

MEETING OF RENFREWSHIRE LICENSING BOARD

WEDNESDAY 13 SEPTEMBER 2023 at 09.30AM

The meeting will be held in public in the Council Chambers, Renfrewshire House, Cotton Street, Paisley

AGENDA

Councillors Alec Leishman, Andy Steel, Bruce McFarlane, Cathy McEwan, Jamie McGuire, Janis McDonald, Jim Paterson, John Gray, Kevin Montgomery and Michelle Campbell

Convener – Councillor Cathy McEwan

1. APOLOGIES

2. DECLARATIONS OF INTEREST

3. LICENSING (SCOTLAND) ACT 2005

Pages 1-2	Applications for Major Variation of Premises Licence to be considered
Page 3	Application for Provisional Premises Licence to be considered
Page 4	Section 38 Premises Licence Review Hearing
Pages 5-8	Applications for Minor Variation of Premises Licence - DPM - Delegated for noting
Page 9	Applications for Minor Variation of Premises Licence - Delegated for noting
Pages 10-11	Applications for Transfer of Premises Licence - Delegated for noting
Page 12	Applications for Confirmation of Premises Licence - Delegated for noting
Pages 13-14	Applications for Personal Licence – delegated for noting
Page 15	Applications for Personal Licence Renewal – delegated for noting

4. ADMINISTRATIVE ITEMS

- (a) Report by Clerk to the Licensing Board – Review of Statement of Licensing Policy for 2023-2027 : Responses to Formal Consultation and Further Procedure
- (b) Report by Clerk to the Licensing Board – Extended Hours for the Festive Period 2023/2024 under the Licensing (Scotland) act 2005
- (c) Report by the Clerk to the Licensing Board – Chief Constable’s Report to the Licensing Board
- (d) Minute of previous meeting on 19 June 2023 to be agreed

RENFREWSHIRE LICENSING BOARD**Meeting 13 September 2023 at 09:30am****Licensing (Scotland) Act 2005****Variation (Major)(s) - Cite**

	Premises	Applicant	Date Received	Comments
1	AFTON BAR 70 CAUSEYSIDE STREET PAISLEY PA1 1YP	PUNCH PARTNERSHIPS (PTL) LIMITED	27 June 2023	
2	ASHTREE HOUSE HOTEL 7-9 ORR SQUARE PAISLEY PA1 2DL	PARTNERSHIP OF MAUREEN ANNE STEWART AND THOMAS JAMES STEWART	24 April 2023	
3	BOWFIELD HOTEL & COUNTRY CLUB BOWFIELD ROAD HOWWOOD PA9 1DZ	MANORVIEW HOTELS LTD	26 June 2023	
4	PAISLEY ARTS CENTRE CAFE BAR NEW STREET PAISLEY PA1 1XU	RENFREWSHIRE LEISURE LIMITED	30 June 2023	

RENFREWSHIRE LICENSING BOARD

Meeting 13 September 2023 at 09:30am

Licensing (Scotland) Act 2005

Variation (Major)(s) - Cite

Premises

Applicant

Date Received

Comments

5 U-SAVE
21 GREENOCK ROAD
BISHOPTON
PA7 5JN

RENFREWSHIRE LICENSING BOARD

Meeting 13 September 2023 at 09:30am

Licensing (Scotland) Act 2005

Provisional(s) - Cite

Premises

Applicant

Date Received

Comments

1	UNIT 15 NORTHPOINT 29 GORDON AVENUE HILLINGTON PARK GLASGOW G52 4TG	ZOOM DELIVERY SERVICES LIMITED C/O HARPER MACLEOD DX GW86	19 May 2023	
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RENFREWSHIRE LICENSING BOARD

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Meeting 13 September 2023 at 09:30am

Licensing (Scotland) Act 2005

Premises Licence Review(s)

Premises	Applicant	Date Received	Comments
1 ANCHOR BAR 23A GAUZE STREET PAISLEY PA1 1ES	RESIDENTS OF 9 ABBEY PLACE	27 February 2023	

RENFREWSHIRE LICENSING BOARD

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Meeting 13 September 2023 at 09:30am**Licensing (Scotland) Act 2005****Variation (Minor)(s) - DPM - Delegated for noting**

	Premises	Applicant	Date Received	Comments
1	CO-OP 26 - 30 GREENOCK ROAD BISHOPTON PA7 5JN	CO-OPERATIVE GROUP FOOD LIMITED	20 April 2023	
2	COAST 30 MAIN ROAD LANGBANK PA14 6XR	CAWLEY HOTELS & LEISURE LTD	30 April 2023	
3	CRAIG DHU 4 CALSIDE PAISLEY PA2 6DA	GREENE KING RETAILING LTD	19 April 2023	
4	ICELAND FOODS LTD UNIT 55 D/E PIAZZA SHOPPING CENTRE 21 SMITHHILLS STREET PAISLEY PA1 1EB	ICELAND FOODS LIMITED	5 May 2023	

Meeting 13 September 2023 at 09:30am**Licensing (Scotland) Act 2005****Variation (Minor)(s) - DPM - Delegated for noting**

	Premises	Applicant	Date Received	Comments
5	KIND MAN'S 25/27 HAIRST STREET RENFREW PA4 8QD	PUNCH PARTNERSHIP LIMITED	30 May 2023	
6	MARKS AND SPENCER 49 BRAEHEAD SHOPPING CENTRE KINGS INCH ROAD GLASGOW G51 4BP	MARKS AND SPENCER PLC	18 April 2023	
7	MORRISONS FALSIDE ROAD PAISLEY PA2 6JE	WM MORRISON SUPERMARKETS PLC	22 May 2023	
8	PICKWICKS BAR 7/11 MEADOWSIDE STREET RENFREW PA4 8SP	SK & B INNS LIMITED	4 May 2023	

Meeting 13 September 2023 at 09:30am**Licensing (Scotland) Act 2005****Variation (Minor)(s) - DPM - Delegated for noting**

Premises	Applicant	Date Received	Comments
9 SHOP 111 - 113 ROWAN STREET PAISLEY PA2 6RY	MOHAMMED RAMZAN	11 April 2023	
10 SPAR 170 BRAEHEAD ROAD GLENBURN PAISLEY PA2 8QD	MOHAMMED RAMZAN	4 May 2023	
11 THAI SIAM 25 LAWN STREET PAISLEY PA1 1HD	GARY DOOLEY PROPERTIES LTD	31 May 2023	
12 THE CLUB 38-40 NEW SNEDDON STREET PAISLEY PA3 2AZ	PAISLEY UNDERGROUND LIMITED	11 April 2023	

Meeting 13 September 2023 at 09:30am

Licensing (Scotland) Act 2005

Variation (Minor)(s) - DPM - Delegated for noting

Premises	Applicant	Date Received	Comments
13 THE WELLINGTON 98 CAUSEYSIDE STREET PAISLEY PA1 1TX	SK & B INNS LIMITED	4 May 2023	

Meeting 13 September 2023 at 09:30am**Licensing (Scotland) Act 2005****Variation (Minor)(s) - Delegated for noting**

	Premises	Applicant	Date Received	Comments
1	SHELL HILLINGTON HILLINGTON ROAD GLASGOW G52 4BL	SHELL UK OIL PRODUCTS LIMITED	23 May 2023	
2	THE GLENIFFER HOTEL 9 GLENBURN ROAD PAISLEY PA2 8TA	SCOTIA HOTELS LIMITED	16 May 2023	
3	THE SPINNING JENNY DOMESTIC ARRIVALS AREA TERMINAL BUILDING GLASGOW AIRPORT PAISLEY PA3 2SW	SELECT SERVICE PARTNER UK LTD	31 May 2023	

Meeting 13 September 2023 at 09:30am**Licensing (Scotland) Act 2005****Transfer(s) - Delegated for noting**

	Premises	Applicant	Date Received	Comments
1	SPAR 170 BRAEHEAD ROAD GLENBURN PAISLEY PA2 8QD	MOHAMMAD ARSHAD	5 May 2023	
2	SPICY GARDEN 3 RANKINE STREET JOHNSTONE PA5 8AY	THREE BROTHERS GLASGOW LTD	4 May 2023	
3	THE NEW COUNTY BAR 63A HIGH STREET JOHNSTONE PA5 8SG	THE NEW COUNTY BAR LIMITED	5 April 2023	

Meeting 13 September 2023 at 09:30am

Licensing (Scotland) Act 2005

Variation (Minor) on Transfer(s) - Delegated for noting

Premises	Applicant	Date Received	Comments
4 PALACE ROYALE 8/10 MOSS STREET PAISLEY PA1 1BL	GRAND FINISH PROPOERTIES LTD	19 January 2023	

Meeting 13 September 2023 at 09:30am

Licensing (Scotland) Act 2005

Confirmation(s) - Delegated for noting

Premises	Applicant	Date Received	Comments
1 DAY TO DAY 20 THORNHILL JOHNSTONE PA5 8JG	MR MAIN ZUBEIR AHMED	1 June 2023	

Meeting 13 September 2023 at 09:30am

Licensing (Scotland) Act 2005

Personal Licence(s) - Delegated for noting

Applicant	Date Received	Comments
1 DANIEL URIE	23 March 2023	
2 MORNA ANNE SCALLY	27 March 2023	
3 SEAN ANDREW RAMAGE	23 March 2023	
4 DEREK ANGUS CUTHBERTSON	3 April 2023	
5 LEAH JANE MCLAUGHLIN	17 April 2023	
6 JAMIE ROSS KELLY	13 April 2023	
7 KENNETH PATRICK	5 April 2023	
8 MARIE THOMSON	5 April 2023	
9 MICHAEL JOSEPH STEWART	22 April 2023	

Meeting 13 September 2023 at 09:30am

Licensing (Scotland) Act 2005

Personal Licence(s) - Delegated for noting

Applicant	Applicant	Date Received	Comments
10	STEPHEN DOWNIE	18 April 2023	
11	EUAN HAMILTON	30 April 2023	

Meeting 13 September 2023 at 09:30am

Licensing (Scotland) Act 2005

Personal Licence(s) Renewal - Delegated for noting

Applicant

Date Received

Comments

1 GARRY LYNCH

2 May 2023

RENFREWSHIRE LICENSING BOARD

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Meeting 13 September 2023 at 09:30am

Licensing (Scotland) Act 2005

ADDITIONAL ITEM Variation (Major) - Cite

Premises	Applicant	Date Received	Comments
1 PAISLEY CRAFT BEER 25 LAWN STREET PAISLEY PA1 1HD	GARY DOOLEY PROPERTIES LTD	26 June 2023	

RENFREWSHIRE LICENSING BOARD

LICENSING BOARD MEETING

13 SEPTEMBER 2023

ADDITIONAL ITEMS

REPORTS

- 1. Report by Clerk to the Licensing Board - Review of Statement of Licensing Policy for 2023-2027: responses to Formal Consultation and Further Procedure**
- 2. Report by Clerk to the Licensing Board Extended Hours for the Festive Period 2023/2024 under the Licensing (Scotland) Act 2005**
- 3. Report by Clerk to the Licensing Board - Chief Constable's Report to the Licensing Board**

To: Renfrewshire Licensing Board

On: 13th September 2023

Report by Clerk to the Licensing Board

Review of Statement of Licensing Policy for 2023-2027: Responses to Formal Consultation and Further Procedure

INTRODUCTION

1. Introduction

1.1 The purpose of this report is to advise the Licensing Board of the responses received in response to formal consultation relative to review of the Board's Statement of Licensing Policy ("the policy"). The Board's views are sought as to what changes should be made to the draft updated Statement of Licensing Policy prior to it being finalised for publication under the terms of the Licensing (Scotland) Act 2005 ("the Act").

2. Background

- 2.1 The Board considered a report by the Clerk to the Licensing Board on 5th September 2022 in relation to the arrangements for preparation of a new Statement of Licensing Policy and agreed to undertake an initial, informal consultation on the terms of the Board's existing policy. Responses were received to that initial consultation between December 2022 and February 2023. These responses are published online at <https://www.renfrewshire.gov.uk/article/3207/Statement-of-Licensing-Policy-Alcohol-Licensing>
- 2.2 A further report was considered by the Board on 27th April 2023. This report advised the Board of the responses received to the initial consultation along with comments by the Clerk on those initial responses. The report was accompanied by a draft updated version of the Statement of Licensing Policy, reflecting changes of a technical nature, and a consultation document (or "Issues Paper"). These documents were approved by the Board on 27th April 2023 for the purposes of formal consultation on the policy and are attached at Appendix 1 and Appendix 2 to this report.
- 2.3 The Board also agreed, for the purposes of the assessment of overprovision which is required as part of the review of the policy, to identify an area in Paisley Town Centre as a locality for that assessment. This area is currently considered overprovided (in respect of certain on-sales premises) in terms of the Board's existing Statement of Licensing Policy and is shown on the Plan

attached at Appendix 3. The Board agreed on 27th April 2023 to consult on that locality for the purposes of the assessment of overprovision, following their initial consideration of overprovision in relation to a number of suggested localities.

- 2.4 Thereafter, formal consultation took place until 21st July 2023, in accordance with the terms of the Act. A wide range of parties were consulted, as listed at Appendix 4. A small number of the equality groups listed on the proposed consultation list agreed by the Board at their April meeting are not currently active. As a result, slightly fewer such groups were able to be consulted than anticipated.

Details of the consultation were also publicised on the Licensing Board web pages.

In response to the consultation, responses were received from:

- Police Scotland
- Renfrewshire Health and Social Care Partnership
- Alasdair Morrison, Head of Economy and Development, Renfrewshire Council
- Scottish Grocers' Federation
- Johnstone Community Council
- Kuldip Rai

Except as detailed above, no further responses were received. Renfrewshire Licensing Forum did not lodge a response at the formal consultation stage.

- 2.5 A copy of the consultation responses, together with comments from the Clerk in relation to these responses, is attached at Appendix 5.
- 2.6 The Board is invited to consider the terms of these responses and the Clerk's comments. A Discussion Paper has been prepared by officers highlighting issues which now require to be considered and decided by the Board. This will allow officers to prepare a final version of the policy for the Board's consideration. The Discussion Paper is attached at Appendix 6. A further report will be brought to the Board, seeking final approval of the policy for publication, prior to expiry of the statutory deadline on 4th November 2023.

3. Overprovision Assessment

- 3.1 The Boards' Statement of Licensing Policy must include a statement as to the extent to which the Board considers there to be overprovision of licensed premises, or licensed premises of a particular description, in any locality within the Board's area. As noted above at Paragraph 2.3, the Board in carrying out an initial assessment identified a locality in Paisley Town Centre for the purpose of the overprovision assessment, as shown at Appendix 3. The Board now requires to consider whether this area is overprovided in respect of all licensed premises, or of certain types of premises. The Board, under section 7 of the Act, must have regard to the numbers and capacities of licensed premises in the locality and may have regard also to other matters as they think

fit, in particular the licensed hours of premises. Information in relation to numbers, capacities and licensed hours of premises in this locality are also produced at Appendix 3.

- 3.2 As indicated in the previous report to the Board on 27th April 2023, the draft updated Statement of Licensing Policy at Appendix 1 has not been updated in relation to overprovision at this stage. This section will be updated in the final policy submitted to the Board for approval, according to the Board's final assessment of overprovision.
- 3.3 The Board will note from the responses to consultation attached at Appendix 5 that included within these responses are comments on other localities not identified by the Board in advance of formal consultation. In accordance with previous case law, and the need for initial assessment as highlighted in the current statutory guidance published in January 2023, the Board agreed upon localities for consultation in relation to overprovision at its meeting on 27th April 2023. This decision was made after consideration of a number of possible localities for consultation in light of the terms of responses to the initial consultation.
- 3.4 Given the Board's decision on 27th April 2023, the views of consultees were not requested in relation to any localities mentioned in the formal consultation responses other than the agreed Paisley Town Centre locality. Should the Board, in light of the formal consultation responses now received, wish to give further consideration to any additional localities, it would be necessary, in the view of officers, that the Board request them to bring a further report to the Board following publication of the policy. This would allow the statutory procedure to be followed in relation to any supplementary statement of licensing policy the Board may consider may be required in relation to overprovision.
- 3.5 The Board in reviewing its policy requires to have regard to the terms of statutory guidance published under the terms of the Act, a link to which is provided below at Paragraph 4.2. Chapter 5 of the current guidance relates to overprovision and, amongst other things, contains guidance at Paragraphs 5.26 to 5.30 in particular regarding factors which the Board may wish to consider in assessing overprovision, while Paragraph 5.31 sets out some further guidance on the assessment process. This Paragraph continues to refer to the required "dependable causal link", on a balance of probabilities, between alcohol availability and evidence of alcohol-related harm.
- 3.6 Appendix 7 contains details of the numbers and capacities of licensed premises in the identified locality between 2018 and 2023 for the Board's information.

4. Additional Information

- 4.1 The Board is requested at this stage to agree publication of the responses to the formal consultation.

- 4.2 The Board, in exercising its functions, requires to have regard to the terms of statutory guidance published under section 142 of the Act, as noted above. The current version of the Statutory Guidance was published in January 2023 and can be viewed at the following link:

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2023/01/licensing-scotland-act-2005-section-142-guidance-licensing-boards/documents/licensing-scotland-act-2005-section-142-guidance-licensing-boards/licensing-scotland-act-2005-section-142-guidance-licensing-boards/govscot%3Adocument/licensing-scotland-act-2005-section-142-guidance-licensing-boards.pdf>

- 4.3 The Board will note that its Statement of Licensing Policy should seek to promote the five licensing objectives set out in the Act. In setting its policy, a Licensing Board must have regard to the above statutory guidance and also give appropriate weight to the views of those consulted. A Statement of Licensing Policy may set out a general approach to the making of decisions but must not ignore, or be inconsistent with, the provisions in the Act.

5. Equality Impact Assessment

- 5.1 As part of its formal consultation in relation to the review of the policy, the Board consulted widely and included in the consultation numerous groups considered to be representative of people with protected characteristics. No responses have been received highlighting any adverse impacts upon people with protected characteristics and no adverse impacts have been identified.

6. Recommendation

- 6.1 It is recommended that the Board:-

6.1.1 Agree to publish the responses received to the formal consultation;

6.1.2 Consider, having regard to (i) the information at Appendix 3 and (ii) the responses to the formal consultation and the comments by the Clerk at Appendix 5, whether the locality identified prior to the formal consultation for the purpose of assessment of overprovision is overprovided, either in respect of all licensed premises or certain types of licensed premises;

6.1.3 Consider (i) the responses to the formal consultation, together with the comments by the Clerk, at Appendix 5, (ii) the terms of the Discussion Paper at Appendix 6 and (iii) the draft Statement of Licensing Policy at Appendix 1 and identify which changes are required to the draft Statement of Licensing Policy following upon the formal consultation; and

6.1.4 Thereafter, instruct officers to bring a further report to the Board, prior to 4th November 2023, with a final version of the policy for approval and publication.

A handwritten signature in black ink, appearing to be 'M. Conaghan', written over a light grey rectangular background.

.....
Mark Conaghan
Clerk to the Licensing Board

APPENDIX 1

DRAFT UPDATED STATEMENT OF LICENSING POLICY-

As agreed by the Board for the purposes of formal consultation: April 2023

RENFREWSHIRE LICENSING BOARD

Licensing (Scotland) Act 2005

Statement of Licensing Policy 2023-2027

(draft version for formal consultation: April 2023)

Clerk to the Licensing Board
Renfrewshire Council
Renfrewshire House
Cotton Street,
Paisley PA1 1TT

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SECTION A - STATEMENT OF LICENSING POLICY

1. INTRODUCTION

1.1 This Statement of Licensing Policy has been prepared by Renfrewshire Licensing Board in terms of Section 6 of the Licensing (Scotland) Act 2005 (“the Act”) to assist in the implementation and administration of the licensing of premises for the sale of alcohol within Renfrewshire and to outline the way in which it intends exercising its functions under the 2005 Act. The Board is required to ensure that its policy promotes the licensing objectives.

These are set out in Section 4 of the Act and are:-

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health; and
- Protecting children and young persons from harm.

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

1.2 The Board will have regard to this policy when undertaking any of its functions. This includes officers of the Board when determining applications of a type delegated to them.

1.3 A Statement of Policy (hereinafter referred to as “the Statement) came into effect on 30 November 2007 and was reviewed in 2010, 2013 and 2018. This

Statement will have effect from [Date TBC], subject to review, until 18 months after the next ordinary local government elections. It will be subject to regular review and monitoring and further consultation during this period. If necessary, the Board will prepare and publish supplementary Statements of Licensing Policy. If you wish to make comment on the statement or wish the contents to be reviewed, please contact the Licensing Section at the contact point stated on the front page.

- 1.4 The review of liquor licensing law in Scotland commenced with the appointment of the Nicholson Committee in June, 2001 and was fully implemented on 1st September, 2009 when all the provisions of the Act came into force.
- 1.5 The Act introduced a modernised statutory framework for liquor licensing to allow more flexibility for the licensed trade balanced by extensive and, in appropriate cases, immediate enforcement powers for the Board. A number of changes have been made to the Act since it came fully into force in 2009.
- 1.6 For a wider national context in relation to alcohol, regard can be had to Scotland's Alcohol Strategy, "Changing Scotland's Relationship with Alcohol: A Framework for Action", which can be accessed at <https://www.ias.org.uk/uploads/pdf/News%20stories/scotland-alcohol-report0209.pdf>

2. CONTEXT – RENFREWSHIRE

- 2.1 Renfrewshire is situated to the West of Glasgow on the south bank of the River Clyde and covers 270 square kilometres. Renfrewshire's population is

estimated at approximately 180,000 making it the tenth largest Council area in Scotland in terms of population.

2.2 Paisley with an estimated population of 78,000 forms the commercial and transport hub for Renfrewshire. Significant capital investment is transforming flagship cultural facilities as well as developing festivals and events, leisure facilities and high quality public realm.

2.3 Renfrewshire has a rich and diverse environment. Paisley, Scotland's largest town, has a rich architectural heritage and is complemented by the Royal Burgh of Renfrew, Erskine New Town, the 18th Century planned town of Johnstone and several villages amidst countryside. There are, as at, 16th March 2023, 432 licensed premises in Renfrewshire, which includes 62 registered clubs.

3. PREPARATION OF STATEMENT

3.1 The Statement of Licensing Policy has been prepared having regard to:-

- the Licensing Objectives;
- the new statutory Guidance for Licensing Boards issued by the Scottish Government;
- the terms of the Act with particular reference to Section 6 (and Section 7 in relation to the overprovision assessment), and

- the terms of the Alcohol Etc., (Scotland) Act 2010, the Criminal Justice and Licensing (Scotland) Act 2010 and the Air Weapons and Licensing (Scotland) Act 2015.

3.2 In preparing the Statement, the Board consulted widely and took account of the views submitted in its adoption.

4. GENERAL PRINCIPLES

4.1 This Statement of Licensing Policy seeks:-

- to promote the five licensing objectives; and
- to comply with the terms of the 2005 Act and ancillary licensing legislation.

4.2 The Statement sets out a general approach to the way the Board will make licensing decisions but nothing in this Statement will:-

- undermine the rights of any person to apply under the Act and to have that application considered on its individual merits; or
- override the right of any person to make representations on any applications or seek a review of a licence where permitted to do so under the Act.

4.3 It relates to how the Board will exercise its licensing functions under the Act, specifically as regards the regulation of the sale of alcohol and premises in which alcohol is sold all within the terms of the Act. Only material relevant to

the Act and the Licensing Objectives will be taken into account by the Board when determining applications or considering reviews.

4.4 It should be recognised also that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are no longer in the licensed premises and beyond the direct control of the individual, club or business holding the premises' licence. If, however, the nuisance or anti-social behaviour is caused by misuse of alcohol, then supply of alcohol could be a relevant factor in that misuse and the Board, when provided with appropriate information about the misuse, may consider using its powers appropriately in the circumstances. For example, if the anti-social behaviour is linked with unlawful or inappropriate sales of alcohol, relating to particular premises whether to someone under 18 years of age, to a drunken person or as part of an irresponsible drink promotion the Board would be entitled to consider a premises licence review proposal under Section 37 of the Act.

5. TYPES OF APPLICATIONS AND SCHEME OF DELEGATION

5.1 The Board is responsible for the consideration of applications for:-

- premises licences;
- occasional licences;
- temporary licences;
- provisional licences;
- personal licences;

- variations of licences;
- review of licences;
- transfer of licences;
- extensions of licensing hours;
- the sale of alcohol by retail; and
- the supply of alcohol in members' clubs.

5.2 The Board will provide an efficient and cost effective service to all those who are involved in the licensing process. The Board recognises that any application should only be submitted to the Board when necessary and, where straightforward, should be decided by officers to create as little inconvenience to applicants as possible.

5.3 The Board has therefore agreed, as a general rule, that only those applications and matters which by statute are required to be considered by the Board will be submitted to it and the other applications will be determined by the Clerk and Depute Clerks to the Board, except as otherwise provided below.

5.4 Those applications and matters which require to and will be submitted to the Board are:-

- a premises licence application;
- a premises licence variation where the variation applied for is not a minor variation;

- an application for transfer of a premises licence where (i) the applicant has been convicted of a relevant offence or a foreign offence, (ii) the Chief Constable has provided a notice stating that the Chief Constable considers it necessary that the application for transfer be refused, or (iii) information is provided by the Chief Constable in relation to the proposed licence holder (and other persons as set out in the Act);
- determining a personal licence application or a personal licence renewal application where a notice has been received from the Chief Constable recommending refusal;
- conducting any hearing including issuing a written warning, revoking or suspending the licence, making a variation of a licence or, in respect of a personal licence, making an order revoking, suspending or endorsing a personal licence;
- making a closure order; and
- refusing an application for confirmation of a provisional premises licence.

5.5 All other matters with the exception of the specific delegations to Board Members narrated at paragraph 5.6 hereof are delegated to the Clerk and Depute Clerks to deal with, including:-

- granting an application for confirmation of provisional premises licence;
- all applications for transfer of a premises licence where the transferee has not been convicted of a relevant offence or a foreign offence and

no notice recommending refusal or other information has been provided by the Chief Constable;

- all applications for variation of a premises licence where the variation is a minor variation as defined in the Act;
- all applications for personal licences or for the renewal of personal licences where the applicant has not been convicted of a relevant offence or a foreign offence, no notice recommending refusal has been given by the Chief Constable and no information has been received from the Chief Constable or a Licensing Standards Officer which they consider relevant to the application (provided no personal licence held by the applicant has expired or been surrendered within the last three years);
- all applications for occasional licences where there is no objection or representation received or no notice from the Chief Constable recommending refusal or where conditions proposed by the Chief Constable or other consultees have been accepted by the applicant;
- grant of occasional extensions of licensed hours for a special event of local or national significance (following consultation with the Convener);
- grant of extended hours applications within the Board's normal licensing hours policy and when there is no notice of objection or representation or where conditions have been proposed by the Chief Constable or other consultees and have been accepted by the applicant;

- to decide, where an application for an occasional licence or for extended hours is lodged late, whether the reason given for lateness is sufficient for the application to be processed;
- where satisfied that an application for an occasional licence or for extended hours requires to be dealt with quickly, to determine a shortened period for notification being not less than 24 hours.
- revocation of a personal licence where the personal licence holder has failed to complete, and provide evidence of, refresher training to the Board within the periods set out in the Act.

5.6 Determination of the following are delegated to the Convener and one other Board Member, or in the absence of the Convener, two other Board Members:-

- grant of extended hours or occasional licences for hours which are outwith the Board's Licensing Policy Hours or where objections/representations have been received or conditions proposed and not accepted and which in the opinion of the Convener and one other member (or in the Convener's absence, two Board Members) may be determined without a hearing;
- authority to decide whether any application for a premises licence review is vexatious or frivolous and if so to reject it on behalf of the Board;
- grant of a personal licence where no recommendation has been received from the Chief Constable recommending refusal but either: a) information has been received from the Chief Constable (other than confirming the existence of a relevant or foreign offence) or a Licensing Standards

Officer providing information relevant to the application; or (b) the applicant has previously held a personal licence which expired or was surrendered within the last three years;

- authority to decide whether to extend the 28 day period following upon a decision to revoke a premises licence at a review hearing (on the ground that a person is not fit and proper), pending determination of an application for transfer or variation made within that period;
- authority to decide whether to hold a hearing or to take no action in relation to a premises licence or personal licence, where no recommendation has been received from the Chief Constable after notification of a relevant conviction.

5.7 Determination of the following are delegated to the Clerk and Depute Clerks following consultation with the Convener:

- authority to determine whether a hearing is to be held: in person; wholly through the use of remote facilities; or partly in person and partly through the use of remote facilities, all in accordance with section 133A of the Licensing (Scotland) Act 2005; and
- authority to determine whether a meeting is to be held: in person; wholly through the use of remote facilities; or partly in person and partly through the use of remote facilities, all in accordance with Paragraph 12(A1) of Schedule 1 to the Licensing (Scotland) Act 2005.

5.8 The Board will receive regular reports regarding licences determined under delegated powers.

6. OPERATING PLANS

6.1 All applications for premises licences must be accompanied by an operating plan and a layout plan all complying with the Act and Regulations made under that Act, as well as a disabled access and facilities statement. The Board also asks applicants for premises licences to provide, with their applications, a note setting out how they propose to promote the licensing objectives. Operating Plans must make clear how the premises are to be run, what activities will be undertaken on the premises and at what time.

6.2 More specifically, an “operating plan” in relation to any premises is a document in the prescribed form containing:-

- (a) a description of the activities to be carried on in the premises;
- (b) a statement of the times during which it is proposed that alcohol be sold in the premises;
- (c) a statement as to whether the alcohol is to be sold for consumption in the premises, off the premises, or both;
- (d) a statement of the times at which other activities, in addition to the sale of alcohol, are to be carried on in the premises;
- (e) where alcohol is to be sold for consumption in the premises, a statement as to whether children or young persons are to be allowed entry to the premises and, if they are allowed entry, a statement of the terms on which they are allowed entry including, in particular:-
 - (i) the ages of children or young persons to be allowed entry;
 - (ii) the time at which they are to be allowed entry; and
 - (iii) the parts of the premises to which they are to be allowed entry;
- (f) information as to the proposed capacity of the premises;

- (g) prescribed information about the individual who is to be the premises manager; and
- (h) such other information in relation to the premises and the activities to be carried on as may be prescribed.

6.3 Where alcohol is to be sold both for consumption on and for consumption off any premises, the operating plan for the premises may state different times for:-

- (a) the sale of alcohol for consumption on the premises; and
- (b) the sale of alcohol for consumption off the premises.

6.4 In preparing and presenting the operating plan, applicants should be aware that the Board expects premises to be run in a way compliant with, and promoting, the five licensing objectives:-

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

6.5 Although basic guidance may be sought from the Clerk and Licensing Standards Officers, it is for the applicant to make sure that the operating plan is in the correct form and covers all aspects of the operation of the premises. It is strongly recommended that any person seeks independent legal advice.

7. BOARD MEETINGS

- 7.1 The proceedings of the Board shall be conducted in accordance with the provisions of paragraph 12 of Schedule 1 to the Act. Unless there are justifiable reasons for or as provided in regulations made under the Act, the Board will meet in public. In accordance with legislation introduced following the coronavirus pandemic, the Board will contact parties who intend to come to a hearing before the Board to ascertain their views as to whether a meeting and/ or hearing at a meeting should be held in person, remotely or by hybrid means. However, the ultimate decision as to the format of any meeting and/ or hearing at a meeting of the Board will be taken by the Clerk or Depute Clerks following consultation with the Convener, as set out at Paragraph 5.7, above.

8 HEARINGS

- 8.1 Where a hearing is to take place, the Board will attempt to make the experience as informal as possible consistent with the carrying out of the Board's quasi-judicial function.
- 8.2 The normal procedure will be to hear the submission of the objector or representor in relation to an application or person seeking review of the premises licence. The applicant or agent will then have an opportunity to address the hearing and Board members may ask questions of any of the parties. There will then be an opportunity for final submissions by all parties before the Board makes a decision.

8.3 The Board is entitled to adjourn to consider the application in private. If they do so, the Board will thereafter reconvene in public to resume consideration of, or make a decision on, the application, as appropriate.

8.4 Normally formal evidence will not be called for. It is noted, however, that under Section 133 of the Act, Scottish Ministers may make Regulations providing procedures to be followed at any hearing.

9 NOTIFICATIONS OF APPLICATIONS, OBJECTIONS AND REPRESENTATIONS

The Board will give notice of each premises licence application it receives to those persons referred to in Section 21 of the Act, namely:-

- each person having a notifiable interest in neighbouring land;
- any community council within whose area the premises are situated;
- Renfrewshire Council;
- Chief Constable of Police Scotland;
- NHS Greater Glasgow and Clyde, and
- Scottish Fire and Rescue Service

Additionally, the Board will list all applications received on Renfrewshire Council's website, www.renfrewshire.gov.uk.

10. CONSIDERATION OF PREMISES LICENCE APPLICATIONS

10.1 The grounds for refusal of a premises licence are set out in full at Section 23 of the Act. If the Board consider that none of these grounds apply it must

grant the application and if it considers that one or more apply it must refuse the application.

10.2 When considering whether or not any application should be granted, the Board will take into account relevant matters including:-

- the nature of the premises, the style and type of use, the potential number and profile of the customers likely to attend the premises;
- the proposed hours of operation;
- the means of access to the premises including the location and adequacy of customer entrances and exits;
- the location, character and condition of the premises;
- whether the applicant is a fit and proper person to hold the licence, having regard to the licensing objectives.

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

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

- 10.5 The Board may also, at any time before determining a premises licence application, request from the Chief Constable a report in relation to antisocial behaviour on, or in the vicinity of, the premises, complaints or other representations within the year prior to the date of the Board's request.
- 10.6 Where proposed licensed premises are yet to be, or are in the course of being, constructed or converted for such use, an application for a provisional premises licence may be made. A provisional premises licence will not take effect until it is confirmed by the Board. Where confirmation of a provisional premises licence is sought, the Board may vary the conditions of the licence for the purposes of ensuring consistency with any licensing policy statement since the provisional premises licence was issued. This may be relevant if a supplementary licensing policy statement is issued after the issue of a provisional premises licence.

11 OCCASIONAL LICENCES

- 11.1 An occasional licence authorises the temporary sale or supply of alcohol which is not authorised by a premises licence.
- 11.2 It may be applied for by:-
- the holder of a premises licence;
 - the holder of a personal licence; or
 - a representative of any voluntary organisation;

to cover a period of a maximum of fourteen days.

11.3 The grant of an occasional licence is subject to the mandatory conditions laid out in Schedule 4 to the Act.

11.4 While premises and personal licence holders can make unlimited applications there are restrictions on the number of applications a voluntary organisation can make, in any period of twelve months. Voluntary organisations are required to submit a copy of their organisation's constitution with each application made. Guidance on applications and the number that can be applied for in any twelve month period can be obtained from the Licensing Standards Officer.

11.4.1 While the Licensing Board is aware that the Act does not refer to the holding of an "event" in the provisions dealing with occasional licences, given their short-term nature and that they are not subject to any requirements for certification, neighbourhood notification or public site notices then where an application is to allow premises to trade on a regular basis prior to a premises licence application having been determined, the application may be referred to the Licensing Board for consideration.

11.5 Event organisers are encouraged to provide as much notice of their event as possible to the Board and to the Chief Constable. Information relating to the event will require to be detailed on the application form and the applicant may

be asked to provide supporting documentation. The Board will consult with the Chief Constable and the Licensing Standards Officer on all applications. The Board will normally require at least 28 days notice and if applications are lodged later than this date then no assurances can be given that they will be processed in time. Accordingly applicants lodge them at their own risk. In exceptional cases having regard to the circumstances of the application, the Board, if satisfied that there is a reason to process the application more quickly, may reduce the period of notification to a period of not less than 24 hours.

- 11.6 The Board will consider on a case by case basis whether it is necessary to impose conditions to give effect to the licensing objectives.

12 EXTENDED HOURS APPLICATION

- 12.1 Extended hours applications allow for an occasional extension of licensed hours and operate only for a period of up to one month. If the Board receives a number of applications to extend licensed hours, it will expect the applicant to consider whether an application should be made to vary the premises licence by adjustment of the operating plan.
- 12.2 The Board may make a determination under Section 67 of the Act to extend licensed hours to enable premises to remain open longer for certain special occasions. In addition to consulting the Renfrewshire Licensing Forum, the Board will request observations from the Chief Constable and from other relevant parties on the issues of crime prevention, public safety and

preventing public nuisance. It will notify its determination to the Chief Constable, to holders of licences and other relevant parties and will take appropriate steps to publicise the determination as widely as possible.

12.3 Each year the Licensing Board will issue a Statement of its Policy on trading hours for on sale premises for the festive period as stated at paragraph 15.4. Such extended hours will apply automatically to all those premises which make reference to the Board's Policy on the festive period within Part 4 of the Operating Plan, without the need for an extended hours application.

12.4 The timeous lodging of an application set out at paragraph 11.5 above in respect of occasional licences applies equally in terms of the processing of extended hours applications and all applications should be lodged at least 21 days before the proposed date. Late lodged applications are lodged at applicants' own risk. The Board, if satisfied that there is a reason to process the application more quickly, may reduce the periods of notification to a period of not less than 24 hours.

13 EXCLUDED PREMISES

13.1 In terms of Section 123 of the Act, excluded premises includes:

- premises used as a garage; and
- premises used as a garage which form part of larger premises.

No premises licence or occasional licence can be obtained for excluded premises.

13.2 Premises are used as a garage if used for one or more of the following:-

- the sale by retail of petrol or fuel for diesel engined road vehicles (DERV);
- the sale of motor vehicles; or
- the maintenance of motor vehicles.

13.3 There is an exception to this exclusion but only if persons resident in the locality of the garage are or are likely to become reliant to a significant extent on the garage as the principal source of:

- petrol or DERV; or
- groceries.

If that is the case the garage is not excluded premises and may therefore be the subject of a premises or occasional licence.

13.4 The Board will expect an applicant making an application to provide evidence of local residents' reliance on the service together with an impact assessment in relation to the anticipated impact taking into account the licensing objectives.

13A MEMBERS CLUBS

13.A.1 Members' clubs have been included in the premises licensing system. The Scottish Government acknowledges that it would be reasonable to reflect their special characteristics.

13.A.2 In order to benefit from the exemptions available members' clubs will require to meet the criteria prescribed in the Licensing (Clubs) (Scotland) Regulations 2007.

13.A.3 When members' clubs apply to the licensing board they will be asked to certify whether or not they comply with the criteria referred to at paragraph 13.A.2 in order to benefit from the exemptions. If they do the members' clubs will have to submit to the Board a copy of their written constitution and rules. They will be subject to inspections by Licensing Standards Officers, who will check clubs for compliance.

13.A.4 Members' clubs will be subject to the same provisions regarding access by children and young persons as other licensed premises. They will require to specify in their operating plans whether or not it is proposed that children and young persons are to be allowed entry to the premises and, if so, to specify the terms, to include the times, the ages of such children and young persons and the parts of the premises to which they would be permitted access. Appropriate conditions relating to access by children and young persons may be attached by the Licensing Board.

13.A.5 Members Clubs are aware that they benefit from exemptions under the Act and as such functions held within the club premises should be for the benefit of the club and its members. Where a club wishes to use its facilities to allow non-members or non-club functions to take place they should consider applying for an occasional licence for that function. Clubs should note that the

number of occasional licences that can be obtained for such functions over a calendar year are limited by regulations. Members clubs requiring further information should contact the Licensing Standards Officer.

14 OBJECTIONS

- 14.1 The following information should in no way be seen as overriding the right of any person to make an objection to an application or to seek a review of a premises licence.
- 14.2 Any person may submit an objection or representation to the Board in relation to a premises licence. The objection must relate to one or more of the licensing objectives or other relevant ground of refusal under the Act. Information to assist people wishing to make an objection or representation is provided in resources developed by Alcohol Focus Scotland, "Alcohol Licensing in Your Community: How You Can Get Involved". This is available at <https://www.alcohol-focus-scotland.org.uk/media/133477/Community-licensing-toolkit.pdf>
- A proforma to assist anyone wishing to make an objection or representation is available at <http://www.renfrewshire.gov.uk/media/2003/notice-of-objection-of-representation-proforma/pdf/cs-ae-ProformaObjectionorRepresentation.pdf>
- 14.3 Although anyone is entitled to object to an application for a premises licence or seek a review of a premises licence, the Board may reject an objection or an application for review where it is considered to be "frivolous" or "vexatious". "Frivolous" and "vexatious" are the words used in the Act. In determining this,

the Board is entitled to recover any expenses incurred by the Board in considering the objection or application for review.

14.4 Objections will be considered on their merits and the ordinary meanings of “vexatious” and “frivolous” will be adopted.

15 LICENSING HOURS

15.1 While each application is assessed on its own merits, the following section sets out the Licensing Board’s policy on licensing hours and the reasons for adopting that approach. For applications for licensed premises at times outwith the Board’s policy, applicants will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances to those particular premises.

In forming this policy for licensing hours the Board has been mindful of the licensing objectives:-

- Preventing crime and disorder;
- Securing public safety
- Preventing public nuisance;
- Protecting and improving public health; and
- Protecting children and young persons from harm

15.2 Off-Sale Premises - Reasons for Approach and Policy

Where applications relate to premises licences and to occasional licences, the licensed hours for the sale of alcohol for consumption off the premises (off-sale hours) are in terms of the Act 10am until 10pm every day of the week. The Licensing Board must refuse an application which proposes licensed hours outwith these times for off sales premises. It is open to the Board to further restrict off sales where it considers that the hours proposed would be inconsistent with one or more of the licensing objectives. In particular, in determining applications and licensed hours, the Board will, in considering the merits, have particular regard to the effect (if any) which the proposed off-sale hours would have on the occurrence of anti-social behaviour. Unless so restricted, the Board will generally permit off sales hours from 10am until 10pm.

15.3 On-Sale Premises – Reasons for Approach

The Board recognises that licensing hours are important not only to individual premises but also can have a wider impact on the area in which the premises are situated. Accordingly in determining their policy the Board has had regard to how the dispersal of customers late at night from licensed premises throughout Renfrewshire can be managed.

In particular, the Board considers that a policy setting staggered closing times for different types of premises taking into account the policing of the late night economy and the availability of late night transport within Renfrewshire promotes the licensing objectives of (i) preventing crime and disorder; (ii) securing public safety and (iii) preventing public nuisance.

In considering licensed hours the Board has also taken into account the presumption against 24 hour drinking set out at Section 64 of the Act and the Statutory Guidance for Licensing Boards which states “in considering applications for licensed hours Boards may wish to consider applications for up to 14 hours as being reasonable but local circumstances and views of Local Licensing Forums should always be considered. Any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours”.

The Board has also had regard to the views of Renfrewshire Health and Social Care Partnership and NHS Greater Glasgow and Clyde on licensing hours in relation to the link between availability of alcohol and alcohol related harm. The Board therefore considers that the licensing objective of Protecting and Improving Public Health is relevant to its policy on licensed hours, particularly in relation to the number of hours a day during which alcohol may be sold and thereafter consumed.

Although promotion of the licensing objectives is paramount the Board recognises that licensing hours contribute to the development of local economies which may be important for investment, employment and tourism within the area.

After consulting widely on the formulation of their updated policy and taking account of all responses received, the Board is of the view that their previous policy on opening hours for on sales premises should remain. This will continue to allow on sales premises the flexibility to commence trading at 11am every day of the week. The Board previously introduced this Policy to

reflect social changes within Renfrewshire and considers that it has not detracted from the promotion of the licensing objectives.

On Sale Premises - Policy

Whilst considering every application on its individual merits, the Board therefore considers the following policy to be appropriate:-

Commencement Hours: Monday - Saturday

9.30am: premises, for the purpose only of funeral purveys/receptions (or in the case of registered clubs where club activities are taking place).

and otherwise

11.00am: all premises

Sundays

11.00am: all premises

Terminal hours: Sunday – Thursday

12.00 midnight: all licensed premises (including registered clubs), except premises, the primary purpose of which is to offer entertainment in the form of dancing.

2.00am premises, the primary purpose of which is to offer entertainment in the form of dancing.

Friday & Saturday

1.00am all licensed premises (including registered clubs), except premises, the primary purpose of which is to offer entertainment in the form of dancing.

2.00am premises, the primary purpose of which is to offer entertainment in the form of dancing.

3.00am premises, the primary purpose of which is to offer entertainment in the form of dancing and where such premises are members of Paisley Town Centre Radio Link.

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

16 OVERPROVISION OF LICENSED PREMISES

16.1 Overprovision of licensed premises in a particular locality impacts on the promotion of the licensing objectives. The Board is under a duty in terms of Section 7 of the Act to produce a statement as to the extent that the Board considers there to be overprovision of licensed premises or licensed premises of a particular description in any locality within the Board's area.

16.2 In determining any “locality”, the Statutory Guidance for Licensing Boards indicates that the process is largely a matter for the Board and will no doubt involve the use of its local knowledge. The Guidance also recommends that the information which the Chief Constable is capable of providing is a reasonable starting point. The Chief Constable would be able to:-

- Identify ‘hot spot’ areas within the Board’s area where it can be demonstrated that crime, disorder and nuisance are caused by customers of a concentrated number of licensed premises;
- Suggest other areas in which the number of licensed premises or premises of a particular description is moving closely towards overprovision; and
- Provide the Board with the geographical boundaries of these areas.

16.3 On the basis of the information provided by the Police and having regard to the Board’s own local knowledge the Board have continued to determine Paisley Town Centre, as shown on the plan below, as a locality for the purposes of Section 7 of the Act.

16.4 In considering whether there is overprovision for the purposes of Section 7(1) of the Act the Board must have regard to the number and capacity of licensed premises in a particular locality as determined by the Board and may have regard to other matters, including the licensed hours of those premises. In this connection the Board have had regard to the number, capacity and description of licensed premises for the above locality and have also taken into account the licensed hours of those premises.

Following consideration of (i) the responses received to consultation (and, in particular, representations from Police Scotland) (ii) the number, capacities and licensed hours of licensed premises in this locality and (iii) the Board's local knowledge of the area, the Board determined that this locality remains overprovided in respect of "Liquor or Pub Type Premises". The Board considers "Liquor or Pub Type Premises" includes Pub Type Premises used exclusively or predominantly for the sale of alcohol and, as such, does not include restaurant, hotel or nightclub premises. The Board considers that this policy, which had been agreed previously as a Supplementary Statement of Licensing Policy in 2015, remains relevant to the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance.

The effect of this policy, in terms of the statutory guidance, is to create, in this locality, a "rebuttable presumption" against the grant of applications for any further licences (or to increase the capacity of existing licences) of the description stated. Those applications would normally be refused on the

ground provided by Section 23(5)(e) of the Act, that the Board considers that, if the application were to be granted, there would as a result be overprovision of licensed premises, or licensed premises of that description in the locality.

Each application will still be considered on its own merits and there may be exceptional cases in which an applicant is able to demonstrate that the grant of the application would not undermine the licensing objectives or that those objectives would not be undermined if the applicant's operating plan were to be modified or the grant of the licence were made subject to appropriate conditions.

The Board reached its decision to adopt this policy following lengthy consultation, during which it received submissions from a number of interested parties. The material considered by the Board in adopting this policy is published at <http://www.renfrewshire.gov.uk/Review-Licensing-Policy-Statement-2018-2022>

17 PERSONAL LICENCES

17.1 The Board will consider applications for personal licences from individuals living in the area of Renfrewshire.

17.2 Any individual may seek a personal licence. The Board will grant a personal licence if it is satisfied that the applicant:-

- is over 18 years of age
- possesses a relevant licensing qualification
- has not had revoked in the previous five years, ending with the day on which the application was received, a personal licence (except where that revocation arose from a failure to complete refresher training)
- has not been convicted of any relevant or foreign offence and the application has not resulted in a notice recommending refusal from the Chief Constable or other information being provided by the Chief Constable or a Licensing Standards Officer which they consider relevant.

17.3 Otherwise, 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 any conviction along with any other circumstances, recommendation or information provided which it considers to be relevant.

17.4 The holder of a personal licence issued by the Board must undertake further training prior to the 5th anniversary of the issue of the licence and each subsequent period of 5 years during which the licence has effect. The

licenceholder must produce evidence that the required training has been completed, to the Board no later than 3 months after the expiry of each 5 year period. Failure to undertake the training as required or to notify the Board will result in the licence being revoked.

17.5 To comply with paragraph 17.4 above all licenceholders are required to return their original personal licence to the Board along with a copy of any certificate issued as evidence of completion of the required training. The licence will be updated and returned.

17.6 All licenceholders are advised that they have a duty to notify the Board of any change in name or address within one month of that change taking place. Any changes should be notified in writing to the Board and be accompanied by the original licence.

18. LOCAL LICENSING FORUM

18.1 The formulation of this policy involved consultation with the Renfrewshire Licensing Forum which will keep under review the operation of the Act in Renfrewshire and will advise and make recommendations to the Board as appropriate. The Board will have regard to any advice given or recommendation made to it. If the Board does not follow the advice or guidance, this will be for good and substantial reasons, which reasons will be given in writing within fourteen days of the decision.

18.2 In order to ensure proper communication with the Renfrewshire Licensing Forum, the Board may from time to time provide reports to the Forum to enable it to have an appreciation of, and due regard to, the detail of such matters during their deliberations.

SECTION B - PROMOTION OF THE LICENSING OBJECTIVES

19 INTRODUCTION

19.1 The Board will continually promote the licensing objectives and calls on licence holders and other stakeholders to be mindful of these when providing their services. The Board recognises that there are some types of alcohol misuse issues which are not connected to consumption of alcohol in licensed premises.

19.2 The licensing objectives are:-

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

19.3 The following paragraphs set out the Board's general policy in respect of the objectives. The Board may when necessary impose a range of conditions which will be appropriate to a particular licence. The purpose of such conditions will be to promote the licensing objectives.

19.4 In each section relating to the objectives, the Board has defined its intended outcome. Each section lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. Applicants will know their own premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and the licensable activities for which they are seeking authorisation.

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

20 THE PREVENTION OF CRIME AND DISORDER

20.1 The Board, in carrying out its functions, will have regard to the likely impact of licensed activities and related crime and disorder when considering the location, operation and management of all licence applications, reviews and variations.

20.2 The Board supports a strategy aimed at making Renfrewshire a safe place to live and visit. The Board is committed to improving the quality of life for the people of Renfrewshire by ensuring that licensed premises are managed in such a way as not to contribute to crime and disorder. Applicants are expected to consider how they will promote the prevention of crime and

disorder. The applicants should also be able to demonstrate that all those factors which impact on crime and disorder have been considered. These include:-

- underage drinking;
- drunkenness on the premises;
- public drunkenness;
- illegal possession and/or use of drugs;
- violent behaviour;
- anti-social behaviour; and
- litter.

20.3 Applicants are encouraged to discuss crime prevention procedures in their premises with the Council and Police Scotland. Factors may include underage drinking, drunkenness on premises, public drunkenness, drugs, violent behaviour and antisocial behaviour.

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

- having a written crime prevention strategy;
- effective and responsible management of premises;
- training given to staff to include preventing crime and disorder and conflict management;
- training and effective supervision of staff;

- written policy on mandatory proof of age scheme;
- provision of effective CCTV in and around the premises which complies with current legislative requirements, is fully maintained and an employee trained in its operation always available on the premises, with the CCTV footage being retained for a minimum period of 28 days;
- security policies and regular toilet checks;
- employment, when necessary, of Security Industry Authority licensed door staff;
- door supervisors to be easily identifiable by wearing high-visibility clothing;
- door supervisors to be instructed to encourage persons leaving the premises to do so in an orderly fashion without causing disturbance;
- active membership of Pubwatch or Radiolink or similar schemes; participation in initiatives such as 'Best Bar None'.
- provision of litter bins and lighting outside premises;
- provision of plastic or toughened drinking vessels;
- justification for size of measures; and
- choice of size of wine glass.

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

- displaying anti-drink driving materials;

- supplying reasonably priced non-alcoholic drinks; and
- promoting awareness of campaigns such as designated drivers scheme.

21 SECURING PUBLIC SAFETY

21.1 The Board recognises that “licensed premises” will cover a wide range of premises and activities, each with its own safety risks or issues. The premises must be constructed or adapted and operated in such a manner as to safeguard occupants from those risks or issues. The Board is committed to ensuring that the safety of any person visiting or working in or in the vicinity of licensed premises is not compromised.

21.2 Issues may involve:-

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

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

- suitable and sufficient risk assessments;
- effective and responsible management of premises;
- sufficient number of staff;
- appropriate instruction, training and supervision of staff;
- training need not only relate to licensing, the sale or supply of alcohol and its misuse but wider issues especially those relating to equal opportunity and diversity;
- having an effective glass management policy either involving the removal of all glassware regularly or by providing toughened or plastic drinking vessels.
- having a written policy on how to deal with customers and any other person in the premises who may become incapacitated or vulnerable due to drink or drugs;
- having first aid facilities;
- informing Police Scotland of any special events taking place in the premises or issues relating to public safety;
- having a written accident recording system;
- displaying local transport information to facilitate safe journeys home for customers;
- adoption of best practice guidance;
- provision of effective CCTV which complies with current legislative requirements, is fully maintained and an employee trained in its operation always available on the premises, with the CCTV footage being retained for a minimum period of 28 days;

- coverage;
- door supervisors to be easily identifiable by wearing high-visibility clothing;
- door supervisors to be instructed to encourage persons leaving the premises to do so in an orderly fashion without causing disturbance;
- implementation of crowd management systems; and
- proof of regular testing and certification where appropriate of procedures, appliances and safety systems.

21.4 The Board may request sight of Electrical Safety Certificates, Ceiling or Structural Certificates, Fire Safety Certification, Risk Assessments and a Health and Safety Policy. As other Services may have enforcement powers in this connection with these forms of documentation, it is expected that such requests by the Board will be fairly rare and be taken in consultation with those other services.

22 THE PREVENTION OF PUBLIC NUISANCE

22.1 Licensed premises have a significant potential to impact adversely on communities, through public nuisances that arise from their operation. The Board wishes to maintain and protect the amenity of residents and local businesses from the potential consequences of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

- 22.2 Although interpretation is ultimately a matter for the Courts, the Board intends to interpret “public nuisance” widely and understands it to include such issues as noise, light, odour, litter and anti-social behaviour where these impact on those living, working or otherwise engaged in normal activity in an area or locality. Public nuisance may also include waste generated by licensed premises (including where necessary arrangements for dealing with discarded needles) and smoking litter associated with licensed premises.
- 22.3 “Anti-social behaviour” is defined in the Antisocial Behaviour, etc. (Scotland) Act 2004 as behaviour where a person acts in a manner that causes or is likely to cause alarm or distress or pursues a course of conduct that causes or is likely to cause alarm or distress to at least one person who is not from the same household as the person engaging in the behaviour; conduct includes speech.
- 22.4 The Board acknowledges that smoking is not a licensing matter but one for other legislation. The Board expects that licenceholders will be aware of their own statutory responsibilities concerning smoking in public places.
- 22.5 The Board expects that licenceholders will have regard to good practice. It is their responsibility to ensure that patrons do not create a nuisance or disturbance for residents living nearby. This includes noise arising as a result of patrons smoking outside the premises and any associated littering of the area. Licenceholders are reminded that they are responsible for sweeping up cigarette ends and other smoking related waste left by customers when taking

a smoking break immediately outside the premises and then re-entering the premises.

22.6 Every business has a duty to ensure that waste is disposed of securely and to keep their premises clear of all litter generated by staff and customers. The Board expects licenceholders to be aware of their responsibilities and of the possibility of statutory street litter control notices in the case of non-compliance.

22.7 When applicants propose to provide outside seating, tables or other facilities in any outdoor area, whether covered or not, regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. Licenceholders are responsible for ensuring that all other consents and permissions are obtained including from Planning, Building Standards and any road consent or permit.

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

- The location of premises and proximity to residential and other noise sensitive premises such as hospitals, hospices, care homes and places of worship.
- The hours of opening, particularly after 11pm.

- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside the premises.
- The design and layout of premises and in particular the presence of noise limiting features and a CCTV system, which complies with current legislative requirements, is fully maintained and an employee trained in its operation always available on the premises.
- The occupant capacity of the premises.
- The availability of public transport and taxis.
- The wind down time between the end of the licensable activities and the closure of the premises.
- The last admission time.

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

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.
- Control of operating hours for all or parts of the premises – for instance, garden areas, bottle disposal and deliveries.
- Adoption of best practice guidance.
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices which should also be used for external equipment brought onto the premises.

- Management of people, including staff and vehicular traffic and resulting queues, arriving and leaving the premises.
- door supervisors to be easily identifiable by wearing high-visibility clothing;
- door supervisors to be instructed to encourage persons leaving the premises to do so in an orderly fashion without causing disturbance;
- Liaison with public transport providers.
- Siting of external lighting, including security lighting and installation of an effective CCTV system which complies with current legislative requirements is fully maintained and an employee trained in its operation always available on the premises, with the CCTV footage being retained for a minimum period of 28 days;
- Effective ventilation systems to prevent nuisance from odour.

23 PROTECTING AND IMPROVING PUBLIC HEALTH

23.1 Licenceholders can help promote this objective in many ways. They can use materials such as posters, beer mats which promote moderate consumption of alcohol along with awareness of units of alcohol and the recommended current guidelines for consumption of alcohol by men and women. A wine list, for example, might state how many units of alcohol per glass or bottle together with a reminder of the guidelines. The Board is concerned about the link between the consumption of alcohol and public health. The Board wishes to see premises thriving in Renfrewshire but this cannot be at the expense of patrons' health and wellbeing. The Board will have regard to the views of and

take advice from the relevant bodies responsible for and interested in the protection and promotion of public health in Renfrewshire.

23.2 Licence applicants, door stewards where employed and premises managers as well as other staff employed in the premises must remain vigilant at all times to the risks of excessive consumption. There should be an established practice within the premises to ensure that a standard approach is taken where a patron's demeanour demonstrates an excessive consumption of alcohol. There should also be a clear understanding of the offences committed in connection with the service of alcohol to children or young persons or persons who appear drunk and allowing drunkenness on the premises.

23.3 Reference is also made to paragraph 22.4 of this statement relating to smoking.

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

- displaying anti-drunkenness materials along with information on units of alcohol in the context of current recommended guidelines;
- having a workplace alcohol policy in order to raise awareness, minimise harm and ensure that staff are able to access help (without fear of a job loss) when a problem arises; and

- ensuring customers are aware of choice in relation to alcohol measures particularly wine eg small, medium or large glasses should be available.

24 PROTECTING CHILDREN AND YOUNG PERSONS FROM HARM

24.1 The Act defines children as persons under the age of sixteen and young persons as those aged 16 or 17. The Board encourages applications that make venues family friendly and safe for children and young persons. The Board, however, will have particular regard to this objective when:-

- there have been convictions of staff or licenceholders for serving alcohol to underage persons or where premises are in an area where there is a history or other evidence of underage drinking;
- there is a serious element of gambling within the premises;
- entertainment of an adult nature is provided;
- the operating plan shows that the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided (referred to as vertical drinking establishments);
- licenceholders or staff have criminal convictions for offences against children or have otherwise been found unsuitable to work with children.

24.2 The Board wishes to see family friendly premises thriving in Renfrewshire.

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/or young persons also have responsibilities.

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

- effective and responsible management of premises;
- appropriate instruction, training and supervision of staff;
- adoption of best practice, including a written policy on prevention of sales of alcohol to children and young persons;
- limitation on the hours when children and/ or young persons may be present, in all or parts of the premises;
- limitations or exclusions by age;
- written policy on mandatory proof of age scheme;
- measures to ensure children and/ or young persons do not unlawfully purchase, acquire or consume alcohol;
- measures to ensure children and/ or young persons are not exposed to incidences of strong and offensive language, violence or disorder; and
- use of fixed fire guards on open fires and prohibition of mobile heaters when young children are in the premises; and
- availability of high chairs and suitable drinking vessels for young children.
- ensuring staff involved with the delivery of alcohol along with takeaway food have appropriate training.

24.4 When preparing the operating plan or submitting an application or an occasional licence, applicants must set out the terms on which children and young persons are to be allowed entry including the ages of children and young persons to be allowed entry, times and parts of the premises to which children and young persons will have access. The Board will have regard to these terms and if the Board consider it to be necessary will arrange a visit to the applicant premises to inform their determination of the application.

25 RELATIONSHIP WITH OTHER STRATEGIES

25.1 The Board will endeavour to secure proper integration with local crime prevention, community safety, health, planning, transport, tourism and equality and cultural strategies. Specifically, in relation to alcohol-related harms, the Board recognises the work of the Renfrewshire Alcohol and Drugs Commission: <https://www.renfrewshire.gov.uk/article/9637/Alcohol-and-Drugs-Commission>

25.2 There are a number of wider issues which require to be given due consideration when dealing with applications. The Board will receive, when appropriate, reports on the needs of tourism in relation to Renfrewshire, from the Council's Director of Communities, Housing and Planning and the Town Centre Action Plan to make sure that these are reflected in the Board's consideration.

25.3 The Board recognises that licensing applications are not, and should not be seen as, a re-run of the planning application process and that there is a clear

separation of the planning and licensing regimes. There will, however, continue to be proper liaison and communication between these two regimes.

- 25.4 In addition, the Board will not attach conditions to a premises licence unless these are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary where these would relate to matters already also covered by other legislation.

26 AVOIDING DUPLICATION

- 26.1 The Board will, so far as possible, avoid duplication with other regulatory regimes such as health and safety at work, fire safety, building standards and planning. However, the Board recognises that there will be areas where responsibilities overlap between the Board and other public authorities or bodies, e.g. the Board's responsibilities under Equalities legislation.

27 CONDITIONS

- 27.1 The Act, in Schedule 3, provides mandatory conditions for premises licences. The Board also has power to impose licence conditions. These conditions will not be inconsistent with or seek to strengthen or restrict mandatory conditions and will only be imposed when considered necessary for the promotion of the licensing objectives.
- 27.2 In line with the above, the Board have agreed various local conditions to be applied to particular premise type/activities. These are attached at Appendices I, II and III hereof.

28 THE HUMAN RIGHTS ACT 1998

28.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for bodies such as the Board to act in a way which is incompatible with a Convention Right. The Board will have particular regard to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:-

- Article 6: that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8: that everyone has the right to respect for their home and private life; and
- Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of their possessions including, for example, the possession of a premises licence.

29 EQUALITY

29.1 The Board values and celebrates the diversity that exists within Renfrewshire and wants to ensure that everyone can fully participate in the social, cultural, political and economic life of Renfrewshire.

29.2 The Board opposes all forms of unlawful discrimination including discrimination on the grounds of race, sex, gender reassignment, sexual orientation, age, religion/ belief, pregnancy/ maternity and disability and

recognises that discrimination creates barriers to achieving equality for all people.

29.3 The Equality Act 2010 provides Scottish Ministers with power to impose “specific duties” through regulations on Scottish Public Authorities. The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 came into force on 27 May 2012 and can be accessed online at:

<http://www.legislation.gov.uk/sdsi/2012/9780111016718/contents>.

29.4 The “specific duties” set by the Scottish Ministers support and enable better performance of the “general duty” which requires public authorities to pay due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations as set out in Section 149(1) of the Equality Act 2010.

29.5 Renfrewshire Licensing Board as a public authority is required to publish progress made in mainstreaming the equality duty and a set of equality outcomes in order to meet the requirements of the equality duty. Equality outcomes are defined by the Equality & Human Rights Commission as results intended to achieve specific and identifiable improvements in people’s life chances.

29.6 Reference is made to the Progress Reports on Mainstreaming Equalities and Equality Outcomes of the Board and Renfrewshire Council which are set out

in full at <http://www.renfrewshire.gov.uk/article/3206/Renfrewshire-Licensing-Board---Progress-on-Mainstreaming-Equality-and-Equality-Outcomes>

30 ENFORCEMENT, LICENSING STANDARDS OFFICERS AND OTHER SOURCES OF INFORMATION

- 30.1 The Board will follow best practice in enforcement including adoption of the best Regulation Principles and the Hampton Standards, namely, that its actions will be: proportional, accountable, consistent, transparent and targeted.
- 30.2 Renfrewshire Council have appointed Licensing Standards Officers (LSOs) (i) to investigate allegations of unlicensed activities, (ii) to ensure that licence conditions are complied with and (iii) to provide information, guidance and a mediation service. It is a mandatory condition of the Act that the LSOs are fully trained thus enabling them to carry out their functions efficiently. Renfrewshire Council currently employs five officers who hold the statutory appointment of Licensing Standards Officer and have satisfied the above training requirement. However, these officers also require to carry out Civic Government Licensing Enforcement and a range of other regulatory duties. The LSOs are members of the Renfrewshire Licensing Forum.
- 30.3 The Act provides that Licensing Standards Officers' general functions include providing information and guidance; supervising compliance by licence holders with licensing legislation and their licence conditions and providing

mediation. Premises covered by a premises licence are visited by Licensing Standards Officers for their compliance with licensing legislation and licence conditions. Where a premises licence has recently been issued, or where a variation (other than a minor variation) has been granted, Licensing Standards Officers will visit those premises as a priority to ensure compliance with the above requirements.

30.4 The Board recognises that, for members of the public who do not deal with the complexities of the licensing legislation on a daily basis, lodging objections or representations to a licence application (or an application for a review hearing) is likely to be a daunting experience. The Board also recognises that, for those people, the Licensing Standards Officers may be the first contact they have with the licensing authority. The role of Licensing Standards Officers is not to make applications, or objections, on behalf of members of the public, but they are available to offer appropriate support to all parties seeking to be involved in the Board's licensing processes. They will also be able to provide information as to application procedures and may be able to signpost members of the public to helpful resources, such as the Toolkit Resource published by Alcohol Focus Scotland (See Paragraph 14.2).

30.5 The Licensing Standards Officers may be contacted by email at enforcement.licensing.cs@renfrewshire.gov.uk. Where issues are raised with the Licensing Standards Officers which do not relate wholly to licensing matters, the Licensing Standards Officers will be able to provide contact details for other Council Services who may be suitably placed to assist.

- 30.6 Initially, it is anticipated that resources will be targeted towards high-risk premises and activities that require greater attention whilst a lighter touch will be provided in respect of low-risk premises which are well operated.
- 30.7 The Board will liaise closely with its partners to assist licenceholders to comply with the law and the five licensing objectives it seeks to promote. Proportionate but firm action will be taken against those who commit offences. In particular the Board anticipates co-operation with the Police and to share information where appropriate in order to enhance the promotion of the five licensing objectives.
- 30.8 When a matter is submitted to the Board by the Licensing Standards Officer, it is expected, except in the most serious cases, that attempts will already have been made through advice, mediation and negotiation to address the matter. It is, therefore, envisaged that very few such cases will need to be submitted to the Board.
- It should be appreciated, however, that, in appropriate cases, the Board will not hesitate to use its powers to suspend, revoke or vary a licence, notwithstanding that this may have a detrimental impact on the business.

FUNERAL CONDITION

Funeral purveys taking place from 9.30am where alcohol is to be sold require a formal intimation to the Board 24 hours before the function.

APPENDIX II

Local Conditions for Nightclub Type Premises

1. The premises licence holder at all times when the premises are open to the public during the permitted hours shall operate a mechanical or electronic counting system which is capable of accurately recording the number of persons entering and leaving the premises.
2. In relation to the said counting system, the premises licence holder or person or persons appointed by the premises licence holder for that purpose shall at any time upon a request being made by a Police Constable, a Licensing Standards Officer or any member or person authorised in writing by the Licensing Board immediately provide accurate information on the number of persons within the premises.
3. During the licensed hours when the premises are open to the public, the premises licence holder shall have present on the premises stewarding personnel licensed by the Security Industry Authority to provide for the maintenance of public order and the proper management control, safety and the general well being of patrons on the premises.
4. During hours when the premises are open to the public, the premises licence holder shall ensure that empty glasses and bottles from the premises are reasonably cleared from areas to which the public have access. No glasses or bottles shall be permitted in cloakrooms, toilets or on dance floors located in the premises. Sufficient shelves, ledges, tables and counters shall be provided in the premises to accommodate glasses and bottles for collection. It is recommended that any receptacles used in the premises are made of plastic.
5. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from the initial time of opening the premises to the public.
6. The premises licence holder shall prominently display at the entrance to the premises a noticeboard with a warning in the following terms:-

WARNING

DRUGS AND OFFENSIVE WEAPONS

Under no circumstances will the use of illegal drugs or the carrying of offensive weapons be permitted on these premises.

As part of our commitment to our customers and to achieve a safe and drug free environment, all persons entering these premises are liable to be asked as a condition of entry to submit to a search.

If you are found in possession of drugs or offensive weapons, these will be taken from you and the Police will be informed.

7. Unless there are good reasons for not implementing a search policy in relation to all patrons which reasons shall have been intimated to the Licensing Board in advance of any change in practice, the premises licence holder shall implement a system of searching of all patrons at the point of entry using appropriate search techniques.

APPENDIX III

Local Conditions for Premises Offering Alcohol Deliveries

1. A robust age verification policy requires to be in place for deliveries that include alcohol and must be strictly adhered to by all delivery staff, incorporating a Challenge 25 approach. Documentation presented as verification of age requires to be of a type prescribed in the Licensing (Scotland) Act 2005 or Regulations under that Act as suitable for that purpose.
2. An order register must be kept on the premises containing details of the items ordered/ despatched, with details of when the order was placed and when the alcohol was despatched.
3. A delivery/refusal register requires to be maintained by the delivery driver containing details of the person accepting delivery or, if delivery was refused, the reason for any refusals.
4. No delivery of alcohol should be left unattended or with children or young persons where there is no adult available to accept delivery.

APPENDIX 2

ISSUES PAPER-

As agreed by the Board for the purposes of formal consultation- April 2023

Renfrewshire Licensing Board
Formal Consultation on Statement of Licensing Policy
Issues Paper for Formal Consultation

April 2023

Renfrewshire Licensing Board requires to carry out a detailed consultation exercise in relation to review of its Statement of Licensing Policy. The Statement of Licensing Policy will set out the policy on which the Licensing Board will base their decisions on how they regulate the sale of alcohol in Renfrewshire. The policy will have to be published by early November 2023 and will apply until 2027, when a further, update policy is due to be prepared for later publication.

The formal consultation is now open and responses are required by **Friday 21st July 2023**.

Prior to the current consultation, the Licensing Board undertook an initial, informal consultation exercise between December 2022 and February 2023 to obtain a range of views as to what should be included in their new licensing policy. Following that initial, informal consultation, a draft Statement of Licensing Policy, with some necessary updating, has been prepared for the purposes of consultation. A link to this draft is available at

<https://www.renfrewshire.gov.uk/article/3207/Statement-of-Licensing-Policy-Alcohol-Licensing>

In addition, the Board have approved this consultation document to assist consultees in responding. The Board would welcome comments from those who wish to respond in relation to the issues set out below. However, consultees may wish to comment on other matters contained in, or which they believe should be covered by, the policy statement, in addition to the matters below.

The Board requires to have regard to statutory guidance in exercising its functions. This statutory guidance can be accessed at the link below. Chapters 4 and 5 of this guidance relate to licensing policy statements and overprovision assessments (which form part of licensing policy statements). The Board is now consulting on both matters in tandem.

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2023/01/licensing-scotland-act-2005-section-142-guidance-licensing-boards/documents/licensing-scotland-act-2005-section-142-guidance-licensing-boards/licensing-scotland-act-2005-section-142-guidance-licensing-boards/govscot%3Adocument/licensing-scotland-act-2005-section-142-guidance-licensing-boards.pdf>

The Board will welcome views on all aspects of its existing Statement of Licensing Policy, but would welcome views on the below matters which have been highlighted in its initial consultation exercise. Consultees should note that the Board's policy requires to seek to promote the five licensing objectives, which are: preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health, and protecting children and young persons from harm.

Overprovision Assessment in relation to Licensed Premises

In response to the initial, informal consultation, responses were received from a number of parties as to whether overprovision of licensed premises exists in any locality in Renfrewshire. The Board in its existing policy declares an area in Paisley Town Centre overprovided, in respect of pub type premises used predominantly or exclusively for the sale of alcohol (this does not include restaurant, hotel or nightclub premises).

Following consideration of responses to the initial, informal consultation, the Board decided to select the locality listed below for the purposes of this formal consultation. The Board therefore is seeking views as to whether this area is overprovided in terms of licensed premises and, if so, whether it is overprovided in terms of all licensed premises or premises of a particular type: e.g., off-sales only premises (where alcohol is sold for consumption off the premises) or on-sales premises. Consultees should state which types of premises they consider overprovided: this may be more specific to the type of operation provided at any premises, for example: pub type premises; nightclubs; supermarkets; convenience stores, etc. If you are responding as a local resident, or on behalf of particular local residents, the Board would welcome your views in relation to whether there may be overprovision, of all licensed premises or of particular type(s) of licensed premises, within the area listed below in which you live.

Consultees should note that, when the Board decides whether overprovision exists in any locality, it must have regard to the number and capacity of licensed premises there and now may also consider other matters, such as the licensed hours of those premises.

In this regard, consultees may wish to consider the information set out in the statutory guidance at the above link, particularly at Paragraphs 5.26 to 5.30 which

may assist them. The Board seeks to gather robust evidence from consultees during this process to inform its new overprovision assessment.

A plan showing the locality agreed for this consultation with information on numbers of premises, capacities and licensed hours may be viewed at

<https://www.renfrewshire.gov.uk/article/3207/Statement-of-Licensing-Policy-Alcohol-Licensing>

The Board would also welcome views from any consultees on whether any exceptions should be provided within the terms of its policy, should it find overprovision, to allow potential applicants for a licence to consider what information would assist the Board in deciding whether to make an exception to any overprovision policy. Consultees should note that the effect of an overprovision policy is to create a rebuttable presumption against the grant of a licence application in a locality. It would remain open to an applicant for a licence, in an area considered overprovided, to seek to persuade the Licensing Board that their application should still be granted, as an exception to the policy.

The full responses to the initial, informal consultation may be viewed at

<https://www.renfrewshire.gov.uk/article/3207/Statement-of-Licensing-Policy-Alcohol-Licensing>

The Board has decided to consult on the existing Paisley Town Centre declared overprovision area. A plan of this area is available at the link above.

Children's Access

In response to the initial, informal consultation, Renfrewshire Health and Social Care Partnership have suggested that clear and explicit guidance should be provided within the new policy as to when alcohol should be excluded within premises used by "young people", such as libraries, hairdressers and sports facilities.

The Licensing Board considers applications for the sale of alcohol. Unless alcohol is to be sold, within the meaning of the Licensing (Scotland) Act 2005, the Board is unable to regulate these matters. Consultees should note that any application for a licence requires to be considered against the grounds set out in the licensing legislation and on the basis of the information before the Board. However, consultees may wish to provide views on what measures licensed premises should take to promote the licensing objective of protecting children and young persons from harm in premises where children (0-15 years) and young persons (16-17 years) may be present.

Equally, consultees may wish to set out any proposed changes in relation to when children and young persons should be able to access licensed premises and the hours during which they may do so and the parts of premises they may access. Any such change would however not amend the children and young person's access to existing licensed premises.

Licensed Hours

The following issues have been raised in response to the initial, informal consultation, upon which the views of consultees are sought:-

- Should the commencement of off sales hours on a Sunday be restricted to 11am in relation to future licensing applications? (currently, premises can enjoy the statutory commencement hour of 10am).
- Should a policy be introduced restricting the licensed hours for new off-sales licensing applications until an earlier hour than 10pm (if so, please specify what suitable policy hours would be). In the event of such a change of policy, should the policy provide for any exception to that policy that an applicant is able to seek hours until 10pm if they can persuade the Board this is not inconsistent with the licensing objectives (having regard to factors such as the control measures in place at the premises to promote the licensing objectives)?

Alcohol Deliveries

The Board's current Statement of Licensing Policy, when agreed and published in 2018, introduced new conditions for premises providing home deliveries of alcohol. These conditions are in the following terms:

1. A robust age verification policy requires to be in place for deliveries that include alcohol and must be strictly adhered to by all delivery staff, incorporating a Challenge 25 approach. Documentation presented as verification of age requires to be of a type prescribed in the Licensing (Scotland) Act 2005 or Regulations under that Act as suitable for that purpose.
2. An order register must be kept on the premises containing details of the items ordered/ despatched, with details of when the order was placed and when the alcohol was despatched.

3. A delivery/refusal register requires to be maintained by the delivery driver containing details of the person accepting delivery or, if delivery was refused, the reason for any refusals.

4. No delivery of alcohol should be left unattended or with children or young persons where there is no adult available to accept delivery.

Renfrewshire Health and Social Care Partnership have suggested possible changes to these conditions. The Board would therefore welcome views from consultees as follows:

- Should condition 1 above in relation to alcohol deliveries be extended to state: (i) that drivers employed at licensed premises should be trained in relation to the Challenge 25 age verification process to the same level as staff who require to be trained to sell alcohol on the premises, and required to undertake this process when delivering alcohol; and (ii) that, if a third party provides the delivery service, it is the premises licence holder's responsibility to ensure that the third party follows the Challenge 25 age verification process when delivering items including alcohol?
- Should condition 4 in relation to alcohol deliveries be extended to state that alcohol must also not be left with any person who is visibly intoxicated?

Occasional Licences

In their response to the initial, informal consultation, Renfrewshire Health and Social Care Partnership request that governance around events should be strengthened to encourage "no alcohol events" where an event involves children and young persons such as football award ceremonies, school fetes and sporting events. The views of consultees are sought as to whether the current policy should be reviewed to set out how the Board may approach any application for the licensing of such events and, if so, what that approach should be. (Consultees should note that, in the absence of representation on an application received, the Board is required to grant an occasional licence).

Renfrewshire Health and Social Care Partnership also state that they support an approach that any applicant who repeatedly applies for occasional licences should submit an application for a premises licence after a period of 13 weeks.

While limits on the number and duration of occasional licences have been consulted upon at a national level, no statutory limits on these have yet been introduced.

Views are sought however as to whether repeated applications, which are not in relation to specific events and which relate to activities occurring on premises in similar or identical terms regularly over a period of at least 3 months, should be referred to the Licensing Board for a decision. Consultees may also wish to comment on how any change to the policy in this regard should be introduced for premises which have already been operating on a series of occasional licences and whether any latitude should be allowed to premises who can demonstrate that they have required to continue applying for occasional licences for a longer period due to circumstances outwith their control.

Separately, while not raised directly during the initial consultation, views are sought from consultees in relation to the licensing of external drinking areas, which are usually licensed in Renfrewshire by way of an application for an occasional licence. A practice has arisen where a number of additional conditions of licence have been requested by Licensing Standards Officers and attached to many of these licences. The conditions of licence usually applied are as follows:

1. *That the occasional licence be prominently displayed at point of sale.*
2. *That staff are either personal licence holders or have completed the 2 hours statutory staff training and staff training records are available on the premises for inspection.*
3. *That a Notice at point of entry to the premises clearly states the access policy in relation to children and young persons in relation to the sale or supply of alcohol.*
4. *Where deliveries of alcohol are provided the following requirements must be met:-*
 - (a) *A robust age verification policy is required to be in place for deliveries that include alcohol and must strictly be adhered to by all delivery staff, incorporating a Challenge 25 approach. Documentation presented as verification of age requires to be of a type prescribed in the Licensing (Scotland) Act 2005 or Regulations under the Act as suitable for that purpose.*
 - (b) *An order register must be kept on the premises containing details of the items ordered/despached, with details of when the order was placed and when the alcohol was despatched.*
 - (c) *A delivery/refusal register requires to be maintained by the delivery driver containing details of the person accepting delivery or, if delivery was refused, the reason for the refusals.*
 - (d) *No delivery of alcohol should be left unattended or with children or young persons where there is no adult available to accept delivery.*
5. *That all alcohol is consumed by patrons in the outside drinking area agreed in the layout plan as supplied by the applicant.*

6. *That all drinks must be sold in plastic or toughened glass receptacles. All bottled drinks must be decanted into such receptacles.*
7. *That no alcohol is to be removed from the designated outside drinking area as outlined in the plan attached to the licence. The area boundary must be clearly defined by a physical barrier, with clear signage indicating that no alcohol may be removed. The designated outside drinking area shall be supervised by staff at all times.*
8. *That all customers must be seated. No vertical drinking shall be allowed.*
9. *That a notice to be easily legible located at point of exit to remind customers to be respectful of neighbouring residents / property on leaving the area to reduce noise and litter to prevent nuisance of anti-social behaviour.*

In addition, in relation to a number of external drinking areas, again licensed usually by way of an occasional licence, a condition of licence is often requested by Police Scotland restricting the terminal hour relating to the external licensed area, usually until 9pm, particularly in town centre areas. Such a condition has been attached to numerous occasional licences for the purpose of preventing public nuisance.

The views of consultees in relation to whether any or all of the above additional conditions should now be formally introduced within the new policy would be welcomed. The Board would welcome any explanation from consultees as to why these conditions should be adopted as a matter of policy with reference to the above licensing objectives.

Miscellaneous

The views of consultees more generally on the Board's current Statement of Licensing Policy will be welcomed. Other general comments received during the informal consultation were to suggest that the new policy might, in addition to the above matters, provide further information about joint working initiatives involving the Licensing Board and provide information about wider strategies. Consultees should feel free to comment further on these and any other relevant matters.

The Licensing Board would welcome any comments from consultees by Friday 21st July 2023.

Mark Conaghan
Clerk to the Licensing Board
27 April 2023

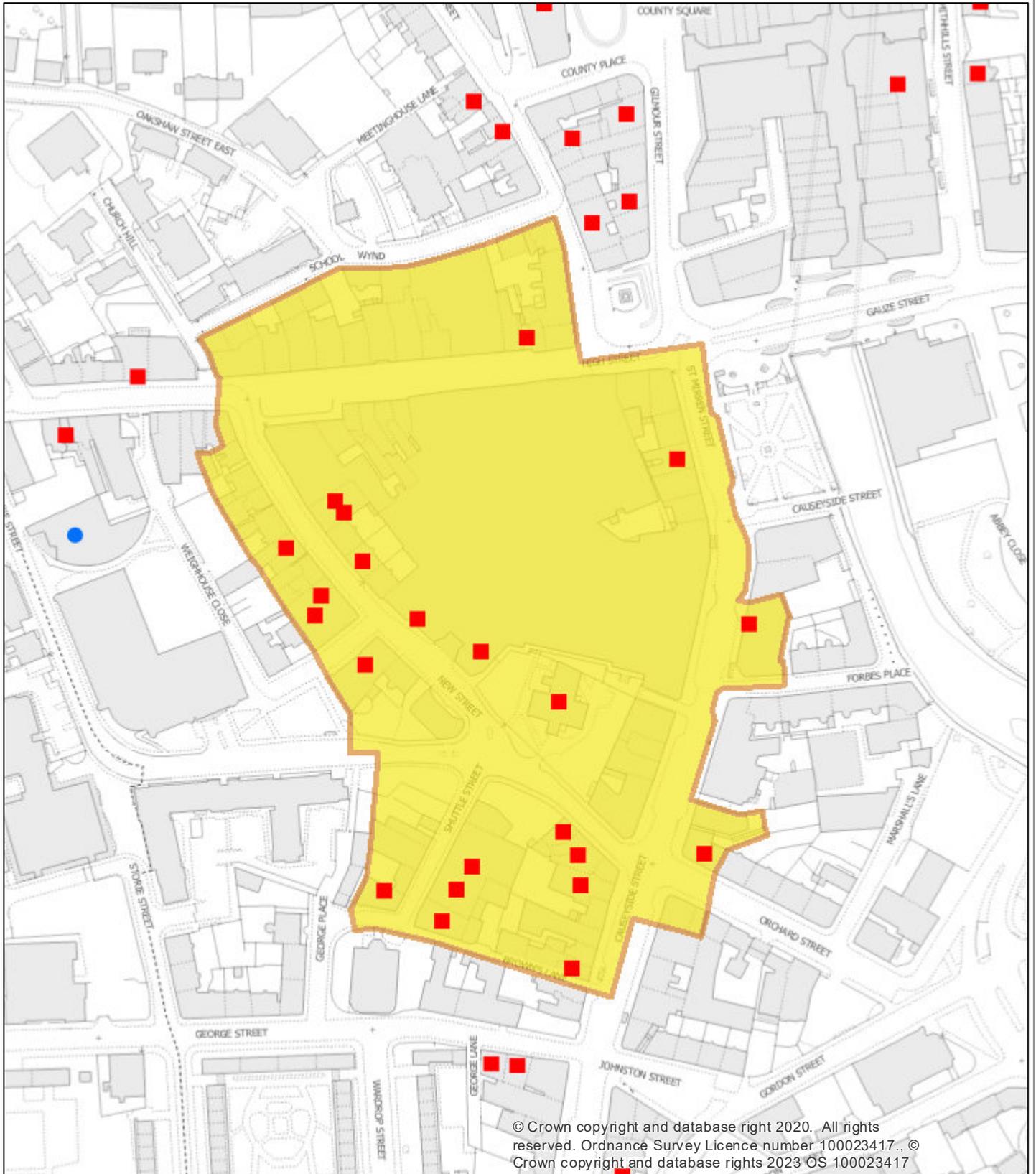
APPENDIX 3

**LOCALITY PLAN AND DETAILS OF PREMISES WITHIN PAISLEY TOWN
CENTRE LOCALITY AGREED BY BOARD IN APRIL 2023**



Author:

Date: 01/09/2023



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CURRENT OVERPROVISION AREA																
LICENCE NO:	PREMISES NAME	MON FROM	MON TO	TUES FROM	TUES TO	WED FROM	WED TO	THURS FROM	THURS TO	FRI FROM	FRI TO	SAT FROM	SAT TO	SUN FROM	SUN TO	LIC. TYPE
PREM/041	Paper Rack	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	8.00pm	Off Sales
PREM/072	The Cave	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	11.00am	12 midnight	On and Off Sales
PREM/094	Whiskey Joes	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	12.30pm	12 midnight	On Sales
PREM/123	Faction	1.00pm	2.00am	1.00pm	2.00am	1.00pm	2.00am	1.00pm	2.00am	1.00pm	3.00am	1.00pm	3.00am	1.00pm	2.00am	On Sales
PREM/124	Vienna's	CLOSED	CLOSED	CLOSED	CLOSED	9.00pm	2.00am	9.00pm	2.00am	6.00pm	3.00am	6.00pm	3.00am	6.00pm	2.00am	On Sales
PREM/169	Cafuffals	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	12.30pm	12 midnight	On and Off Sales
PREM/173	Kennedy's Bar	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	12.30pm	12 midnight	On and Off Sales
PREM/230	The Northern Way	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	11.00am	12 midnight	On and Off Sales
PREM/242	The Bull Inn	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	11.00am	12 midnight	On Sales
PREM/252	#Bar	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	2.00am	11.00am	2.00am	11.00am	12 midnight	On Sales
PREM/321	Jam Jar	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	11.00am	12 midnight	On and Off Sales
PREM/332	42 New Street	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	11.00am	12 midnight	On Sales
PREM/350	Lava Nightclub	6.00pm	11.00pm	6.00pm	11.00pm	6.00pm	2.00am	6.00pm	2.00am	6.00pm	3.00am	6.00pm	3.00am	6.00pm	2.00am	On Sales
PREM/389	The Bungalow	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	3.00am	11.00am	3.00am	12.30pm	12 midnight	On and Off Sales
PREM/441	Paisley Arts Centre Cafe Bar	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	12.30pm	12 midnight	On and Off Sales
PREM/471	Gantry	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	11.00am	12 midnight	On and Off Sales
PREM/478	Sialvi's	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	Off Sales
PREM/486	Fantoosh Nightclub	7.00pm	2.00 am	7.00pm	2.00am	7.00pm	2.00am	7.00pm	2.00am	7.00pm	3.00am	7.00pm	3.00am	7.00pm	2.00am	On Sales
PREM/487	Shop	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	10.00am	10.00pm	Off Sales
PREM/524	The Lane	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	11.00am	12 midnight	On and Off Sales
PREM/547	Fairfull Cafe	11.00am	11.00pm	11.00am	11.00pm	11.00am	11.00pm	11.00am	11.00pm	11.00am	12.00 midnight	11.00am	12 midnight	11.00am	11.00pm	On Sales
PREM/570	Barga	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	12 midnight	11.00am	1.00am	11.00am	1.00am	11.00am	12 midnight	On and Off Sales

LIST OF CONSULTEES FOR FORMAL CONSULTATION

1. Alcohol Focus Scotland
2. All Community Councils
3. All Local Partnerships
4. All Renfrewshire Council Directors
5. All Renfrewshire Councillors
6. All Renfrewshire premises licence holders
7. Barnardos Scotland
8. Community Planning Partnership
9. DEAR Group (Diversity and Equality Alliance Renfrewshire)
10. Disability Resource Centre
11. Engage Renfrewshire
12. FamilyPL
13. In-Ren Network (Integration Network hosted by Engage Renfrewshire)
14. KAIROS Women +
15. LGBT+ Renfrewshire
16. Licensing Practitioners
17. Members of the Scottish Youth Parliament (per Fiona Taylor)
18. NHS Greater Glasgow and Clyde
19. PACHEDU
20. Paisley First
21. Police Scotland
22. Renfrewshire Access Panel
23. Renfrewshire Alcohol and Drug Partnership
24. Renfrewshire Chamber of Commerce
25. Renfrewshire Community Safety Hub
26. Renfrewshire Council Chief Executive
27. Renfrewshire Council Event Manager
28. Renfrewshire Council Chief Planning Officer
29. Renfrewshire Council Head of Economy and Development Services
30. Renfrewshire Council Head of Policy and Commissioning
31. Renfrewshire Council Youth Services
32. Renfrewshire Effort to Empower Minorities (REEM)
33. Renfrewshire Health and Social Care Partnership
34. Renfrewshire Interfaith Group
35. Renfrewshire Licensing Forum
36. Renfrewshire Licensing Standards Officers
37. Renfrewshire Youth Voice (per Fiona Taylor)
38. Renfrewshire Visually Impaired Forum (per Nicola McNeill)
39. ROAR Connections For Life
40. Scottish Beer & Pub Association
41. Scottish Fire and Rescue Service
42. Scottish Grocers' Federation
43. Scottish Licensed Trade Association

44. Soroptomist Paisley
45. West of Scotland Regional Equality Council (WSREC)
46. Women's Aid
47. YouFirst Advocacy

APPENDIX 5

RESPONSES TO FORMAL CONSULTATION AND CLERK'S COMMENTS ON THE RESPONSES

OFFICIAL

Date: 19/07/2023

Our Ref: LICPOL/IR

Douglas Campbell
Assistant Managing Solicitor
(Licensing) Corporate
Governance Finance and
Resources 1st Floor,
Renfrewshire Council
South Wing Renfrewshire
House
Cotton Street
Paisley
PA1 1TT



Renfrewshire and Inverclyde Division
Headquarters
Mill Street
Paisley
PA1 1JU

Dear Mr Campbell,

RENFREWSHIRE LICENSING BOARD'S STATEMENT OF LICENSING POLICY

I refer to your correspondence dated 1st May 2023 and on behalf of Police Scotland I would offer the following comments for consideration of the Board.

Licensing Hours

Having regard to the Board's current policy, the Chief Constable has not identified any issues with regards to its' provisions in terms of licensing hours, and is satisfied there is sufficient opportunity under its' terms and under those of the legislation, to allow Police Scotland to make pertinent comment on individual cases as and when a need arises. Accordingly, the Chief Constable does not propose any amendment and would not wish to make further comment.

Children and Young Persons

Similarly, in regard to the above, the Chief Constable is satisfied that the provisions of the current policy serve and have served Children and Young Persons well in Renfrewshire. In the absence of any substantial increase in the prevalence of incidents or crimes involving Children and Young Persons in Renfrewshire licensed premises, the Chief Constable has no comment to make, nor amendment to propose.

Occasional Licences/Extended Hours

In terms of Occasional Licences and Extended Hours licences, once again, the Chief Constable remains satisfied that the arrangements existing under the

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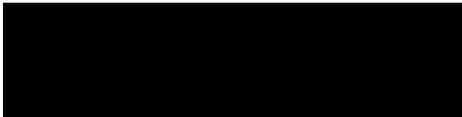
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current policy allow Police Scotland sufficient scope to make comment and/or representation when necessary in individual cases, and to have a sufficient degree of oversight and control over occasional and extended hours licences generally. Accordingly, the Chief Constable has no comment to make nor amendment to propose.

Overprovision

I have enclosed the Renfrewshire Licensing Overprovision Assessment which has been developed by our Analyst Co-ordinator. The analysis clearly identifies an area of overprovision in Paisley Town Centre, with a significant overlap in terms of the main hotspot area for licensed premises, violent crime and ASB within the same area. It should be noted that this analysis takes into account on-sale provision only.

Yours sincerely



Laura Waddell
Chief Superintendent
Divisional Commander

OFFICIAL



**POLICE
SCOTLAND**

Keeping people safe

RENFREWSHIRE LICENSING – OVERPROVISION ASSESSMENT

Author	Derek Middleton Analyst Coordinator
Date of production & Tasking ID	09/02/2023 T022_23

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AIM

To provide an assessment as to the current provision of licensed premises within Renfrewshire, specifically identifying any 'hotspots' of licensed premises and whether these bear any relationship to hotspots for violence and antisocial behaviour (ASB) within the Local Authority Area.

DATA

Data relating to licensed premises operating within Renfrewshire was provided by the Renfrewshire & Inverclyde Licensing Department.

Crime data for the period 2018 – 2022 was extracted from ScOMIS, crimes for inclusion being common assault (including assault of emergency worker), serious assault, robbery (including assault with intent to rob), attempted murder and murder.

Incident data for the period 2018 – 2022 was also extracted from ScOMIS, incorporating all relevant ASB codes.

CONCLUSIONS

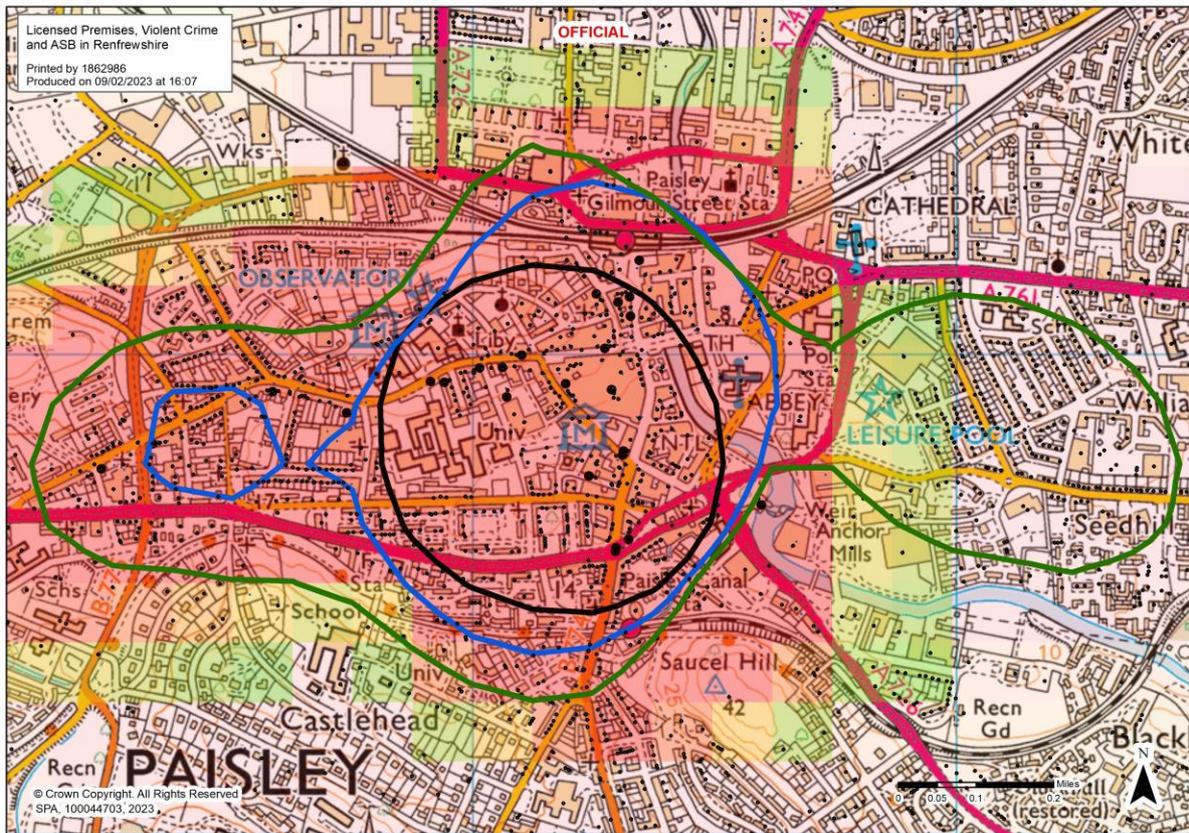
- Analysis identified a high degree of overlap in terms of hotspots for licensed premises in Renfrewshire and areas with a high concentration of violent crime and reports of antisocial behaviour.
- The principal 'hotspot' for licensed premises identified within Renfrewshire was Paisley Town Centre (see Map 1) – covering an area of 0.38 square kilometres.
- The primary hotspot for violent crime predominantly overlapped the licensed premises hotspot in Paisley Town Centre, albeit this extended over a wider area (0.68 square kilometres). It is likely that a higher level of footfall in the surrounding area associated with foot traffic to and from the primary night time economy area in Paisley is a contributor to the violence hotspot which extends beyond the borders of the identified licensed premises hotspot.
- The primary hotspot for reported incidents of antisocial behaviour also significantly overlapped the licensed premises hotspot in Paisley Town Centre, although the ASB hotspot covered a significantly larger area that extended well beyond the bounds of the licensed premises hotspot. As before, it is likely the concentrated area of licensed premises in Paisley Town Centre contributed to this wider spread of ASB incidents due to increased footfall to/from the night time economy area and the contribution of alcohol to such incidents, including on the surrounding area.
- The analysis would suggest that there is a high correlation between increased concentration of licensed premises and the occurrence of violent crime and disorder. It is therefore recommended that the licensed premises hotspot

located in Paisley Town Centre (as shown on the following maps) is regarded as an area of current overprovision.

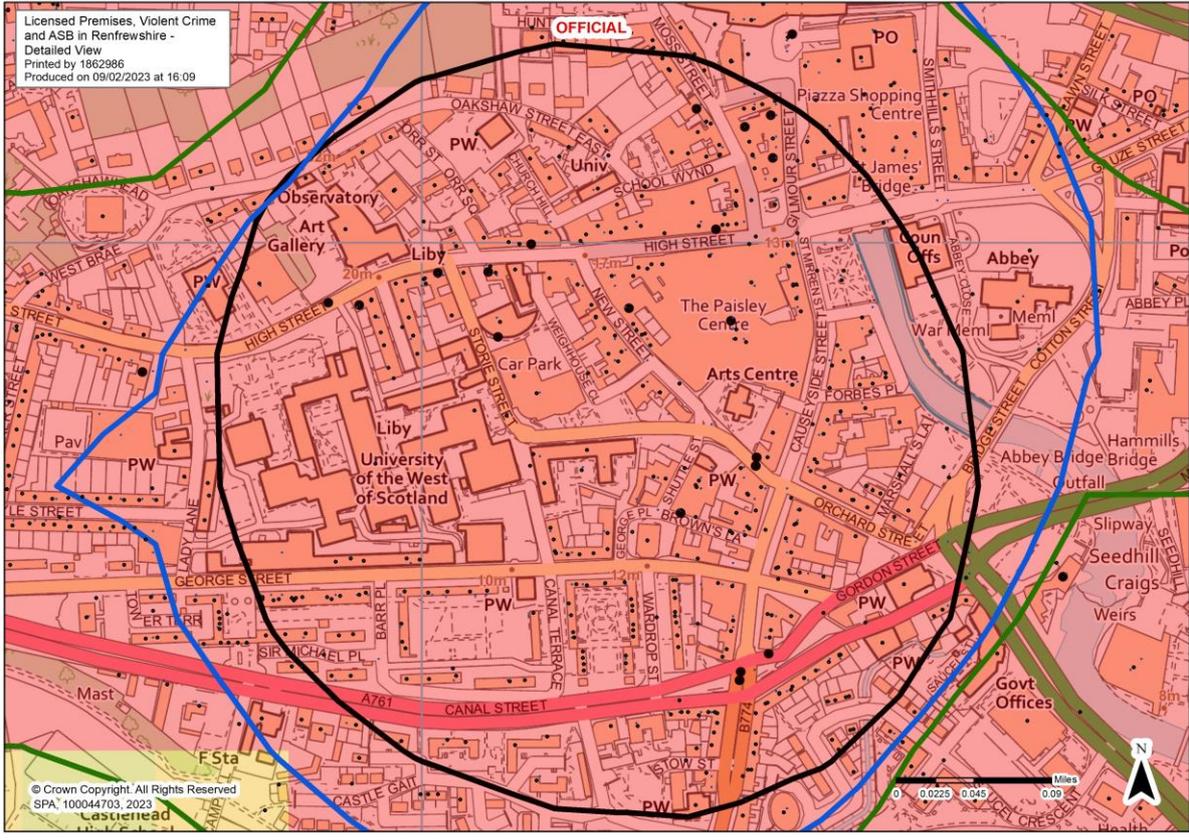
KEY TO INTERPRETATION OF MAPS

The circular black contour line denotes the identified licensed premises hotspot, with black dots identifying the location of specific licensed premises. The blue contour indicates the identified hotspot for violent crime in Renfrewshire, while the green contour shows the hotspot for antisocial behaviour incidents. The area contained within the circular black contour line is therefore the area identified for consideration as having ‘overprovision’, due to the high degree of overlap between concentration of licensed premises, crimes of violence and ASB incidents within this zone.

MAPS



Licensed Premises, Violent Crime
and ASB in Renfrewshire -
Detailed View
Printed by 1862986
Produced on 09/02/2023 at 16:09



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SPA 100044703, 2023

Clerk's Comments on Responses to Formal Consultation

(i) Clerk's Comments on Response from Police Scotland

Police Scotland do not seek any amendments to the existing Statement of Licensing Policy in relation to licensing hours, children and young persons' access or occasional licence and extended hours applications. They provide comment regarding overprovision.

It should be noted that the area referred to by Police Scotland as the "principal 'hotspot' for licensed premises", and shown by means of a black contour line, appears to be the same area proposed by Police Scotland as an extended area of overprovision during the initial, informal consultation. The Board decided, at their meeting on 27th April 2023, when carrying out their initial assessment, to consult upon the same area as is currently designated as overprovided (for certain types of on sales premises) under the terms of the Board's existing Statement of Licensing Policy, during the formal consultation.

Police Scotland refer to "hotspots", reflecting the terms of earlier statutory guidance published under section 142 of the Licensing (Scotland) Act 2005 in relation to assessment of overprovision.

Officers of the Board highlighted to Police Scotland on receipt of their response that their submission related to an area wider than the locality identified by the Board at their April meeting. No further submissions have been received from Police Scotland.

The Board may however wish to note that the area currently designated within the existing Statement of Licensing Policy is in its entirety included within the area suggested by Police Scotland as overprovided, which extends significantly beyond it.

Should the Board wish to give future consideration to the extended area as being possibly overprovided, officers would recommend that this be the subject of future consultation on a possible Supplementary Statement of Licensing Policy.

Members of the Board may note that Police Scotland have detailed conclusions from their analysis, supported by their coloured maps. They have not provided additional statistics.

Paper Title: Renfrewshire HSCP Response to Formal Consultation on Statement of Licensing Policy 2023

Date: 19th July 2023

Authors: Jim McSorley

The response has been prepared by Renfrewshire Health and Social Care Partnership (HSCP), in conjunction with Renfrewshire Alcohol and Drug Partnership (ADP) and NHS Greater Glasgow and Clyde Public Health Department. This response has been assembled to assist the Licensing Board within the following areas as per the formal consultation guidance documents:-

- Overprovision – Paisley Town Centre
- Licensing Hours
- Childrens and young persons' access to licensed premises
- Occasional licences
- Licensing Conditions for Alcohol Delivery

1.0 Overprovision – Paisley Town Centre

Alcohol is responsible for significant levels of morbidity and mortality (Scottish Health Survey, 2015). Research shows that higher availability of alcohol is associated with alcohol-related hospital admissions and mortality for all alcohol-related conditions in general, and for liver cirrhosis (Richardson EA, 2015) and is associated with:-

- increased overall alcohol consumption
- greater average levels of drinking among students
- alcohol-related violence
- self-reported injuries
- alcohol-related road traffic crashes
- sexually transmitted infections (STI)
- child abuse and neglect
- suicide
- domestic violence

Availability of alcohol refers to how easy it is to purchase alcohol either from on sales such as pubs, restaurants or clubs or off sales like supermarkets and shops. Research carried out over the last few years has clearly shown an association between alcohol availability and alcohol related harm.

At its meeting on 27th of April the Licensing Bgoard proposed Paisley Town Centre as the area it wished to propose as overprovided within Renfrewshire.

We note that Paisley Town Centre falls within the Paisley Central Intermediate Zone area and has a higher rate of alcohol harms than both the National and Greater Glasgow and Clyde with regards Alcohol related deaths and Alcohol Related Hospital Admissions:

Studies from other countries have consistently found an association between alcohol availability and alcohol-related problems, particularly outlet density (the number of alcohol outlets in a given area). Previous research carried out in 2014 by Centre for Research on Environment, Society and Health at the Universities of Edinburgh and Glasgow (CRESH) suggests that this relationship is also true for Scotland.

This CRESH research identified the existence of an outlet availability threshold of 6 off sales, 9 on sales or 14 total outlets within 800m – below which hospital admission rates do not differ but above which rates increased significantly.

The Paisley town centre area as identified by the Licensing board, which has a considerably smaller area than the 800m radius used within the CRESH research, has 23 licenses with 20 on-sale and 3 off-sale licenses and as such, taking this and the alcohol harms data that Renfrewshire HSCP have, we would support this area being deemed as overprovided within the policy for both On and Off Sales premises.

2.0 Licensing Hours

Evidence clearly shows that reducing the availability of alcohol can reduce alcohol related harm. Renfrewshire experiences amongst the highest levels of alcohol related harm in Scotland. The 2022 MESAS report compiled by NHS Health Scotland (2021) showed that the majority of alcohol is purchased in off sales premises. In 2021, 85% of all alcohol sold in Scotland was sold through the off-trade (supermarkets and other off-licences) an increase from 72% in 2019. This change in purchasing patterns can be linked to the COVID-19 pandemic however the current cost of living crisis may mean this trend continues. Reducing off sales opening hours by at least one hour or more would contribute to an overall reduction in alcohol availability, ultimately reducing alcohol related harm and be congruent with the licensing objectives of preventing public nuisance and protecting and improving public health. As such Renfrewshire HSCP would ask the board to consider implementing the following:

1. The commencement of off sales on a Sunday should be restricted to 11am for future licensing applications.
2. Renfrewshire HSCP would also welcome the restriction of the licensed hours for new off sales licensing applications earlier than the current terminal hour of 10pm would have the same impact as restricting opening times.

3.0 Children and young persons' access to licensed premises

There is overwhelming evidence that children who see adults consuming alcohol to excess regard this behaviour as relatively normal. This has resulted in children and young people commencing alcohol consumption at an earlier age and consuming more alcohol than non

exposed peers. Children and young people who have adopted heavy drinking at a young age are more likely to continue to drink heavily as adults and to develop significant alcohol related health problems and dependence in later life (Palmer et al 2010).

The Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) shows there has been a decrease in underage drinking in Renfrewshire from 2013 to 2018 however, it still remains a concern.

- 34% of 13 years and 72% of 15 year olds reporting they have had a drink of alcohol
- 80% of 15 year olds and 54% of 13 year olds thought it was ok for someone their age to try alcohol highlighting the need for intervention that address attitudes.

In 2021/22 83% of children on the Child Protection Register in Renfrewshire had concerns identified around parental alcohol use or parental substance use (alcohol and drugs) and Renfrewshire HSCP believes action has to be taken to tackle the normality that alcohol is being seen within society and support mitigation of alcohol use among children and young people and to alleviate alcohol related problems associated for our young people in later life.

In order to promote the licensing objective of protecting children and young persons from harm in premises where children (0-15 years) and young persons (16-17 years) we believe premises that children and young people are known to frequent and use the services provided within such as barbers/ hairdressers, beauty salons, sports centres and community facilities such as libraries and community centres be excluded from selling alcohol.

4.0 Occasional licences

Occasional licenses increase availability of alcohol and can impact on the licensing objectives. The nature of Occasional licenses makes the monitoring of alcohol outlets difficult with new premises currently able to use Occasional licenses to provide alcohol for an indefinite period. This practice allows some premise to continually sell alcohol without the requirement for the full governance that a premises licence application submission to the board brings and as such Renfrewshire HSCP would support the approach that if any applicant repeatedly applies for an occasional licence, then they should submit an application for a premises licence after a 13 week period. This additional governance would provide ample opportunity for premises to trial alcohol sales or a new business model for a prolonged period or time but also bring governance that would support all licensing objectives through completing the process of a premises licence in a timely manner.

Additionally Occasional licenses are often used to enable alcohol to be available at events often attended by children such as sports events, fundraisers and market places. As such Renfrewshire HSCP believe applicants should be asked to justify their reason for applying for a liquor licence (occasional) for occasions where children and young people are in attendance. Renfrewshire HSCP suggest a way of increasing governance around events that have applied for an occasional licence and that children and young people likely be in attendance would be to broaden those groups who receive notification of these applications to include all appropriate statutory consultees for Premises Licensees and allow 21 days for responses from all parties. Renfrewshire HSCP believe this change would support the licensing objective of protecting children and young people from harm.

5.0 Licensing Conditions for Alcohol Delivery

Alcohol deliveries and internet sales are not a new issue and took place before the previous Policy Statement review in 2017/18 however the COVID-19 pandemic and related restrictions have accelerated the general trend to online shopping. Despite the reopening of physical stores, it is predicted that online sales will remain high as people have become more accustomed to online shopping. Research by Alcohol Change UK found major weaknesses in online age verification and failures in checking age when delivering alcohol to people's homes. Test purchases undertaken with this Research found that in nearly three-quarters (72%) of cases where alcohol was ordered for delivery within two hours, it was subsequently handed over to the 18- and 19-year-old participants without seeking proof of age, in direct contravention of retailer's own published policies.

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 and the HSCP would like the Licensing Board to consider the following conditions for alcohol delivery to be included in the new Licensing Policy:

As such Renfrewshire HSCP are supportive of amending the board's current conditions around alcohol delivery as follows:

Condition 1 in relation to alcohol deliveries be extended to state: (i) that drivers employed at licensed premises should be trained in relation to the Challenge 25 age verification process to the same level as staff who require to be trained to sell alcohol on the premises, and required to undertake this process when delivering alcohol; and (ii) that, if a third party provides the delivery service, it is the premises licence holder's responsibility to ensure that the third party follows the Challenge 25 age verification process when delivering items including alcohol.

Condition 4 in relation to alcohol deliveries should be extended to state that alcohol must also not be left with any person who is visibly intoxicated.

By making these changes Renfrewshire HSCP believe this would strengthen the board's policy around the licensing objectives of protecting children and young persons from harm and preventing public nuisance.

(ii) Clerk's Comments on Response from Renfrewshire Health & Social Care Partnership

Renfrewshire Health & Social Care Partnership's response addresses most of the topics set out in the Issues Paper agreed by the Board in April 2023.

Overprovision- In relation to overprovision, their response firstly provides some general information prior to providing information regarding whether there may be overprovision within the locality identified by the Board at their April 2023 meeting.

The Health & Social Care Partnership have not provided statistical health information in their response to the formal consultation specifically relating to the locality identified by the Board, but do note that this area falls within the Paisley Central Intermediate Zone area, being one of the intermediate geographies which they requested the Board to consider for the purposes of overprovision at the stage of the initial, informal consultation. The health statistics which the Health & Social Care Partnership are able to provide are understood to be based on datazone/ intermediate datazone areas. While they have not produced evidence relating specifically to the locality identified by the Board in advance of the formal consultation, they correctly state that the identified locality falls entirely within the Paisley Central intermediate geography. The Board may recall that statistical information regarding alcohol-related health harms within the Paisley Central intermediate geography is available to the Board from the response provided by the Health & Social Care Partnership in advance of the Board's April meeting, which can be located within the report to the Board of 27th April 2023. That report can be located at the following link (pages 78-85).

The formal consultation response from the Health & Social Care Partnership also offers a comparison between the locality consulted upon and the more extensive 800 metre radius used within CRESH research, noting the total number of premises in that smaller locality as against the CRESH thresholds. The Board may recall that information regarding the CRESH research was provided by the Health & Social Care Partnership in their response to the initial consultation and the Clerk's Comments in response to the report to the Board on 27th April 2023.

In considering whether overprovision exists of all licensed premises within the identified locality, or of certain types of licensed premises within it, the Board will wish to have regard to the terms of the updated statutory guidance referred to in this report at Paragraphs 3.5 and 4.2. The Board will also recall from the terms of the report considered in April 2023 that recent case law from the courts has highlighted the potential relevance of the impact of minimum pricing to the assessment of overprovision.

Should the Board declare the area overprovided for all or certain types of licensed premises, it is also open to the Board to provide for circumstances in which the Board might allow an exception to the overprovision policy. The Board should note that registered clubs cannot be included in the assessment of overprovision within a locality and that any policy on overprovision will not preclude the licensing of registered clubs.

Appendix 7 to the report provides information on licensed premises within the identified locality over the period 2018 to 2023.

Licensing Hours- The Health & Social Care Partnership seek to restrict the opening times for off-sales premises which are provided for in the Licensing (Scotland) Act 2005, in terms of commencement and/or terminal hours. It should be noted, as the Health & Social Care Partnership acknowledge in their submission, that any change to the Statement of Licensing Policy in this regard could only affect future applications for licences. It could not impact upon the licensing hours of existing premises.

Children and young persons' access- Similar to the position with licensing hours, above, any change to the Statement of Licensing Policy regarding children and young persons' access agreed by the Board would not impact the terms of existing premises licences. While it is open to the Board to refuse an application for premises which they considered unsuitable for the sale of alcohol and while there is also a ground for refusal of applications set out in the Licensing (Scotland) Act 2005 relative to the licensing objectives, and while the Board could therefore set out a policy position regarding children's access to premises, the Board would still require to give consideration to the terms of any application received on its individual merits, having regard to the terms of that Act and any relevant case law. It is open to parties such as the Health & Social Care Partnership, who are statutory consultees on premises licence applications, to comment on individual applications as they see fit. In the case of occasional licence applications, these are advertised on the Board's web pages and it is open to any party to make representations or objections as they see fit.

Occasional licences- The Partnership request that after a period of premises operating on occasional licences, applications for these should be referred to the Board for consideration if an application for a premises licence has not yet been submitted. In this regard, officers would highlight the decision in the case of *Keasim v City of Glasgow Licensing Board*, as advised in the previous report to the Board in April, in which Glasgow's Licensing Board were unsuccessful in seeking to restrict the use of occasional licences. There are currently no limits on the number of, or duration of, occasional licence applications which can be applied for or granted set out in legislation (except for voluntary organisations), although this was previously the subject of a national consultation. As such, the Board would require to consider any applications for an occasional licence referred to them on their individual merits, based on the grounds set out in the Licensing (Scotland) Act 2005.

Regarding the Health & Social Care Partnership's request that applicants for occasional licences justify their reason for making an application where children and young people are in attendance, decisions on these applications require to relate to the available statutory grounds.

While the Health & Social Care Partnership are not, unlike Police Scotland and Licensing Standards Officers, statutory consultees under the Act in relation to occasional licence applications, applications require to be advertised. Legislation sets out as a usual period of seven days for responses (except in the case of a Licensing Standards Officer). It would not be legally permissible under the legislation to extend the statutory period to 21 days for all persons.

Licensing Conditions for Alcohol Delivery- The Partnership suggest changes to the Board's existing policy conditions relating to alcohol deliveries. These conditions were introduced at the conclusion of the Board's last review of the Statement of Licensing Policy in 2018.

The Board may note that the current, or any amended, conditions in this regard will only regulate alcohol sold in Renfrewshire. As it is the premises from which alcohol is despatched which require to be licensed under the terms of the Licensing (Scotland) Act 2005, alcohol despatched from outwith Renfrewshire will not be affected by any policy change and alcohol despatched from outwith Scotland is not regulated under that Act.

The Board may wish to consider whether to agree the changes proposed to the existing conditions by the Health & Social Care Partnership. The first change appears to be restricted to requiring drivers only to be trained to the same standard as staff in licensed premises in respect of the Challenge 25 aspects of alcohol sales, rather than requiring drivers to meet all the training requirements which apply to staff whose work involves the sale of alcohol in licensed premises. Should the Board agree the proposed changes, officers would be able to suggest appropriate wording at a future meeting regarding the situation where a premises licence holder uses a third party to carry out deliveries.

Should the Board wish to agree the second proposed change, to Condition 4 of the delivery conditions, the Board will wish to consider which licensing objectives this change seeks to promote. The Health & Social Care Partnership have highlighted in this regard the licensing objectives of protecting children and young persons from harm and preventing public nuisance.

Clerk to the Licensing Board
Renfrewshire Council
Licensing Section
Renfrewshire House
Cotton Street
Paisley
PA1 1TT

Dear Sir / Madam

Statement of Licensing Policy

I write in response to the current consultation being undertaken by the Renfrewshire Licensing Board regarding the draft Statement of Licensing Policy 2023-2027 and request for responses.

I will particularly focus on the proposed policy for Over-provision of Licensed Premises as it is proposed to affect Paisley Town Centre.

As the senior Renfrewshire Council officer responsible for town centres and regeneration aligned to these, I am as attuned as many to the challenges that town centres have faced in recent years as purchasing patterns have altered and more goods and services are now purchased via the internet. This level of previous retail floorspace demand is unlikely to ever reappear in traditional town centres.

These challenges (together with structural changes occurring within the retail and banking sectors where fewer overall number of sales outlets are now required by individual companies trying to gain national coverage) have led to a “contraction” of town centre space demand.

The Council’s agreed Paisley Vision 2030 [[A Vision for Paisley town centre 2030 - Renfrewshire Website](#)] sets out potential responses to these challenges as many of the traditional town centre sectors contract in space requirements. Two elements of this repurposing are particularly relevant to this consultation.

Firstly, there will be a significant growth in the number of people living in and around Paisley Town Centre in future years. These new residents will be seeking services and amenities close by.

Secondly, there will be a need to find new uses for the buildings and spaces left behind by shops and banks and others who leave their Paisley premises. One of the obvious investment choices for that property owner will be hospitality, which may include requests for licensed premises.

My proposition to the Licensing Board is that the continuation of the current policy in Paisley will not assist with this regeneration and repurposing process, and indeed will counteract its likelihood of success.

Looking again at the boundary and the list of licensed premises in July 2023, it would appear as if the extent of the proposed boundary is less relevant to the current context.

The concentration of pubs / licensed premises within the proposed boundary is clearly at **New Street** and **Shuttle Street**. There are no pubs / licensed premises (beyond cafes) within any of the following locations which are also with the proposed boundary:

- *High Street* (pedestrianised section – New St to St Mirren Brae)
- *St Mirren Brae / Causeyside St* (west frontage – High St to New St)
- *Paisley Shopping Centre*

By my estimation if a revised boundary was proposed (focused on New Street and Shuttle Street) and it excluded the 3 bulleted locations above; this would leave two premises from the proposed boundary (two pubs on east side of Causeyside Street) that would have to be included / excluded, depending on the Board's view on how significant an issue they raise. However, neither could be argued to be within a significant concentration of licensed premises at present.

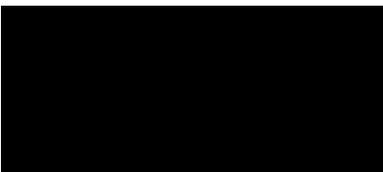
In short, my view is that the currently proposed boundary is that its full extent is not necessary (as there is no concentration of licensed premises to avoid worsening) and furthermore, by applying the restriction it is very likely to reduce the likelihood of reinvestment as properties become vacant.

My ask of the Licensing Board is to **amend the proposed boundary to focus on the New Street / Shuttle Street locations** where most of the public houses and other licensed premises in the town centre are concentrated in any case.

I would further suggest that, if the Board are agreeable to removing the areas listed above from the proposed boundary, that this decision be reviewed again after 5 years to assess what impact if any reinvestment proposals have had in that period following this change to the boundary.

Please contact me for any further information regarding the above representation at your convenience.

Yours sincerely



Alasdair Morrison

**Head of Economy and Development
Renfrewshire Council**

(iii) Clerk's Comments on Response from Alasdair Morrison, Head of Economy and Development, Renfrewshire Council

The Head of Economy and Development's comments relate to the requirement to assess overprovision within the locality formally consulted upon by the Board. His response provides some wider context regarding town centre repurposing.

The Head of Economy and Development provides comment that the continuation of the current Paisley Town Centre overprovision policy, which relates to pub type premises (and excludes hotel, restaurant and nightclub premises) will not assist with- and will counteract- the success of the regeneration and repurposing proposals for Paisley Town Centre. While the Board will note that any Statement of Licensing Policy, including its overprovision assessment, requires to seek to promote the licensing objectives, the Board may note the Head of Economy and Development's observations regarding the current boundary and the distribution of licensed premises within it.

As Members of the Board are aware, the effect of an overprovision policy is to create a rebuttable presumption against the grant of a licence application. The Head of Economy and Development notes that this is likely to reduce the likelihood of reinvestment as properties become vacant.

It is a matter for the Board to decide whether there exists overprovision of licensed premises, or overprovision of particular types of licensed premises, within the identified locality. Regarding the possibility of a revised boundary for the locality, the formal consultation has proceeded on the basis of the locality identified by the Board at the meeting on 27th April 2023. The Board may therefore be of the view, if they think an alternative locality should be the subject of consideration, that this might be the subject of a future review and consultation on that locality with a view to a possible future Supplementary Statement of Licensing Policy.

Regarding future review of whatever overprovision policy is agreed by the Board, there is a requirement to review the Statement of Licensing Policy, including the overprovision assessment, every five years.

Renfrewshire Licensing Board Statement of Licensing Policy 2023-2027 Consultation Response Scottish Grocer's Federation

The Scottish Grocers' Federation (SGF) is the trade association for the Scottish Convenience Store Sector. There are 5,098 convenience stores in Scotland, which includes all the major symbol groups, co-op and convenience multiples in Scotland. SGF promotes responsible community retailing and works with key stakeholders to encourage a greater understanding of the contribution convenience retailers make to Scotland's communities. In total, convenience stores provide over 49,000 jobs in Scotland.

Modern local convenience stores are community assets, from offering busy families a top-up shop facility on the one hand, to helping patrons (particularly vulnerable people) manage their weekly household budgets during the cost-of-living crisis and providing an essential alternative to larger or out of town supermarkets. Many people rely on their local convenience store with the average shopper visiting their local store 2.7 times per week and with 57% of customers choosing to walk as a mode of travel to stores. During the Covid pandemic in particular, local shops were on the front line, providing essential services for many vulnerable people and communities.

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 Scotland's Deposit Return Scheme, the sector as a whole 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.

Being able to offer a diverse range is of paramount importance. Modern convenience stores now offer a wide range of products and services, from deli counters and coffee to collection lockers. A more restrictive range simply provides the potential customer with a reason to shop at a competitor. Whilst it is ancillary to wider ranges of grocery and retail, alcohol is an important sales category for our member's stores. 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. 76% of convenience stores have an alcohol licence.

Introduction

SGF welcomes the opportunity to contribute to the consultation exercise on the Statement of Licencing Policy 2023-2027 from Renfrewshire Licensing Board. We trust that you will find our comments helpful. Our comments relate primarily to Management of Premises, Licensed Hours, and Overprovision.

Management of Premises

Proof of Age

SGF promote responsible community retailing and recognise the importance of selling alcohol in a responsible way.

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

CCTV

SGF does not fully agree with the statement set out in section 20.4 on CCTV. We do not believe that it should be a requirement for all staff to be trained in the use of CCTV (or for a CCTV trained member of staff to always be present during licensed trading hours). SGF would see such a condition as an additional burden on convenience sector retailers who often have to operate with the minimum amount of staff due to cumulated cost pressures. On top of this, retailers are having to do more hours themselves with 11% of shop owners in Scotland working more than 70 hours a week. It is already the case that all off-sales premises must have a compliant CCTV system in place.

Delivery of Alcohol and consumption by persons under 18 or drunk persons

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. We accept the local conditions for premises offering alcohol deliveries shown in Appendix III.

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 door step.

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

SGF promotes responsible retailing, including the sale of alcohol and any of the other 222 products restricted under legislation.

Licensed Hours

Off-Sales

The Licensing (Scotland) Act 2005 sets out the maximum permitted hours for off sales type premises are 10am to 10pm, each day of the week. SGF supports this policy on licensed hours.

SGF therefore supports section 15.2 that generally permits off sales hours from 10am until 10pm. 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.

We gather from section 16 that, while Paisley Town Centre overprovided in respect of "Liquor or Pub Type Premises", convenience stores do not come under these requirements on overprovision. We believe convenience stores should always be excluded from policies on overprovision.

We respectfully suggest that overprovision is a blunt instrument and does little to reduce alcohol related harm. If the licensing board decided to develop an overprovision policy, SGF would strongly urge that this is based on a locality as opposed to whole area approach.

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.

SGF believe that the entire concept of overprovision should be reviewed to consider whether it remains fit for purpose. We live in an age where customers can order alcohol online as part of their shop from a supermarket and have it delivered to their home. This order can be made from anywhere given the prevalence of smartphones. Given this, what does declaring a geographical area as being overprovided for achieve? It would seem, arguable, that overprovision has not kept up the development of modern technology and consumer shopping habits. For example, a resident may order an online grocery shop, and this could quite legitimately be dispatched from many miles away. Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way.

Conclusion

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. While we welcome this consultation exercise the SGF believe the licensing system should not be onerous on retailers. We hope that you find these comments helpful.

(iv) Clerk's Comments on Response from Scottish Grocers' Federation

The Scottish Grocers' Federation (SGF), at the outset of their response, provide general information in relation to the convenience store sector. They then comment on specific aspects of the licensing policy review. The Clerk wishes to comment on these matters as follows:

Proof of Age- The Clerk has no comments to make on this section.

CCTV- The section of the draft, revised Statement of Licensing Policy quoted in relation to CCTV is unchanged from the current Statement of Licensing Policy. Section 20.4 is not currently a condition of licence but is a list of possible control measures intended to be of assistance to applicants.

Delivery of Alcohol and consumption by persons under 18 or drunk persons- The Clerk has no comments to make on this section.

Off-Sales- The Board will note the SGF's view regarding whether there is an evidential basis to reduce off-sales policy hours so as to restrict the statutory hours of 10am to 10pm. The Clerk would highlight, as stated in the comments to the Health & Social Care Partnership's submission, that any change to the Board's policy on licensed hours would only affect future licensing applications and would not reduce the licensed hours of existing licensed premises.

Overprovision- The Board will note the SGF's view that convenience stores should be excluded from any policy on overprovision. The Board requires to consider whether the identified locality is overprovided in terms of all licensed premises, or premises of a particular description. It is also open to the Board to provide in its policy when exceptions to any policy on overprovision may be likely to be allowed by the Board.

The Board will note from the opening comments in the SGF's response that they refer to the requirements of Minimum Unit Pricing. The Clerk previously advised, in the report to the Board of 27th April 2023 in response to the initial consultation replies, the outcome of recent case law regarding the relevance of the impact of Minimum Unit Pricing when adopting an overprovision policy, particularly where considerations of affordability and availability of alcohol are raised. The court, in the recent case, was of the view that, if the Board decided to discount or ignore price as a consideration, they had to provide some explanation.

In this regard, the Board will note that Minimum Unit Pricing was implemented from May 2018 with various evaluations having been published regarding its impacts, as advised to the Board in April. The provisions of the Alcohol (Minimum Pricing) (Scotland) Act 2012 are due to expire at the end of April 2024. Following the Scottish Government's overall evaluation of the policy, the Minimum Unit Pricing policy could be continued. It is also a possibility that a new unit price could be set, as there has been some recent consultation as to the current 50p per unit price.

Regarding the SGF's comments regarding any decision on overprovision being based on locality as opposed to a whole area approach, the Board has only consulted on the identified Paisley Town Centre locality. The SGF's comments appear to be general in this regard and to relate to previous changes to the licensing legislation clarifying that Boards may select their entire geographical area as a locality.

The Clerk has no comment on the SGF's observations regarding whether overprovision as a concept remains fit for purpose. However, they are correct to state that the Board can only regulate the sale of alcohol within Renfrewshire and therefore any changes to the Board's Statement of Licensing policy will not affect alcohol which is despatched outwith Renfrewshire.

Aileen Easdon

From: J Cc <jcommunitycouncil@gmail.com>
Sent: 28 June 2023 19:22
To: Democratic Services; licencing.cs@renfrewshire.gov.uk
Cc: Douglas Campbell
Subject: Re: Formal Consultation on Renfrewshire Licensing Board's Statement of Licensing Policy

Follow Up Flag: Follow up
Flag Status: Flagged

Hi

Having consulted the members of the Johnstone Community Council, we have the following comments.

We believe that we have an over provision of licensed premises in Johnstone especially in the town centre.

Currently there are 4 Supermarkets, 1 Convenience Store, 9 Public Houses, 1 Bowling Club, 2 restaurants and 1 Off Licence.

Although we think that the current licences should remain in place, unless of course they breach their conditions however, we would object to any further licences being issued and that Johnstone Community Council should have a say in any licensing decisions as a matter of course.

We have also had many problems with youngsters drinking and causing havoc in the town centre and surrounding areas. So any further licences being issued would only add to these problems.

Regards
Geraldine M McNealey
Chairperson of Johnstone Community Council

Sent from my iPad

On 26 May 2023, at 14:02, Democratic Services <democratic-services@renfrewshire.gov.uk> wrote:

FAO Local Partnership Members

Renfrewshire Licensing Board carried out an initial, informal consultation in relation to the review of its liquor licensing policy statement between December 2022 and February 2023.

At a meeting of the Licensing Board on Thursday 27th April 2023, the Board considered the responses received to that initial, informal consultation, which have now been published on the Licensing Board's web page, and approved the terms of a draft revised policy statement and a draft consultation paper. The consultation paper asks for views on particular issues raised in response to the initial consultation, as well as seeking views more generally on the terms of the draft licensing policy statement prepared for the purpose of further consultation.

The draft revised Statement of Licensing Policy and the consultation paper referred to above can be accessed on the Licensing Board's website at: <https://www.renfrewshire.gov.uk/article/3207/Statement-of-Licensing-Policy-Alcohol-Licensing>

The Board decided, at its meeting on 27th April 2023, which localities it would wish to formally consult upon for the purpose of assessing whether there is overprovision of licensed premises in Renfrewshire. The Board identified one area, in Paisley Town Centre, in respect of which it would welcome views for this purpose.

A plan for this locality, with statistical information in relation to numbers, capacities and licensed hours within that area can be accessed via the following link:

<https://www.renfrewshire.gov.uk/article/3207/Statement-of-Licensing-Policy-Alcohol-Licensing> The Board will require to decide whether this area is overprovided in respect of all licensed premises or premises of a particular type. The Board's existing policy declares this area overprovided but only in respect of liquor or pub type premises (excluding hotels, restaurants and nightclubs). Consultees should state, if they consider the area overprovided, whether they think it is overprovided in respect of all, or certain types (if so, which) of premises.

The Board would welcome comments from those who wish to respond in relation to the various issues set out in the detailed Issues Paper. However, consultees may wish to comment on other matters contained in, or which they believe should be covered by, the policy statement.

Consultees should note that the Statement of Licensing Policy should seek to promote the licensing objectives set out in the Licensing (Scotland) Act 2005. These are: preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health; and protecting children and young persons from harm.

Responses to the formal consultation are required by **Friday 21st July 2023**.

The Licensing Board is likely to decide to publish responses received to the formal consultation in due course.

Should you wish to respond to this consultation you may send your response to us at: licensing.cs@renfrewshire.gov.uk

or to

The Clerk to the Licensing Board,
Renfrewshire Council,
Renfrewshire House
Cotton Street
Paisley
PA1 1TT

Many thanks.

Regards,

Douglas Campbell
Assistant Managing Solicitor (Licensing)/ Depute Clerk to the Licensing Board
Legal and Democratic Services
Renfrewshire Council
Renfrewshire House
Cotton Street
Paisley
PA1 1TT

0141-487-1096

Renfrewshire Council Website -<http://www.renfrewshire.gov.uk>

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(v) Clerk's Comments on Response from Johnstone Community Council

The Community Council are of the view that overprovision of licensed premises exists in Johnstone, especially in the town centre. They list a number of types of premises, including on-sales and off-sales premises.

Following the Board's initial assessment regarding overprovision at their meeting on 27th April 2023, the Board identified only the existing area declared overprovided for certain types of premises within Paisley Town Centre in advance of formal consultation. This followed upon consideration by the Board of a number of plans for miscellaneous intermediate geographies throughout Renfrewshire, accompanying licence information and data from consultees. These areas included proposed localities in Johnstone which were not identified by the Board for the formal consultation.

In the above circumstances, it is the view of officers that, should the Board wish in future to consult in relation to a proposed locality in Johnstone, this should be achieved by way of a further assessment of overprovision, including consultation in relation to that proposed locality, with a view to possible publication of a Supplementary Statement of Licensing Policy at a later date. It would not be possible to complete this procedure prior to the beginning of November, when the Board's next Statement of Licensing Policy is due to be published.

The Board may also note that the boundaries of any proposed further locality have not been provided by the community council.

Notwithstanding the above, the Clerk can confirm that the notification requirements for new premises licence applications under the Licensing (Scotland) Act 2005 require the Board to give notice of an application to the local community council for where the premises are located. It is open to the community council to object to those applications, should they wish to do so.

Aileen Easdon

Subject: FW: Mrs Rai
Expires: 24 December 2023 00:00

From: kuldip rai [REDACTED]
Sent: 12 May 2023 12:10
To: licensing.cs (CSAlias10) <licensing.cs@renfrewshire.gov.uk>
Subject: Mrs Rai

Hi, we received a letter from yourselves about the overprovision of licensed premises in Renfrewshire x. I would like to say that firstly premises that already have liquor licence are dependent on the sales of this. Taking away a licence will have a big impact on their livelihood x. The council should have thought about this before the licence was permitted x. Also I do believe that if anyone wants to buy alcohol will do so whether there is one store or five x yes there are a lot of pubs and licence outlets but so are hairdressers and takeaways x. Thank you

Sent from [Outlook for Android](#)

(vi) Clerk's Comments on Response from Kuldip Rai

Regarding this response, the Clerk would wish to clarify that the introduction of any overprovision policy would not result in removal of existing licences.

The Clerk has no further comment regarding this response.

Renfrewshire Licensing Board
Review of Statement of Licensing Policy
Discussion Paper following Formal Consultation
September 2023

This discussion paper has been prepared to assist Members of the Licensing Board in considering what parts of the draft revised Statement of Licensing Policy (“the policy”) at Appendix 1 they may wish to update before finalising their new policy.

The Board is asked to consider the following issues:-

Assessment of Overprovision

Following initial consultation, the Board agreed on 27th April 2023 to consult formally in relation to the existing declared overprovision area in Paisley Town Centre for the purposes of its assessment of overprovision. This area is shown on the plan at Appendix 3.

The Board now requires to consider the information provided at Appendix 3, along with the responses received in relation to overprovision and the comments from the Clerk. The Board requires to have regard, in assessing overprovision, to the numbers and capacities of licensed premises in the identified locality and may have regard to other matters, specifically the licensed hours of premises.

The Board will have to decide:

Is the identified locality overprovided, either in relation to all, or certain types of, licensed premises? (The Board’s existing policy, for example, declares there to be overprovision in this locality of “liquor or pub type premises” but specifically excluding restaurants, hotels and nightclubs. Renfrewshire Health & Social Care Partnership have suggested that the policy should cover on and off-sales premises. The Board will recall that Members’ Clubs may not be included in assessing overprovision, although there are currently none in the locality identified by the Board).

It is open to the Board, should it find that overprovision exists, to consider including information in this section of the policy about the circumstances in which an exception may be allowed to the policy. The effect of an overprovision policy is to create a rebuttable presumption against the grant of a licence in a locality. It would remain open to an applicant for a licence, in an area considered overprovided, to seek to persuade the Licensing Board that their application should still be granted, as an exception to the policy, whether the policy provides for specific exceptions which may be made or not.

The Board's view is requested on the licensing objectives which may relate to any policy that there exists overprovision. (A Statement of Licensing Policy requires to seek to promote the licensing objectives).

Within the responses at Appendix 5, there are references to areas within Renfrewshire beyond the locality agreed by the Board in advance of the formal consultation. Should the Board wish to look further at any area beyond the identified locality, it is the view of officers that it would be necessary that the Board ask them to bring a further report to the Board following agreement and publication of the policy, with a view to a possible supplementary statement of licensing policy being prepared.

Children and Young Persons' Access

Would the Board wish to specify certain types of licensed premises, who seek or hold a premises licence, where they would not normally consider children's (or young persons') access appropriate or, alternatively, would the Board wish to consider including guidance in the policy as to types of premises which they would not normally consider suitable for the sale of alcohol? (As Members of the Board are aware, it would, notwithstanding the terms of any policy in this regard, be open to an applicant to still submit a licence application and the Board would require to consider that application on its individual merits and with regard to the statutory grounds on which the Board requires to determine applications).

If so, which types of premises- and would this relate to (i) children (0-15s), (ii) young persons (16-17s), or (iii) both?

Would the Board wish to specify certain types of events covered by occasional licences, where they would not normally consider children's (or young persons') access appropriate?

If so, what types of events should this cover?

(The Board could in relation to such events distinguish between children of different ages, or between children and young persons).

Licensed Hours

Having regard to the responses to the formal consultation, the Board is asked to consider the following issues:-

- Should the commencement of off sales hours on a Sunday be restricted to 11am in relation to future licensing applications? (currently, premises can enjoy the statutory commencement hour of 10am).
- Should a policy be introduced restricting the licensed hours for new off-sales licensing applications until an earlier hour than 10pm (if so, what would suitable policy hours be?). In the event of such a change of policy, should the policy provide that an applicant is able to seek hours until 10pm if he can persuade the Board this is not inconsistent with the licensing objectives, having regard to factors such as the control measures in place in relation to the premises?

Alcohol Deliveries

The Board introduced new additional licence conditions at the time of agreeing their current policy in 2018 for premises seeking to offer alcohol deliveries-

1. A robust age verification policy requires to be in place for deliveries that include alcohol and must be strictly adhered to by all delivery staff, incorporating a Challenge 25 approach. Documentation presented as verification of age requires to be of a type prescribed in the Licensing (Scotland) Act 2005 or Regulations under that Act as suitable for that purpose.

2. An order register must be kept on the premises containing details of the items ordered/ despatched, with details of when the order was placed and when the alcohol was despatched.
3. A delivery/refusal register requires to be maintained by the delivery driver containing details of the person accepting delivery or, if delivery was refused, the reason for any refusals.
4. No delivery of alcohol should be left unattended or with children or young persons where there is no adult available to accept delivery.

The Health & Social Care Partnership have suggested changes to Conditions 1 and 4 above in their formal consultation response. Their suggested change to Condition 1 would be to require drivers to be trained to the same level of staff in licensed premises (but in relation only to Challenge 25 verification procedures, rather than other aspects of staff training). While they have asked also that the Challenge 25 process is undertaken by staff when delivering alcohol, the Board may consider that the existing condition as set out above already requires this. The Health & Social Care Partnership also ask that the condition is clarified regarding the premises licence holder's responsibilities where third parties deliver alcohol.

The Health & Social Care Partnership have also suggested a change to Condition 4, above, to include a requirement that alcohol must not be left with a person who is visibly intoxicated.

The Board is asked to consider the Health & Social Care Partnership's request for the above changes to these conditions. Should the Board be agreeable, officers will update these conditions within the final version of the policy with an appropriate form of wording to reflect the Board's decision.

Any change agreed by the Board to the policy conditions will not automatically change the terms of existing licences. Since 2018, where new applications for premises licences or applications for variation have been made which introduced deliveries, the policy conditions regarding deliveries have been highlighted in the papers for the hearing before the Board, allowing the Board to consider adding these conditions to any licence.

Extended Use of Occasional Licences

The Board are asked whether they wish to adopt the approach proposed by the Health & Social Care Partnership that applications for occasional licences for premises operating on a series of them should be referred to the Licensing Board for consideration after a period of, say, 13 weeks, if an application for a premises licence has not been submitted to the Board within that period.

Members of the Board may recall that an alternative approach was consulted upon during the previous review of the Statement of Licensing Policy in 2018, under which such applications would have been referred to two Members of the Board for consideration, although that approach was not ultimately introduced by the Board.

The number of occasional licence applications received has increased in recent years, with a number of applications also being lodged late and accommodated by officers to allow premises continuity of trading. The number of applications which now require to be considered is operationally challenging.

The Board may note, from the Clerk's Comments to the Health & Social Care Partnership's response that, whether these applications are considered by the Board, by Members or by officers, they will require to be considered and determined in accordance with the statutory grounds set out in the Licensing (Scotland) Act 2005. In this regard, officers would highlight the decision in the case of *Keasim v City of Glasgow Licensing Board*, as previously advised to the Board, in which a court took the view that Glasgow's Licensing Board was unable to refuse applications for occasional licences based on its Statement of Licensing Policy position. The Board may also recall that, while limits on the number and duration of occasional licences have been consulted upon at a national level, no statutory limits on these have yet been introduced.

Should, nonetheless, the Board wish to change their policy on these matters, officers will provide a form of wording to reflect the Board's decision within the final version of the policy for the Board's approval at a meeting prior to the deadline for agreement and publication of the policy (4th November 2023).

Conditions for External Drinking Areas

At their April meeting, the Board agreed to consult upon proposed licence conditions regarding primarily the operation of external drinking areas. This was with a view to possibly formalising the conditions usually sought by Licensing Standards Officers (LSOs) in recent years to provide clarity for applicants. These conditions have normally been requested by LSOs in relation to applications for occasional licences,

but some of these conditions, particularly conditions 5 to 9, could also be applicable to applications for grant or variation of premises licences seeking to license a new external drinking area:

1. *That the occasional licence be prominently displayed at point of sale.*
2. *That staff are either personal licence holders or have completed the 2 hours statutory staff training and staff training records are available on the premises for inspection.*
3. *That a Notice at point of entry to the premises clearly states the access policy in relation to children and young persons in relation to the sale or supply of alcohol.*
4. *Where deliveries of alcohol are provided the following requirements must be met:-*
 - (a) *A robust age verification policy is required to be in place for deliveries that include alcohol and must strictly be adhered to by all delivery staff, incorporating a Challenge 25 approach. Documentation presented as verification of age requires to be of a type prescribed in the Licensing (Scotland) Act 2005 or Regulations under the Act as suitable for that purpose.*
 - (b) *An order register must be kept on the premises containing details of the items ordered/despached, with details of when the order was placed and when the alcohol was despached.*
 - (c) *A delivery/refusal register requires to be maintained by the delivery driver containing details of the person accepting delivery or, if delivery was refused, the reason for the refusals.*
 - (d) *No delivery of alcohol should be left unattended or with children or young persons where there is no adult available to accept delivery.*
5. *That all alcohol is consumed by patrons in the outside drinking area agreed in the layout plan as supplied by the applicant.*
6. *That all drinks must be sold in plastic or toughened glass receptacles. All bottled drinks must be decanted into such receptacles.*
7. *That no alcohol is to be removed from the designated outside drinking area as outlined in the plan attached to the licence. The area boundary must be clearly defined by a physical barrier, with clear signage indicating that no alcohol may be removed. The designated outside drinking area shall be supervised by staff at all times.*
8. *That all customers must be seated. No vertical drinking shall be allowed.*

9. *That a notice to be easily legible located at point of exit to remind customers to be respectful of neighbouring residents / property on leaving the area to reduce noise and litter to prevent nuisance of anti-social behaviour.*

Further, the Board agreed at their April meeting to consult on whether a change should be made to the policy hours to include a terminal hour for external drinking areas. It was suggested in the Issues Paper agreed in April that the Board might consider a 9pm terminal hour for the operation of an external drinking area, particularly in town centre areas, for the purpose of preventing public nuisance.

These issues have not featured significantly in the formal consultation responses, but the Board may wish to give consideration to what, if any, changes should now be made to the policy regarding these matters in order to promote the licensing objectives.

General

Do the Board consider any other changes to the Statement of Licensing Policy should be made?

Mark Conaghan
Clerk to the Licensing Board
September 2023

APPENDIX 7

DETAILS OF NUMBERS AND CAPACITIES OF LICENSED PREMISES IN IDENTIFIED LOCALITY- 2018-2023

NB. All statistics are correct as at 30/08/23

NUMBER OF LICENSED PREMISES IN THE CURRENT OVERPROVISION AREA WITH CAPACITY FIGURES

*FIGURES TAKEN AS AT 31/03 OF EACH YEAR			
YEAR	TOTAL NUMBER OF PREMISES	TOTAL ON SALE CAPACITY	TOTAL OFF SALE CAPACITY
2018	23	5373	111.46
2019	23	5373	111.46
2020	23	5058	111.46
2021	22	5058	61.72
2022	22	5058	61.72
2023	23	5188	61.72
*30/08/2023	22	4992	61.72

To: Renfrewshire Licensing Board

On: 13 September 2023

Report by Clerk to the Licensing Board

**Extended Hours for the Festive Period 2023/2024
under the Licensing (Scotland) Act 2005**

INTRODUCTION

1. Policy

It has been the normal practice of the Renfrewshire Licensing Board to make a policy for extended hours for the festive period. In previous years, this policy was considered at the Board's October quarterly meeting under the Licensing (Scotland) Act 1976 regime and a similar practice has continued under the Licensing (Scotland) Act 2005.

The Board has in terms of its current Statement of Licensing Policy at Paragraph 15.4 set out the following:-

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

Accordingly, the Board now require to determine the festive period for such longer licensed hours to apply for the festive period 2023/2024.

It should be noted that many premises licence holders when making an application for a premises licence to the Board included within the Seasonal Variations section of their applications a reference to the hours to be determined by the Board in respect of their festive policy to be applied to their licences as a seasonal variation. Accordingly, such licence holders will not require to make further application to the Board for "extended hours" to cover the festive period determined by the Board. Other licence holders who have not included a seasonal variation in their operating plans are required to submit separate applications for extended hours.

2. Consultation on Festive Policy

Renfrewshire Licensing Forum were consulted for their views regarding the possible adoption of a similar festive policy as in previous years. They responded to confirm that they had no adverse comments to make regarding a similar festive hours policy being agreed for 2023/24.

Police Scotland, Renfrewshire Health & Social Care Partnership and the Council's Resilience and Deployment Manager were also consulted individually. No further comments were received in response, except that the Community Safety CCTV control room team support the suggested timings below which are aligned with the working hours of their operators during the Festive Period.

Having regard to Paragraph 15.4 of the Board's Statement of Licensing Policy as set out at Paragraph 1, previous festive policy hours and the views of the membership of Renfrewshire Licensing Forum, the Board will require to determine if they wish a similar festive policy to previous years. The proposed festive hours set out below reflect the hours allowed by the Board in previous years.

3. Proposed Festive Policy Hours

If the Board so determine, it is proposed that the extended hours for the festive period 2023/2024 are as follows:-

"Festive Period" to be defined as the period (i) from Friday 8th December 2023 to Saturday 9th December 2023, inclusive and (ii) Friday 15th December 2023 to Tuesday 2nd January 2024 inclusive and the proposed policy hours are set out below.

References to the terminal hour below are to the last hour's trading on any day affected by the proposed policy and shall be construed so that the terminal hour stated will be on the morning immediately after the trading date shown, so that the terminal hour stated for Sunday 17th December 2023 in respect of on sale premises (including registered clubs) other than those with the primary purpose of offering entertainment in the form of dancing is 1am on Monday 18th December 2023.

All Licensed on sale premises (including registered clubs), except premises the primary purpose of which is to offer entertainment in the form of dancing

Terminal Hour – 1.00am	Sunday 17 th , Monday 18 th , Tuesday 19 th , Wednesday 20 th , Thursday 21 st , Monday 25 th , Tuesday 26 th , Wednesday 27 th and Thursday 28 th all December 2023 and Monday 1 st January 2024, Tuesday 2 nd January 2024.
Terminal Hour – 2.00 am	Friday 8 th , Saturday 9 th , Friday 15 th , Saturday 16 th , Friday 22 nd , Saturday 23 rd , Friday 29 th and Saturday 30 th all December 2023.
Terminal Hour – 3.00 am	Sunday 24 th December 2023 and Sunday 31 st December 2023.

On Sales Premises, the primary purpose of which is to offer entertainment in the form of Dancing

Terminal Hour – 3.00 am Sunday 17th, Monday 18th, Tuesday 19th, Wednesday 20th, Thursday 21st, Monday 25th, Tuesday 26th, Wednesday 27th and Thursday 28th all December 2023, Monday 1st January 2024, Tuesday 2nd January 2024.

Terminal Hour 4.00 am
Where premises are members of Paisley Town Centre Radio Link Friday 8th, Saturday 9th, Friday 15th, Saturday 16th, Friday 22nd, Saturday 23rd, Friday 29th and Saturday 30th all December 2023.

Terminal Hour – 4.00am Sunday 24th December 2023 and Sunday 31st December 2023.

4. Last Date for Applications

As indicated previously at Paragraph 1, a number of licence holders have included the Board's festive policy hours in their operating plans and no further application is required. In relation to those licence holders who will require to submit extended hours applications, it is proposed that such applications be submitted at least 28 days in advance of the first date applied for to allow for the timeous processing of applications.

5. Requirement for Notification

It has been the Board's practice for the last six years that all premises licence holders who had provided in their operating plans for a seasonal variation, in relation to the festive hours, advise both Police Scotland and Renfrewshire Licensing Board of the dates on which they intended to utilise their seasonal hours. It is proposed that similar notification be given by those licence holders by Friday 1st December 2023.

Intimation can be made via email to the following:-

Police Scotland - RenfrewshireInverclydeLicensing@scotland.police.uk

Renfrewshire Licensing Board - enforcement.licensing@renfrewshire.gov.uk

6. Recommendations

6.1 It is recommended that:-

- 6.1.1 The Board agree that there be extended hours for the festive period having regard to its position as set out at Paragraph 15.4 of the Statement of Licensing Policy which indicates that the current policy of allowing longer licensed hours over the festive period will continue;
- 6.1.2 Thereafter, the Board approve the proposed hours and dates detailed in this Report for the festive period, or such other hours as the Board considers appropriate, and authorise the Clerk to take such steps as required to advise appropriate individuals and organisations of this year's festive policy;
- 6.1.3 The Board agree, in cases where premises licence holders have the benefit of festive hours included in their Operating Plans, that those licence holders require to advise the Board and Police Scotland no later than 1st December 2023 of the dates they intend to utilise their seasonal hours during the festive period;
- 6.1.4 The Board agree in cases where licence holders have not included the Board's festive policy in their operating plans that extended hours applications will be required. Such applications should be made at least 28 days in advance of the first date for which extended hours are sought.



.....
Mark Conaghan
Clerk to the Licensing Board

To: Renfrewshire Licensing Board

On: 13 September 2023

Report by Clerk to the Licensing Board

Chief Constable's Report to the Licensing Board

1. Summary

1.1 Section 12A of the Licensing (Scotland) Act 2005 ("the 2005 Act") requires the Chief Constable, on an annual basis, to provide a report to the Licensing Board setting out the Chief Constable's views about policing in connection with the 2005 Act in the Board's area and any steps taken, or intended to be taken, in that year or the following year, to prevent the sale or supply of alcohol to children or young people in that area.

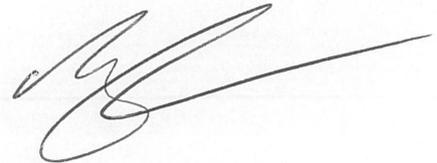
1.2 Police Scotland have recently provided a report in respect of the above matters for the year to 31 March 2023. A copy of this report is attached as Appendix 1.

1.3 The Board has the power to request the Chief Constable or an officer nominated on his behalf to attend a meeting of the Board to discuss the terms of the report.

2. Recommendations

2.1 It is recommended that the Board –

2.1.1. Note the content of the report attached as Appendix 1 to this report.



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Mark Conaghan
Clerk to the Licensing Board

Renfrewshire Licensing Report 2022-2023



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SCOTLAND**
Keeping people safe

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Foreword

It gives me great pleasure to provide the Annual Licensing Report for 2022/23, in accordance with Section 12(A) Licensing (Scotland) Act 2005.

Police Scotland has continued to achieve success by focussing on prevention, early intervention and enforcement. This has been made far more effective with the continued support of the many active partnerships that exist within the 32 Local Authorities across Scotland.

This collaborative working is vital to ensuring a fair and consistent approach to licensing while focussing on preventing alcohol fuelled violence, disorder and antisocial behaviour.

In the year ahead our approach will remain focused on prevention and collaboration to ensure efficient and effective service delivery. I will continue to encourage officers and staff to utilise the range of options available to improve licensing standards, reduce violence and to positively influence behaviour and attitudes across Scotland.

I would like to take this opportunity to thank our local partnerships and acknowledge their contribution in continuing to drive improvements with the Licensed Trade, and for the communities we all serve.

Sir Iain Livingstone QPM

Chief Constable

Police Service of Scotland

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Police Scotland Licensing Overview –

The Violence Prevention and Licensing Co-ordination Unit (VPLCU) sits within Partnerships Prevention & Community Wellbeing based at Dalmarnock Police Station, Glasgow.

The VPLCU upholds the two tier structure for licensing which supports both national and local priorities through service delivery. They have overall responsibility for determining and delivering national licensing strategy and policy, by providing advice, guidance and support to divisional licensing teams as well as undertaking other specialist functions.

The Violence Prevention and Licensing Co-ordination Unit is a specialist department which consists of a small team of officers, based in Glasgow. The officers within the unit work with divisional licensing teams and partner agencies to help shape policy and strategy around the police licensing function. They provide practical and tactical advice to police licensing practitioners, operational officers, supervisors and policing commanders.

The VPLCU seek to ensure that legislation governing the sale and supply of alcohol is applied consistently across the country and all opportunities are taken to stop the illegal or irresponsible sale, supply or consumption of alcohol with the intention of preventing and reducing crime and disorder.

During 2022/2023, from a licensing perspective, our particular focus was on the following;

- Scrutiny of the serious incidents of violence, disorder and antisocial behaviour linked to licensed premises.
- Governance and ongoing development of the National ICT Licensing System, known as “Inn Keeper”, to increase the efficiency and effectiveness of liquor and civic licensing administration and management. Police Scotland are currently working on upgrade to the National ICT system to ensure compliance with GDPR legislation.

Each of the 13 Local Policing Divisions have a licensing team responsible for the day to day management of licensing administration, complying with statutory requirements as well as addressing any issues that may arise within licensed premises in their local area.

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LICENSING BOARD AREA

The Licensing Board area is policed by Renfrewshire and Inverclyde (K) Division Chief Superintendent Laura Waddell is the Local Police Commander who has the responsibility for all day-to-day policing functions.

Local Policing Priorities

Following our public consultation process, the policing priorities for Renfrewshire and Inverclyde Division, as set out in our Local Policing Plan are as follows;

- Cyber and Digital Crime
- Serious and Organised Crime
- Counter Terrorism and Domestic Extremism
- Antisocial behaviour, violence and disorder
- Road Safety and Road Crime
- Protecting vulnerable People
- Acquisitive Crime

The Licensing Board area is policed by Renfrewshire & Inverclyde Division Chief Superintendent Laura Waddell is the Local Police Commander with responsibility for all policing functions.

Chief Inspector William Graham is the Local Area Commander for Renfrewshire with responsibility for the management of personnel, local service delivery, community engagement and partnership working to ensure local and national priorities are met for the reporting period.

Covering an area of 261 sq. km (101 sq. miles), Renfrewshire is bounded by the [Firth of Clyde](#) to the north, by [East Renfrewshire](#) to the south, by [Inverclyde](#) to the west, by [North Ayrshire](#) to the southwest, and by the City of [Glasgow](#) to the east. Renfrewshire is the ninth smallest Scottish council area in size, the ninth largest in population and the sixth highest in population density, with 54 per cent of its land used for agriculture. About one sixth of the area is developed, primarily for urban use.

Renfrewshire has a diverse economy which has benefited from the presence of Glasgow International Airport. Tourism is developing with historic attractions in [Paisley](#) (the Abbey, Town Hall, [Coats Observatory](#), Museum and Art Gallery, and the

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[Sma' Shot Cottages](#), [Kilbarchan](#) (Weavers Cottage), as well as several country parks in the council area. Iconic sites such as the Braehead Shopping Centre, the Soar Complex and Glasgow Airport, attract over 29 million visitors per year.

Renfrewshire has a rich history in effective partnership working which helps to deliver highly successful policing, impacting positively on local communities.

There are currently 430 licensed premises in Renfrewshire, 153 licensed off sales premises, 89 licensed premises for on sales only and 188 licensed premises for both on and off sales.

OPERATION OF THE LICENSING (SCOTLAND) ACT 2005

Alcohol misuse, exacerbated by its accessibility, availability and affordability, is commonly acknowledged as a contributory factor in incidents of violence, disorder and antisocial behaviour.

Police Scotland continues to work with its partner agencies, including the licensed trade, to reduce the impact alcohol misuse has on local communities. By working together we can target those who fail or simply refuse to promote responsible trading practices. Together we can improve the safety and wellbeing of people, places and communities in Scotland.

Police Scotland currently have 3 levels for categorising licensed premises that come to our attention:

- **Monitored** – Premises that require extra support and supervision. This can include premises coming to police attention through incidents or newly opened premises with inexperienced staff. A low key approach is used to address issues before they escalate.
- **Intervention** – A formal intervention agreement is put in place to improve the safe and legitimate operation of a premises. This intervention plan, which contains a list of conditions, is agreed between all parties. The intervention period would last a minimum of three months and be subject to review.
- **Problematic** – Premises deemed problematic will normally be the subject of a premises licence review submission by Police Scotland to the Licensing Board.

Any categorised premises will be subject to regular inspections to ensure compliance and will form part of the tasking regime for the night time economy action plans. All inspections, pro-active, re-active or planned are submitted via the Innkeeper system.

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Board Decisions

Figures for the period 1st April 2022 to 31st March 2023 show that there were a total of 3 premises within Renfrewshire which were monitored and subject to regular inspections.

Summary

Appendix A provide details of all crimes/offences detected within Renfrewshire and the volume of applications processed by Police Scotland for licensed premises within Renfrewshire in terms of the Licensing (Scotland) Act 2005, between 1 April 2022 and 31 March 2023.

Section 1 – Unlicensed sale of alcohol – There were no offences of this nature reported.

Section 22 – Objections and Representations – No representations were submitted by Police Scotland in response to the grant of new premises licences.

Section 36 – Review Applications – No premises were subject to a review application.

Section 63 – Sale or supply out-with licensed hours – There were no offences of this nature reported.

Section 72 – Personal Licence Applications – No submissions was made to the Licensing Board during the period.

Section 82 – Failure to notify Licensing Board of convictions – No persons were charged for failing to disclose convictions to Board.

Section 84 – Personal Licence Reviews – No individuals were subject of a personal licence review.

Section 94 – Exclusion Orders – There were no exclusion orders.

Section 97 – Closure Orders – There have been no closure orders issued.

Section 104 – Buy/attempt to buy alcohol on behalf of a child - No individuals were charged for committing this offence during the period.

Section 108 – Deliver alcohol to person under the age of 18 – No persons were charged for committing this offence during the period.

Section 111-116 – Drunkenness/Disorder Offences - No persons were charged under these sections during this period.

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PREVENTING THE SALE OR SUPPLY OF ALCOHOL TO CHILDREN OR YOUNG PEOPLE

Partnerships

Partnership working is key to delivering tangible outcomes and we continue to strengthen our relationships with all agencies, community representatives and local residents to ensure our services are co-ordinated, effective and efficient and address the needs of our communities.

IT'LL COST YOU - Proxy Purchase Campaign

This Campaign focused on hot spot areas with Educational interventions supported by third sector partners.

The main aims of the campaign were to

- Reduce the number of attempted purchases of alcohol for under 18s.
- Reduce crime and antisocial behaviour in the area.
- Reduce the vulnerability of those abusing alcohol under 18.
- Reduce the number of hospital admissions for under 18s with alcohol related injuries.
- Educate the public regarding the offence and dangers of proxy purchase within our communities.
- Educate Off-Sales and Licensed Premises to highlight the dangers of Proxy Purchase and operate within the Licensing Objectives.

The success of initiatives such as “Challenge 25” and joint work with Renfrewshire Council have reduced the direct sale of alcohol to those under 18, however alcohol related violence and anti-social behaviour illustrate that younger age groups are increasingly gaining access to alcohol by other proxy sales. The most common method involves asking adults to buy alcohol for them.

The Licensing (Scotland) Act 2005 makes it an offence for a person to act as an agent for a child in purchasing or attempting to purchase alcohol'. This is known as proxy purchase. The penalties for this offence include a fine of up to £5000 and/or three months in prison.

With the assistance from the community police information was distributed to off licenses alongside bottle marking initiatives and engagement with the License holders.

Major supermarkets were approached and joint social media posts were published with the major supermarket retailers. These premises also allowed campaign material to be left at alcohol aisles and front doors to their premises publicise the campaign.

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St Mirren football club, Renfrewshire Council were supportive of the campaign.

The campaign continued with joint initiatives with the safer communities departments carrying out engagement events at shopping centres within Renfrewshire, local community Gala days, UWS and West of Scotland College campus through student services.

There has been a slight decrease across the division on youth related alcohol incidents but has also highlighted the importance for the continuation of the campaign where certain areas have been highlighted for attention.

“No Knives Better Lives”

This is a national initiative and aims to raise awareness of the consequences of carrying knives and provides information on local activities and opportunities for young people. It is recognised that alcohol consumption influences risk taking behaviors.

‘No Knives, Better Lives’ training toolkit has been cascaded to secondary schools in Renfrewshire. Street Stuff have also been utilising those lesson plans.

The campaign has continued to run following the pandemic and is supported by education and local policing teams.

Renfrewshire ADP Prevention and Education Sub Group

The Renfrewshire Alcohol and Drug Partnership (ADP) is the strategic planning and performance mechanism for drug and alcohol addiction in Renfrewshire. This Sub-Group is part of a sub-structure that has been set up to take forward specific work in relation to alcohol and drug prevention and education in Renfrewshire. The purpose of this Group is to facilitate a strategic, cohesive and planned approach to Alcohol and Drug Prevention and Education in Renfrewshire. This group has membership from Renfrewshire Council – children services, education and social work, NHS and Police Scotland by way of the Licensing Sergeant from Renfrewshire and Inverclyde Division. The responsibilities of this group includes –

- The development of a Prevention and Education Delivery Plan to monitor progress and outcomes of local and national policies.
- To inform the ADP of the progress implementing local and national priorities related to prevention and education from policies
- Provide a forum to discuss and influence Local and National policy.
- Share best practice based on the principles of the Greater Glasgow and Clyde Alcohol and Drug Prevention model
- Enable partners to deliver specific Prevention and Education activity and act in an advisory capacity to local organisations/agencies.
- Support a co-ordinated approach to wider workforce development.

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Renfrewshire and Inverclyde Division are committed to playing a key role in the prevention and education within the Local Authority area.

TACKLING SERIOUS AND ORGANISED CRIME

The Serious Organised Crime Taskforce was set up to ensure Scotland can respond robustly to the threat posed by organised crime, identify improvements, and ensure all agencies are working to the same aims to raise public awareness. Membership of the group includes the Solicitor General; the Police Service of Scotland; the Prison Service; Her Majesty's Revenue and Customs (HMRC); National Crime Agency (NCA); Society of Local Authority Chief Executives (SOLACE); Her Majesty's Inspectorate of Constabulary Scotland (HMICS) and Scottish Business Resilience Centre (SBRC).

Its remit is to work together to help deliver the Scottish Government's commitment to tackling serious organised crime by:

- Identifying priorities for tackling serious organised crime (SOC) in Scotland.
- Sharing best practice and improving co-ordination between law enforcement agencies and others;
- Identifying innovative ways of working together and encouraging better ways of working together;
- Developing a coherent Scottish response on reserved and other SOC issues; and
- Making proposals for legislation, research and other measures to tackle SOC.

There are several groups operating within the Renfrewshire area, some of which have connections to the licensed trade, via licensed premises, second hand dealers, tanning salons and car wash facilities. Police Scotland, in conjunction with our partner agencies, have identified innovative ways to disrupt such organisations who are targeted through multi-agency days of action. Whilst it can be difficult to link these groups to serious crimes, targeting other crimes has proven to be a useful tool in disrupting their operations.

PROPOSED ACTIVITY FOR THE YEAR AHEAD

Test Purchase Operations

Further recruitment of young people will ensure these operations continue to be carried out by Police Scotland throughout 2023 and 2024.

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Enforcement Operations

The Licensing department will continue to plan and co-ordinate multi agency operations with officers from Home Office Immigration Enforcement (HOIE), Her Majesty's Revenue and Customs (HMRC) and Renfrewshire Council targeting all forms of licensed premises and persons within the area.

To conclude we would like to thank you for your continued support during what has been a challenging year for all. We have all had to adapt to a new way of working and ever changing circumstances which has been embraced by all.

We look forward to a safe and healthy 2023/2024.

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APPENDIX A

Licensing (Scotland) Act 2005

Review Applications 1st April 2022– 31st March 2023

Renfrewshire Board Area

Type of Application	Total
Section 36 Licensing (Scotland) Act 2005 – Application for Review of Premises Licence	0
Section 84A Licensing (Scotland) Act 2005 – application for review of personal licence due to conduct inconsistent with licensing objectives	0
Total	0

Licensing (Scotland) Act 2005

Applications Received 1st April 2022 – 31st March 2023

Renfrewshire Board Area

Type of Application	Total
Premises Licence	1
Provisional Premises Licence	6
Extended Hours	39
Major Variation	17
Minor Variation	82
Occasional Licence	928
Personal Licence	141
Premises Transfer	11
Total	1225