

PERTH AND KINROSS LICENSING BOARD

27 September 2023

REVIEW OF LICENSING POLICY STATEMENT 2023

Report by Clerk to the Licensing Board

1. PURPOSE

- 1.1 This report advises of the consultation responses received on Perth and Kinross Licensing Board's Draft Licensing Policy Statement and asks the Board to finalise its Policy Statement to have effect from 5 November 2023 until 5 November 2028.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Board:
- (i) considers the terms this Report and Appendices 1 to 6; and
 - (ii) decide the terms of its Licensing Policy Statement.

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:
- Section 4: Background
 - Section 5: Context
 - Section 6: Conclusion
 - Annex
 - Appendices

4. BACKGROUND

- 4.1 In terms of the Licensing (Scotland) Act 2005, Section 6 a Licensing Board must publish a licensing policy statement in respect of its functions every five years. The licensing policy statement then applies during that period. The next policy statement will apply from 5 November 2023 until 5 November 2028.
- 4.2 In preparing a licensing policy statement a Licensing Board must:-
- (a) ensure that the policy seeks to promote the licensing objectives, and
 - (b) consult the local licensing forum; the relevant health board; and such other persons as a board thinks appropriate.
- 4.3 The licensing objectives are:
- (a) preventing crime and disorder

- (b) securing public safety
- (c) preventing public nuisance
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

- 4.4 In exercising their functions during each licensing policy period, a Licensing Board must have regard to the licensing policy statement, and any supplementary licensing policy statement.
- 4.5 The Licensing Board, in reviewing its policy statement, must have regard to the Scottish Government's Section 142 Guidance for Licensing Boards, January 2023. A link to that guidance is provided in the Background Papers in the Annex below.

5. CONTEXT OF POLICY REVIEW

- 5.1 The Board decided on the terms of its Draft Licensing Policy Statement on 12 April 2023. Public consultation then took place between 1 May and 7 July 2023.
- 5.2 The Draft Licensing Policy Statement consulted upon is set out in Appendix 1 to this Report. Proposed changes to existing policy using the track and trace facility are shown.
- 5.3 Five consultation responses have been received. They are from:
- Development Management, Perth and Kinross Council
 - Alcohol Focus Scotland
 - Ryan Mollison, The Anglers Inn, Guildtown
 - Strathmore Pub Watch
 - Scottish Grocers' Federation

Those consultation responses together with comments on those responses are attached as Appendices 2 to 6 of this Report.

- 5.4 The Board are also entitled to take into account their knowledge and experience in licensing matters and their local knowledge when reviewing the licensing policy statement.
- 5.5 It should be noted that public consultation having taken place, new or substantially revised policies cannot be put forward as they will not have been consulted upon. Minor revisions may be possible. The Board may also choose not to proceed with proposed policies consulted upon when finalising the policy statement.
- 5.6 Once the Board has decided the terms of its new licensing policy statement, a press release will be prepared, and the new policy statement will be placed on

the Board's web pages. It will also be made available on request. Those who responded to the consultation will also be advised of the outcome.

6. CONCLUSIONS

6.1 The Board is requested to:

- (i) Consider the terms of this Report and Appendices 1 to 6; and
- (ii) Decide the terms of its Licensing Policy Statement.

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Date 18 September 2023		

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Council Text Phone Number 01738 442573

ANNEX

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Statement of Policy	Yes
Resource Implications	
Financial	No
Workforce	Yes
Assessments	
Equality Impact Assessment	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

- 1.1 This Report relates to the review of the Board's Licensing Policy Statement. A new policy statement will affect the Board's decision making in the future and affect premises licence holders, neighbours to those premises, and to the public generally.

2. Resource Implications

2.1 Workforce

Further time and resources will be required to publish and publicise the finalised licensing policy statement. Those time and resources will be absorbed within existing resources.

3. Assessments

- 3.1 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) using the Integrated Appraisal Toolkit and have been assessed as **Yes – completely true** for the purposes of EqIA.

4. Consultation

- 4.1 Internal consideration of this report has taken place within Licensing. External consultation of the Draft Licensing Policy Statement has also taken place in line with the public consultation carried out.

5. Communication

- 5.1 A press release will be prepared and the finalised statement will be placed on the Board's web pages. It will also be made available on request. Those who responded to the consultation will also be advised of the outcome.

2. **BACKGROUND PAPERS**

- Licensing (Scotland) Act 2005
- Scottish Government's Section 142 Guidance for Licensing Boards, January 2023:

[Licensing \(Scotland\) Act 2005 Section 142 Guidance for Licensing Boards \(www.gov.scot\)](http://www.gov.scot/Information/Scotland/Acts/2005/Section142GuidanceforLicensingBoards)

3. **APPENDICES**

- Appendix 1 – Draft Licensing Policy Statement for Consultation
- Appendix 2 – Consultation Response by Development Management, Perth and Kinross Council and comments on
- Appendix 3 – Consultation Response by Alcohol Focus Scotland and comments on
- Appendix 4 – Consultation Response by Ryan Mollison, The Anglers Inn, Guildtown and comments on
- Appendix 5 - Consultation Response by Strathmore Pubwatch and comments on
- Appendix 6 - Consultation Response by Scottish Grocers' Federation and comments on



[Draft Licensing Policy Statement for Consultation]

Perth and Kinross Licensing Board

**Policy Statement under the
Licensing (Scotland) Act 2005**

201823 – 202328

~~27 September 2018~~(Date Board finalises Policy Statement after consultation to be inserted)

FOREWORD

Consultation on this document took place between ~~8 June 2018~~ 1 May 2023 and ~~17 August 2018~~ 7 July 2023. The policy will be applied during the period from ~~45 November 2018~~2023 to ~~45 November 2023~~2028. It will be kept under review and revised, if appropriate, by the issue of supplementary policy statements which will apply to the end of the same period.

Prior to publication of this policy, the Board consulted with:-

- The Local Licensing Forum for the Board area
- Perth and Kinross Council – Planning; Building Standards; Environmental and Regulatory Services (food hygiene and noise team); and Economic Development
- All Community Councils for the Board area
- Police Scotland
- Scottish Fire and Rescue Service
- NHS Tayside
- Alcohol Focus Scotland
- Perth and Kinross Community Justice & Community Safety Partnership
- Community Planning Partnerships
- Perth and Kinross Association of Voluntary Service (PKAVS)
- Elected members (not sitting on the Board) for Perth and Kinross Council
- City Centre Tenants and Residents Association
- The Scottish Licensed Trade Association
- Scottish Beer and Pub Association
- Perth and Kinross Alcohol and Drug Partnership
- Perthshire Chamber of Commerce
- Scottish Grocers Federation
- Licensing Solicitors
- Fife Licensed Trade Association
- and all other persons with an interest in the Licensing Objectives

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1. INTRODUCTION

- 1.1 Perth and Kinross Licensing Board has approximately 600 premises licensed to sell alcohol. There are also over ~~1750~~1950 individuals who have a personal licence which allows them to manage licensed premises or run occasional events where alcohol is sold.
- 1.2 For Perth and Kinross, alcohol licensing is the responsibility of Perth and Kinross Licensing Board which is made up of ~~409~~ elected members of Perth and Kinross Council. From their number there is a Convenor and Vice Convenor. The Clerk to the Licensing Board is the Head of Legal & Governance Services for Perth and Kinross Council assisted by Depute Clerks and other staff.
- 1.3 Section 6 of the Licensing (Scotland) Act 2005 requires all licensing boards to publish a statement of licensing policy. That statement applies from 18 months after a council election until 18 months after the next council election. This statement applies from ~~45~~ November ~~2018~~2023 until ~~45~~ November ~~2023~~2028. The Board is required to ensure that its policies promote the licensing objectives. They are set out in Section 4 of the Licensing (Scotland) Act 2005 and are:
- (a) preventing crime and disorder;
 - (b) securing public safety;
 - (c) preventing public nuisance;
 - (d) protecting and improving public health;
 - (e) protecting children and young persons from harm.

Each objective is equally important.

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

- 1.4 In exercising its functions under the Act the Board must have regard to this Licensing Policy Statement and any Supplementary Licensing Policy Statement. The Licensing Board will consider all applications on their merits within the context of the legislative framework, the Licensing Policy Statement and any Supplementary Licensing Policy Statement. In particular, the Board will give due consideration to whether or not an application conforms to this Licensing Policy Statement. Where an application is out with policy, it will be for the Applicant to persuade the Licensing Board why the application should be granted.
- 1.5 When considering an application for a premises licence, a provisional premises licence, or an application for variation of a premises licence, the Licensing Board must consider whether any grounds for refusal of the application exist. In particular it is highlighted that, if the Board considers that it would be inconsistent with one or more of the licensing objectives, it must refuse that application. For a premises licence application or a provisional premises licence

application, the Board must also refuse the application if it considers that having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a premises licence. For personal licence applicants, in certain circumstances, the Board may also refuse the application on the basis that having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a personal licence.

Therefore, the Board will wish to have sufficient information from Applicants to allow it to make a decision.

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

- 1.6 The Board acknowledges that its licensing powers are not the main statutory mechanism for dealing with issues such as anti-social behaviour and nuisance and will avoid duplication with any other statutory or other systems of control which can be more appropriately applied to the circumstances.
- 1.7 The Board acknowledges the need to maintain a clear distinction between the licensing and planning processes. The Board will work with Perth and Kinross Council to ensure that duplication and inefficiency are avoided in the planning, building standards, environment services and licensing processes.
- 1.8 The Board will work towards ensuring the integration of its policy statement with other local strategies relevant to the licensing objectives such as the Community Plan, and crime prevention, anti-social behaviour and community safety strategies, and the Alcohol and Drug Partnership Strategy, and the Perth City Plan. The Board will also have regard to national strategies to address the social, health and crime and disorder issues created by alcohol misuse, in particular the ~~“Changing Scotland’s Relationship with Alcohol: A Framework for Action 2009” which continues to be relevant~~ Scottish Government’s Alcohol Framework 2018. To achieve this it will work with Perth and Kinross Council and other agencies involved in the development of such strategies.
- 1.9 The Board values the diversity that exists within Perth and Kinross and wishes to ensure full participation in the social, cultural and economic life of the area. Scottish public authorities are legally obliged by the Equality Act 2010 to pay due regard to the need to eliminate unlawful discrimination, victimisation and harassment; to advance equality of opportunity and to foster good relations between those people who share a protected characteristic and those who do not. In particular, it is unlawful to discriminate on the basis of age, disability, gender reassignment, marriage and civil partnership; pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Reference is made to the Licensing Board Mainstreaming Report which more fully sets out the Board’s position in relation to equality.

Applicants and existing premises licence holders are specifically reminded of their duty to make reasonable adjustments to their premises to allow access for disabled persons.

2. THE LICENSING OBJECTIVES

2.1 In general terms the Board will seek to promote the licensing objectives as follows:

Preventing Crime and Disorder

The Board supports a strategy aimed at making its area a safe place to live in and visit. The Board is committed to improving the quality of life for the people in the area by ensuring that licensed premises are run in such a way as to not contribute to crime and disorder. To enable the Board to make a decision about an application, applicants will be expected to provide information about how they will address the problems of:-

- Underage drinking;
- Drunkenness on or around premises;
- Illegal possession and/or use of drugs;
- Possession of offensive weapons;
- Violent or aggressive behaviour;
- Anti-social behaviour;
- Litter and waste management.

Securing Public Safety

The Board is committed to ensuring that the safety of any person visiting or working on or in the vicinity of licensed premises is not compromised. To enable the Board to make a decision about an application, applicants will be expected to provide information about the control measures they have in place to ensure the safety of those working on, visiting or in the vicinity of their premises.

Preventing Public Nuisance

The Board wishes to protect and maintain the amenity of residents and occupiers of other businesses from any adverse consequences of the operation of licensed premises whilst at the same time recognising the valuable cultural, social and business importance that such premises provide. The Board considers that “public nuisance” should be interpreted in its widest sense and in that respect considers it to include nuisance arising from noise, light, odour, litter and anti-social behaviour. To enable the Board to make a decision about an application, applicants will be expected to provide information about the control measures they have in place to prevent public nuisance by those visiting their premises.

Protecting and Improving Public Health

The Board recognises the link between the consumption of alcohol and public health. The Board wishes to see premises thriving in the area, but this cannot be at the expense of patrons' health and wellbeing. The Board will work with and have regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in the area, such as NHS Tayside and the Alcohol and Drugs Partnership. It will take advice from those relevant bodies.

To enable the Board to make a decision about an application, applicants will be expected to provide information about the control measures they have in place to protect patrons' health. This may include such measures as making information available through posters and leaflets for staff and patrons (such as information made available by the ADP) with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance can be obtained with problem drinking.

Protecting Children and Young Persons from Harm

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

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

To enable the Board to make a decision about an application, applicants will be expected to provide information about the control measures they have in place to protect children and young persons from harm, and in particular the measures they have for preventing the sale and supply of alcohol to those under the age of 18.

3. BOARD BUSINESS

3.1 Openness and accessibility

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

The Board has guidance notes which are available to assist the public.

It should be noted that the Board expects applicants/licence holders to attend Board meetings. Where an applicant or licence holder has an agent, the applicant/licence holder is expected to attend as well as their agent. The agent should not attend on their own.

3.2 Decision making

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

4. **PREMISES LICENCES**

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

Applicants should pay particular attention to the operating plan and the layout plan. If an activity is not mentioned in the operating plan that activity cannot take place on those premises until further authorisation is sought from the Board by way of seeking a variation of the premises licence.

The Board will provide guidance and advice to all applicants in relation to the requirements for operating plans and layout plans.

Applicants for a premises licence or a provisional premises licence must submit a disabled access and facilities statement. That statement must be submitted with the application otherwise it cannot be processed. Applicants for a major variation of a premises licence are also requested to submit a statement.

Applicants for a premises licence or a provisional premises licence are also expected to complete and submit the Board's Supplementary Information document setting out how the business will comply with the licensing objectives. That document should be submitted at the same time as the application is submitted.

4.2 Notification of Applications, Objections and Representations

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

- (a) each person having a notifiable interest in neighbouring land (as defined by The Licensing (Procedure) (Scotland) Regulations 2007, regulations 3 & 4);
- (b) any community council within whose area the premises are situated;
- (c) Perth and Kinross Council;
- (ca) NHS Tayside;
- (d) Chief Constable of Police Scotland; and
- (e) Scottish Fire and Rescue Service

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

Any objection to a premises licence application or premises licence variation application on the general basis of opposing the use of alcohol or to opening on a Sunday may be considered to be frivolous by the Licensing Board and may be rejected without being considered in determining the application.

Any person submitting an objection or representation including in support of an application should note that it will be treated as a public document. It will not be treated as confidential. It must be copied to the applicant and may be copied to other parties. It will also be placed before the Board for consideration. Any person submitting an objection or representation will be invited to attend a board meeting to address that objection or representation.

4.3 Consideration of premises licence applications and premises licence variation applications

The Licensing Board will assess each premises licence application on its own merits within the context of the five licensing objectives and this Policy Statement. For the assistance of applicants, the Board will have particular regard to:

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

When considering any application for a premises licence, a premises licence variation application or in any review of an existing licence, the Board will take into account any relevant evidence, especially of the impact on local residents

and businesses and will also look at the measures proposed by the applicant to mitigate any adverse impact.

4.4 Conditions

Mandatory conditions are set out both in the Act and in Regulations. The Board will consider in relation to each application whether it is necessary or expedient to impose additional (local) conditions for the purposes of one or more of the licensing objectives or otherwise to give effect to the provisions of this policy statement or to the provisions of the Act. The decision whether to impose a condition will be made on an objective basis, having regard to the operating plan and any representations made and any other relevant information available to the Board when considering the application. The Board will not impose disproportionate conditions.

4.5 Confirmation of Provisional Premises Licence

Where confirmation of a provisional premises licence is sought to enable alcohol to be sold and consumed on the premises, the Licensing Board may make a variation to the conditions for the purposes of ensuring consistency with any statement of licensing policy issued since the provisional licence was granted.

5. **MANAGEMENT OF PREMISES**

5.1 The Board considers that premises licence holders and their staff should operate their business or operation in a manner which is consistent with the five licensing objectives. There are various aspects of running licensed premises which are of particular concern to the Board. The Board has therefore decided to implement policies in these areas. The Board may consider imposing additional local conditions to reflect these concerns. The areas of particular concern are as follows:

5.2 Proof of Age

There must be a written age verification policy in relation to the sale of alcohol on the premises (for both on and off consumption). That policy should include that steps are to be taken to establish the age of a customer attempting to buy alcohol on the premises, if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).

This does not apply to any sale of alcohol treated as taking place on premises by virtue of Section 139 of the Licensing (Scotland) Act 2005 (remote sales of alcohol).

Acceptable forms of identification are: passport; European Union photo driving licence; Ministry of Defence Form 90 (Defence Identity Card); a photographic

identity card bearing the national Proof of Age Standards Scheme hologram; a national identity card issued by a member State of the European Union (other than the United Kingdom), Norway, Iceland, Liechtenstein or Switzerland; and a Biometric Immigration Document.

5.3 Purchase of alcohol for a child or young person

The Licensing Board expects premises licence holders and their staff to be aware of adults attempting to purchase alcohol for children and young persons. Premises licence holders for premises with the facility for on and/or off sales are expected to have policies and procedures in place to prevent such sales. Training should be given to staff to monitor for and prevent such sales and premises licence holders should monitor the effectiveness of their training.

5.4 Training

Applicants should note that the premises manager named in the premises licence application must hold a personal licence. To apply for a personal licence, a person must have an accredited qualification. Once a person holds a personal licence they must undergo refresher training at the appropriate point.

In addition, Regulations require that a personal licence holder or other person with an accredited qualification must provide training for all staff working in licensed premises who are involved in the sale of alcohol. This training must cover the matters set out in the Regulations. Records must be kept in set form of the training provided to staff.

The Board expects all premises licence holders to ensure that all new members of staff are given induction training in addition to being trained in accordance with the Regulations.

5.5 Management and supervision of premises and staff

The Board expects all premises licence holders, including qualifying (members) clubs, to supervise staff as well as providing training. Regular supervision and monitoring of staff should take place. Regular staff meetings may assist in this regard. Policies and procedures should be available and premises licence holders are expected to make sure that all staff involved in the sale and consumption of alcohol are properly trained generally and are fully aware of all relevant policies and procedures. Premises licence holders should supervise staff to ensure the policies and procedures are implemented.

Premises licence holders who have leased out their premises to be operated by a tenant should be aware that, as the premises licence holder, they continue to be responsible for the premise and should continue to exercise that responsibility in a manner consistent with the five licensing objectives. Before leasing the premises, a premises licence holder should undertake due diligence on the prospective tenants. This can include, but is not restricted to, bank references, other references, speaking to other members of the licensing

trade, and conducting internet and social media searches. Where the prospective tenant is a company or partnership the directors, partners, and other persons involved in the running of the prospective tenants should also be subject to due diligence. Once a premise has been let, the premises licence holder continues to be responsible for the premises and is expected to have policies and procedures in place to ensure continuing supervision of the tenants and the premises. In the event of any issues arising and a premises licence review taking place, the premises licence holder will be cited to attend the hearing. The tenant may also be requested to attend.

5.6 Incident Book

The Board expects premises licence holders and their staff to operate an incident book on the premises, which should be used to record instances of refusal to sell alcohol on account of age or drunkenness, refusal to allow or permit entry to the premises, requests to leave the premises, violent or antisocial incidents, and other matters as appropriate.

Entries in the incident book should be made as soon as possible and should be sufficiently detailed so as to describe the incident and identify the persons involved. Members of staff present should be recorded. Premises licence holders and staff are expected to make the incident book available to the Police or Licensing Standards Officer on request. Other staff should be made aware of entries made. The use of an incident book and the events recorded can also form part of the regular training of staff.

5.7 Misuse of Drugs

Premises licence holders for premises with the facility for on consumption are expected to have policies and procedures in place to prevent the misuse of drugs on and in the immediate vicinity of the premises.

5.8 Offensive Weapons

Premises licence holders for premises with the facility for on consumption are expected to have policies and procedures in place to prevent the possession and use of offensive weapons, particularly knives, on and in the immediate vicinity of the premises. Premises licence holders may wish to consider the use of metal detection wands.

5.9 Police – contacting and cooperation with

Premises licence holders and their staff are expected to contact and co-operate with the police when appropriate, particularly when incidents of a violent or antisocial nature occur and when there is a breach of the Licensing (Scotland) Act 2005. The Board views contacting the police as a positive step for premises licence holders which is to be encouraged.

5.10 Children and Young Persons on Licensed Premises

The Board has a long standing interest in encouraging family-friendly premises within Perth and Kinross and wishes to continue to ensure that premises which seek to accommodate children and young persons are run in such a way that they are suitable for them.

In determining any application where the operating plan indicates that children and young persons are to be allowed on the premises, the Board will consider the need to protect children and young persons from harm as paramount.

Premises licence holders are expected to have carried out their own risk assessment regarding children and young persons having access to the premises and have policies in place which reflect the additional responsibilities placed on them when children and young persons are on the premises. Specifically, applicants will be expected to provide information about the measures they have in place to protect children and young persons from harm.

Premises licence holders and occasional licence holders are expected to have policies and procedures in place to protect children from harm when dart boards, pool tables and other games that maybe a safety risk to children are in use.

Glass doors are also of concern to the Licensing Board. Parts of premises to which children and young persons are to be allowed entry will require to have a suitable character and atmosphere. Premises or parts of premises which are very small and enclosed are unlikely to be able to provide the appropriate environment. Also premises which have very few facilities are unlikely to comply with the Board's requirements. Toilets should be of a reasonable standard and reasonably accessible to the area to which children and young persons are allowed entry.

The Licensing Board expects premises with the facility for on consumption which permit entry to children aged 5 or under to have the following:-

- (i) provision of a safe high chair facility
- (ii) provision for heating customer supplied children's food at no extra cost
- (iii) all heating sources adequately protected
- ~~all electrical sockets covered~~
- (iv) safety film placed on glass doors or BS standard safety glass
- (v) cord safety measures for window blinds

The Licensing Board may impose conditions on a premises licence or an occasional licence where children are to be allowed entry including conditions to secure the above provisions.

Premises licence holders are also obliged to display a notice reasonably visible to customers entering the premises of at least A4 size which (a) states persons under 18 are not permitted on the premises; or (b) states such persons are permitted and to where on the premises. The Licensing Board also expects the times when children and young persons are permitted entry to be displayed.

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

5.11 Noise

Between the hours of 11pm and 7am, no noise by way of music whether amplified or not or singing and speech emanating from licensed premises shall (i) exceed 31dB or 10dB above the underlying level, or (ii) for low frequency, exceed 47dB in 63Hz band and/or 41dB in 125Hz octave bands in any neighbouring property.

Between the hours of 7am to 11pm, premises licence holders are expected to take reasonable steps to prevent noise nuisance.

Noise from licensed premises is one of the main causes of complaint. Steps should be taken to avoid noise while disposing of glass bottles, and to limit any noise caused by patrons smoking outside premises and patrons leaving licensed premises. Consideration should be given to the use of door stewards to monitor and control such noise and keeping doors and windows closed, installing soundproofing and using sound tests and sound limiters. Premises licence holders may wish to seek further guidance from Environmental Health, Perth and Kinross Council.

Where significant noise issues do arise, the Licensing Board may require the premises licence holder, at their own cost, to obtain a noise impact assessment from a suitably qualified acoustic engineer and to liaise with Environmental Health, Perth and Kinross Council on that assessment.

5.12 Dispersal of Patrons

Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol. Premises licence holders should ensure that they and their staff have sufficient measures in place to ensure patrons leave the premises as quickly as possible, in good order and as quietly as possible. Measures may include limiting the amount of alcohol sold

just before the terminal hour, such as, for example, only permitting a group to purchase one round as opposed to two, making sure all patrons are aware well in advance that the last time for purchasing alcohol is approaching, covering bar taps once the terminal hour has passed, raising the lighting level and inspecting all parts of the premises for patrons.

5.13 Smoking

Premises licence holders should ensure patrons and staff do not smoke within their premises. Other issues can arise in the area around the premises such as the blocking of entrances, blocking pavements or footways, noise nuisance, litter and disorder. Premises licence holders and their staff are expected to have sufficient measures in place to mitigate such problems.

5.14 Litter and Waste Management

Premises licence holders 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.

Premises licence holders are expected to recycle/dispose of all waste, including glassware at times and in such a manner as to avoid disturbance to the neighbouring community.

5.15 CCTV

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

5.16 Condition of Premises

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

5.17 Team Colours

The wearing and display of team colours, particularly football colours, by premises licence holders, staff and patrons can be a factor leading to crime and disorder or public nuisance. Premises licence holders are expected to provide information about how they will deal with such issues.

5.18 Radiolink & Pubwatch

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

Comment
The Board is consulting on whether or not Policies 5.18 and 5.19 should remain in place. Radiolink & Pubwatch, and the Best Bar None Scheme do not presently operate in Perth and Kinross

5.19 Best Bar None Award Scheme

In those areas where it is available, applying for an award under the Best Bar None Scheme can be beneficial to premises licence holders. The areas covered by the criteria of the Award Scheme are linked to the objectives of the Board. The Board supports this Scheme and would encourage involvement in it.

5.20 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.

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

5.21 18th birthday parties

18th birthday parties, parties for other similar age groups and other events of a similar nature should be closely managed by premises licence holders and staff. A licence holder may be faced with a variety of issues including a sudden influx of persons wishing to attend the event beyond expected numbers due to the use of social media.

Should premises licence holders choose to run such an event, the Licensing Board expects there to be policies and procedures in place for the management of such events. Those policies and procedures should be implemented by the premises licence holders and all staff involved in the sale and consumption of alcohol. Such events should be pre-booked by a nominated person over the age of 18 such as a parent; guest lists should be obtained in advance; numbers controlled in advance and on the day of the event and sufficient numbers of staff should be on duty including door supervisors where appropriate. Measures should be taken to prevent children and young persons purchasing or consuming alcohol, to prevent sale to and consumption by drunk persons and to ensure the safe dispersal of those attending the event. It is important the Challenge 25 age verification policy is implemented by all staff throughout the whole event. Specific measures to verify ages should be in place such as tamper proof wrist bands.

5.22 Delivery of alcohol ~~to and consumption by persons under 18 or drunk persons~~

Premises licence holders or applicants who are seeking to operate an off sales delivery service should include this as another activity in their Operating Plan

~~Where premises licence holders with an off sales facility operate a delivery service,~~ Policies and procedures should be in place and implemented by staff including in relation to the process of taking and recording of orders, training for delivery drivers, recording of items despatched, age verification policy, hours of delivery, not leaving deliveries of alcohol in nominated places or on doorsteps, ~~and~~ recording deliveries made, and keeping a refusals register. Those policies and procedures should be aimed at preventing alcohol being delivered to and consumed by persons under 18 or drunk persons.

Applicants seeking the addition of a delivery service should expect the requirement for policies and procedures to be in place to be imposed as a local condition on the premises licence.

Premises licence holders are reminded that if they use a courier or the sale and delivery are carried out through a third party organisation, it is the responsibility of the premises licence holder to make sure the courier/third party has appropriate policies and procedures in place.

5.23 Collection of alcohol

Premises licence holders or applicants who are seeking to operate an off sales collection service should include this as another activity in their Operating Plan.

Premises licence holders operating a Click and Collect service (remote sale whether via the internet, telephone or other means, and collect at the premises) should have policies and procedures in place and implemented by staff for checking the order made; hours of collection; age verification policy; ensuring collections are handed over, training of staff, recording collections made, and keeping a refusals register. Those policies and procedures should be aimed at preventing alcohol being collected by and consumed by persons under 18 or drunk persons.

Applicants seeking the addition of a collection service should expect the requirement for policies and procedures to be in place to be imposed as a local condition on the premises licence.

5.234 Control of Functions

Functions taking place on premises generally involve a substantial increase in numbers of persons on the premises. Premises licence holders should have a heightened awareness of any issues that may arise and should have appropriate policies and procedures in place. Special consideration should be given to staffing levels and the use of door supervisors.

6. PREMISES PROVIDING LATE NIGHT ENTERTAINMENT

6.1 Premises which provide late night entertainment, such as night clubs, are an important contributor to the night time economy and involve a substantial investment in the facilities and entertainment provided on the premises. Those premises tend to be places where patrons arrive from other licensed premises and stay until the terminal hour. The predominant activity on the premises or areas of premises providing late night entertainment should be DJ led music. Entertainment does not include karaoke; race nights; pool, darts or dominos competitions; background music; dinner-dances and weddings.

In light of this and the five licensing objectives, the Board will impose conditions on the licence of premises which in its view provide significant entertainment as follows:

- The provision of alcohol is for consumption on the premises only.
- The provision of alcohol is ancillary to the entertainment provided.
- The entertainment provided must be on a continuous basis with breaks of not more than 15 minutes in any one hour.
- There shall be a minimum entry charge which shall be fixed by the Licensing Board each year for the year beginning 1st July and ending 30th June. For the purposes of fixing the minimum entry charge the Board shall take into account any representations from the licensees of such premises.

The Licensing Board may also impose conditions in relation to the use of CCTV and door supervision at such premises as more fully detailed under Section 5.

The Licensing Board does not consider that children and young persons should be permitted entry when entertainment takes place except as a performer.

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

6.2 Adult Entertainment

Premises offering adult entertainment will be treated on a case by case basis.

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

~~The licensing of sexual entertainment venues is due to come in to effect under the Civic Government (Scotland) Act 1982 in the future. That may result in adult entertainment being removed from premises licenses and thus from the remit of the Licensing Board. However, the Board's policy set out above remains in place until such time as a new policy is formulated.~~

7. LICENSED HOURS AND EXTENDED HOURS

- 7.1 Whilst each application is assessed on its own merits, the following sets out the Licensing Board's policy on licensing hours. For applications seeking hours outwith the Board's policy, the practical onus is on the applicant to persuade the Board to grant the application. Applicants should provide information to enable the Board to make a decision about whether the additional requested hours are appropriate in the circumstances, and are consistent with the licensing objectives. Applications seeking hours outwith policy may be dealt with by the Board at a Board meeting rather than under delegated powers by officers.

For the avoidance of doubt, reference to times which occur shortly after midnight refer to the following day e.g. reference in the tables to Monday 1am means into early Tuesday morning.

7.2 Off-Sales

For applications relating to premises licences and to occasional licences, the licensed hours for the sale of alcohol for consumption off the premises (off-sales hours) are 10 am to 10 pm, each day. The Licensing Board has no

discretion to permit licensed hours outwith these times. In determining applications and licensed hours within these times, the Board will, in considering the merits, have particular regard to the effect (if any) which the proposed off-sales hours would have on the occurrence of anti-social behaviour.

7.3 On-Sales

For applications relating to premises licences including extended 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 should be no earlier than 11 am.

Licensed hours for on-sales premises, in particular, can have an impact not only within the individual premises but also within the locality in which the premises are situated. Taking into account the five licensing objectives, the presumption against 24 hour drinking and the ~~Guidance for Licensing Boards and Local Authorities issued by the Scottish Executive~~ Scottish Government's Section 142 Guidance for Licensing Boards and that mandatory conditions specified by Regulation apply to those premises opening after 1am, the Licensing Board considers appropriate hours during which alcohol may be sold on the premises or parts of premises to be as set out below.

For premises licence, provisional premises licence and variation applications, social demand hours should be entered in Section 2 of the Operating Plan. Any later on-sales hours sought should be entered into Section 5(f) of the Operating Plan.

7.4 Social Demand hours (premises offering no significant entertainment facilities)

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

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	12am	12am	12am	12.30am	12.30am	12.30am	12am
Festive period	1am	1am	1am	1am	1am	1am	1am

7.5 Restaurants

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

It can be entered in the Operating Plan or the Board will impose a condition on the premises licence that the provision of alcohol after social demand hours and during restaurant hours is ancillary to a table meal taken on the premises.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1am	1am	1am	1am	1am	1am	1am

7.6 Function hours (premises offering significant entertainment in function rooms or subject to close down)

Premises or parts of premises which ordinarily fall under paragraph 7.4 but which

- a. have a separate function room and/or
- b. the bar shall be closed such that no alcohol is sold for 30 minutes prior to the commencement of the function
- c. where the provision of alcohol is ancillary to the function.
- d. No general public entry is permissible and entry should be limited and controlled

Functions considered acceptable for this purpose include dances, discos, dinner-dances, wedding receptions and parties where a disco or band is provided. Functions generally not considered acceptable for this purpose include darts, dominos or pool competitions, karaoke evenings, race nights, or private parties where there is no significant entertainment as these events can take place during the hours set out in Section 7.4. Where live entertainment is not an integral part of the function then this would also not be acceptable eg background music. The functions must not be for general public entry and entry should be limited and controlled e.g. by payment or ticket.

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	1am	1am	1am	1:30am	1.30am	1.30am	1am
Festive period	1.30am	1.30am	1.30am	1.30am	1.30am	1.30am	1.30am

7.7 Entertainment/nightclub hours (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 premises referred to in paragraph 6.1 above, such as nightclubs.

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	2am	2am	2am	3am	3am	3am	2am
Festive period	2.30am	2.30am	2.30am	3am	3am	3am	2.30am

Where Christmas Eve and Hogmanay do not fall on a Friday or Saturday night the terminal licensed hour for those nights will be the same as for the Friday and Saturday festive period terminal licensed hour as set out in the table above.

7.8 Festive Trading

The Board permits longer licensed hours over the festive period for festive social demand hours; festive function hours; and festive entertainment hours. The period for longer hours is 8 December to 2 January. In addition, for festive function hours, individual pre-booked Christmas parties may take place from 1 December to 2 January.

Festive hours are as shown in paragraphs 7.4, 7.6, and 7.7 above.

7.9 Additional Considerations

Premises operating as hotels should note that if they wish to serve alcohol to residents beyond the ordinary licensed hours, they can specify the hours during which they wish to do so in their operating plan. Premises licence holders should note that the Act creates a presumption against 24 hours drinking.

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

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

7.10 Extended Hours Applications

The Licensing Board may extend the licensed hours in respect of premises by such period as the Board considers appropriate. The Board will normally only do so in connection with (i) a special event or occasion to be catered for on the premises, or (ii) a special event of local or national significance. The grant of an extension of licensed hours can only last for one month.

Where the hours sought fall outwith the on-sales hours specified in this statement, the practical onus is on the applicant to provide information to enable the Board to make a decision about the application. Applications seeking hours outwith policy may be dealt with by the Board at a Board meeting rather than under delegated powers by officers. Information to be provided includes:-

- 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.

Applications submitted less than 7 weeks prior to the date sought may not be capable of being processed in time for that date.

The Licensing Board, on granting extended hours, may vary the conditions of the premises licence as it considers necessary or expedient for the purposes of any of the licensing objectives. The decision whether to vary conditions will be made on an objective basis taking account of any representations made and any other relevant information available to the Board. The Board will not impose disproportionate conditions.

8. OCCASIONAL LICENCES

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

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

An occasional licence can only last up to a maximum of 14 days.

There are restrictions on the number of applications a voluntary organisation can make, in any period of 12 months. Guidance is available in relation to this.

Members clubs with a premises licence may also have to apply for an occasional licence to allow for general public entry. Restrictions apply on the number of occasionals that can be sought in any period of 12 months.

To allow time to consult the Police and the Licensing Standards Officer, and for objections to be made, applications should be submitted as far in advance of the event as possible. Applications submitted less than 7 weeks prior to the date sought may not be capable of being processed in time for that date.

Applicants should also be aware that they may also require a public entertainment licence, market operator licence, street trader licence, late night catering licence and/or permission for a raised structure (including a platform, stand or stage) issued by Perth and Kinross Council under the Civic Government (Scotland) Act 1982.

8.2 Particular issues with occasional licenses include:

- The Board considers it reasonable for occasional licences covering up to 30 days (including into the following mornings) ~~to be granted~~ in any one calendar year to be granted for a single premise. Where more than 30 days are sought, the Board expects a premises licence application to be submitted. Failure to do so may result in all further occasional licence applications being submitted to the Board for consideration rather than being dealt with under delegated powers. This does not apply to places such as village halls where different organisations use the same premise.
- Where the capacity of the alcohol licensed area is for 500 persons or more, an alcohol management plan (AMP) and layout plan should be submitted along with the occasional licence application. Guidance is available on what the Board expects to be in the AMP and layout plan.
- Where the licensed area sought is an outdoor area and is within an alcohol byelaw area, the licensed area should be physically enclosed by use of, for example, fencing or ropes and entry/exit should be controlled.
- For some occasional licence applications such as for outdoor areas, a layout plan showing the proposed licensed area may be requested.
- Tasters for off sales are only permitted in the immediate vicinity of the licensed area, such as a stall.
- ~~Where a premises licence or a provisional premises licence application is applied for, occasional licences shall generally not be granted unless all Section 50 certificates for Planning, Building Standards and Food Hygiene are in place.~~

8.3 The Licensing Board considers the commencement of the sale of alcohol for on consumption should be no earlier than 11am. For the terminal hour beyond which alcohol must not be sold on the premises, the Licensing Board considers the following to be appropriate:-

Social demand hours (where there is no specific entertainment)

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	12am	12am	12am	12.30am	12.30am	12.30am	12am
Festive period	1am	1am	1am	1am	1am	1am	1am

Functions (where there is specific entertainment)

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
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Annually except festive period	1am	1am	1am	1:30am	1.30am	1.30am	1am
Festive period	1.30am						

The Board considers that activities such as dances, discos and dinner-dances, wedding receptions and parties where a disco or band is provided are generally acceptable for granting an occasional licence beyond those hours set out above for where there is no specific entertainment. Darts, dominos or pool competitions, karaoke evenings, race nights or private parties where there is no significant entertainment are not generally considered acceptable activities for an occasional licence beyond those hours set out above for where there is no specific entertainment. Where live entertainment is not an integral part of the function then this would also not be acceptable eg background music. The function must not be for general public entry and entry should be limited and controlled eg by payment or ticket.

The Board will pay particular attention to occasional licence applications for events primarily aimed at children and young persons and whether the provision of alcohol would be appropriate for that event.

8.4 The Board permits longer occasional licensed hours over the festive period for festive social demand hours and festive function hours. The period for longer hours is 8 December to 2 January. In addition, for festive function hours, individual pre-booked Christmas parties may take place from 1 December to 2 January.

Occasional festive hours are as shown in paragraph 8.3 above.

8.45 For applications for licensed hours at times outwith the Board's policy, the practical onus is on the applicant to provide information to enable the Board to make a decision about whether the additional hours are appropriate in the circumstances, and are consistent with the licensing objectives. Applications seeking hours outwith policy may be dealt with by the Board at a Board meeting rather than under delegated powers by officers.

8.56 Conditions

The Board is aware of the mandatory conditions for occasional licences which are set out both in the Act and in Regulations. The Board will also consider in relation to each application whether it is necessary or expedient to impose additional conditions, to promote one or more of the licensing objectives or otherwise to give effect to the provisions of this policy statement, any supplementary licensing policy statement or to the provisions of the Act. The

decision whether to impose a condition will be made on an objective basis taking account of any representations made and any other relevant information available to the Board. The Board will not impose disproportionate conditions. Detailed consideration on whether to impose local conditions will be given by the Board particularly for high risk events such as where large numbers of persons will be in attendance. The training and supervision of persons involved in the sale of alcohol may also be considered as a local condition.

9 SPECIAL ISSUES - OVERPROVISION AND OCCUPANCY CAPACITY

9.1 Overprovision

The Licensing Board must include a statement as to the extent to which it considers there to be overprovision of licensed premises or licensed premises of a particular description, in any locality within the Board's area.

At present, the Licensing Board has not reached any conclusion that there is overprovision of licensed premises of any description within its area.

~~The Licensing Board is discussing the question of overprovision with Perth and Kinross Alcohol and Drugs Partnership. The Board will consult upon a supplementary policy statement in respect of overprovision in the future. Meantime, the Board will continue to consider premises licence and premises licence variation applications against the grounds of refusal, including on the basis of overprovision.~~

9.2 Occupancy Capacity

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

The Board may consider setting maximum occupancy limits to ensure the safety of persons in the premises and safe escape in the case of an emergency. If there are additional concerns about crime and disorder or public nuisance, the Licensing Board may consider setting a lower maximum occupancy limit than that recommended by Building Standards.

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

- The design and layout of the premises
- The location, availability and size of exits including emergency exits

- The nature of the premises or event
- The nature of the activities being provided
- The provision or removal of temporary structures such as a stage or furniture
- The number of staff available to supervise customers both ordinarily and in the event of an emergency
- The age of the customers
- The attendance by customers with disabilities
- The availability of suitable and sufficient sanitary accommodation
- The nature and provision of facilities for ventilation

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

10. SPECIAL ISSUES - MEMBERS CLUBS

- 10.1 All clubs require to have a premises licence in the same way as other premises selling alcohol. However, most members clubs will be exempt from some provisions of the Act. Those clubs which are exempt are defined in Regulations. The Board will follow these when deciding which clubs are exempt. Those which are not exempt will have to comply with the full requirements of the Act.
- 10.2 The Board considers in relation to members clubs that (1) the licence holder shall continue to meet the requirements of a club of such description as may be prescribed under the Licensing (Scotland) Act 2005 (to be a qualifying club) and shall abide by its written constitution and rules, and (2) no alcohol shall be sold or supplied for consumption off the premises except to a member of the club in person.
- 10.3 The considerations referred to in Section 10.2 above will be imposed as local conditions on a premises licence for a qualifying club unless the circumstances of a particular application indicate otherwise and/or an applicant is able to demonstrate to the Board that the condition is not appropriate in the circumstances.
- 10.4 The Board considers that to be supplied alcohol, no more than 10 non-members can accompany each member of the club unless an occasional licence is in place or those persons are members of another qualifying club.
- 10.5 Members clubs should also be aware that they are expected to operate in a manner consistent with the five licensing objectives. The various aspects of concern set out in Section 5 of this Policy Statement should be referred to. It is important that an appropriate degree of management and supervision is exercised over the premises and all persons involved in the sale and consumption of alcohol as set out in Section 5.5.

11 SPECIAL ISSUES - EXCLUDED PREMISES - GARAGES

- 11.1 Some premises are excluded from authorising the sale of alcohol including premises or parts of premises used as a garage. Such premises are used as a garage if there is (a) sale by retail of petrol or derv (diesel), (b) the sale of motor vehicles, or (c) the maintenance of motor vehicles.
- 11.2 However, where those premises or parts of premises are used for sale by retail of petrol or derv, alcohol may be authorised to be sold in some circumstances. Alcohol may be sold where the Licensing Board determines that in relation to such premises persons resident in the locality are, or are likely to become, reliant to a significant extent on the premises as the principal source of (a) petrol or derv, or (b) groceries.
- 11.3 In determining an application for such a premises, the Licensing Board expects the applicant to provide sufficient information to enable the Board to consider:
- (i) the locality in which the premises are situated,
 - (ii) what other sources of (a) petrol or derv and/or (b) groceries are in that locality, and
 - (iii) the extent to which persons resident in that locality are, or are likely to become, reliant on the premises as the principal source of (a) petrol or derv, or (b) groceries.
- 11.4 Factors the Licensing Board may consider include:-
- the number of premises selling petrol or derv or groceries in the locality;
 - the distance to the nearest other premises selling petrol or derv or groceries;
 - the opening hours of other premises selling petrol or derv or groceries in the locality;
 - the number and/or percentage of persons resident in the locality who are, or are likely to become, reliant on the premises and,
 - to what extent, the premises are the principal source of (a) petrol or derv, or (b) groceries, with particular reference to weekly groceries rather than convenience goods.

12. SPECIAL ISSUES – PAVEMENT CAFES

- 12.1 Pavement cafes are part of the adopted roadway. Beer gardens are not pavement cafes as they are on private ground and not part of the adopted roadway.
- 12.2 To operate a pavement café, ~~planning consent and r~~Roads' consent is required. The Board expects ~~those~~Roads' consents to be in place before an application to include that pavement cafe in a premises licence is submitted.

- 12.3 During the hours of 11 am to 10pm, seven days per week alcohol may be sold and consumed on its own in the outside seating area of those premises incorporating pavement cafes provided substantial food is also available to patrons for consumption, including within the outdoor seating area, during those hours. Outwith those hours, the provision of alcohol shall be ancillary to the provision of food in the outside seating area. The Board considers that food provided should be substantial (for example this would not include crisps or nuts on their own).

During all hours of operation of pavement cafes:

- (i) music shall not be played in or into the pavement café area
- (ii) television or similar shall not be operated in or into the pavement café area
- (iii) table service shall operate.

Applicants should provide information about what range of food they will be providing in the outside area to enable the Board to fully consider their application.

- 12.4 The Board expects that premises licence holders will not only comply with any conditions relevant to the pavement café area of their premises, but will also put in to place effective management controls, supervision and other measures to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity. The Board will take a robust approach with any premises licence holder in breach of a relevant condition or who does not have effective management controls in place.

13 SPECIAL ISSUES – IRRESPONSIBLE PROMOTIONS

- 13.1 It is important for premises licence holders and their staff to understand that some promotions may be irresponsible and therefore a breach of mandatory conditions in terms of the Licensing (Scotland) Act 2005, Schedule 3 (premises licences) or Schedule 4 (occasional licences). Premises licence holders and staff should be aware of these conditions and should not carry out irresponsible promotions.
- 13.2 Any interested party should contact the Board for advice, where necessary. For the avoidance of doubt, the Board does not consider that there must be linear pricing of alcohol according to the size of measure.

14 SPECIAL ISSUES – PRICE VARIATION OF ALCOHOL

- 14.1 Premises licence holders and staff should be aware in relation to both premises licences and occasional licences that a variation of price may be brought into effect only at the beginning of a period of licensed hours and no further variation of price of alcohol may be brought into effect for 72 hours. For the avoidance of doubt, the Board does not consider the use of discount

cards, in general, to be a price variation although the precise terms of the use of the discount card must be considered.

15 PERSONAL LICENCES

- 15.1 The Board will consider applications for personal licences from individuals living in the area of Perth and Kinross. Those living in another area should apply to the Licensing Board for that area. When considering an application for a personal licence, the Board will work with the police to establish whether the applicant has been convicted of any relevant offence (as set out in Regulations).

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

The Police or the Licensing Standards Officer may also bring relevant information to the attention of the Board not related to a conviction for a relevant offence.

The Board may refuse an application on the basis that having regard to the licensing objectives, the applicant is not a fit and proper person to be the holder of a personal licence or on the basis that it is otherwise necessary to refuse the application for the purposes of any of the licensing objectives.

Similar considerations apply for an existing personal licence holder convicted of a relevant offence or where relevant information is brought to the attention of the Board by the Police or the Licensing Standards Officer.

16 LICENSING STANDARDS OFFICERS

- 16.1 A Licensing Standards Officer is employed by Perth and Kinross Council and has the functions set out in the Act. The role is threefold - guidance, mediation and compliance. The Licensing Standards Officer is also a member of the Licensing Forum for the Perth and Kinross area.

The Licensing Standards Officer works with the public, the Council's partners, particularly the police, and the business community, and other Council officers in seeking to promote the licensing objectives and ensuring compliance with the law.

Any decision whether or not to seek compliance with the licensing legislation is at the discretion of the Licensing Standards officer, acting reasonably.

16.2 The Council delivers enforcement activities across a range of Services and is committed to ensuring that all enforcement is carried out in an efficient and effective manner.

16.3 The Licensing Standards Officer can be contacted by email: liquourlicensing@pkc.gov.uk, or by telephone: 01738 475180.

Response ID ANON-J71T-KHE9-Q

Submitted to Review of Perth and Kinross Licensing Board Policy Statement 2023
Submitted on 2023-05-01 11:05:15

About You

What is your name?

Name:

Sean Panton

What is your email address?

Email:

What is your organisation?

Organisation:

Perth & Kinross Council

Your Views

Please use the space below to give your feedback on the Draft Policy Statement.

Please enter your response below.:

Re paragraph 12.2 and my email to Debra Gilkison and John McCrone (1st May 2023):

We should not be fully omitting the requirement for planning permission, as in some instances, it may still be required. Planning permission is only not required if a Section 59 is already in place and the area to be changed is immediately adjacent the operating property. There can't be an intervening land use (such as the pavement itself). Thinking of 'That Bar' as an example, to get to part of the seating area you have to cross the pedestrian walk way, therefore this area would still require planning permission as there is an intervening land use. I would suggest rewording paragraph 12.2 to read the following:

'To operate a pavement café, roads consent is required. You may also require planning consent. The Board expects all relevant consents to be in place before an application to include that pavement café in a premises license is submitted.'

Comment on consultation response by Development Management, Perth and Kinross Council

Response	Comment
<p>Section 12.2 Pavement Cafes – the consultation response suggests reference to requiring planning permission to be in place before applying to include a pavement café in a premises licence should be retained, with alternative wording set out.</p>	<p>Changes to Section 12.2 were proposed due to new planning permitted development rules. Development Management have advised that Roads' consent would have to already be in place for planning permission not to be required. Planning permission may also still be required if the pavement café area is not immediately next to the building that is licensed.</p> <p>The alternative wording proposed, or a variation of it as set out below, has not been consulted upon but could be adopted as a minor change to that originally proposed.</p> <p><u>Recommendation</u></p> <p>Amend Section 12.2 to read:</p> <p>'To operate a pavement café, Roads' consent is required. Planning consent may also be required. The Board expects those consents to be in place before an application to include that pavement café in a premises licence is submitted.'</p>



RESPONSE TO CONSULTATION ON STATEMENT OF LICENSING POLICY

Alcohol Focus Scotland (AFS) welcomes the opportunity to provide comment on the development of local licensing policy statements. Their production provides licensing boards with an opportunity to stand back from routine administrative practice and consider the bigger picture in relation to licensing in their area. Once published, if effectively implemented, policy statements can help make licensing decisions more strategic, support consistent and well-reasoned decision-making, and make the licensing process more transparent.

1. About us

AFS is the national charity working to prevent and reduce alcohol harm. Our strategic priorities include ensuring the effective implementation of licensing legislation by supporting licensing boards and forums to promote the licensing objectives. We regularly engage and work with a wide range of licensing stakeholders, including licensing board members, licensing clerks, Licensing Standards Officers, NHS, police, Alcohol and Drug Partnerships, communities, and local licensing forums.

AFS also provides training courses for those involved in the regulation of licensing to meet the requirements of the Licensing (Scotland) Act 2005; this includes the Licensing Board Members Training and Licensing Standards Officers Training in Scotland.

2. About our response

As a national charity, AFS is not in a position to provide an individually tailored response to each of the 40 licensing boards in Scotland. However, we can offer our views on the general policy direction and emerging issues relevant to alcohol licensing, and suggestions about aspects of licensing policy that may warrant particular scrutiny during this round of policy development.

Our response has been informed by recent work AFS has undertaken to identify areas of progress and ongoing challenge within the licensing system, including a [review of the Statements of Licensing Policy for 2018-2023](#). We believe that this work and our ongoing engagement with a breadth of licensing stakeholders affords us a unique, national perspective on the licensing system. We hope that this insight and the suggestions we have provided below will be helpful to inform the Board's licensing policy review.

3. The national context

The development of licensing policies provides boards with a timely opportunity to consider emerging issues and legislative developments, and to adapt their approaches accordingly. As such, this section sets out key national developments which may be of particular relevance to licensing boards.

3.1. Post-COVID Recovery

AFS expects that, during this round of policy development, boards will be particularly keen to consider the actual and projected impact of COVID-19 on the licensing objectives and the licensed sector. While we do not yet know the full impact of the pandemic, there is evidence of its effects in a number of areas. The following topics are highly relevant to licensing and AFS would therefore recommend that they are taken into consideration as part of the licensing policy review process:

Changing drinking patterns: Evidence indicates that drinking habits have polarised as a result of the pandemic, with an overall decrease in consumption for lighter drinkers and an increase for heavier drinkers.^{1 2 3} Of major concern is the increase in high-risk drinking observed in England,^{4 5} which has sustained over the entirety of the pandemic.⁶ While equivalent research is not yet available for Scotland, it is likely that we will be experiencing similar increases, especially considering our historically higher levels of alcohol consumption and harm compared to the rest of the UK.⁷ Combined with reduced access to services, these changing drinking patterns have tragically translated into increased harm; alcohol-specific deaths in Scotland increased by 17% in 2020 and a further 5% in 2021.⁸ However, it can take 20 years to see the full effects of changes in alcohol consumption on harms, such as for cancers.⁹ The pandemic and economic crisis is also being experienced differently by different parts of our population, widening existing inequalities and creating new ones.

Home drinking: Linked to the above, the pandemic has further shifted alcohol sales and drinking from the on-trade to the off-trade, exacerbating existing trends. In Scotland, 73% of alcohol was sold in off sales prior to the pandemic, with this proportion increasing to 90% in 2020 before decreasing slightly to 85% in 2021.¹⁰ The home is an unregulated environment and the continued shift to home drinking may lead to long-term public health consequences and an upwards trend in alcohol-related injuries and accidents occurring at home. In addition, while alcohol itself does not directly cause domestic violence, there are strong associations between alcohol use and domestic violence and abuse.¹¹ Home drinking also poses potential risks for children and young people, such as neglect or modelling of parental drinking.¹² As such, it will be vital that boards consider the factors that can impact on the licensing objectives outwith a licensed setting, and that local licensing policies take account of alcohol-related harms occurring in private spheres as well as public.

The hospitality sector: Although the licensing regime does not have responsibility for promoting business growth, a recurrent theme within existing licensing policies is the need for boards to strike an appropriate balance between supporting the local licensed economy, while also upholding the five licensing objectives. During the pandemic, the hospitality sector was severely affected, with sales of alcohol in bars and restaurants plummeting by 49% overall from 2019 to 2021, while off-premises sales, such as e-commerce and supermarkets, grew significantly (by 11% between 2019 and 2021).¹³ In 2020, the Scottish Government issued guidance to advise that it “*considers flexibility and pragmatism in decision-making and sensitivity to the wider economic situation should be at the forefront of how a board decides to operate*”.¹⁴ Boards will likely be very reluctant to be seen to hurt already suffering hospitality sectors but will also want to ensure that the licensing objectives continue to be promoted. As such, decision makers, advocates, and local stakeholders alike will need to identify policies that can do both. It has been suggested that policies which may protect on-trade businesses, while reshaping the night-time economy away from alcohol-related harms, could offer a ‘win-win’ for policymakers and health advocates.¹⁵ However, this raises questions regarding how boards should seek to manage competing priorities within their policies and decision-making.

Use of outdoor areas: A growing trend for outside seating areas had been identified in many areas prior to the pandemic, with a number of boards setting out their expectations and requirements in this regard. However, COVID-19 related restrictions on sales of alcohol indoors led to an increase in applications from bars/pubs to serve alcohol in spaces outdoors e.g., car parks, pavements. If outdoor spaces are licensed on a permanent basis it could result in a significant increase in the overall capacity of venues and the visibility of alcohol, including to children and people in recovery who may be passing by. However, it is unclear how and whether boards will now seek to reverse outdoor licences granted during the pandemic, or whether the trend for outdoor seating areas will continue to grow.

Online sales/deliveries: The COVID-19 related restrictions have accelerated the general trend to online shopping and led to an increase in premises offering home deliveries of alcohol. The types of businesses that sell alcohol online now range from small independent traders, specialist drinks retailers/clubs, local convenience stores, and supermarkets through to multinational e-commerce companies (e.g., Amazon). There is also a growing variety of app-based retailers who have arrangements with restaurants, takeaways and off-licences to deliver alcohol directly to people's homes. Despite the reopening of physical stores, it is predicted that online sales will remain high as people have become more accustomed to online shopping. However, there is currently a distinct lack of information available about the business operations of online retailers in Scotland. In addition, it is unclear how age verification and other requirements can be effectively implemented when alcohol is being purchased on-line or delivered to people's homes. The majority of boards have responded to this issue at a local level by setting out their approach to alcohol deliveries within their policies, for example by making clear that delivery staff must be trained to the same level as those on licensed premises, that challenge 25 checks must be conducted, and that licensees using courier services must ensure that they are compliant with the Board's requirements.

3.2. Policy and legislative developments

Alcohol Framework: Scotland's current alcohol harm prevention framework was published in 2018 and takes a whole population approach to reducing alcohol harm. Whole population measures work to reduce and prevent alcohol harm across the entire population, reducing the likelihood of 'normal' drinkers becoming high risk. This is because targeting only harmful drinkers would not reach the majority of people who consume alcohol and who are therefore at risk of developing problems related to their alcohol consumption. Licensing is a whole population intervention. It works to safeguard individuals and communities from experiencing alcohol problems by controlling the overall availability of alcohol (through the number, type and opening hours of licensed premises), and by regulating the way individual on- and off-licences do business. The Framework therefore identifies the licensing system - alongside action on price and marketing - as being one of the key mechanisms through which the ambitions of the Alcohol Framework can be realised.

Minimum Unit Pricing (MUP): MUP came into force on 1st May 2018 and, along with restrictions on irresponsible promotions, there are now greater controls on the sale of alcohol from off-sales. Boards appear to be approaching these developments differently; for example, some state in their policies that these safeguards alone cannot adequately mitigate the link between the availability of responsibly sold alcohol and its unregulated consumption, while others state that the introduction of MUP of alcohol has the potential to be a more effective tool in reducing alcohol harm than overprovision. Many boards will be re-evaluating the relevance of MUP to their policies now that more information on the evaluation of the impact of MUP is available. In addition, in a recent legal case,¹⁶ an overprovision policy was struck down as unlawful because the sheriff upheld the argument that it didn't take into account that MUP had come into force. The price, availability and marketing

of alcohol can all impact consumption levels, which can in turn impact on harm, and it will be important that boards consider how different measures to tackle alcohol harm can be mutually reinforcing. In any local area it is impossible to say with any certainty what percentage of changes in alcohol consumption and alcohol related harms are due to changes in price/income as compared to availability or marketing. Accordingly, it is important to focus on the local evidence of alcohol related harm, to determine whether there is sufficient evidence of harm to support a case for controlling availability using an overprovision policy. It may also be useful for boards to consider the differential in price between on- and off-sale, as although the introduction of MUP created a floor price, it did not elevate the price of off-trade alcohol enough to reduce the gap between on- and off-trade prices.

Licensing Guidance update: In January 2023 [new guidance](#) to Scottish licensing boards on carrying out their functions was issued by Scottish ministers. The revised 'section 142' guidance replaces the original version which was first issued in 2009 and had become outdated due to subsequent changes. The purpose of the guidance is to assist boards in carrying out their functions under the 2005 Act, including the preparation of statements of licensing policy. We have therefore highlighted relevant sections of the guidance within this response to assist boards to have regard to it when undertaking their policy reviews.

Consultation on occasional licences: In 2019 the Scottish Government consulted¹⁷ on whether to raise the fee for an occasional licence from the current price of £10, and to seek views on considering a limit on the number and duration of occasional licences for premises licence holders and personal licence holders. The Scottish Government advised it would analyse the responses and, if considered appropriate, draft and lay secondary legislation embedding any new fee level or limit on the number and duration of occasional licences into Scottish law. At the time of writing there has been no secondary legislation proposed and AFS is not aware of any decisions as yet having been taken as a result of the consultation.

4. Issues to consider when reviewing the policy

4.1. Promoting the licensing objectives

It is a legal requirement that the policy must seek to promote the licensing objectives. For all objectives, AFS would suggest using the following format within the policy:

1. State the licensing objective.
2. Give a statement as to what the licensing board is trying to achieve with this objective.
3. Detail any concerns and/or trends in the area relating to this objective – identify what evidence was used to identify these.
4. List what the licensing board intends to do to promote the objective. Note that this could include actions like declaring overprovision, controlling licensed hours, or applying certain conditions (referring to the relevant section/s in the policy). However, other measures could include ensuring all policies are fit-for-purpose, working to ensure information is kept up-to-date and accessible, liaising with local partners, endorsing local initiatives relevant to the objectives, carrying out spot checks of premises, highlighting good practice, and conducting reviews of licences. A full list of board measures to promote the objectives is provided in our online resource: [Measures to promote the licensing objectives](#).
5. List any suggested actions the licensing board would like to see the licensed trade in the area undertake to meet this objective. The types of actions licensees can take often relate to specific control measures that can be put in place, the training and supervision of staff,

maintenance of premises, and co-operation with local stakeholders (e.g., LSO, police). A full list of example licensee measures to promote the objectives is provided in our online resource: [Measures to promote the licensing objectives](#).

Many boards have adopted new approaches to the promotion of objectives as knowledge and understanding of how to best promote them has evolved since the Licensing (Scotland) Act 2005 was first introduced. Examples of different policy approaches are now included within the section 142 guidance, including in relation to:

Preventing crime and disorder: “Alcohol related crime and disorder does not only occur within or immediately outside licensed premises. A significant proportion of alcohol is bought to be consumed at home or in other private dwellings. Whilst alcohol licensing alone cannot directly address issues such as domestic violence, licensing boards may wish to consider supporting work in this regard through partnership working. One example of a licensing board demonstrating a wider understanding of alcohol related crime can be found within West Lothian Licensing Board’s statement of licensing policy 2018.”

Protecting children and young persons from harm: “Licensing Boards will wish to be mindful that children and young people can be impacted by exposure to marketing and promotion of alcohol within licensed premises. For example, Falkirk Licensing Board comments in its statement of licensing policy 2018 that: “Where licensed premises intend to hold events where alcohol is not provided and those events are specifically targeted at children or young persons (for, example, underage discos or parent and toddler groups), consideration should be given to taking steps to avoid any obvious promotion of alcohol”.”

Protecting and improving public health: “This licensing objective encourages licensing boards to consider the cumulative effect of licensed premises on alcohol-related harm, within their licensing area, rather than the actions of any individual premises. Collecting harm data for localities will build a picture of the health and wellbeing of the people in the locality, and doing so on a consistent basis over time means the long-term health and wellbeing of a locality can be monitored and improvements made. City of Glasgow Licensing Board is an example of one of a number of licensing boards which have adopted an approach of looking at alcohol and health issues at their local authority area level, and then made a policy that seeks to promote the public health objective”.

In relation to the above, the Glasgow policy includes a section specifically pertaining to off-sales and the public health objective. This explains that the board is concerned by a number of areas suffering from high levels of alcohol-related harm but containing very few licensed premises. The board does not consider it appropriate to declare these areas as being overprovided for, but the policy makes clear that it may nonetheless be inconsistent with the public health objective to grant a licence which would enable easier access to alcohol – thereby having the potential to exacerbate existing alcohol-related health problems in the area. This is set out in section 9.2 of the [Glasgow Licensing Policy](#).

In addition, many policies set out local conditions that may and/or will be applied by the board in pursuance of the objectives. Including local conditions within policies not only provides an important indication of the ways in which the board will promote the objectives, it also provides examples of what conditions applicants could be subject to or volunteer themselves, and provides people making representations/ objections with suggestions of the kinds of conditions they can suggest. A full list of example conditions is set out in our online resource: [Examples of conditions to promote the objectives](#).

4.2. Overprovision

Overprovision is undoubtedly one of the most complex and contentious areas of licensing. AFS's review of the current licensing policies identified that boards have adopted differing approaches to how overprovision should be assessed, and seem to have different understandings of what is required in order to meet the legal tests that apply.

The primary cause of this divergence appears to be the way in which boards have interpreted and understood the concept of 'causal link'. While decisions are to be made on a balance of probabilities, there is wide variation between boards' interpretations of what evidence is required in order to meet the legal test to evidence a causal link. Although some boards seem confident to declare overprovision applying a test that considers on a balance of probabilities whether there are links between numbers of premises and levels of harm, others appear to consider that a higher bar requires to be met for causal link to be established. However, the updated guidance provides clarity around approaches to overprovision assessments and interpreting the causal link, stating that:

- *"If a Licensing Board considers there is at least potential for, or a reasonable basis for, concluding that there will be a risk of adverse impact on the objectives (should more premises licences be granted), it is entitled to come to the view that there is a state of overprovision."*
- *"Consideration should be given as to whether aggregate information and evidence from a number of sources demonstrates a link between the availability of alcohol in an area and alcohol-related harm."*
- *"To demonstrate a "dependable causal link", the proof of the link must be on a balance of probabilities. What this means in practice is that based on the evidence of harm in a locality, it is more likely than not that alcohol availability is a cause, or that increasing the availability of alcohol in that area will increase that harm."*

Boards have the flexibility to decide the approach they take to addressing overprovision in their area and can choose to focus on only the factors that cause them concern in the light of the evidence. It is likely that many boards will be keen to identify how the pandemic has impacted on the licensed economy in their area and will be considering this as part of their overprovision assessment.

At a national level, the number of off-licences in Scotland has reached the highest level since 2010, when the relevant statistics first started to be collected.¹ The closure of pubs and restaurants during the pandemic caused people to buy alcohol from other outlets and more shops and supermarkets applied for licences to meet demand. The number of off licences increased by 133 between March 2020 - March 2022, reaching a total of 5,155. Conversely, the nature of Covid-19, and the measures needed to reduce transmission, invariably had a disproportionate impact on the hospitality sector. While it is likely that many bars, pubs and other licensed premises will have closed permanently as a result, the available statistics don't enable for an assessment of how many licences were surrendered or lost. As such, it may be that the overprovision assessments will have a particular focus on the disparities between on and off sales, and the continued shift to home drinking.

¹ While the number of off-sales only premises is at its highest level since records began, due to variations in how the available statistics have been published in different years, it is impossible to say for certain whether this is true for all off-sales i.e., off-sales only premises combined with those providing both on-sales and offsales.

The boards consideration of overprovision need not be confined to only considering numbers and capacity but can take account of other factors. For example, inequality is a particularly important consideration in relation to overprovision. There is a stark inequalities gradient to alcohol harm, and a growing awareness that the impact of harmful drinking and alcohol dependence is much greater for those experiencing the highest levels of deprivation. For example, in 2021 alcohol-specific deaths were 5.6 times as frequent in the most deprived areas of Scotland compared to the least deprived areas. This compares to a ratio of 1.9 times for all causes of death.¹⁸ By taking account of evidence of inequalities, boards are able to meaningfully consider how different communities are impacted differently by alcohol and formulate an appropriate policy response.

4.3. Licensed hours

Policy statements should provide information on a licensing board's policy on licensed hours, which are important not only to individual licensed premises but can have a wider impact for an area.

AFS has identified numerous studies into the links between temporal availability and alcohol harm, which found that policies regulating times of alcohol trading can contribute to reductions in injuries, alcohol-related hospitalisations/ emergency department visits, homicides and crime.¹⁹ The vast majority of boards permit off-sales between 10am and 10pm each day, which is the maximum allowed by law. However, boards can stipulate shorter hours if they consider it to be appropriate. AFS believes that the maximum permitted off-sales hours should be the exception and not the norm, particularly in areas of high-rates of alcohol harm. In addition, the hours permitted for onsales and the night-time economy can have implications for matters such as crime and public order.

Boards can also grant a general extension of licensed hours for particular specified occasions. As such, AFS would recommend that the policy outlines the principles that the board will apply when considering applications for extended hours. For example, some policies make clear that if regular applications are made for the same premises, then applicants will be expected to consider whether they should apply to vary the premises licence. Others outline what might constitute an event of national or local significance. AFS believes that, in many cases, events and festivals can be appropriately accommodated within normal licensing hours and should not serve as automatic justification for extended licensed hours.

4.4. Children and young persons' access

It is largely for licensing boards to set out their expectations regarding factors like when children and young people should normally be allowed entry to licensed premises, including the ages at which they should be allowed entry, and the types, times and parts of premises to which they should have access. It is also for boards to determine the measures that may be necessary to protect children and young people from harm.

As such, AFS would recommend that the policy provides a clear indication of what the board might deem to be acceptable in terms of children and young peoples' access. Overall, it is the extent to which premises are likely to provide a family-friendly environment that tends to be the determining factor in boards' approaches to children's access. Conversely, premises where the supply of alcohol is the primary purpose of the service provided are frequently cited by boards as being unsuitable for children and young people.

The updated guidance provides examples of how different boards have approached this issue. Some restrict children's access to licensed premises for the primary purpose of consuming a meal or attending an event, while others set out expectations with regards to young peoples' access to

specific parts of premises, or specify the hours when young people should normally be allowed entry.

It is apparent that the majority of boards are seeking to encourage licensed premises to become more child and family friendly within their policies. However, it can also be seen that they are giving consideration to the potential impacts of alcohol on children and young people, and the objective to protect children and young people from harm. In particular, there is increased recognition that the scope of this objective is not restricted to preventing people under the legal purchase age from being sold/supplied with alcohol. Boards are also seeking to address impacts on children and young people resulting from the drinking behaviours they observe, adults drinking, and their general exposure to alcohol. Some boards are also being more directive in their approach than others, by setting out their expectations regarding children's access and applying relevant conditions as standard practice.

4.5. Supporting public participation

The updated guidance states that *"licensing boards should have effective engagement strategies in place to enable them to engage with and seek the views of their local community."* Given the public interest purpose that underpins alcohol licensing, AFS believes it essential that communities are empowered to participate in licensing processes and can feel confident that their contributions will be given due regard. The publication of policy statements provides an opportunity to set out the mechanisms available to enable community engagement and participation.

There are numerous ways in which the general public can choose to engage with the licensing system, ranging from commenting on applications and observing/participating at board meetings, to joining their local licensing forum. However, communities may not currently be aware of the various ways in which they can get involved or the types of information/supports available to enable them to participate. For example, some boards have developed pro formas to assist anyone wishing to make an objection or representation, while others highlight that LSOs are available to offer appropriate support. Many boards include a commitment in their policies that they will conduct business in a way that is not off-putting to members of the public. For example, by creating a less formal and more relaxed atmosphere so as not to intimidate parties.

4.6. Identifying strategic links

Although boards are quasi-judicial and need to undertake their decision-making independently, this does not prevent them from considering their policies in the broader context of identified local and national priorities etc. The pandemic has also highlighted the importance of partnership working across sectors. As such, the policy should indicate how the board will take into account other matters relating to alcohol, for example local crime prevention, community safety strategies, and health.

Boards in many areas have adopted a collaborative approach and committed to work with local partners where they share common objectives. As such, AFS would recommend the policy includes reference to Local Outcome Improvement Plans (LOIPs), Alcohol and Drug Partnership strategic plans, and the strategic plans of the Health and Social Care Partnerships (HSCP). Scotland's alcohol strategy 'Changing Scotland's relationship with Alcohol a Framework for Action' is of key relevance to the policy and should also be referenced. The Board should also take into account the views of local partners, the Forum, communities, when developing and implementing their new policy. The Licensing (Scotland) Act 2005 and accompanying guidance should inform the Board's approach to how this can best be achieved, for example the updated guidance states:

“The alcohol licensing regime in Scotland does not exist in a vacuum and Licensing Boards should clearly explain how they will take into account other pertinent strategies and regimes when developing their statement of licensing policy. For example, the Western Isles Licensing Board statement of licensing policy comments that “The Board will work and appoint a Board Member to work with the Outer Hebrides Alcohol and Drug Partnership and the Outer Hebrides Community Safety Partnership in the Western Isles; the importance of such co-operation is recognised as part of the wider alcohol agenda”.”

4.7. Occasional licences

During 2021-2022, 23,269 occasional licences were granted in Scotland.²⁰ Occasional licence applications can be granted under delegated powers, a limited number of people are required to be notified of occasional licence applications, and the consultation period is much shorter than that for new premises applications – reducing the scope for objections or representations.

This has led to concern that some applicants have sought to use the occasional licence process as an alternative to applying for a full premises licence. As such, AFS would recommend that boards set out measures to ensure that this type of application is subject to appropriate scrutiny. For example, by including a provision to ensure that repeated occasional applications from the same applicant will be automatically referred to the board for a decision.

In addition, AFS would recommend that boards set out conditions that will specifically apply to occasional licences, either as standard practice or on a case-by-case basis. These could relate to issues such as management, supervision, security, signage and training.

4.8. Presentation and readability

Legislation does not specify how a policy statement should be organised and presented and consequently the 2018 published policy statements vary considerably in structure and length. AFS’s review of the documents identified that shortest was 25 pages while the longest policy statement was 166 pages (including appendices). Some policy statements, but not all, were written in legalistic language and provided excessive detail of administrative processes and procedures, making them somewhat laborious and difficult to read.

The updated guidance states that licensing policies:

“Must also not simply be a repeat of what is set out in legislation or statutory guidance. It should provide a clear indication to the local community as to the Licensing Board’s evidenced based policy and should seek to promote the licensing objectives (see Chapter 2 for more about the licensing objectives) set out in the 2005 Act. It is important that statement of licensing policies should be written in terms that can be easily understood by the local community as consultation with the local community (including Local Licensing Forums), is a key part of providing feedback to Licensing Boards.”

Lengthy policy statements written in legalistic and bureaucratic language can be off-putting for some stakeholders and potentially act as a barrier to community engagement in the licensing process. As such, AFS recommends that boards make conscientious efforts to create policies that are accessible to all. For example, by providing definitions of terms used throughout the policy within an appendix, and providing links to statutory provisions, guidance etc. wherever possible. Web-links and signposting can similarly be used to direct interested parties to more detailed information where required.

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- ¹ Alcohol Focus Scotland (23 April 2020). [Scots report changing drinking patterns during coronavirus lockdown](#). Alcohol Focus Scotland.
- ² Alcohol Focus Scotland (23 July 2020). [Survey shows Scots lockdown drinking rise caused by stress](#). Alcohol Focus Scotland.
- ³ Angus, C. et al. (2022). [Modelling the impact of changes in alcohol consumption during the COVID-19 pandemic on future alcohol-related harm in England](#). The University of Sheffield.
- ⁴ Jackson, S.E. et al. (2021). [Moderators of changes in smoking, drinking and quitting behaviour associated with the first COVID-19 lockdown in England](#). *Addiction*, 117(3), 772-783.
- ⁵ Jackson, S.E. et al. (2021). [Association of the COVID-19 lockdown with smoking, drinking and attempts to quit in England: an analysis of 2019–20 data](#). *Addiction*, 116(5):1233–44.
- ⁶ Angus, C. et al. (2022). [Modelling the impact of changes in alcohol consumption during the COVID-19 pandemic on future alcohol-related harm in England](#). The University of Sheffield.
- ⁷ Ponce Hardy, V. & Giles, L. (2022). [Monitoring and Evaluating Scotland’s Alcohol Strategy: Monitoring Report 2022](#). Public Health Scotland.
- ⁸ National Records of Scotland (2022). [Alcohol specific deaths 2021](#).
- ⁹ Holmes, J. et al. (2012). [The temporal relationship between per capita alcohol consumption and harm: a systematic review of time lag specifications in aggregate time series analyses](#). *Drug and Alcohol Dependence*, 123(1-3), 7-14.
- ¹⁰ Ponce Hardy, V. & Giles, L. (2022). [Monitoring and Evaluating Scotland’s Alcohol Strategy: Monitoring Report 2022](#). Public Health Scotland.
- ¹¹ World Health Organization (2006). [Intimate partner violence and alcohol](#).
- ¹² Alcohol Focus Scotland (2019). [Parental Drinking in Scotland Discussion Paper](#).
- ¹³ Ponce Hardy, V. & Giles, L. (2022). [Monitoring and Evaluating Scotland’s Alcohol Strategy: Monitoring Report 2022](#). Public Health Scotland.
- ¹⁴ Scottish Government (2022). [Coronavirus \(COVID-19\): Licensing \(Scotland\) Act 2005 section 142 – statutory guidance](#).
- ¹⁵ Fitzgerald, N. et al. (2021). [Lockdown and licensed premises: COVID-19 lessons for alcohol policy](#). *Drug and Alcohol Review*, 41(3), 533-545.
- ¹⁶ Aldi Stores Limited Vs Dundee City Licensing Board, Case Number: B109/21, March 2022
- ¹⁷ Scottish Government (2019). The Licensing (Scotland) Act 2005: [Consultation on Occasional Licences](#), Published 23 April 2019
- ¹⁸ National Records of Scotland (2022). [Alcohol-specific deaths 2021](#).
- ¹⁹ For example: Sanchez-Ramirez DC, Voaklander D (2018). The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review. *Injury Prevention* 2018;24: 94-100.
- ²⁰ Scottish Government (2022). [Liquor Licensing Statistics for Period 01/04/2021 to 31/03/2022](#)

Comment on consultation response by Alcohol Focus Scotland

Response	Comment
<p>The response is not tailored towards commenting on specific policies within Perth and Kinross Licensing Board's Draft Licensing Policy Statement. Instead, it takes a national approach with national level information; post-covid recovery observations; policy and legislative developments that have occurred during the current licensing policy statement period; and specific issues to consider when reviewing policy.</p>	<p>As regards the post-covid recovery observations, the Board will be aware of the changes occurring, particularly the trend towards more home drinking with more home deliveries; the challenges faced by the licensed trade; and the need for the Board to balance various considerations whilst continuing to promote the licensing objectives through its licensing policy statement.</p> <p>It can be noted that Perth and Kinross Licensing Board encourages applicants to include outdoor areas within their premises licences. If an outdoor area is part of a premises licence, the premises licence holder is then responsible for its operation. Further, the number of outdoor areas that utilised parts of the road, including parking bays, during the covid pandemic has steadily reduced for a variety of reasons.</p> <p>In relation to the policy and legislative developments referred to in the consultation response they were, where relevant, taken into consideration when the Draft Licensing Policy Statement was formulated for consultation.</p> <p>As regards the specific issues raised:</p> <p>4.1 Promoting the licensing objectives – Perth and Kinross Licensing Board's Licensing Policy Statement is mostly structured in the way that AFS suggest. Of particular note is the Board's Section 5 on Management of Premises which sets out detailed expectations of how licensed premises should be run and thus what possible local conditions may be imposed</p>

	<p>on a premises licence. The different policy approaches taken from the Scottish Government's revised Section 142 Guidance were considered when the Draft Licensing Policy Statement was formulated for consultation.</p> <p>4.2 Overprovision – Perth and Kinross Licensing Board has not reached any conclusion that there is overprovision of licensed premises of any description in its area.</p> <p>4.3 Licensed hours – to seek to reduce off sales hours was not consulted upon and would be difficult as (i) existing off sales premises licences would not have such a restriction; and (ii) it would place new applicants at a disadvantage to existing licensed premises. When it comes to a general extension of licensed hours for specified occasions, Board policy allows for festive hours but does not refer to specific events. Any request for extended hours for a specific event is considered on its merits and, in line with AFS' comments, are not automatically granted.</p> <p>4.4 Children and young persons' access – the Board is welcoming of family-friendly premises, however, it recognises the additional responsibilities that arise when children and young persons are on licensed premises.</p> <p>4.5 Supporting public participation – the Board consulted widely on its Draft Licensing Policy Statement. Also, recently, a guidance note for objections/representations has been prepared and placed on the Board's web pages.</p> <p>4.6 Identifying strategic links – these are identified in Policy 1.8 and 1.9.</p>
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	<p>4.7 Occasional licences – the Board has consulted on retaining Policy 8.2 – expecting a premises licence application to be submitted where occasionals for more than 30 days in a calendar year are sought.</p> <p>4.8 Presentation and readability – the Board’s Draft Licensing Policy Statement is 31 pages in length. It has always been the aim of the Board to make its Licensing Policy Statement readable in what is a complex area.</p> <p><u>Recommendation</u></p> <p>Members to decide the terms of the Licensing Policy Statement in light of Alcohol Focus Scotland’s consultation response.</p>
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Submitted to Review of Perth and Kinross Licensing Board Policy Statement 2023
Submitted on 2023-05-08 16:24:58

About You

What is your name?

Name:

Ryan mollison

What is your email address?

Email:

What is your organisation?

Organisation:

Anglers Inn

Your Views

Please use the space below to give your feedback on the Draft Policy Statement.

Please enter your response below.:

Regarding the statement of the radio link and pub watch saying it's not currently operating in Perth and Kinross.

Strathmore pub watch which operates with pubs within Blairgowrie, Coupar Angus, Alyth and Guildtown still operates a well established group and has a strong group of publicans supporting this.

Comment on consultation response by Ryan Mollison, The Anglers Inn, Guildtown

Response	Comment
<p>Policy 5.18 Radiolink and Pubwatch – the response clarifies that Strathmore Pubwatch continues to operate.</p>	<p>The Board consulted on whether or not to retain Policy 5.18 Radiolink & Pubwatch and 5.19 Best Bar None Scheme, on the understanding that those schemes do not presently operate in Perth and Kinross.</p> <p>This consultation response (and that from Strathmore Pubwatch – see Appendix 5) clarifies that Strathmore Pubwatch continues to operate.</p> <p>In addition, it is also of note that the Business Crime Prevention Unit of Police Scotland this month communicated with Licensing Forums to share training and awareness opportunities regarding the Best Bar None Scotland Scheme.</p> <p><u>Recommendation</u></p> <p>Retain both Policies 5.18 and 5.19.</p>

Submitted to Review of Perth and Kinross Licensing Board Policy Statement 2023
Submitted on 2023-05-10 09:29:30

About You

What is your name?

Name:

Caroline Shiers

What is your email address?

Email:

[REDACTED]

What is your organisation?

Organisation:

on behalf of Strathmore Pub Watch based in East Perthshire

Your Views

Please use the space below to give your feedback on the Draft Policy Statement.

Please enter your response below.:

I note that at 5.18 there is reference to no Pubwatch schemes operating. I would draw your attention to the scheme which operates in East Perthshire under the label of Strathmore Pubwatch. This has operated for some 15 plus years. We would welcome further support from Perth and Kinross Council and Police Scotland.

Comment on consultation response by Strathmore Pubwatch

Response	Comment
<p>Policy 5.18 Radiolink and Pubwatch – the response clarifies that Strathmore Pubwatch continues to operate.</p>	<p>The Board consulted on whether or not to retain Policy 5.18 Radiolink & Pubwatch and 5.19 Best Bar None Scheme, on the understanding that those schemes do not presently operate in Perth and Kinross.</p> <p>This consultation response (and that from Ryan Mollison – see Appendix 4) clarifies that Strathmore Pubwatch continues to operate.</p> <p>In addition, it is also of note that the Business Crime Prevention Unit of Police Scotland this month communicated with Licensing Forums to share training and awareness opportunities regarding the Best Bar None Scotland Scheme.</p> <p><u>Recommendation</u></p> <p>Retain both Policies 5.18 and 5.19.</p>

Submitted to Review of Perth and Kinross Licensing Board Policy Statement 2023
Submitted on 2023-07-04 16:52:31

About You

What is your name?

Name:

Aidan Smith

What is your email address?

Email:

What is your organisation?

Organisation:

Scottish Grocers' Federation

Your Views

Please use the space below to give your feedback on the Draft Policy Statement.

Please enter your response below.:

Introduction

Scottish Grocers Federation is the go-to trade association for the Scottish Convenience store sector and represents nearly 5,100 convenience stores in Scotland, which includes all the major symbol groups, co-ops, and convenience multiples in Scotland. Our membership also includes a range of well-known alcohol producers/ drinks manufacturers and retailers who sell these products.

A typical convenience store offers a range of at least 17 kinds of different product categories. Alcohol accounts for 18.1 % of total sales turnover. In addition, 74% of convenience stores across the UK have an alcohol licence.

Many convenience retail businesses are operating in an extremely challenging trading environment, however, and the Scottish Government has acknowledged that continuing to add to the legislative burden could put businesses at risk. In addition to meeting the requirements of new regulations, such as Minimum Unit Pricing; potential restrictions to the promotion of alcohol products and foods high in fat, sugar & salt; and the recently delayed Deposit Return Scheme, the sector is among the hardest hit by issues such as food inflation, cost-of-living and rising energy costs. The cumulative cost burden of legislation on top of the pressure of these other factors are significantly adding to vulnerability of many businesses.

Given the importance of alcohol sales to the convenience sector, SGF has a vested interest in responding to this Draft Policy Statement for Perth and Kinross Licensing Board.

Management of Premises

While alcohol is an important seller for the convenience sector, SGF members are committed to responsible retailing when it comes to alcohol sales.

This happens through the following key areas:

- Full compliance with the Challenge 25 regulations (an initiative developed in partnership with SGF)
- Staff training
- Appropriate signage
- In-house test purchasing
- Refusal books
- Use of CCTV
- Full compliance with the stores operating plan
- Age restricted till prompts, upon customer checkout.

SGF have taken great strides in reducing misuse of alcohol in Scotland. We produced an MUP retailer guide in partnership with the Scottish Government to ensure retailers were compliant and aware of their responsibilities. In addition, SGF is proactive in sharing alerts, guidance or key messages from both Trading Standards and the Scottish Government with our membership and retailers across Scotland. SGF therefore supports the statements emphasis on responsible retailing including the need for retailers to have a written age verification policy in relation to the sale of alcohol on the premises as highlighted in section 5.2.

Section 5.3 refers to the purchase of alcohol for a child or young persons. Our commitment to this issue is evidenced in our 'It'll Cost You' campaign. This campaign, that is running until 18th August, aims to reduce the risk of harm and vulnerability to under 18s by cracking down on proxy purchasing

through raising awareness of the consequences.

Delivery of alcohol

The increased use of apps and the use of third-party delivery agents allows convenience stores to offer another important and valued facility for customers. The SGF Local Shop Report highlights that 26% of convenience stores offer some form of grocery delivery, providing an important service to their communities.

SGF members use these facilities responsibly and have strict measures, such as record keeping and age verification in place, to ensure the rules around delivery are observed.

Drivers are trained to -

1. Always hand over alcohol to an adult.
2. If no adult able to accept deliver then return all goods back to shop.
3. Never leave items on the doorstep.

SGF members have reported that they ban any household where they suspect underage sales may be taking place and go out of the way to ensure they abide by the regulation.

With respect to this, SGF supports section 5.22 of the statement in its entirety.

Click and collect

The SGF understands recent challenges for retailers, that have been reflected on in section 5.23, posed by alcohol Click and Collect services. We support the statements position that premises licence holders should have policies and procedures in place to ensure responsible retailing in this area.

Licensed Hours

SGF supports the policy set out in section 7.2 that the licenced hours for the sale of alcohol for consumption off the premises are 10am to 10pm, each day.

Retailers are used to the current licensed hours and so SGF would not want to see them changed. Also, SGF would not support any reduction to the available licensed hours as we believe there would be no evidential basis for such a decision and would also leave applicants for new stores at a disadvantage. There is not, in the SGF's view, any evidence to suggest that alcohol purchased later in the day is more harmful than purchased earlier or vice versa.

SGF would not support any reduction to the available licensed hours. Convenience stores are community assets which offer key services to local communities. Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way.

Overprovision

We recognise the Board's duty to assess overprovision under Section 7 of the Licensing (Scotland) Act 2005 in respect of licensed premises or licensed premises of a particular description in any locality within the Board's area.

We also recognise that, in determining if there is overprovision, the Board must have regard to the number and capacity of licensed premises in the locality together with any other matter the Board sees fit.

SGF supports the statements conclusion at section 9.1 that there is no overprovision of licenced premises of any description within its area. SGF is sceptical of the view that refusing to grant any new licences to sell alcohol in a locality is effective in tackling alcohol related harm. There is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall, it is becoming increasingly difficult to make a link between individual premises and problems in a specific locality. Inequality continues to be the main determining factor: alcohol-related harm in Scotland is still disproportionately experienced by those from more deprived areas.

Creating localities of overprovision also risks damaging business opportunities for retailers as they cannot open new off-licences in these localities. Boards must consider the positive benefits that a thriving local convenience sector can bring to communities, and that evidence should be weighed up as part of the exercise. Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way.

Irresponsible Promotions & Price Variation of Alcohol

SGF works with its membership and the convenience sector as a whole to ensure that they are fully compliant with licensing legislation and are selling alcohol responsibly both in terms of pricing and promotions.

We are generally supportive of this draft policy as it does not propose additional barriers for convenience stores to sell alcohol. The SGF believe the licensing system should not be onerous on retailers. We hope that you find these comments helpful.

Comment on consultation response by Scottish Grocers' Federation

Response	Comment
<p>The response makes detailed comment on:</p> <p>(1) the Scottish Grocers' Federation, how it operates, its members, and the challenges they face;</p> <p>(2) both existing Licensing Board policies not proposed for change and policies proposed for change</p>	<p>In summary, the response on specific policies:</p> <p>Policy 5.2 Proof of Age – welcomes</p> <p>Policy 5.3 Purchase of alcohol for a child or young person – comments on</p> <p>Policy 5.22 Delivery of alcohol – supports the full, revised wording</p> <p>Policy 5.23 Collection of alcohol – supports this new policy</p> <p>Policy 7.2 Off-Sales (hours) – supports</p> <p>Policy 9.1 Special Issues- Overprovision and Occupancy Capacity – supports there being no overprovision of licensed premises of any description within Perth and Kinross</p> <p>Policy 13 Special Issues – Irresponsible Promotions – supports</p> <p>Policy 14 Special Issues – Price Variation of Alcohol - supports</p> <p>The response does not oppose any existing policy or a policy proposed for change.</p> <p><u>Recommendation</u></p> <p>Members to decide the terms of the Licensing Policy Statement in light of the Scottish Grocers' Federation general support for the Draft Licensing Policy Statement.</p>