but of the number of premises of a particular description in any locality.

10.6 The determination of a capacity for premises or events should not be interpreted as a requirement to always provide permanent monitoring arrangements to verify the number of persons present, such as door staff or attendance clickers. The board recognises that the premises manager may be able to readily assess the occupancy level of the premises, without resort to such measures. Where the capacity is likely to be reached, such as on known busy evenings and particularly where a special event or promotion is planned, the licence holder will be expected to have arrangements in place to ensure that the capacity of the premises is not exceeded.

11. **REVIEW OF PREMISES LICENCES**

11.1 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 issuing of a written warning. If variation of a licence is ordered the Board may consider (depending on the circumstances) stipulating by way of a condition that only non glass drinking vessels are to be available on the premises.

11.2 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.

12. OCCASIONAL GRANTS

- 12.1. 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; or
- a representative of any voluntary organisation;

to cover a period of a maximum of 14 days

If the board receives a number of applications for occasional licences relating to the same premises from the same applicant it will expect the applicant to consider whether an application should be made for a premises licence.

- 12.2 Any applicant for such a licence should be aware of his/her responsibility to apply for a public entertainment licence and late hours catering licence, issued under the Civic Government (Scotland) Act 1982, where appropriate.
- 12.3 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. The Board also recognises the right of any person to make representations concerning the application.
- 12.4 The grant of an occasional licence is subject to the mandatory conditions laid out in schedule 4 to the Act.
- 12.5 Event organisers are encouraged to provide as much notice of their event as possible to the board and to the Chief Constable of Police Scotland.
- 12.6 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.
- 12.7 The board may make a determination under section 67 of the Act to extend licensed hours to enable premises to remain open longer for certain special events of local or national significance. The board may request observations from the Chief Constable of Police Scotland and from other relevant parties on the issues of crime prevention and public safety. It will notify its determination to the Chief Constable of Police Scotland, to holders of licences and other relevant parties and will take appropriate steps to publicise the determination as widely as necessary.

13. ENFORCEMENT AND LICENSING STANDARDS OFFICERS

- 13.1 North Lanarkshire Council currently employ two licensing standards officers to investigate allegations of unlicensed activities, to ensure that licence conditions are complied with and to provide information and guidance and a mediation service.

Both licensing standards officers are fully trained in accordance with the regulatory requirements and their remit is to carry out their functions efficiently, including participating as members in the North Lanarkshire Licensing Forum.

- 13.2 Resources may be targeted towards high-risk premises and activities that require greater attention. A lighter touch may be provided in respect of low-risk premises, which are well operated.
- 13.3 North 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 those services. The council has confirmed that it is committed to the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 13.4 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.
- 13.5 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 the sharing of information where appropriate in order to enhance the promotion of the five licensing objectives.

14. **MANAGEMENT OF LICENSED PREMISES**

- 14.1 Within the operating plan for premises on which alcohol will be sold, a premises manager must be specified. The board will expect 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 board expects that there will be in place appropriate arrangements for monitoring by the premises manager holder. The premises licence holder is expected to ensure that the premises manager has experience commensurate with the size, capacity, nature and style of the premises. Clubs, as defined in the relevant regulations, will not require to specify a premises manager.
- 14.2 The premises manager must hold a personal licence.
- 14.3 Within all licensed premises the board will expect there to be proper management arrangements in place which will ensure that there is an appropriate number of responsible, trained persons on the premises and will also ensure compliance with all statutory responsibilities and the terms and conditions of the premises licence.
- 14.4 In relation to the mandatory condition relating to premises open after 1.00 a.m. a person trained to the satisfaction of a licensing board in administering First Aid must be present. North Lanarkshire Licensing Board have decided how someone is trained to their satisfaction. The board have authorised their Clerk to endorse courses that are certified as complying with the First Aid at Work, Health & Safety (First Aid) Regulations 1981.

15. **PERSONAL LICENCES**

- 15.1 Any individual may seek a personal licence whether or not they have current employment or business interests associated with the use of the licence.
- 15.2 The board will grant a personal licence if:

- it is satisfied that the applicant is aged 18 years of age or more;
- it is satisfied that the applicant possesses a relevant licensing qualification;
- it is satisfied that the applicant does not already hold a personal licence;
- it is satisfied that the applicant has not had revoked in the previous five years, ending with the day on which the application was received, a personal licence (except where that revocation arose from a failure to comply with refresher training);
- a notice has been received that the applicant has not been convicted of any relevant offence or foreign offence and no recommendation has been made by the Chief Constable of Police Scotland that the personal licence application be refused on the grounds that it is necessary for the purposes of any of the licensing objectives and no other information has been provided by the Chief Constable of Police Scotland or a Licensing Standards Officer which they consider relevant.

In the event that a notice is received that the applicant has been convicted of a relevant or foreign offence and the notice does not include a recommendation from the Chief Constable of Police Scotland that the personal licence application be refused on the grounds that it is necessary for the purposes of any of the licensing objectives the Licensing Board may hold a hearing for the purpose of considering and determining the application.

In the event that a notice is received that the applicant has or has not been convicted of a relevant or foreign offence and the notice does not include a recommendation from the Chief Constable of Police Scotland that the personal licence application be refused on the grounds that it is necessary for the purposes of any of the licensing objectives and information has been provided by the Chief Constable of Police Scotland or a licensing standards officer which they consider relevant the Board may hold a hearing for the purposes of considering and determining the application.

If a notice is received that the applicant has or has not been convicted of any relevant or foreign offence and the notice contains a recommendation from the Chief Constable of Police Scotland that the personal licence application be refused on the grounds that it is necessary for the purposes of any of the licensing objectives the Board will hold a hearing for the purpose of considering and determining the application.

- 15.3 The board will give notice of any personal licence application to the Chief Constable of Police Scotland, who will give notice to the board in one of the forms laid out in section 73 of the Act. The Board will also give notice of any personal licence application to a Licensing Standards Officer who may give any relevant information to the Board. The board will consider carefully whether it is satisfied that the refusal of the application is necessary for the purposes of any of the licensing objectives. 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 grant the application.

16. **ADULT ENTERTAINMENT**

- 16.1 The board will expect licence applicants to show evidence of having given consideration to the promotion of all the licensing objectives, in particular those relating to the protection of children and young persons, the prevention of crime and disorder and the prevention of public nuisance.
- 16.2 Where premises licence applications include adult entertainment in the planned activities, the board may have particular regard to the location of the premises in relation to places of

religious worship, schools, youth clubs or other premises where significant numbers of children and young persons are likely to congregate.

- 16.3 All applications involving adult entertainment of any kind will be considered on their own merits but regard will be given to this section of the statement of policy.

17. **OFF-SALES**

- 17.1 The board is concerned to ensure that all possible steps are taken in this area to promote the licensing objectives. It will work towards the adoption of a policy concerning the layout of such premises and the responsible display of alcoholic liquor in premises which are not exclusively or mainly used for the sale of alcohol. The board will monitor developments in the area of test purchasing and will take appropriate action as part of its wider alcohol agenda. Information regarding safe drinking will be made accessible.

- 17.2 The board expects licence holders to note: in supermarkets and hypermarkets any displays of alcoholic products should be fixed and responsible and there should be proper and appropriate systems of security and supervision by staff, CCTV or a combination of both.

The board takes the view that a responsible display will not include the following:

- displays located at the entrance/exit points of the premises;
- displays located in aisles which interfere with customer flow;
- displays at check-outs.

- 17.3 With regard to the opening hours of off-sales premises the board would simply state that in particular circumstances the terminal hour may require to be modified. Reference is made in this connection to paragraph 20. 2, which refers to the policy on opening hours of licensed premises generally and also to the provisions of the Act at section 65. Each case will be taken on its merits but the board may consider that a terminal hour earlier than 10 pm is necessary, taking into account all the licensing objectives, in particular those relating to crime, children and young persons, public health and public nuisance. The board is concerned to promote best practice in this area and will consider very carefully whether later opening hours are justified. Reference is also made to paragraph 24 of this policy, relating to public nuisance.

18. **SMOKING AND NUISANCE**

- 18.1 The board acknowledges that smoking is not a licensing matter.

- 18.2 The health risks associated with smoking and with passive smoking continue to be well publicised; licence holders will be aware of their own statutory responsibilities, public opinion generally, the expectations of their patrons and the legislation concerning smoking in public places.

- 18.3 The board expects that licence holders will have regard to good practice. It is their responsibility to ensure that patrons smoking outside their premises do not create a nuisance or disturbance for residents living nearby.

- 18.4 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.

19. **OUTSIDE SEATING AREAS**

- 19.1 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.
- 19.2 The board expects that licence holders will put in place effective management controls, supervision and other measures to ensure that the use of outside drinking areas by patrons or by any other persons does not have a negative impact in the vicinity.

20. **HOURS OF TRADING**

- 20.1 This section relates to premises where alcohol is sold with or without any other licensable activity. The board expects that applicants for all types of licensed premises will consider hours of trading to be an important issue when preparing their operating plans.
- 20.2 The Licensing Board in its previous policy statement detailed hours generally in operation which hours were predicated upon premises having certain licences under the previous regime (the Licensing (Scotland) Act 1976 as amended). To date the board has followed this practice. The board however previously decided after receiving and considering representations to allow premises which operate as public house type premises to be permitted to open at 11.00 a.m. on Sundays. Accordingly if applications are submitted for variation of licences to request earlier opening times (to 11.00 a.m.) on Sundays from premises which the board regard as operating like public houses the board will consider such hours to be within their general policy for hours of trading. A copy of the policy hours which the board generally allow (including the amendment just narrated) is annexed at Appendix C. The board intends as a matter of policy to follow the hours detailed in Appendix C but of course requires to deal with any application on its individual merits.
- 20.3 The board, therefore, generally consider 11.00 a.m. to be an appropriate opening time for premises which operate as public houses.
- 20.4 In determining its approach to the hours of trading, the board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. Each case will be dealt with according to its individual circumstances.
- 20.5 The board recognises the importance of taking into account all the statutory licensing objectives laid down in the Act in its assessment of any application for a licence, including consideration of the hours of trading.
- 20.6 The board is aware that there is a strong view in some areas against allowing late opening of licensed premises. This view is particularly strong in mixed residential and commercial areas. The board may consider a restriction on opening hours as one mechanism of combating problems, if this is considered appropriate.
- 20.7 Applicants will be expected to give due consideration to the impact their patrons may have after leaving their premises.
- 20.8 The following issues should be considered:-

- the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance, public health and children and young persons
- the proposed hours when any music, including incidental music, will be played
- the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
- the existing hours of licensable activities and the past operation of the premises if any and hours of licensable premises in the vicinity
- whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night
- the capacity of the premises
- the type of use, recognising that premises which sell alcohol, play music for dancing, provide late night refreshment or takeaway food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas or other performance venues
- the hours at which noise may occur and the disturbance of nearby residents' rest, relaxation and sleep.

20.9 The board believes that when preparing operating plans there may in some circumstances be merit in applicants giving consideration to the principle of winding down periods at the end of the night. By gradually increasing the lighting and winding down entertainment such as loud music before ending the sale of alcohol and the end of trading hours, thereby creating a calmer ambience, patrons leaving the premises may be inclined to behave less boisterously after they have left licensed premises. In addition patrons may be inclined to leave the premises spasmodically in small groups on a gradual basis rather than simultaneously.

20.10 Restricted licensing hours may be appropriate in cases where licensed premises are situated in the vicinity of residential property or where the trading hours of the premises and competing businesses in the vicinity are likely to lead to undue pressure on public transport systems or additional public nuisance, disorder or anti social behaviour and where licensed premises include external areas. Where the whole circumstances of a particular premises dictate, including promotion of the licensing objectives, the board may consider restricting the opening hours so that a terminal hour prior to 11 pm may be applied. The board may impose different restrictions on hours for different licensable activities and for different days of the week.

20.11 Consideration will always be given to an applicant's individual case and the board will take into account any proposals the applicant has to minimise the risk of nuisance or disorder being caused or exacerbated by customers departing from the premises.

20.12 Where no relevant representations are received from either a responsible body or any interested party, the board will consider granting the application in accordance with the terms of the operating plan having regard to Paragraph 20.2 above.

20.13 The board believes that by adopting an approach which is sufficiently flexible, it is possible to ensure that:

- all areas of North Lanarkshire, its businesses and residents will be treated equitably and arbitrary restrictions will be avoided

- restrictions on the hours of trading will only be applied where this is necessary in order to promote the licensing objectives
- restrictions are not placed on hours of trading which may contribute to binge drinking near closing time.

20.14 Clubs, as defined in the relevant regulations, also require to apply for a premises licence if alcohol is to be sold. Operating plans submitted in respect of these clubs will not require to specify a premises manager. Over provision assessments will not apply in respect of applications relating to these clubs.

SECTION B - LICENSING OBJECTIVES

21 Overview

21.1 The following 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 and young persons from harm

21.2 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.

21.3 In each section a list of possible control measures is provided, to be of assistance to applicants but this is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective.

21.4 The selection of control measures should be based upon a risk assessment of the premises, the proposed activities and the type of customers expected to attend for example their age range and numbers. Risk assessment is considered to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for a variation or in response to changing circumstances or conditions at the premises. The Board, therefore, encourages risk assessments to be undertaken.

21.5 Additional measures may be necessary on an occasional or specific basis such as when a special event is planned which is intended to, or likely to, attract larger audiences or audiences of a different nature; this can have a significant impact on the achievement of the licensing objectives.

21.6 The board suggests that the applicant consider arrangements for effective and responsible management of the premises and for instruction, training and supervision of staff. This is

considered to be an essential control measure for the achievement of all the licensing objectives.

22 LICENSING OBJECTIVE - PREVENTING CRIME AND DISORDER

- 22.1 North Lanarkshire Council together with other agencies supports a strategy aimed at making the area of North Lanarkshire a safe place to live in and visit. The board is committed to further improving the quality of life for the people in the area by continuing to adopt policies and to introduce measures designed to increase community safety and to reduce crime, the fear of crime and disorder.
- 22.2 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.
- 22.3 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. The Board hopes/suggests 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 premises, relevant to the individual style and characteristics of the premises and the activities at the premises.
- 22.4 The applicant should be able to demonstrate 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
- 22.5 The following examples of control measures are given to assist applicants who may wish to take account of them having regard to their particular type of premises and/or licensable activities:
- effective and responsible management of premises
 - training and supervision of staff
 - adoption of best practice guidance where available, including those relating to drinks promotions and safe drinking/units guidance.
 - acceptance of accredited proof of age cards
 - provision of effective CCTV in and around the premises, which complies with all current legislative provisions and provision of external lighting and other security measures

- if CCTV is installed the licence holder or premises manager should ensure it is fully operational at all times and can be accessed by the person in charge when requested.
- employment of Security Industry Authority licensed door supervisors
- provision of litterbins outside premises (not on a public road)
- membership of local pub watch schemes or similar organisations
- responsible advertising
- distribution of promotional leaflets and posters
- the operation of a no glass policy
- the installation of ultra violet lights in toilets

the board would encourage premises that operate as public houses to participate in their Local Pub Watches if they feel it beneficial.

22.6 Close circuit television makes a significant contribution to addressing antisocial behaviour in the North Lanarkshire area. In recent years investment in public space CCTV throughout the area has assisted in the identification and prosecution of criminals and provided reassurance to residents. CCTV cameras are a vital part of North Lanarkshire Council's strategy to tackle anti-social behaviour as well as contributing to the development of safer communities. These cameras are designed both to prevent and to detect anti-social behaviour.

The board is aware of the regulation made by Scottish Ministers relating to the installation of CCTV in late opening premises. In order to ensure the greatest possible degree of protection for the public this board endorses this regulation.

When CCTV is in operation the board would request the operator to consider becoming networked to the radio link service which is provided by an arms length organisation of North Lanarkshire Council known as "Town Centre Activities".

22.7 North Lanarkshire Council have made byelaws prohibiting the consumption of alcohol in designated public places. These were adopted as part of the overall strategy to make safe all the public areas.

23. LICENSING OBJECTIVE - SECURING PUBLIC SAFETY

23.1 The board is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants may wish to demonstrate in their operating plan 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.

23.2 When addressing the issue of public safety, an applicant should be able to demonstrate that those factors which impact on standards of public safety have been considered.

These include:

- the occupancy capacity of the premises

- 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 different
- the use of special effects such as lasers, pyrotechnics, smoke machines and foam machines

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

- suitable and sufficient risk assessments
- effective and responsible management of premises, including installation of a CCTV system which complies with current legislative requirements in and around premises
- provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- adoption of best practice guidance
- implementation of crowd management measures
- proof of regular testing and certification where appropriate of procedures, appliances and safety systems
- policies on contacting the police when patrons are ejected from premises

24 LICENSING OBJECTIVE - PREVENTING PUBLIC NUISANCE

24.1 The board believes that licensed premises may have a significantly adverse impact on communities, through public nuisances which arise from their operation. It wishes to maintain and protect the amenity of residents and occupiers of other businesses from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.

24.2 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.

24.3 The board acknowledges the provisions of section 65 of the Act in relation to off-sales by shops, stores, supermarkets and other premises selling alcohol for consumption off the premises. The board may permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are reasons for not doing so, such as disturbance or disorder attributable in whole or in part to the premises.

24.4 However, 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.

- 24.5 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 antisocial behaviour. The board will consider each case on its merits but may be inclined to stipulate a terminal hour earlier than 10 pm for the sale of alcohol in appropriate circumstances.
- 24.6 The Board will expect applicants to identify suitable and sufficient measures which will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.
- 24.7 When addressing the issue of prevention of public nuisance, the following facts are relevant:
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices, care homes and places of worship
 - the hours of opening, particularly between 23.00 and 07.00
 - 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 occupancy capacity of the premises
 - 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
- 24.8 The following examples of control measures are given to assist applicants who may wish to take account of them having regard to their particular type of premises and/or activities:
- effective and responsible management of premises
 - appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, for instance to ensure that customers leave quietly
 - control of operating hours for all or parts of the premises, for instance garden areas, including deliveries and disposal of glass
 - adoption of best practice guidance
 - installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices

- management of people, including staff and vehicular traffic and resulting queues, arriving and leaving premises
- 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
- management arrangements for collection and disposal of waste and empty bottles
- effective ventilation systems to prevent nuisance from odour.

25 LICENSING OBJECTIVE - PROTECTING AND IMPROVING PUBLIC HEALTH

- 25.1 The board wishes to see premises thriving in the North Lanarkshire area but this cannot be at the expense of public health and wellbeing. The board will have particular regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in the North Lanarkshire area. It will take advice from those relevant bodies, who are represented on the North Lanarkshire Licensing Forum which has been set up under the Act.
- 25.2 The Board will expect applicants to identify suitable and sufficient measures which will be implemented and maintained to protect patrons' 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.
- 25.3 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. 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 this issue and will expect prominent informative signage to be displayed in appropriate places within their premises. If necessary, and as the result of a relevant representation, such a requirement may be imposed by way of a condition on a premises licence.
- 25.4 The measures identified by an applicant may depend on the individual characteristics of the premises for which the licence is sought. The board will be receptive to conditions which are proposed by individual applicants in respect of the promotion of this licensing objective. This might include the use of drink mats with sensible drinking messages and the use of posters on areas of circulation and in the toilet areas.
- 25.5 The board is very aware of the risk of harm to children and young persons health and this will be of paramount consideration when determining applications. Children and young persons 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 and young persons health while in or around their premises.
- 25.6 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 patrons' 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.

- 25.7 In terms of schedule 3 of the Act applicants must provide reasonably priced non alcoholic beverages during the whole period the premises are open. Applicants may also wish to consider providing food on the premises, so that patrons may eat at the same time as consuming alcoholic beverages if they wish.

26 LICENSING OBJECTIVE - PROTECTING CHILDREN AND YOUNG PERSONS FROM HARM

- 26.1 The board will have particular regard to the views of the most relevant body in the North Lanarkshire area. The board believes that this is currently the North Lanarkshire Child Protection Committee from whom it will take advice.
- 26.2 The board wishes to see family friendly premises thriving in the North Lanarkshire area; it would welcome applications from those who wish to operate licensed premises which accommodates children (persons under 16) and young persons (persons aged 16 or 17). In determining any such application the risk of harm to children and young persons will be paramount.
- 26.3 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 and young persons also have responsibilities.
- 26.4 The Board will expect applicants to identify suitable and sufficient measures which will be implemented and maintained to protect children and young persons from harm, relevant to the individual style and characteristics of their premises and the licensable activities for which a licence is being sought.
- 26.5 Children and young persons 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 situation. When addressing the issue of protecting children and young persons from harm, the applicant should consider those factors which may particularly impact on harm to children and young persons.

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 and young persons
 - 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
- 26.6 The following examples of control measures are given to assist applicants who may wish to adopt them (in any combination). They are considered to be among the most essential that applicants should take account of, having regard to their particular type of premises or activities:

- effective and responsible premises management
- provision of a sufficient number of people employed to secure the protection of children and young persons from harm
- appropriate instruction, training and supervision of those employed to secure the protection of children and young persons from harm
- adoption of best practice guidance
- limitations on the hours when children and young persons may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children and young persons to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children and young persons do not purchase, acquire or consume alcohol
- measures to ensure children and young persons are not exposed to incidences of violence or disorder

26.7 The board requires applicants who submit operating plans including children and young persons to endeavour to ensure that they are not given access to premises when activities such as adult entertainment are taking place.

26.8 The Board generally imposes the “local conditions” detailed in Appendix D when it is indicated in an operating plan that children (as defined in the legislation) are to be admitted to licensed premises. The Board, however, consider individual representations and may after considering those representations decide either to delete some of the conditions or indeed add further conditions. In relation to premises operating as clubs the Board generally impose the “local conditions” detailed in Appendix E. The Board will however consider individual representations and again may on occasion delete some of the conditions or add some depending on their views of the representations they hear.

As a generality when the board consider an operating plan which indicates that no child under five years of age is to be admitted to any part of the premises the board will ordinarily not be minded to impose Conditions 5, 6 and 7 of Appendix D or Conditions 5 and 6 of Appendix E. In the board’s considered view those conditions generally only apply to persons under five years of age.

26.9 The board consider the admission of children and young persons to licensed premises on their individual merits. The following guidance can however be given:- the board are generally receptive to children and young persons (as defined in the legislation) being admitted to lounge/function suite areas of licensed premises to attend parties and functions if they are accompanied by an adult and to them being admitted until the conclusion of core hours.

In relation to bar type areas the board have very much dealt with each situation individually and no general guidance can be stated. The Board, however, are not on a general basis

overly enthusiastic with children (persons under 16) being in bar areas till late in the evening.

APPENDIX A

PLAN OF NORTH LANARKSHIRE LICENSING BOARD AREA



APPENDIX B**SCHEME OF DELEGATION**

The Licensing Board have delegated to the Clerk all Board functions under the Licensing (Scotland) Act 2005 with the exception of those specifically excluded by the Act namely:-

- (1) Determining the Board's policy for the purposes of a licensing policy statement or supplementary licensing policy statement;
- (2) Determining, for the purposes of any such policy statement, whether there is over provision of licensed premises, or licensed premises of any particular description, in any locality;
- (3) Determining a premises licence application;
- (4) Determining a premises licence variation application where the variation sought is not a minor variation;
- (5) Determining an application for the transfer of a premises licence where the applicant has been convicted of a relevant offence or a foreign offence;
- (6) Determining (a) a personal licence application or (b) a personal licence renewal application where the applicant has been convicted of a relevant offence or a foreign offence;
- (7) Conducting a hearing under the Act (including taking any of the following steps at, or as a result of, the hearing):-
 - (a) issuing a written warning to the licence holder at a review hearing in respect of a premises licence;
 - (b) revoking or suspending the licence at a review hearing in respect of a premises licence;
 - (c) making a variation of the licence at a review hearing in respect of a premises licence;
 - (d) making an order revoking, suspending or endorsing a personal licence.
- (8) Making a closure order;
- (9) Refusing an application for confirmation of a provisional premises licence;
- (10) The granting of an occasional licence application where there is notice of objection or representations in relation to the application.

APPENDIX C**HOURS GENERALLY IN OPERATION FOR LICENSED PREMISES WHICH HAD THE FOLLOWING LICENCES UNDER THE PREVIOUS REGIME:-****PUBLIC HOUSES**

MONDAY to THURSDAY from	11.00 a.m. to 12 midnight
FRIDAY and SATURDAY from	11.00 a.m. to 1.00 a.m.
SUNDAY from	11.00 a.m. to 12 midnight

HOTELS

SUNDAY to THURSDAY from	11.00 a.m. to 12 midnight
FRIDAY and SATURDAY from	11.00 a.m. to 1.00 a.m.

FUNCTION SUITES IN HOTELS

MONDAY to SUNDAY up till	1.00 a.m.
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Function suite must not be utilised as a day to day bar.

DISCOTHEQUES IN HOTELS

MONDAY to SUNDAY from	7.00 p.m. to 3.00 a.m.
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ENTERTAINMENT (Discotheques)

MONDAY to SUNDAY from	7.00 p.m. to 3.00 a.m.
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ENTERTAINMENT (non Discotheques)

MONDAY to SUNDAY up till 11.00 p.m.

REFRESHMENT AND RESTAURANT

MONDAY to SUNDAY up till 11.00 pm.

REGISTERED CLUBS

SUNDAY to THURSDAY from	11.00 a.m. to midnight
FRIDAY and SATURDAY from	11.00 a.m. to 1.00 p.m.

APPENDIX D

NORTH LANARKSHIRE LICENSING BOARD

CONDITIONS WHEN CHILDREN ARE ADMITTED TO NON-CLUB LICENSED PREMISES

1. Heating appliances in the public areas of licensed premises must be adequately guarded.
2. All electrical appliances and sockets in the public areas of the licensed premises must be adequately protected against children coming into contact with same.
3. Children must not be permitted to operate any amusement with prizes or video machines which are in the licensed premises.
4. Non-glass drinking vessels must be available for children.
5. A minimum of two baby's high chairs must be provided for very young children.
6. Changing facilities for infants, including an adequate sized bin for the disposal of soiled nappies must be available in both ladies and gents toilets and the availability of such bins must be clearly indicated in those toilets.
7. A secure place must be available for prams and push chairs in the licensed premises.

APPENDIX E

NORTH LANARKSHIRE LICENSING BOARD

CONDITIONS WHEN CHILDREN ARE ADMITTED TO CLUB TYPE LICENSED PREMISES

1. Heating appliances in the public areas of licensed premises must be adequately guarded.
2. All electrical appliances and sockets in the public areas of the licensed premises must be adequately protected against children coming into contact with same.
3. Children must not be permitted to operate any amusement with prizes or video machines which are in the licensed premises.
4. Non-glass drinking vessels must be available for children.
5. A minimum of two baby's high chairs must be provided for very young children.
6. A secure place must be available for prams and push chairs in the licensed premises.