

The Highland Licensing Board

Meeting – 14 May 2013

Agenda Item	14
Report No	HLB/066/13

Proposed Consultation Draft Policy Statement 2013-16

Report by the Clerk to the Board

Summary

Subject to any amendments which the Board may agree, the Board is invited to approve the publication and issue of the proposed Consultation Draft Policy Statement set out in **Appendix 1** as a formal Consultation Draft and to invite statutory consultees and members of the public to submit consultation responses by 31 July 2013.

The Board is also invited to approve the Consultation Questionnaire set out in **Appendix 2** for issue with the Consultation Draft together with **Appendices 4-6** which contain advice and evidence submitted at “pre-consultation” stage and which may assist consultees in considering their responses.

1. Background

- 1.1 The Board is required to publish, every three years, a statement of their policy with respect to the exercise of their functions under the Licensing (Scotland) Act 2005. The deadline for publication of the Board’s next Policy Statement is 30 November 2013.
- 1.2 In preparing its licensing policy statement, the Board must ensure that the policies stated in the statement seek to promote the licensing objectives, namely:
 1. preventing crime and disorder
 2. securing public safety
 3. preventing public nuisance
 4. protecting and improving public health
 5. protecting children from harm
- 1.3 The Board must also consult the local Licensing Forum, the relevant health board and such other persons as the Board thinks appropriate. The Board’s previous practice in this regard has been to undertake full public consultation in addition to consulting these statutory consultees.

2. Preparatory work and evidence

- 2.1 To initiate the process, in March 2013 a “pre-consultation” draft statement, which largely drew together existing policies (currently contained in a number of different documents) was prepared. Following consultation with the Board Convener on the terms of this “pre-consultation” draft, the draft was circulated to the Forum, the Police, NHS Highland and other interested parties to offer them opportunity to submit evidence in support of retaining, amending or removing particular policies set out in the draft and to submit evidence in support of any additional policies they considered required.
- 2.2 Responses were received from the Forum and from the Police in April 2013. These contained views and comment rather than evidence, but they have nonetheless been useful in the process of finalising proposals to put to the Board as to the terms of a final Consultation Draft. Those comments, and the Clerk’s response to those comments, are set out at **Appendix 3**. The proposed Consultation Draft Policy Statement now before the Board (**Appendix 1**) is based on the “pre-consultation” draft previously circulated, but with amendments, where considered appropriate, to take into account some of the comments received on the “pre-consultation” draft.
- 2.3 Specific views and evidence were also sought in relation to two policy issues which are known to be particularly contentious. These are
- the issue of extended hours applications to allow early opening on Scottish Premier League match days, and
 - the Board’s existing policy (and local condition) whereby, from 2100 hours onwards, late opening premises (premises open after 0100 hours) may only serve drinks in plastic or polycarbonate glasses (the “plastic glasses policy”).
- 2.4 On the issue of extended hours on SPL match days, following discussion with the Police, the Licensing Standards Officer, Ian Cox, prepared a report to the Board which was discussed at the meeting on 2 April 2013. This is recirculated at **Appendix 4**. Since that report was prepared, further consultations with the Police have taken place in respect of applications for 1000 or 1100 hours opening at various pubs in Dingwall on the dates of further SPL matches. These are premises whose licensed hours on Sundays normally commence at 1200 or 1230 hours (current policy hours for on-sales on Sundays being 1200 to 2400 hours). In their responses objecting to these applications, the Police provided an update on statistics (from the four previous 1200 noon matches in Dingwall) in relation to numbers of arrests, entry refusals and ejections from the football ground in which alcohol was the major contributory factor. Their consultation response containing these statistics is attached at **Appendix 5**.

- 2.5 In relation to the plastic glasses policy, the Police and NHS were unable to provide data on numbers of assaults involving glassware in licenced premises or numbers of A&E admissions resulting from such glassing attacks. This specific data is not recorded. The NHS have, however, provided a literature review summarising evidence drawn from case studies, pilot projects and observational studies and this is attached at **Appendix 6**.
- 2.6 Separately, discussions were held with the Highland Alcohol and Drugs Partnership (HADP) and the Police in 2012 regarding data required to enable the Board to formulate an overprovision statement. The HADP undertook to coordinate collection and presentation of this data. Work on the aspects of their final report which will inform the Board's consideration of overprovision is still ongoing. However, the evidence collated by HADP so far is also of relevance to the process of considering other aspects of the Board's policy statement. The report in its current form is accordingly appended at **Appendix 7**.
- 2.7 Proposals for a consultation draft overprovision statement for insertion in the Board's final Policy Statement will be put to the Board once the HADP have completed their work on this. A separate consultation specifically on overprovision will then be undertaken.

3. Equalities

- 3.1 Preliminary screening of the proposed Consultation Draft for equality relevance has been done and will be completed once the final content of the Consultation Draft has been agreed by the Board for publication. Should screening identify the need for full assessment of the equality impact of any aspect of the Statement, this will be carried out during the consultation period. Further screening and, if necessary, further equality impact assessment will be required once the Board has considered any adjustments which, following consideration of consultation responses, the Board is minded to make. Any further adjustments required as a result of impact assessment will require to be made prior to implementation.

Recommendation

The Board is invited to approve the publication and issue of the proposed Consultation Draft Policy Statement set out in **Appendix 1** as a formal Consultation Draft and to invite statutory consultees and members of the public to submit consultation responses by 31 July 2013.

The Board is also invited to approve the Consultation Questionnaire set out in **Appendix 2** for issue with the Consultation Draft together with **Appendices 4-7** which contain advice and evidence submitted at “pre-consultation” stage and which may assist consultees in considering their responses.

Designation: Legal Manager

Date: 2 May 2013

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Appendices:

Appendix 1 – Proposed Consultation Draft Policy Statement

Appendix 2 – Consultation Questionnaire

Appendix 3 – Forum and Police Pre-Consultation Comments

Appendix 4 – LSO’s Report on Extended Hours on SPL Match Days

Appendix 5 – Police Scotland Letter

Appendix 6 – NHS Highland Literature Review on Glassware

Appendix 7 – HADP Report

THE HIGHLAND LICENSING BOARD

PROPOSED CONSULTATION DRAFT REVISED POLICY STATEMENT 2013-16

INDEX	Page:
1. <u>INTRODUCTION</u>	
1.1 Statutory Background	3
1.2 The Board's Area	3
1.3 The Board's Responsibilities	5
1.4 Aim and Status of this Policy Statement	6
1.5 Supplementary Policy Statements	6
1.6 Other Regulatory Regimes	6
1.7 Equalities	7
1.8 Publication Scheme	7
2. <u>PROPOSED POLICIES</u>	
2.1 Premises Licence Core Hours	8
2.2 Extended Hours Applications	9
2.3 Festive Period Hours	11
2.4 Occasional licences	11
2.5 Access to Premises by Children	13
2.6 Adult Entertainment	13
2.7 Home Deliveries	14
2.8 Clubs	15
2.9 Plastic Glasses	15
2.10 Outdoor Drinking	15
2.11 Capacity	16

2.12 Personal Licences **17**

2.13 Overprovision - *Overprovision is currently subject to a separate evidence gathering process and overprovision statement proposals will therefore go out to statutory and public consultation separately from the main Consultation Draft Policy Statement.*

3. LICENCE CONDITIONS

AND OTHER CONTROL MEASURES RECOMMENDED

3.1 Mandatory Conditions	18
3.2 Local Conditions	18
3.3 Special Conditions	18
3.4 Other Recommended Control Measures	19

APPENDICES

Appendix 1 – Scheme of Delegation	21
Appendix 2 – SCVO definition of Voluntary Organisations	23
Appendix 3 – List of Relevant Offences	26
Appendix 4 – Premises Licence Mandatory Conditions	32
Appendix 5 – Occasional Licence Mandatory Conditions	39
Appendix 6 – Late Opening Mandatory Conditions	43
Appendix 7 – Premises Licence Local Conditions	44
Appendix 8 – Occasional Licence Local Conditions	46
Appendix 9 – Adult Entertainment Conditions	48
Appendix 10 – Examples of Special Conditions	50

1. INTRODUCTION

1.1 Statutory Background

The Licensing (Scotland) Act 2005 (“the Act”) makes provision for regulating the sale of alcohol and licensed premises.

Section 6 of the Act requires every Licensing Board to publish, every three years, a statement of their policy in respect of the exercise of their functions under the Act. In preparing their licensing policy statements, Boards must seek to promote the licensing objectives as set out in Section 4 of the Act. These licensing objectives are:

1. preventing crime and disorder
2. securing public safety
3. preventing public nuisance
4. protecting and improving public health
5. protecting children from harm

Section 7 of the Act requires Boards also to include in their policy statements a statement as to the extent to which they consider there to be overprovision of (a) licensed premises or (b) licensed premises of a particular description in any locality within their areas.

1.2 The Board’s Area

The Board has responsibility for liquor licensing functions under the Act across the whole of The Highland Council area. This extends to 26,484 square kilometers – one third of the land area of Scotland.

The 2011 Census figures (published December 2012 rounded to the nearest thousand) indicate a population of 232,000 in the Board’s area (following a previous 2011 mid-year estimate of 222,370). This is the seventh highest population of the 32 licensing board areas in Scotland.

Population by settlement (main towns plus selected smaller settlements providing locally important services) is approximately as follows:

Settlement	Population	Settlement	Population
Inverness	67,960	Portree	2,220
Fort William	9,823	Ullapool	1,498
Nairn	9,203	Golspie	1,413
Thurso	7,337	Kingussie	1,360

Wick	6,770	Dornoch	1,310
Alness	5,313	Brora	1,210
Dingwall	5,076	Mallaig	792
Invergordon	3,969	Broadford	753
Tain	3,396	Fort Augustus	720
Conon Bridge and Maryburgh	2,791	Kyle of Lochalsh	645
Aviemore	2,734	Gairloch	641
Grantown-on-Spey	2,400	Lochinver	353
Muir of Ord	2,358	Kinlochbervie	182

Population by ward (based on 2011 mid-year estimate) is approximately as follows. *Numbers of off sales and on sales premises licences will be identified when consultation on overprovision statement proposals takes place.*

Ward	Population	Off sales licences	On sales licences
01 North West and Central Sutherland	5,568		
02 Thurso	7,218		
03 Wick	6,587		
04 Landward Caithness	11,355		
05 East Sutherland and Edderton	7,952		
06 Wester Ross, Strathpeffer and Lochalsh	11,372		
07 Cromarty Firth	11,748		
08 Tain and Easter Ross	8,860		
09 Dingwall and Seaforth	12,399		
10 Black Isle	9,639		

11 Eilean a' Cheo	10,114		
12 Caol and Mallaig	7,882		
13 Aird and Loch Ness	10,658		
14 Inverness West	8,204		
15 Inverness Central	13,654		
16 Inverness Ness-side	10,008		
17 Inverness Millburn	8,050		
18 Culloden and Ardersier	11,030		
19 Nairn	11,593		
20 Inverness South	14,092		
21 Badenoch and Strathspey	12,983		
22 Fort William and Ardnamurchan	11,404		

1.3 The Board's Responsibilities

The Board is responsible for various functions under the Act, including the grant of

- Premises Licences
- Personal Licences
- Occasional Licences
- Provisional Licences
- Temporary Licences
- Extensions to Licensed Hours
- Transfers of Premises Licences
- Variations to Premises Licences, and

The Board also has responsibility for conducting reviews of premises licence where a valid ground of review (breach of licence conditions or any other ground relevant to a licensing objective) has been alleged. The Act confers powers on the Board to impose sanctions where, following a review hearing, it is satisfied that the ground is established.

The Board may also impose sanctions in respect of personal licences where the licence holder has been convicted of a relevant or foreign offence or where, either in

the course of reviewing a premises licence or following receipt of a report from the Chief Constable, the Board finds that a personal licence holder has acted in a manner inconsistent with the licensing objectives. The Board is also responsible for giving notice to personal licence holders in advance of the five-yearly deadline for undertaking refresher training.

Authority to exercise functions in respect of the grant of certain licences has, in some circumstances, been delegated to the Clerk to the Board or to the Convener or Vice Convener or, in the absence of the Convener and Vice Convener, to individual members of the Board. The Board's Scheme of Delegation setting out the circumstances in which functions are delegated is appended to this Policy Statement. (**Appendix 1 – Scheme of Delegation**)

The Board also has responsibility for certain licensing functions under the Gambling Act 2005. The Board's statement of policy in respect of the exercise of its functions under that Act is contained in a separate document available at <http://www.highland.gov.uk/NR/rdonlyres/91E9BE64-A54B-4884-B3E7-9B23A5330A77/0/GAMBLINGACTPOLICYSTATEMENTFINALJUNE2007revsd10910.pdf>

1.4 Aim and Status of this Policy Statement

The aim of this Policy Statement is to promote consistency of decision-making and to give advance notice to applicants of the Board's likely approach to determining applications. Although there is a presumption that the Board will follow the terms of this Policy Statement in determining individual applications, it is open to applicants to seek the grant of applications which are contrary to the Board's Policy Statement. In such cases, applicants will be required to demonstrate to the Board good reason why the Board's Policy Statement should not be followed. In particular, they will require to satisfy the Board that the decision sought will not conflict with any of the licensing objectives.

1.5 Supplementary Policy Statements

This Policy Statement indicates general policy on a variety of issues but cannot cover every eventuality. Where issues arise which are not fully covered by this Statement, or where amendments to the Act or associated secondary legislation so require, the Board may issue further guidance and, subject to further consultation, may publish Supplementary Licensing Policy Statements under section 6 of the Act during the lifespan of this Policy Statement.

1.6 Other Regulatory Regimes

The Board aims to avoid duplication with other regulatory regimes and agencies. In particular, the Board may not impose conditions on licences which relate to matters (such as planning, buildings standards or food hygiene) which are regulated under other statutory powers.

1.7 Equalities

The Board aims at all times to act in accordance with the Public Sector Equalities Duties. The Board's Equality Strategy, which was agreed on 2 April 2013, can be accessed at

<http://www.highland.gov.uk/NR/rdonlyres/797578EC-9803-4063-9752-0738C2E57695/0/HLBEqualityStrategy.pdf>

This will be subject to continuous review.

The Board also expects licence holders to address equalities issues in all aspects of the operation of their premises.

1.8 Publication Scheme

The Freedom of Information (Scotland) 2002 provides for a duty to be placed on Public Authorities (of which the Board is one) to publish information on the basic structure of the Board and how it is administered and details of the type of information available to the public and how it can be extracted. The Board's publication scheme, setting out this information, can be accessed at

<http://www.highland.gov.uk/NR/rdonlyres/3FC23D54-4A7E-4CB1-8978-EA7ED5810E61/0/HIGHLANDLICENSINGBOARDPUBLICATIONSCHEME19Aug2010.pdf>

PROPOSED CONSULTATION DRAFT

2. PROPOSED POLICIES

2.1 Premises Licence Core Hours

The following core hours will generally be the maximum hours permitted by the Board. Applicants seeking earlier opening hours or later terminal hours will require to satisfy the Board that these are justified (see section 2.2 below) and that they will not conflict with any of the licensing objectives.

Off-sales :

Monday to Sunday: 1000 hours to 2200 hours

General on-sales premises :

These are premises such as public houses, hotel bars and members' clubs which offer no significant entertainment facilities and where the consumption of alcohol is the principal activity.

Monday to Saturday: 1100 hours to 0100 hours the following day
Sunday: 1200 hours to 2400 hours

Food-led operations :

These are premises at which the sale of alcohol is ancillary to the provision of food and is only sold to persons taking table meals. On Mondays to Saturdays, early opening from **0900 hours** will be permitted provided that on any one day the terminal hour is such that the continuous period during which alcohol may be sold does not exceed 14 hours. Subject to appropriate adjustment where opening is sought after 0900 hours but before 1000 hours, or after 1000 hours but before 1100 hours, the permitted hours will accordingly be as follows :

**Monday to Saturday: 0900 hours to 2300 hours,
1000 hours to 2400 hours, or
1100 hours to 0100 hours the following day**
Sunday: 1200 hours to 2400 hours

Late opening premises :

These are premises, or parts of premises, which the Board is satisfied offer, from a certain point on certain evenings, significant entertainment facilities and where the provision of alcohol for consumption on the premises is ancillary to the significant entertainment provided. Nightclubs and discotheques may fall within this category. They may also include "hybrid" premises which operate as a general on-sales premises during the day but then offer significant entertainment from a certain point in the evening.

For the avoidance of doubt, applicants are advised that outwith the festive period (see section 2.3 below) the Board will not permit the sale of alcohol on any premises

for a continuous period in excess of 14 hours except where the Board is satisfied that significant entertainment beyond 0100 hours will be provided. Where the Board is so satisfied, late opening will be permitted as follows:

Monday to Wednesday: 1100 hours to 0100 hours the following day
Thursday to Saturday: 1100 hours to 0300 hours the following day
Sunday: 1200 hours to 2400 hours

On all nights for which the Board grants late opening (i.e. for a continuous period beginning on one day and ending after 0100 hours the following day) the Board will impose a condition requiring that the significant entertainment must be provided continuously from no later than 2200 hours until such time as alcohol ceases to be sold the following day. The sale of alcohol after 0100 hours on those nights will not be permitted unless the significant entertainment is being provided. Accordingly, where a premises does not provide significant entertainment on the nights for which late opening has been granted, it may operate only until 0100 hours on those nights. Other late opening conditions (see section 3 below) will also apply.

The Board will interpret the phrase “significant entertainment” strictly and will only grant late opening premises hours if the entertainment offered is adequately specified in the operating plan submitted with the application. The Board will require applicants to demonstrate that the entertainment proposed will not be merely ancillary to the consumption of alcohol. In particular, applicants must satisfy the Board that significant facilities within the premises will be dedicated to the provision of the entertainment. Examples would include provision of a significant dance floor area and/or a dedicated stage or performance area. Applicants should also provide evidence that forthcoming entertainment will be pre-advertised.

Where these tests are met, the Board considers that entertainment such as live music, ceilidhs, dances, discos, dinner dances and parties where a disco or band is provided may amount to significant entertainment. Activities such as pool or darts competitions, karaoke evenings or quiz nights will not be accepted as significant entertainment.

Where significant entertainment is to be provided on only part of the premises, this must be clearly identified in the operating plan submitted with the application. Late opening (i.e. for a continuous period beginning on one day and ending after 0100 hours the following day) will be permitted only for the part of the premises in which the significant entertainment is to be provided.

2.2 Extended Hours Applications

Where the Board is satisfied that it is appropriate to do so in connection with a special event or occasion to be catered for on the premises or a special event of local or national significance, the Board may extend the licensed hours in respect of the premises by such period as is specified in the application or by such other period as the Board considers appropriate. The applicant will require first to satisfy the

Board that the proposed event is a special event or occasion and that the grant of extended hours will not conflict with any of the licensing objectives.

Over the festive period, applications for extended hours coinciding with the festive period hours stated below will generally be granted unless, in any particular case, the Board consider that there are material reasons to refuse the application. See section 2.3 for fuller details of the Board's policy on hours during the Festive Period.

The Board reminds applicants that the Act does not allow for a period of licensed hours which has been extended by application under section 68 to be further extended by further application under that section.

On granting an extended hours application, in respect of the period of extended hours, the Board may vary the conditions to which the premises licence is subject if it considers it necessary or expedient for the purposes of any of the licensing objectives. In particular, where hours are extended beyond 0100 hours, the Board will add Late Opening Mandatory Conditions and such Local Conditions as considered appropriate.

Where the Board is satisfied that early opening (i.e. before 1100 hours Monday to Saturday or before 1200 hours on Sunday) is justified for a particular special event, competition or occasion, and where also satisfied that early opening will not conflict with any of the licensing objectives, the Board may grant extended hours to allow such early opening. Additional conditions (for example, a condition requiring the provision of food or a condition requiring additional stewarding) may be applied to any early opening granted where the Board consider such conditions necessary and expedient in the circumstances of the special event and having regard to the location of the premises.

Options for Scottish Premier League Match days:

In the case of Scottish Premier League football matches in Highland, evidence supplied by Police Scotland has indicated an increasing number of incidents and crowd control issues arising as a result of excessive pre-match drinking. In response to these concerns, the Board is currently considering whether it should introduce a new policy presuming against the grant of extended hours applications for early opening on these SPL match days. The following are three options for the position the Board might take on this issue following consultation.

Option 1: The Board will generally not entertain applications for early opening on SPL match days at any premises.

Option 2: The Board will generally not entertain applications for early opening on SPL match days. Exception may be made in the case of applications for football club premises themselves where early opening is sought to accommodate pre-match hospitality packages and the Board is satisfied that the consumption of alcohol will be ancillary to the pre-match dining and entertainment provided.

Option 3: The Board will consider SPL matches in Highland to be special events and will grant applications for early opening on SPL match days where satisfied that such early opening will not conflict with any of the licensing objectives. Additional conditions requiring the provision of food and additional stewarding will be applied.

2.3 Festive Period Hours

The Board will agree annually the specific dates over the Christmas and New Year period between which it will consider applications to extend on-sales licensed hours generally acceptable. These dates will normally cover a period of approximately three weeks over the festive period. The Board will aim each year to notify the dates for the next festive period to premises and to Police Scotland prior to end August.

During each festive period, applications to extend licensed hours to the following terminal hours will generally be granted unless, in any particular case, the Board consider that there are material reasons to refuse the application:

Late opening premises (as defined in section 2.1) : 0400 hours

Other on-sales premises : 0200 hours

The additional condition stated at section 2.2 above will apply together with such other Late Opening Conditions as the Board may consider necessary or expedient for the purposes of the licencing objectives.

Premises wishing to extend their licensed hours to these terminal hours over the festive period will require to lodge an application under section 68 of the Act requesting these hours on all or any of the dates annually agreed.

Premises which have, within the "Seasonal Variations" section of their operating plan, a statement to the effect that they will open for such extended hours as the Board may agree each festive period will not require to lodge applications for festive period terminal hours. Premises licences which include such statements in their operating plan will, however, be subject to a condition requiring the licence holder to submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises open until the festive period terminal hour for that category of premises. The additional local condition stated at section 2.2 above will also apply on any nights on which the premises will be open until after 0100 hours. A large number of applications for extended hours are received for the festive period. These cannot be determined until they have been referred by the Board to Police Scotland and to the Licensing Standards Officer who have up to 10 days in which to respond. Licence holders are therefore advised to lodge their festive hours applications by 1 December each year.

Applications received after 1 December may not be processed on time.

2.4 Occasional licences

Who may apply?

The Board may grant occasional licences for premises other than licensed premises where application is made by the holder of a premises licence or personal licence or by a representative of a voluntary organisation. In assessing whether an organisation is a voluntary organisation, the Board will have regard to the tests recommended by the Scottish Council for Voluntary Organisations. Information on these tests is available on the Board's website and is attached at **Appendix 2**.

Voluntary organisations are reminded that the occasional licence limit provided in the Act restricts the number of occasional licences they may be granted in any 12 month period. No more than 4 licences for a period of 4 days or more and no more than 12 licences for a period of less than 4 days are permitted. In addition, the total number of days for which occasional licences may be granted must not exceed 56 in any 12-month period.

Application requirements

The Board requires that a separate occasional licence application is made for each separate occasion. For example, if a premises were to be used for a quiz night on a Friday evening, a birthday party on the following Saturday evening and a live band on the Sunday evening, three separate occasional licences will be required. This reflects the fact that the nature of the events is different, raising different considerations and requiring different conditions. Where, however, similar events are taking place over a number of days/nights, the Board may treat these as one event and grant a single occasional licence to cover the whole period of the events. Examples would include golf tournaments, regattas and music festivals. The Board may not, however, grant an occasional licence for a period of more than 14 days.

The Board encourages applicants to lodge applications for occasional licences at least 28 days before the event for which the licence is required so that the requisite notice (21 days) can be given to the Chief Constable and Licensing Standards Officer. The Board cannot guarantee that applications lodged fewer than 28 days before the event will be granted in time. While the Board has power to grant an occasional licence with less than 21 days' notice if satisfied that the application requires to be dealt with quickly, the Board is likely to exercise this power only for unforeseen events such as funerals.

Hours

The Board's policy is that occasional licences should normally be subject to the same opening/closing times as set out in the Board's core policy hours for general on-sales premises. These are:

Monday to Saturday: 1100 hours to 0100 hours the following day
Sunday: 1200 hours to 2400 hours

Over the festive period, however, the policy hours for on-sales premises (other than Late Opening Premises) set out in the Board's festive period hours policy will be treated also as the policy hours for occasional licences on the dates identified each year by the Board. See section 2.3 above for further details.

Outwith the dates identified each year by the Board as the dates between which the festive period hours policy will apply, the Board will grant occasional licences for hours beyond its core policy hours only on cause shown in the case of exceptional special events and only where the applicant satisfies the Board that this will not conflict with any of the licensing objectives.

Conditions

See section 3 below for details of the Mandatory and Local Conditions which the Board will apply to occasional licences.

In respect of applications by voluntary organisations, in addition to imposing Mandatory and Local conditions, the Board encourages voluntary organisations to ensure that at least one member present at the event to which the occasional licence relates is trained at least to a standard prescribed in the Licensing (Training of Staff) (Scotland) Regulations 2007.

2.5 Access to Premises by Children

The Board will impose the following requirements in relation to access to licensed premises by children.

Children under the age of 16 must be excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This will not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.

Secondly, the Board will require that whilst in any room with a bar counter all children must be in the company of, or supervised by, an appropriate responsible adult. This will not apply to children of the licence holder or children who are resident on the premises.

Lastly, the Board will stipulate that children must not sit or remain at the bar counter at any time.

2.6 Adult Entertainment

The Board will impose the following requirements in relation to adult entertainment in licenced premises.

The licence holder will require to have in place a code of conduct for behaviour of staff and customers, a copy of which will be available to staff and customers. The code will deal with matters such as information for performers, on distance to be maintained from customers during a dance, prohibitions on sexual behaviour and propositioning and what to do if a customer breaches the rules.

The licence holder will require to maintain a register of performers engaged to perform in the licensed premises. The register will show the name, age and current address of the performer. The licence holder will require photographic proof of identity. Foreign nationals must be asked to exhibit their passport and the licence holder should take appropriate steps to ensure that there are no restrictions on the performer's entitlement to work in the United Kingdom.

Performers should only perform in open public areas of the licensed premises, which should at all times be appropriately stewarded and covered by CCTV cameras which will be of a standard to be approved by the Chief Constable.

No dance entertainment should take place in private booths and performers' genitalia should be covered at all times. There should be no touching between performers and patrons at any time during the performance, the only contact allowed being the hand-to-hand payment of money at the conclusion of the performance.

Performers remaining in the public area before, following or between performances should be suitably clothed at all times with no exposure of breasts or genitalia. Any advertising or performances outwith the licensed premises, whether by way of newspaper advertisement or any other public notices within or without the premises may only depict performers suitably clothed as aforesaid. Performances involving the removal of clothes should not be visible from outwith the premises.

The licensed premises shall have stewards in all public areas in addition to at least one steward positioned at each entrance to and/or exit from the premises. All public dance areas, entrances and exits should be monitored constantly while the premises are open to the public with the use of CCTV.

Where in terms of the operating plan, children and young persons are permitted on the premises, children and young persons will not be permitted on the premises for the period from one hour before any adult entertainment commences, until thirty minutes after it ceases.

2.7 Home Deliveries

Premises which intend to provide home deliveries of alcohol are reminded that they must include home deliveries as a specific activity on their operating plan. The Board will also encourage submission of details of how the deliveries will operate. These details should include the hours of delivery, the steps which will be taken to verify the age of the person ordering, payment arrangements and arrangements to protect the safety of those delivering alcohol.

It is also the Board's expectation that any person engaged to make home deliveries of alcohol will have received training of at least 2 hours' duration from a personal licence holder or qualified trainer covering the matters specified in the Licensing (Training of Staff) (Scotland) Regulations 2007.

Licence holders are reminded that where alcohol is being delivered from a vehicle (other than to a trader for the purposes of that person's trade), a day book requires to be kept on the premises from which the alcohol is despatched and a delivery book or invoice requires to be carried by the person delivering the alcohol. The quantity, description and price of the alcohol and the name and address of the person to whom it is to be delivered require to be entered in both the day book and the delivery book or invoice. A failure to adhere to these requirements is a criminal offence. Delivery other than as specified in the details entered in the day book and delivery book or invoice is also an offence.

The Board also reminds licence holders and premises managers that the Act prohibits the delivery of alcohol to any premises other than licensed premises between the hours of midnight and 0600 hours.

2.8 Clubs

The Board reminds clubs that if they wish to allow general admission to non-members of the club without being invited, signed in and accompanied by a member of the club, they will require to lodge an application for a major variation of their licence. They will also be required to appoint a premises manager, to have the sale of alcohol authorised by a premises manager or personal licence holder and will no longer be able to benefit from the reduced annual fee for clubs.

Clubs are further reminded that where non-members are to be supplied with alcohol at any function on the club premises at a time when they are not the guest of a member and are accompanied by that member, alcohol may only be sold to those non-members if an occasional licence has first been obtained.

Clubs are asked to note that these statements reflect mandatory legal requirements (The Licensing (Clubs) (Scotland) Regulations 2007 and Section 125 of the Act) rather than Board policy.

2.9 Plastic Glasses

In response to concerns raised by the police in relation to glassing attacks, the Board has for a number of years had a policy of requiring (by local condition) that at any premises entitled to trade after 0100 am (Late Opening Premises), on nights on which the premises will be open until after 0100 hours the following day, all drinks served after 2100 hours must be served in plastic or polycarbonate glasses.

Representations have been received from some parties, however, inviting the Board to consider removing this policy when revising its existing Policy Statement. Further representations from other parties have invited the Board to consider extending the policy to other types of on sales premises as well as to Late Opening Premises.

The following are options for the position the Board might take on this issue following consultation:

Option 1: Retain the existing policy of requiring only Late Opening Premises to serve drinks in plastic or polycarbonate glasses from 2100 hours (or amend start time to 2200 hours).

Option 2: Retain the existing policy in relation to all Late Opening Premises and extend it to specify other types of on-sales premises (public houses, hotel bars, members' clubs or restaurants) to which it will apply (whether from 2100 hours or 2200 hours).

Option 3: Retain the existing policy in relation to all Late Opening Premises and apply it also to other individual on-sales premises (whether from 2100 hours or 2200 hours) but only where considered appropriate on the basis of individual risk assessment at that premises.

Option 4: Apply the policy and the condition to Late Opening and other on-sales premises in each case only where considered appropriate on the basis of individual risk assessment at that premises.

Option 5: Remove the policy entirely.

2.10 Outdoor Drinking

Depending on the location of the premises, the Board may impose a condition restricting the hours during which drinks may be consumed in any outdoor drinking area identified in the operating plan.

The Board may also require that all tables, chairs, parasols and other moveable furniture must be removed from any outdoor drinking area which is situated on a public footway within 30 minutes of the conclusion of the permitted hours applicable to that outdoor drinking area. In addition, tables used in any such outdoor drinking area must be regularly cleared of all used glassware and crockery.

The Board will also require that the boundary of any outdoor drinking area situated on a public footway must be effectively demarcated to the satisfaction of the Licensing Standards Officer to separate it from the general pedestrian area.

Licence holders are reminded that planning permission for change of use may be required for new outdoor drinking areas (in addition to variation of the premises licence). Roads Authority consent (a "pavement permit") may also be required under Section 59 of the Roads (Scotland) Act 1984 if the proposed outdoor drinking area is situated on a public footway. Additional conditions may apply to any planning permission and/or pavement permit granted. Guidance on The Highland Council's technical requirements in relation to occupation of a pavement as "street café" can be accessed at

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

2.11 Capacity

The Act requires applicants to include, in their Operating Plan, information on the proposed capacity of the premises.

For premises in which alcohol is to be sold for consumption on the premises, applicants should state the maximum number of customers which can be accommodated in the premises at any one time. This will be verified by the Board by reference to Building Standards Regulations. Applicants should therefore consult with the Highland Council's Building Standards Service if they are in doubt as to the capacity of their premises.

For premises in which alcohol is to be sold for consumption off the premises, applicants should state the amount of space on the premises given over to the display of alcohol for sale. The Board requires this figure to be expressed as the number of linear metres and area (square metres) of shelving given over to display.

For premises in which alcohol is to be sold for consumption both on and off the premises, details of both the maximum number of customers for on sales purposes

and the amount of space (if any) given over to display of alcohol for off sales purposes must be detailed.

For on sales premises, applicants will also require to satisfy the Board that they will have sufficient measures in place to monitor the number of persons on the premises to ensure that maximum capacity is not exceeded.

2.12 Personal Licences

The Board has no specific policies in relation to personal licences.

Personal licence holders are reminded, however, that they are required by law to undertake prescribed training every five years and to provide the Board, within three months of the expiry of each five year period, with evidence that they have undertaken this training. The Board will issue notice of this requirement to each personal licence holder by no later than three months prior to expiry of the relevant five year period. Should a licence holder fail timeously to exhibit to the Board satisfactory evidence that they have undertaken prescribed training the Board is required by law to revoke the licence.

Personal licence holders are further reminded that they are also required by law to notify the Board if they are convicted of a relevant or foreign offence. Notice must be given by **no later than one month after the date of conviction**. Failure to do so, without reasonable excuse, is itself a criminal offence. Further information on what constitutes a relevant offence (for the purposes of the Act) can be found on the Board's website and is attached at **Appendix 3**.

There is a further statutory requirement that personal licence holders notify the Board of any change in the licence holder's name or address. Again, notice must be given by **no later than one month after the date of the change** and failure to give such notice, without reasonable excuse, is a criminal offence.

2.13 Overprovision

Overprovision is currently subject to a separate evidence gathering process and overprovision statement proposals will therefore go out to consultation separately from the main Consultation Draft Policy Statement.

3 LICENCE CONDITIONS AND OTHER RECOMMENDED CONTROL MEASURES

3.1 Mandatory Conditions

In the interest of promoting the licensing objectives, the Act and associated secondary legislation stipulate certain Mandatory Conditions which the Board must impose on Premises Licences, Occasional Licences and licences for Late Opening Premises, i.e. premises open for a continuous period beginning on one day and ending after 0100 hours on the following day. These Mandatory Conditions are appended to this Policy Statement.

- **Appendix 4 – Premises Licence Mandatory Conditions**
- **Appendix 5 – Occasional Licence Mandatory Conditions**
- **Appendix 6 – Late Opening Mandatory Conditions**

3.2 Local Conditions

The Board may also attach such further conditions as it considers necessary or expedient for the purposes of the licensing objectives. To that end, the Board has agreed core lists of further conditions known as “Local Conditions”, which largely reflect the Board’s policies as set out at section 2 above.

In determining which of the Local Conditions are to apply to a particular licence, the Board will have regard to the recommendations of the Licensing Standards Officers as to which of the Local Conditions are appropriate. The lists of Local Conditions (some or all of which the Board is likely to impose), and details of the particular licensing objectives to which they are considered relevant, are appended to this Statement.

- **Appendix 7 – Premises Licence Local Conditions**
- **Appendix 8 – Occasional Licence Local Conditions**
- **Appendix 9 – Adult Entertainment Conditions**

3.3 Special Conditions

From time to time, Licensing Standards Officers may recommend that in the specific circumstances of a particular premises or licence, additional conditions are necessary and expedient for the purposes of the licensing objectives. The Board will have regard to any such recommendation in determining whether to apply such additional conditions. These additional conditions are known as “Special Conditions”. Examples of Special Conditions which the Board has previously imposed, and the circumstances in which they were considered necessary, are appended to this Statement.

- **Appendix 10 – Examples of Special Conditions**

3.4 Other Recommended Control Measures

In seeking to promote each of the licensing objectives, the Board and the Licensing Standards Officers encourage licence holders to have in place other control measures which may not have been required by conditions imposed on the licence but which are likely to assist in preventing crime and disorder, securing public safety, preventing public nuisance, protecting and improving public health and protecting children from harm. Advice and recommendations on appropriate measures can be sought by licence holders from the Licensing Standards Officers. The following are examples of such further control measures.

In the interest of preventing crime and disorder:

- Ongoing training of staff in addition to statutory requirements
- Installation of a CCTV system of a standard acceptable to the police, including at display areas and till points
- Suitable external lighting
- Employment of door stewards at times of peak demand (in addition to statutory requirements)
- Membership of Pubwatch or similar scheme
- Display of notices setting out management's policy on illegal substances
- Participation in in-house responsible purchase schemes for under-age sales
- Locating off-sales displays where they can be monitored by staff
- Keeping an alcohol refusals/incidents log

In the interest of securing public safety, as above, together with:

- Carrying out risk assessments
- Regular testing of procedures and equipment
- Ensuring a Personal Licence Holder and a sufficient number of staff are on the premises during times of peak demand or during special events or events of local or national significance
- First aid training for staff

In the interest of preventing public nuisance:

- Management of people entering and leaving the premises, including arrangements to prevent patrons taking glassware or bottles off the premises
- Installation of sound-proofing and sound limiting devices
- Locating smoking areas in suitable areas, providing ashtrays or litter bins and having measures in place to keep those areas tidy
- Control of operating hours for different parts of the premises
- Restricting use of outside drinking areas at night
- Ensuring litter left outside the premises is cleared regularly
- Supporting local schemes which encourage safe dispersal of patrons at closing time (eg taxi marshalling)

In the interest of protecting and improving public health:

- Making available information promoting moderate drinking, awareness of units of alcohol and recommended guidelines
- Displaying anti-drink driving materials and promoting awareness of schemes such as designated driver schemes
- Having a policy to deal with patrons who have consumed excessive alcohol
- Ensuring staff awareness of offences such as sale of alcohol to a drunk person
- Maintaining toilet facilities in a high standard of cleanliness, including provision of hot water, soap and hand-drying facilities

In the interest of protecting children from harm:

- Having child protection policies in place, particularly where unaccompanied children or young persons may be present
 - Monitoring and recording of Challenge 25 compliance
 - Staff training in spotting counterfeit or forged identity documents
 - Keeping plug caps on electrical sockets in areas to which children have access
 - Ensuring open fires or electrical or gas fires in areas to which children have access have secure fire guards
 - Locating play areas in suitable areas and prohibiting glassware or glass bottles being taken into those areas
-

APPENDIX 1 – SCHEME OF DELEGATION

THE HIGHLAND LICENSING BOARD SCHEME OF DELEGATION APPROVED AT A MEETING ON 7 AUGUST 2012

It was resolved that the Clerk be authorised to exercise on behalf of the Board the following functions:

1. Premises Licence

- a) The granting of a minor variation, that is
 - i) any variation of the layout plan provided there is no inconsistency with the operating plan;
 - ii) any variation restricting the terms on which children or young persons are allowed entry;
 - iii) any variation of information relating to the Premises Manager (including the substitution of a new Premises Manager);
 - iv) any other variation as may be prescribed by the Government.
- b) The substitution of a new Premises Manager.
- c) The transfer of a Premises Licence where the applicant has not been convicted of a relevant or foreign offence.
- d) Confirming a provisional Premises Licence.
- e) Updating changes to name and address of Premises Licence Holder or Premises Manager.
- f) A variation under s 54(6)
- g) Certification under s 55(a)
- h) Rejecting a Premises Licence review application in terms of s 36 after consultation with the Convener whom failing the Vice Convener
- i) Granting a Temporary Premises Licence in terms of s 47 after consultation with the Convener whom failing the Vice Convener, subject to such variation (if any) of the existing conditions to which the principal premises licence is subject as is considered appropriate.

2. Occasional Licences

- a) Granting for an event where the hours applied for are within policy and there is no notice of objection or representation, subject to such local conditions and/or special conditions as are considered appropriate.

- b) If the hours of the event applied for are outwith policy or there is a notice of objection or representation, then the application will be referred to Convener of the Board whom failing the Vice Convener whom failing any member of the Board, provided that in the period between the election of Highland Councillors and members of the Board producing evidence of compliance with the prescribed requirements as to training, there will be no requirement to refer the application as detailed in this sub-paragraph.

3. *Extended Hours*

- a) Granting where the hours applied for are within policy and there is no notice of objection from the Chief Constable.
- b) If the hours applied for are outwith policy or there is a notice of objection from the Chief Constable, then the application will be referred to the Convener whom failing the Vice Convener whom failing any member of the Board, provided that in the period between the election of Highland Councillors and members of the Board producing evidence of compliance with the prescribed requirements as to training, there will be no requirement to refer the application as detailed in this sub-paragraph.

4. *Personal Licences*

- a) Granting a personal licence application or renewal where the applicant has not been convicted of a relevant or foreign offence.
- b) Updating changes in the licence holder's name and address.
- c) Issuing a replacement licence in terms of S.92.

In all cases where a Clerk considers it appropriate the decision may be referred to the Board.

5. *Competency of applications*

- a) Prior to a hearing where there is the issue of the competency of any application the Clerk shall determine the matter.

In this scheme

"Act" means the Licensing (Scotland) Act 2005

"Convener" means the Convener appointed in terms of Schedule 1 Paragraph 6 of the Act.

"Clerk" means the person appointed under Schedule 1 Paragraph 8 of the Act or any member of staff provided under that paragraph.

"Vice Convener" means any member appointed by the Board to that office.

APPENDIX 2 – SCVO DEFINITION OF VOLUNTARY ORGANISATIONS

The following text is extracted from guidance produced by the Scottish Council for Voluntary Organisations:

“Defining Voluntary Organisations

What is a voluntary organisation?

SCVO defines voluntary organisations as non-profit driven, non-statutory, autonomous and run by individuals who do not get paid for running the organisation. Some voluntary organisations are recognised by the Inland Revenue as charities.

There are no agreed hard and fast rules for distinguishing the boundary line between voluntary and other organisations. However, the following exclusions are based on the notion that the voluntary sector represents a unique value system. Even within the set of organisations that hold to this value system, there are particular exclusions made for pragmatic reasons.

Exclusions

There are two key tests that we have used to distinguish voluntary organisations from other organisations:

1. Does the organisation represent a for-profit driven rather than public benefit motivation?
2. Does the organisation aim to satisfy an exclusive and private objective (or conviction) rather than a shared benefit?

The first test excludes the following:

- Private sector organisations - A key feature of voluntary organisations is that they are ultimately directed by individuals who do not make their living from their involvement in running the organisation. This naturally excludes most private sector businesses.
- Financial institutions - such as large building societies and friendly societies (eg Standard Life). These organisations are mutuals, but their overriding aim is to generate profit, rather than address a social need.

The second test excludes the following:

- Political parties and groups campaigning on a method of governance rather than to address a particular social need. It can be argued that at the grand level of things, political groups set up

to address social need in its widest sense and are thus voluntary associations. However, public opinion has long determined that political activity is not seen as a public, rather than private, objective, and as such political parties are conventionally considered distinct to the voluntary sector. Nevertheless, certain civic participation groups and pressure groups campaigning on a specific social need, on behalf of excluded groups are included.

- Note that there are a significant number of Scottish charities set up as quangos or quasi non-governmental organisations. These organisations are essentially controlled by the public sector and set up by statute. Consequently, they also cannot be regarded as voluntary sector.
- Academic sector, such as universities and colleges are also excluded. It is argued that these organisations are predominantly funded by the public sector (UK Almanac 2002 – see bibliography).
- Faith based organisations, such as churches which are charitable, have a primarily religious motivation. Some faith-based organisations also set up projects that are separately constituted to address specific social needs, and these are included as voluntary sector. However, religious activity in isolation is not regarded as voluntary sector as it is an exclusive and private objective, similar to political motivation.
- Organisations officially recognised as trade unions are excluded from our definition on pragmatic grounds. The main trade unions have their own voice as a sector and are often politically motivated. However, some smaller unions of individuals, such as professional associations or business support groups are included in this voluntary sector definition.
- Private independent schools – some private schools are financially exclusive. Even if they redirect all their profit back into the school, they are arguably not driven for public benefit. Those schools which are clearly not aimed at public benefit are excluded from our voluntary sector definition.

Other terms used to describe the sector

The 'social economy' is a term increasingly used in relation to the voluntary sector. The phrase social economy is used to describe the economic dimension of voluntary sector activity. But while it can lead to a policy focus on some specific parts of the sector, it is not limited to those organisations

that most closely emulate private sector operations known as social enterprises.

The 'Third Sector' is another term used to refer to the voluntary sector. A perspective based on work carried out by the CBS Network (2002) defines the Third Sector as all constituted organisations, plus the family economy, as set apart from the statutory and private sectors, and as such voluntary organisations are predominant within it.

Regulated voluntary sector

The 'regulated voluntary sector' is a subset of the voluntary sector, that comprises voluntary sector charities, housing associations and credit unions. Each of these type of organisation is subject to regulation and their presence is thus recorded by the UK Inland Revenue, Communities Scotland or the UK Financial Services Authority respectively. This makes it possible to carry out a more detailed statistical analysis of this part of the sector. All statistics in this almanac specifically relate to the regulated voluntary sector, unless otherwise indicated."

PROPOSED CONSULTATION DRAFT

APPENDIX 3 – LIST OF RELEVANT OFFENCES

Relevant offences for the purposes of the Act are the offences specified in the Licensing (Relevant Offences) (Scotland) Regulations 2007/513 (Scottish SI).

They include all of the offences listed in paragraphs 1 – 50 below together with:

- Any offence which was provided for in an enactment which is no longer in force and which was similar in nature to any of the offences listed in paragraphs 1 – 50 below,
- Any offence in respect of aiding and abetting, inciting, counselling or procuring any of the offences listed in paragraphs 1 - 50 below, and
- Any other offence in respect of which a sentence of imprisonment was imposed.

1.

Any offence inferring personal violence.

2.

Any offence which is a “sexual offence” within the meaning of [subsection \(10\) of section 210A](#) of the [Criminal Procedure \(Scotland\) Act 1995 \(c.46\)](#), as read with [subsection \(11\)](#) of that section.

3.

An offence under [article 38](#) of the [Pharmacy Order 2010](#).

4.

An offence under the [Betting, Gaming and Lotteries Act 1963 \(c.2\)](#).

5.

An offence under the [Firearms Act 1968 \(c.27\)](#).

6.

An offence under [section 1](#) of the [Trade Descriptions Act 1968 \(c.29\)](#) (false trade description of goods) in circumstances where the goods in question are or include alcohol.

7.

An offence under [section 13](#) of the [Theatres Act 1968 \(c.54\)](#) (performance of play in unlicensed premises).

8.

An offence under [section 7\(2\)](#) of the [Gaming Act 1968 \(c.65\)](#) (allowing child to take part in gaming on premises licensed for the sale of alcohol).

9.

An offence under any of the following provisions of the [Misuse of Drugs Act 1971 \(c.38\)](#)–

- (a) [section 4\(2\)](#) (production of a controlled drug);
- (b) [section 4\(3\)](#) (supply of a controlled drug);
- (c) [section 5\(2\)](#) (possession of a controlled drug);

- (d) [section 5\(3\)](#) (possession of a controlled drug with intent to supply);
- (e) [section 8](#) (permitting activities to take place on premises);
- (f) [section 23\(4\)](#) (offence in connection with powers to search and obtain evidence).

10.

An offence under the [Immigration Act 1971 \(c.77\)](#).

11.

An offence under the [Poisons Act 1972 \(c.66\)](#).

12.

An offence under the [Health and Safety at Work etc. Act 1974 \(c.37\)](#).

13.

An offence under the [Lotteries and Amusements Act 1976 \(c.32\)](#).

14.

An offence under the [Licensing \(Scotland\) Act 1976 \(c.66\)](#).

15.

An offence under either of the following provisions of the [Customs and Excise Management Act 1979 \(c.2\)](#)—

- (a) [section 170](#) (disregarding [subsection \(1\)\(a\)](#)) (fraudulent evasion of duty etc.);
- (b) [section 170B](#) (taking preparatory steps for evasion of duty).

16.

An offence under the [Alcoholic Liquor Duties Act 1979 \(c.4\)](#).

17.

An offence under either of the following provisions of the [Tobacco Products Duty Act 1979 \(c.7\)](#)—

- (a) [section 8G](#) (possession and sale of unmarked tobacco);
- (b) [section 8H](#) (use of premises for sale of unmarked tobacco).

18.

An offence under [Part II](#) of the [Forgery and Counterfeiting Act 1981 \(c.45\)](#).

19.

An offence under any of the following provisions of the [Civic Government \(Scotland\) Act 1982 \(c.45\)](#)—

- (a) [section 7](#) (offences), so far as relating to public entertainment licences under [section 41](#);
- (b) [section 21\(1\), \(4\), \(5\) or \(6\)](#) (offences in relation to taxis and private hire cars);
- (c) [section 27D](#) (provision of information to holder of knife dealer's licence);
- (d) [section 27F](#) (powers of constables and authorised officers);
- (e) [section 27G](#) (power to inspect documents);

- (f) [section 50](#) (drunkenness);
- (g) [section 57](#) (being in or on buildings etc. with intent to commit theft);
- (h) [Part V](#) (public processions).

20.

An offence under the [Cinemas Act 1985 \(c.13\)](#).

21.

An offence under [Part I](#) of the [Food and Environment Protection Act 1985 \(c.48\)](#).

22.

An offence under either of the following provisions of [Schedule 2B](#) to the [Gas Act 1986 \(c.44\)](#)–

- (a) [paragraph 10](#) (injury to gas fittings and interference with meters);
- (b) [paragraph 11](#) (restoration of supply without consent).

23.

An offence under the [Company Directors Disqualification Act 1986 \(c.46\)](#).

24.

An offence under the [Public Order Act 1986 \(c.64\)](#).

25.

An offence under the [Crossbows Act 1987 \(c.32\)](#).

26.

An offence under the [Firearms \(Amendment\) Act 1988 \(c.45\)](#).

27.

An offence under any of the following provisions of the [Copyright, Designs and Patents Act 1988 \(c.48\)](#)–

- (a) [section 107\(1\)\(d\)\(iii\)](#) (public exhibition in the course of a business of article infringing copyright);
- (b) [section 107\(3\)](#) (infringement of copyright by public performance of work etc.);
- (c) [section 198\(2\)](#) (broadcast etc. of recording of performance made without sufficient consent);
- (d) [section 297\(1\)](#) (fraudulent reception of transmission);

28.

An offence under any of the following provisions of the [Road Traffic Act 1988 \(c.52\)](#)–

- (a) [section 3A](#) (causing death by careless driving while under the influence of drink or drugs);
- (b) [section 4](#) (driving etc. a vehicle when under the influence of drink or drugs);
- (c) [section 5](#) (driving etc. a vehicle with alcohol concentration above prescribed limit);
- (d) [section 178](#) (taking motor vehicle without authority, etc.).

29.

An offence under either of the following provisions of the [Electricity Act 1989 \(c.29\)](#)–

- (a) [paragraph 3 of Schedule 6](#) (restoration of supply without consent);
- (b) [paragraph 8 of Schedule 6](#) (provision as to power of entry);
- (c) [paragraph 11 of Schedule 7](#) (interference with meters).

30.

An offence under either of the following provisions of the [Food Safety Act 1990 \(c.16\)](#) in circumstances where the food in question is or includes alcohol–

- (a) [section 14](#) (selling food or drink not of the nature, substance or quality demanded);
- (b) [section 15](#) (falsely describing or presenting food or drink).

31.

An offence under the [National Lottery Etc. Act 1993 \(c.39\)](#).

32.

An offence under [section 92\(1\) or \(2\)](#) of the [Trade Marks Act 1994 \(c.26\)](#) (unauthorised use of trade mark, etc. in relation to goods) in circumstances where the goods in question are or include alcohol.

33.

An offence under any of the following provisions of the [Criminal Law \(Consolidation\) \(Scotland\) Act 1995 \(c.39\)](#)–

- (a) [section 19](#) (alcohol on vehicles);
- (b) [section 20](#) (sporting events: control);
- (c) [section 44](#) (false statements and declarations);
- (d) [section 47](#) (prohibition of the carrying of offensive weapons);
- (e) [section 49](#) (offence of having in public place article with blade or point);
- (f) [section 49A](#) (offence of having article with blade or point (or offensive weapon) on school premises).

34.

An offence under [section 3](#) of the [Private Security Industry Act 2001 \(c.12\)](#) (conduct prohibited without a licence).

35.

An offence under the [Proceeds of Crime Act 2002 \(c.29\)](#).

36.

An offence under the [Building \(Scotland\) Act 2003 \(asp 8\)](#).

37.

An offence under the [Antisocial Behaviour etc. \(Scotland\) Act 2004 \(asp 8\)](#).

38.

An offence under the [Breastfeeding etc. \(Scotland\) Act 2005 \(asp 1\)](#).

39.

An offence under the [Fire \(Scotland\) Act 2005 \(asp 5\)](#).

40.

An offence under either of the following provisions of the [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#)–

- (a) [section 1](#) (offence of permitting others to smoke in no-smoking premises);
- (b) [section 2](#) (offence of smoking in no-smoking premises).

41.

An offence under the [Licensing \(Scotland\) Act 2005 \(asp 16\)](#).

42.

An offence under the [Prevention of Terrorism Act 2005 \(c.2\)](#).

43.

An offence under [section 46](#) of the [Gambling Act 2005 \(c.19\)](#) (invitation to gamble).

44.

An offence under the [Terrorism Act 2006 \(c.11\)](#).

45.

The offences at common law of–

- (a) theft;
- (b) theft by housebreaking;
- (c) fraud;
- (d) uttering;
- (e) fraud and uttering;
- (f) extortion;
- (g) abduction;
- (h) reset; and
- (i) conspiracy to defraud.

46.

The offences at common law of–

- (a) wilful fireraising;
- (b) culpable and reckless fireraising;
- (c) culpable and reckless conduct; and
- (d) bestiality.

47.

The offences at common law of–

- (a) perjury;
- (b) subornation of perjury;
- (c) attempting to pervert the course of justice;
- (d) attempting to defeat the ends of justice;
- (e) prevarication on oath;
- (f) contempt of court; and

(g) prison breaking.

48.

The offences at common law of–

- (a) breach of the peace; and
- (b) mobbing and rioting.

49.

An offence under [regulation 6](#) of the [Business Protection from Misleading Marketing Regulations 2008](#) (offence of misleading advertising) in circumstances where the advertising in question relates to alcohol or to goods that include alcohol.

50.

An offence under [regulation 8, 9, 10, 11 or 12](#) of the [Consumer Protection from Unfair Trading Regulations 2008](#) (offences relating to unfair commercial practices) in circumstances where the commercial practice in question is directly connected with the promotion, sale or supply of alcohol or of a product that includes alcohol.

PROPOSED CONSULTATION DRAFT

APPENDIX 4 – PREMISES LICENCE MANDATORY CONDITIONS

The following mandatory conditions will be applied to all premises licences pursuant to section 27(1) and schedule 3 of the Licensing (Scotland) Act 2005, as amended by the Alcohol etc. (Scotland) Act 2010

Interpretation

1. Premises means, in relation to any premises licence, the premises specified in the licence.

Compliance with the Operating Plan

2. (1) Alcohol is to be sold on premises only in accordance with the operating plan contained in the licence.
(2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2).
3. Any other activity to be carried on in the premises is to be carried on only in accordance with the operating plan contained in the licence.

The premises manager

4. (1) Alcohol is not to be sold on the premises at any time when—
 - (a) there is no premises manager in respect of the premises
 - (b) the premises manager does not hold a personal licence
 - (c) the personal licence held by the premises manager is suspended, or
 - (d) the licensing qualification held by the premises manager is not the appropriate licensing qualification in relation to the premises.
- (2) In sub-paragraph (1), “appropriate licensing qualification” in relation to any licensed premises means any licensing qualification prescribed as such in relation to licensed premises of that description in regulations under section 91(2)(d).
- (3) Nothing in sub-paragraph (1) or paragraph 5 is to be read as requiring the premises manager to be present on the premises at the time any sale of alcohol is made.

Authorisation of sales of alcohol

5. Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by:-
 - (a) the premises manager, or
 - (b) another person who holds a personal licence.

Training of Staff

6. (1) No person (other than a person who holds a personal licence) is to work in the premises in the capacity mentioned in sub-paragraph (2) unless that person has complied with such requirements as to the training of staff as may be prescribed for the purposes of this paragraph.
- (2) That is a capacity (whether paid or unpaid) which involves the person—
- (a) making the sales of alcohol, or
 - (b) where alcohol is sold on the premises for consumption on the premises, serving such alcohol to any person.
- (2A) At any time when a person (other than a person who holds a personal licence) is working in the premises in a capacity mentioned in sub-paragraph (2), there must be kept on the premises a training record which relates to that person and is in the form set out in the Schedule to the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007.
- (2B) A record kept on the premises under sub-paragraph (2A) must be produced to a Licensing Standards Officer on request.
- (3) Regulations under sub-paragraph (1) prescribing training requirements may, in particular:—
- (a) provide for the accreditation by the Scottish Ministers of —
 - (i) courses of training, and
 - (ii) persons providing such courses,for the purposes of the regulations,
 - (b) prescribe different training requirements in relation to different descriptions of persons,
 - (c) require that any person providing training or any particular description of training in accordance with the regulations hold a personal licence or such other qualification as may be prescribed in the regulations, and
 - (d) require training to be undergone again at such intervals as may be prescribed in the regulations.

Pricing of Alcohol

- 6B. (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale on the premises.
- (2) Sub-paragraph (1) applies—

- (a) only where each of the alcoholic products is for sale on the premises separately, and
 - (b) regardless of whether or not the package also contains any item which is not an alcoholic product.
- (3) In this paragraph, 'alcoholic product' means a product containing alcohol and includes the container in which alcohol is for sale.
- 7.** Where the price at which any alcohol sold on the premises for consumption on the premises is varied-
- (a) the variation (referred to in this paragraph as "the earlier price variation") may be brought into effect only at the beginning of a period of licensed hours, and
 - (b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.
- 7A.** Where the price at which any alcohol sold on the premises for consumption off the premises is varied-
- (a) the variation (referred to in this paragraph as 'the earlier price variation') may be brought into effect only at the beginning of a period of licensed hours, and
 - (b) no further variation in the price at which that alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

Irresponsible drinks promotions

- 8.** (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.
- (2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it-
- (a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
 - (b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),
 - (c) involves the supply free of charge or at a reduced price of one of more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
 - (d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),

- (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
 - (f) is based on the strength of any alcohol,
 - (g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or,
 - (h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.
- (3) Paragraphs (c) to (e) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.
- (4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to—
- (a) add further descriptions of drinks promotions,
 - (b) modify any of the descriptions of drinks promotions for the time being listed in it, or
 - (c) extend or restrict the application of any of those descriptions of drinks promotions.
- (5) In this paragraph, “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

Provision of non-alcoholic drinks

- 9.** (1) The conditions specified in this paragraph apply only to the extent that the premises licence authorises the sale of alcohol for consumption on the premises.
- (2) Tap water fit for drinking must be supplied free of charge on request.
- (3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

Requirement for Age Verification Policy

- 9A.** (1) There must be an age verification policy in relation to the sale of alcohol on the premises.
- (2) An ‘age verification policy’ is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises (‘the customer’) if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).

- (3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

Payment of annual or recurring fees

10. (1) The condition specified in sub-paragraph (2) applies only in relation to a premises licence in respect of which an annual or other recurring fee is to be paid by virtue of regulations under section 136(1).
- (2) The fee must be paid as required by the regulations.

Notices – admission of persons under 18

11. (1) The condition specified in this paragraph applies only in the case of premises on which alcohol is sold for consumption on the premises.
- (2) There is to be displayed so that it is reasonably visible to customers entering the premises a sign of at least A4 size which –
- (a) states that persons under the age of 18 are not permitted; or
- (b) states that such persons are permitted on the premises or on such parts of the premises as are specified on the sign.

Baby changing facilities

12. (1) The condition specified in this paragraph applies only in the case of premises -
- (a) which are not–
- (i) a vehicle;
- (ii) a vessel;
- (iii) a moveable structure; or
- (iv) used wholly or mainly for the purposes referred to in section 125(1);
- (b) on which alcohol is sold for consumption on the premises; and
- (c) to which children under the age of 5 are to be admitted.
- (2) There are to be on the premises facilities for baby changing which are to be accessible to persons of either gender.

Display, or promotion of the sale, of alcohol for consumption off the premises

13. (1) Alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following-
- (a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
- (b) a single area of the premises which is inaccessible to the public.

- (1A) Sub-paragraphs (1B) to (1D) apply where the premises, in so far as they are used for the sale of alcohol, are so used only or primarily for the sale of alcohol for consumption off the premises.
- (1B) Any drinks promotion on the premises may take place only in any one or more of the following –
- (a) an area referred to in sub-paragraph (1)(a) and (b),
 - (b) a room on the premises which is used for offering the tasting of any alcohol sold on the premises (for consumption off the premises) and the resulting tasting is separate from those areas.
- (1C) A drinks promotion in connection with the premises may not take place in the vicinity of the premises.
- (1D) For the purposes of sub-paragraph (1C), the ‘vicinity’ means the area extending 200 metres from the boundary of the premises (as shown on the layout plan).
- (2) In an area agreed in terms of sub-paragraph (1)(a), a product other than alcohol may be displayed only if it is-
- (a) a non-alcoholic drink,
 - (b) packaged with, and may be purchased only along with, alcohol,
 - (c) a branded non-alcoholic product, or
 - (d) a newspaper, magazine or other publication.
- (2A) Sub-paragraph (2) is without prejudice to sub-paragraph (1B).
- (3) This paragraph does not apply in respect of premises-
- (a) whose main function is to provide a visitor attraction, and
 - (b) where
 - (i) the premises form part of a larger site which is used principally for the production of alcoholic drinks, or
 - (ii) the visitor attraction is used principally to provide information about and promote the history and attributes of a particular alcoholic drink or a particular category of alcoholic drink.
- (4) In this paragraph-
- ‘branded non-alcoholic product’ means a product which does not consist of or contain alcohol and which –
 - (a) bears a name or image of, or
 - (b) is an image of,

- an alcoholic product (namely, a product consisting of or containing alcohol)
 - 'drinks promotion' means any activity which promotes, or seeks to promote, the buying of any alcohol sold on the premises for consumption off the premises but does not include the display of any product which is –
 - (a) a branded non-alcoholic product for sale on the premises,
- or
- (b) a newspaper, magazine or other publication –
 - (i) for sale on the premises, or
 - (ii) if not for sale on the premises, which does not relate only or primarily to alcohol.

PROPOSED CONSULTATION DRAFT

APPENDIX 5 – OCCASIONAL LICENCE MANDATORY CONDITIONS

The following mandatory conditions will apply to all occasional licences pursuant to section 60(1) and schedule 4 of the Licensing (Scotland) Act 2005, as amended by the Alcohol etc. (Scotland) Act 2010

Interpretation

1. “The premises” means, in relation to any occasional licence, the premises specified in the licence.

Compliance with the Operating Plan

2. (1) Alcohol may be sold on the premises only in accordance with the terms of the licence.

(2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2).
3. Any other activity to be carried on in the premises may be carried on only in accordance with the description of the activity contained in the licence.

Authorisation of sales of alcohol

4. (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to the holder of a premises licence or personal licence.

(2) Every sale of alcohol made on the premises to which the licence relates must be authorised (whether generally or specifically) by the holder of a personal licence.

Voluntary Organisations

5. (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to a representative of a voluntary organisation.

(2) Alcohol may be sold on the premises only at an event taking place on the premises in connection with the voluntary organisation’s activities.

Pricing of Alcohol

- 5B. (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale.

(2) Sub-paragraph (1) applies-
 - (a) only where each of the alcoholic products is for sale on the premises separately, and

- (b) regardless of whether or not the package also contains any item which is not an alcoholic product.
- (3) In this paragraph 'alcoholic product' means a product containing alcohol and includes the container in which alcohol is for sale'.
- 6. Where the price at which any alcohol sold for consumption on the premises is varied -
 - (a) the variation (referred to in this paragraph as "the earlier price variation") may be brought into effect only at the beginning of a period of licensed hours, and
 - (b) no further variation of the price at which that or any other alcohol is sold for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.
- 6A. Where the price at which any alcohol sold on the premises for consumption off the premises is varied –
 - (a) the variation (referred to in this paragraph as 'the earlier price variation') may be brought into effect only at the beginning of a period of licensed hours, and
 - (b) no further variation in the price at which that alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation'.

Irresponsible drinks promotions

- 7. (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.
- (2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it -
 - (a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,
 - (b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks).
 - (c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,
 - (d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),

- (e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,
 - (f) is based on the strength of any alcohol,
 - (g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or
 - (h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.
- (3) Paragraphs (b) to (d) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.
- (4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to -
- (a) add further descriptions of drinks promotions,
 - (b) modify any of the descriptions of drinks promotions for the time being listed in it, or
 - (c) extend or restrict the application of any of those descriptions of drinks promotions.
- (5) In this paragraph, “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

Provision of non-alcoholic drinks

8. (1) The conditions specified in this paragraph apply only to the extent that the occasional licence authorises the sale of alcohol for consumption on the premises.
- (2) Tap water fit for drinking must be provided free of charge on request.
- (3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

Requirement for Age Verification Policy

9. (1) There must be an age verification policy in relation to the sale of alcohol on the premises.
- (2) An ‘age verification policy’ is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises (‘the customer’) if

it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).

(3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

PROPOSED CONSULTATION DRAFT

APPENDIX 6 – LATE OPENING MANDATORY CONDITIONS

The following mandatory conditions apply to late opening premises (premises which will on any occasion be open for a continuous period beginning on one day and ending after 0100 hours the following day) pursuant to the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007.

1. A person trained to the satisfaction of the Licensing Board in administering First Aid¹ must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-
 - (a) the time at which the premises next close; and
 - (b) 0500 hours
2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-
 - (a) the time at which the premises next close; and
 - (b) 0500 hours or such other time as the Licensing Board may specify.
3. There must be written policies in existence concerning:-
 - (a) the evacuation of the premises; and
 - (b) the prevention of the misuse of drugs on the premises
4. A CCTV system must be installed on the premises to the satisfaction of the appropriate Chief Constable and must be kept in good working order.
5. There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.
6. A person who holds a licence granted under Section 8 of the Private Security Industry Act 2001 must be positioned at every entrance to the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-
 - (a) the time at which the premises next close; and
 - (b) 0500 hours or such other time as the Licensing Board may specify.

¹ Until such time as the amendment to the Health and Safety (First Aid) Regulations 1981 is brought in to remove the requirement for HSE approval of first aid training and qualifications (which it is anticipated will take place with effect from 6 October 2013), the minimum level of first aid training which the Board will generally accept as satisfactory for the purposes of this mandatory condition is Emergency First Aid at Work (EFAW) training approved by the HSE. Guidance on the training which the Board will accept as satisfactory for Late Opening Premises applications lodged after that amendment takes effect will be prepared to coincide with the date on which the amendment comes into effect.

APPENDIX 7 – PREMISES LICENCE LOCAL CONDITIONS

Any of the following local conditions may be applied to premises licences for the purposes of one or more of the licensing objectives. These objectives are:

1. Preventing crime and disorder
2. Securing public safety
3. Preventing public nuisance
4. Protecting and improving public health
5. Protecting children from harm

	Condition	Licensing Objective
a.	Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.	5
b.	Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.	5
c.	Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.	5
d.	After 2200 hours alcoholic and non alcoholic drinks shall be sold or served in plastic or polycarbonate glasses. (<i>this will only apply to premises opening after 0100 hours</i>).	1, 2, 3 & 4
e.	After 2200 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.	3
f.	Premises opening for the sale of alcohol for consumption on the premises prior to 1100 hours shall have available a selection of hot and cold food and shall advertise this within the premises.	4
g.	Premises open for the sale of alcohol after 0100 hours shall have available a selection of hot and cold foods and shall advertise this within the premises.	4
h.	Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.	2 & 5

i.	Any music or live performance will cease at 0245 hours (or any other such time as specified by the board)	3
j.	After 2100 hours (or any other such time as may be specified by the Licensing Board), the premises licence holder shall ensure that there is adequate stewarding at all relevant entrances and egresses to the premises and within the premises.	1, 2 & 3
k.	Within 30 minutes of the conclusion of permitted hours for any outside area governed by a Pavement Permit, all tables and chairs, parasols and other moveable furniture will be removed.	1,2 & 3
l.	The boundaries of any outside area covered by a Pavement Permit will be effectively demarcated to the satisfaction of the Licensing Standards Officer to separate it from general pedestrian access	2, & 3
m.	The licence holder shall ensure that all outdoor tables covered by a Pavement Permit are regularly cleared of all used glassware and crockery.	2
n.	The licence holder shall ensure the provision of an effective means of recording the capacity during the premises hours of operation.	2
o.	On any day for which the terminal hour specified in this licence is later than 0100 hours the following day, alcohol may be sold on the premises after 0100 hours only while entertainment as detailed in the operating plan is being provided and has been provided continuously from no later than 2200 hours.	4
p.	On any day for which the terminal hour specified in this licence is later than 0100 hours the following day, alcohol may be sold and consumed on the premises after 0100 hours only in that part of the premises identified in the operating plan as the part of the premises in which significant entertainment is to be provided.	4.
q.	The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. <i>(Applies only to premises which have a statement in their operating plan to the effect that they will open during the festive period for the hours agreed by the Board under their Festive Period policy.)</i>	1 & 2

APPENDIX 8 – OCCASIONAL LICENCE LOCAL CONDITIONS

Any of the following local conditions may be applied to occasional licences for the purposes of one or more of the licensing objectives. These objectives are:

1. Preventing crime and disorder
2. Securing public safety
3. Preventing public nuisance
4. Protecting and improving public health
5. Protecting children from harm

	Condition	Licensing Objective
a.	A notice must be displayed so as to be reasonably visible which states that persons under the age of 18 are not permitted on the premises.	5
b.	The Licence Holder must be familiar with the legal requirements of selling alcohol under the Occasional Licence and shall ensure that all persons selling or serving alcohol are aware of their duties and responsibilities.	1, 2 & 5
c.	The Occasional Licence must be prominently displayed on the premises .	1
d.	The (Occasional) Licence Holder or, in his/her absence, a nominated Personal Licence Holder must be present in person within the premises during the period covered by the Occasional Licence. <i>(Applies to Personal Licence Holder and Premises Licence Holder applications only).</i>	1 & 2
e.	Only guests/ticket holders attending the function shall be allowed to be present on the premises during the permitted hours. The Licence Holder shall undertake such checks as are necessary to ensure compliance with this condition and shall provide sufficient staff for this.	2
f.	A designated member of a Voluntary Group granted an Occasional Licence must be present on the premises during the period the licence has effect.	1 & 2
g.	The Licence Holder must provide <i>[insert number]</i> Stewards. If these Stewards are working in a voluntary capacity they do not require to hold an SIA Licence.	1 & 2
h.	Stewards must be clearly identified by badges, armbands or a recognisable uniform.	1 & 2
i.	All Stewards must remain in the premises until all patrons have left the premises.	1, 2 & 3

j.	The Licence Holder must provide <i>[insert number]</i> Stewards who hold a Licence granted under Section 8 of the Private Security Industry Act 2001.	1 & 2
k.	The Licence Holder shall ensure that immediately following the end of the period covered by the Occasional Licence, all litter within the immediate environs of the premises is collected and placed in a refuse bin.	2 & 3
l.	All alcoholic and non-alcoholic drinks shall only be sold and served in cans, plastic or polycarbonate containers.	1 & 2
m.	The number of persons permitted entry to the premises shall not exceed the approval capacity limit for the premises.	2
n.	No person is to be permitted to leave the premises with alcohol in an open container.	1 & 2
o.	Any music or live performance must cease by 0245 hours or such other time as may be specified by the Licensing Board.	3
p.	Whilst on the premises referred to in this Occasional Licence, all children must be in the care of a responsible adult.	5
q.	Whilst on the premises referred to in this Occasional Licence, all persons under 18 years of age must be in the care of a responsible adult.	5

APPENDIX 9 – ADULT ENTERTAINMENT LOCAL CONDITIONS

Any of the following local conditions may be applied to premises providing adult entertainment. They will be applied for the purposes of one or more of the licensing objectives. These objectives are:

1. Preventing crime and disorder
2. Securing public safety
3. Preventing public nuisance
4. Protecting and improving public health
5. Protecting children from harm

1.	The licence holder shall have in place a code of conduct for behaviour of staff and customers. A copy of which will be available to staff and customers. The code will deal with matters such as information for performers, on distance to be maintained from customers during a dance, prohibitions on sexual behaviour and propositioning, and what to do if a customer breaches the rules	1,2 & 3
2.	The licence holder will maintain a register of performers engaged to perform in the licensed premises. The register will show the name, age and current address of the performer. The licence holder will require photographic proof of identity. Foreign nationals must be asked for their passport and the licence holder should take appropriate steps to ensure that there are no restrictions on the performer's entitlement to work in the United Kingdom.	1,2 & 3
3.	Performers should only perform in open public areas of the licensed premises, which should at all times be appropriately stewarded and covered by CCTV cameras which will be of a standard to be approved by the Chief Constable.	1,2,3 & 4
4.	No dance entertainment should take place in private booths and performers' genitalia should be covered at all times. There should be no touching between performers and patrons at any time during the performance, the only contact allowed being the hand-to-hand payment of money at the conclusion of the performance.	1,2,3 & 4
5.	Performers remaining in the public area before, following or between performances should be suitably clothed at all times with no exposure of breasts or genitalia. Any advertising or performances outwith the licensed premises, whether by way of newspaper advertisement or any other public notices within or without the premises may only depict performers suitably clothed as aforesaid.	1,2 & 3

	Performances involving the removal of clothes should not be visible from outwith the premises.	
6.	The licensed premises shall have stewards in all public areas in addition to at least one steward positioned at each entrance to and/or exit from the premises. All public dance areas, entrances and exits should be monitored constantly while the premises are open to the public with the use of CCTV.	1,2 & 3
7.	Where in terms of the operating plan, children and young persons are permitted on the premises, they will not be permitted on the premises for the period from one hour before the adult entertainment commences until thirty minutes after it ceases.	1,2,3 & 5

PROPOSED CONSULTATION DRAFT

APPENDIX 10 – EXAMPLES OF SPECIAL CONDITIONS

The following are examples of special conditions which the Board may apply, on the recommendation of the Licensing Standards Officers, to particular types of event or premises or premises in a particular type of location. The list is illustrative only and it is open to the Board to apply further special conditions where considered necessary or expedient for the purposes of any of the licensing objectives. These objectives are:

1. Preventing crime and disorder
2. Securing public safety
3. Preventing public nuisance
4. Protecting and improving public health
5. Protecting children from harm

Special Condition	Circumstances applied	Licensing objective
Any alcohol sold on the premises is to be consumed on the premises only by guests being accommodated there.	Category 1 applications for premises formerly classed as restricted Hotels under 1976 Act	1
Alcohol may only be sold or supplied on the premises to persons taking table meals for consumption by such a person as an accompaniment to a meal.	Food-led operation at which general on-sales are not considered appropriate. Also assists in assessing compliance with “Early Opening “policy..	4
Alcohol for consumption off the premises to which this licence refers may only be sold and despatched pursuant to an order originating off the premises.	Telephone sales for “Beer and Pizza” deliveries.	1
During the Hours of Operation of any under 18 event on the Premises, a Personal Licence Holder shall be present on the premises for the duration of the event.	Under 18s Disco	1, 2, 3, 4, 5
During the hours of operation of any under 18 event adequate stewarding by SIA registered personnel will be at all relevant entrances and egresses to the premises and within the premises.	Under 18s Disco	1, 2, 3, 4, 5
Any under 18 event will be run according to the rules and	Under 18s Disco	1, 2, 3, 4, 5

conventions of Blue Light Disco's and with the approval of Police Scotland.		
During the course of any under 18 event all drinks shall be sold or served in plastic or polycarbonate glasses.	Under 18s Disco	1, 2, 4, 5
The CCTV system installed on the Premises shall be used during the duration of any under 18 event.	Under 18s Disco	1, 2, 4, 5
All glass disposal operations shall cease between the hours of 11pm and 8am.	Premises in residential area	3
All Live vocals or amplified music will be so controlled after 11pm that it shall be inaudible in nearby residential property.	Premises in residential area	3
Live Entertainment shall conclude at 11.45pm (or such other time as the Board may require).	Premises in residential area	3
A Personal Licence Holder is required to be personally present on the Premises between 7pm and 10pm.	Off sales premises known where evidence has been presented of anti-social behaviour/attempts to purchase by children or young persons.	1, 3, 5
A CCTV system of a standard approved by the Chief Constable shall be installed and cover the point of sale.	Off sales premises known where evidence has been presented of anti-social behaviour/attempts to purchase by children or young persons.	1, 3, 5

THE HIGHLAND LICENSING BOARD

CONSULTATION DRAFT POLICY STATEMENT 2013-16

CONSULTATION QUESTIONNAIRE

The Highland Licensing Board is required under the Licensing (Scotland) Act 2005 to publish, every three years, a statement of their policy with respect to the exercise of their functions under the Act. The Board's policy statement for the three year period 2013 to 2016 requires to be published by 30 November 2013. In preparing its new policy statement, the Board must consult the Highland Licensing Forum, NHS Scotland and such other persons as the Board thinks appropriate. The Board has agreed to full public consultation on the Draft Policy Statement 2013–16 which is attached.

Should you wish to compare the terms of the Consultation Draft Policy Statement 2013-16 with the Board's existing Policy Statement 2010-13, this can be accessed through the following links:

Main Policy Statement 2010-13:

<http://www.highland.gov.uk/NR/rdonlyres/07F75F8E-9422-4A10-B885-105E9425BDDE/0/HLBPolicyStatement2010approved1212011revised2.pdf>

Core policy hours:

<http://www.highland.gov.uk/NR/rdonlyres/6B29F805-6F68-4519-AA53-803A6F52C138/0/HLBPolicyHoursadopted1212011.pdf>

Local conditions:

<http://www.highland.gov.uk/NR/rdonlyres/077DC3AB-D68A-4AB7-B2A9-1B925E14AB2E/0/PremisesLicConditionsrevised12012011updated061112.pdf>

and

<http://www.highland.gov.uk/NR/rdonlyres/6243BFE3-28D3-4AB0-9377-A3622C2690C3/0/OccasionalLicenceLocalConditions.pdf>

You are invited to submit your views and comments on the Board's Consultation Draft Policy Statement 2013-16 by no later than 1 July 2013. Responses should be addressed to:

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High Street
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Please note that while you are free to comment on any aspect of the document you wish, it would particularly assist the Board if responses to the specific questions listed below were received. If you are able to provide evidence in support of your responses to these questions, this would also be helpful.

Respondents are reminded that in terms of the Licensing (Scotland) Act 2005 the policies which the Board ultimately adopts in its final Policy Statement must seek to promote the licensing objectives, namely:

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

Consultation responses on the proposed policies set out in the Consultation Draft should therefore relate to these objectives. Proposals in consultation responses which seek to achieve outcomes which are not relevant to any of the licensing objectives cannot be considered by the Board.

QUESTIONS:

Consultation Draft, Section 2 – Proposed Policies

- 1. Do you consider the premises licence core hours proposed at section 2.1 are reasonable having regard to the licensing objectives? If not, which hours would you wish changed and why?**
- 2. In response to concerns raised by the police regarding pre-match drinking and alcohol-related incidents, the Board is considering whether to introduce a new policy creating a presumption against the grant of extended hours applications for early opening (i.e. before 1100 Monday to Saturday or before 1200 hours on Sunday) on Scottish Premier League match days. Three options for the position the Board might take on this issue are set out at section 2.2. Which of these options do you support and why?**
- 3. Do you consider the festive period hours proposed at section 2.3 are reasonable having regard to the licensing objectives? If not, what changes would you wish made and why?**
- 4. Do you consider the core hours proposed for occasional licences at section 2.4 are reasonable having regard to the licensing objectives? If not, what changes would you wish made and why?**
- 5. In relation to access to premises by children (i.e. persons under the age of 16), do you consider that the requirements proposed by the Board at section 2.5 are adequate and necessary for the protection of children? If not, what changes to those requirements would you wish made and why?**

6. In relation to adult entertainment, do you consider that the requirements proposed by the Board at section 2.6 are adequate and necessary for the purpose of any of the licensing objectives? If not, what changes to those requirements would you wish made and why?
7. Section 2.8 relating to clubs sets out reminders as to statutory requirements applicable to the sale of alcohol in clubs. Are there any additional requirements which you consider the Board should impose on clubs as a matter of policy? If so, why?
8. In response to concerns raised by the police in relation to glassing attacks, the Board has for a number of years had a policy of requiring (by local condition) that at premises open until after 0100 hours (Late Opening Premises) all drinks served after 2100 hours must be served in plastic or polycarbonate glasses. Five options for the position the Board might take on this issue in its revised Policy Statement 2013-16 are set out at Section 2.9 for consideration.
 - a. Which of these 5 options do you support and why?
 - b. If you support retention of this policy or its extension to other types of on-sales premises (whether routinely or only on the basis of individual risk assessments), do you consider that the start time should remain as 2100 hours or be extended to 2200 hours? (In either case, please give your reasons.)
 - c. If you support extension of this policy to specified other types of on-sales premises, which specific types of premises (pubs, hotel bars, members' clubs or restaurants) do you consider the policy should be extended to and why?
9. In relation to outdoor drinking areas, do you consider the requirements proposed by the Board at section 2.10 are adequate and necessary for the propose of any of the licensing objectives? If not, what changes or additions to those requirements would you wish made and why?

Consultation Draft, Appendices 7, 8 and 9 – Premises Licence, Occasional Licence and Adult Entertainment Local Conditions

10. Are there any changes or additions to the local conditions listed at appendices 7, 8 and 9 which you consider should be made and why? (If you have already commented on any of these conditions in your answers to the previous questions, please simply refer to those answers.)

<p>Highland Licensing Forum comments received 23.04.13 on “pre-consultation draft policy statement”</p>	<p>Clerk’s comments</p>
<p><u>Introduction</u></p> <p>The Highland Licensing Forum is very grateful to the Licensing Board for the opportunity to submit evidence to the Board in response to a Pre-consultation draft Revised Policy Statement, and welcomes the opportunity to become involved at this early stage in the consultation process.</p> <p>Although the Draft Policy Statement has been issued at this stage for the purpose of enabling the Forum to suggest evidence and information to the Board the Forum has also used this part of the consultation process to provide comment on the policy generally.</p> <p>The Forum considered the terms of the Draft Policy Statement at its scheduled meeting on 12th March. Unfortunately, the Draft Policy Statement had only been sent to the Forum Clerk a few days before the meeting. As a result, some Forum members had not been able to read the document before the meeting and the Forum was not able to discuss the document fully. However, Forum members were given the opportunity to respond to the Clerk with comments on the Draft Policy Statement during the weeks following the meeting. The views of individual members, as well as the Forum collectively, are incorporated into this response.</p> <p>The Forum looks forward to being formally consulted on the policy at the next stage in the consultation process in due course.</p>	

Forum Comments:	Clerk's Comments:
1. References to Northern Constabulary should be removed as the new Police force is operational now	The proposed Consultation Draft now refers to "Police Scotland".
2. Population figures for Council wards are welcomed. However, it is not clear how the "main towns" and "selected smaller settlements providing locally important services" have been chosen for inclusion in the list of populations. The Forum would suggest that unless the rationale for including only the settlements on the list can be explained, the list of settlements should be excluded or amended to include only settlements over a certain size.	This data has been taken from The Highland Council website "Highland Facts and Figures/Highland Profile" pages and the selected settlements and population figures are attributed therein to National Records of Scotland 2010 Settlement Population in Highland Council. The criteria for selection is not known.
3. In relation to Premier League football matches it is noted that the draft policy states that generally the Board will not entertain applications for early opening on match days. It is suggested that evidence for this be reconsidered the view being expressed that it would be better to have match goes in the controlled environment of licensed premises rather than drinking on the streets	<p>It is understood that the expressed view referred to in the comment is not the collective view of the Forum but is the view of one or more individual members of the Forum (opposing views having been received from the Police, who are also represented on the Forum).</p> <p>In recognition of diverging views on this issue, the original wording (set out in the pre-consultation draft statement sent to both the Forum and the Police for comment) has now been altered to set out various options for the policy the Board might adopt on this issue. Consultees will be specifically requested to state their preferred option and reasons. The Board should reserve its judgment on the issue until responses are received and considered.</p>
4. The Board should review the evidence which supports the requirements for its local conditions and in particular the	<p><u>Local conditions generally</u> The local conditions set out in Appendices 7, 8 and 9 of the</p>

evidence which supports the requirement that the “plastic glass” condition be imposed on all late night premises. Contrary views have been expressed within the Forum.

The Board Clerk has already seen the Public Health Consultant’s paper on “Review of Literature – Issue of glassware in nightclubs” which recommends that the condition be used in all late night opening premises. The report is based on evidence gathered from case studies, pilot projects and observational studies. The Public Health Consultant is a Forum member.

Another Forum member is of the view that the condition should be premises specific, applying only to premises where there is a requirement for it. It has been suggested that the Board consider the following types of evidence –

- the numbers of incidents which have resulted in injury at licensed premises in recent years particularly incidents involving glass
- the difference in numbers of incidents between pubs and late night venues. It might be expected that the Forum will ask the Board to identify the evidence, if any, which justifies prohibiting the use of glass in late night venues from 9 pm while permitting pubs to use glass until 1 am. There is a perception of inequality between pubs and late night venues in this respect
- evidence of complaints received at licensed premises from customers about plastic glasses
- evidence of the effect of the condition on customer satisfaction in late night venues among local people and visitors to the Highlands. The perception of one Forum member is that customer service suffers greatly

proposed Consultation Draft are based on existing local conditions previously agreed by the Board. It is not possible (or desirable) to “review the evidence” supporting these local conditions in the abstract, as individual local conditions are applied only on a premises/occasional licence-specific basis having regard to the particular circumstances of the premises or event to be licensed.

Particular local conditions are applied by the Board to individual premises and occasional licenses usually on the recommendation of the LSO. This recommendation as to which local conditions should apply to a particular licence is in turn based on the LSOs’ assessment of the potential issues arising in relation to particular types of premises or event. That assessment is based on the LSOs’ experience and local knowledge.

It is considered therefore that the justification for imposition of particular local conditions to particular premises and occasional licences is already adequately scrutinised at the time of the grant of the licence.

After the grant of a premises licence, the licence holder may at any time apply to the Board for variation of their licence to remove/amend local conditions if they consider they are no longer justified. The licence holder also has a right of appeal to the Sheriff Principal where such an application is refused by the Board. It is considered therefore that there are adequate procedures in place to ensure that justification for the local conditions imposed by the Board on an individual licence may be reviewed over time as and when the licence holder so requests.

with this condition as for example, bar staff have to decant bottled beers into the plastic glasses after 9pm which can be time consuming if a number of bottles are ordered at once. Furthermore, wine cannot be served by the bottle after 9 pm.

- evidence of the number of assaults using other weapons apart from glass, for example cutlery which is available with food in late night venues until 2.45 am or champagne bottles which are exempt from the requirement to decant into plastic glasses
- evidence of the impact on pubs and late night venues of recent developments in training of licensees and their staff and evidence of the impact of the introduction of requirements relating to stewarding, regulation of pricing and promotions under the 2005 Act as well as initiatives such as Pubwatch, Best Bar None, Operation Respect and the Crime reduction partnership, in making licensed premises a safer environment. It has been suggested by one Forum member that the evidence will point to the condition being outdated as premises have become safer following these recent developments.

The Forum has only met once since the pre-consultation draft was submitted and comments on both sides were received after the meeting so it has not been possible for the Forum to debate or have a vote on the issue or reach a consensus.

Plastic/Polycarbonate glasses condition

This condition has been applied to all Late Opening Premises (premises open until after 0100 hours the following day) for a number of years in response to Police concerns over the dangers of glassing incidents. The condition has required Late Opening Premises to ensure that all drinks are served in plastic or polycarbonate containers from 2100 hours onwards. Views both for and against the imposition of this condition to Late Opening Premises (and for and against extending the condition to other types of on-sales premises) have been expressed over the years.

In preparation for production of the proposed Consultation Draft Statement 2013-16, the Police and NHS were invited to submit any evidence they had available in relation to numbers of glass-related incidents and injuries in Highland premises to see if any conclusions could be drawn from numbers of incidents/injuries before and after the condition was introduced. Neither the Police nor the NHS has been able to provide such figures as the fact that a particular recorded incident/injury was glassing related is not recorded.

In the absence of such recorded data, the NHS have provided a literature review on the issue of glassware in licensed premises drawn from case studies, pilot projects and observational studies. This is attached at Appendix 6.

The Police have also submitted some observations on the issue. See below.

	<p>There is a possibility that the Procurator Fiscal's office may be able to identify numbers of prosecutions for glassing-related assaults (see eg. prosecution reported in the Inverness Courier on 26 April 2013 relating to a glassing assault at Auctioneer's Bar, Inverness), and the PF's office will accordingly be approached during the Consultation response period to see if they can provide any such data to assist the Board's deliberations.</p> <p>In the interim, the pre-consultation draft Statement (which simply repeated the original policy and condition) has now been amended to set out options for the position which the Board might take in relation to the plastic glasses policy and condition (those being: retention, extension or removal of the policy/condition).</p> <p>Consultees will be specifically requested to state their preferred option and reasons. The Board should reserve its judgment on the issue until responses are received and considered.</p>
<p>5. A written hearings procedure should be introduced in order to ensure meetings are conducted in a fair and consistent manner and that attendees have fair notice of what they may expect from Board meetings.</p> <p>6. The hearings procedure and an information sheet for those attending board meetings should be included as an appendix to the Policy Statement. In terms of paragraph 12 of Schedule 1 of the 2005 Act the Board must ensure that rules relating to the arrangements and other matters relating to the proceedings for Board meetings are published.</p>	<p>It is the Clerk's intention to propose to the Board (later in the year) written guidance on hearings and other procedures for the Board's approval. The Forum will be consulted on these procedures when drafted, although there is no statutory requirement for such consultation. Once agreed by the Board, the procedural guidance notes can be put together with the Board's final Policy Statement 2013-16 so that procedures, as well as policies, are available in the one document.</p>

	<p>Procedural guidance notes are, however, not subject to the the statutory consultation requirements and deadlines which apply to the Board's revised Policy Statement 2013-16. Accordingly, priority has been and is being given for the time being to producing the revised Policy Statement.</p>
<p>7. The policy should be in plain English, should be easy to navigate and should include all information people with an interest in licensing require</p>	<p>Every effort has been made in drafting the proposed Consultation Draft Policy Statement (and the pre-consultation draft on which the Forum were earlier consulted) to ensure that it is in plain English, is easy to navigate and is comprehensive in the policy information it requires to contain.</p> <p>In the event that the Forum can identify aspects of the Consultation Draft which do not meet these criteria, they will have the opportunity to draw these to the Board's attention in their consultation response to the Consultation Draft when published.</p>
<p>8. The policy should be subject to screening for equalities in order to decide whether an Equality Impact Assessment is necessary</p>	<p>Preliminary screening on the proposed Consultation Draft Policy Statement has been done and will be completed once the final content of the Consultation Draft has been agreed by the Board for publication. Should screening identify the need for full assessment of the equality impact of any aspect of the Statement, this will be carried out during the consultation period.</p> <p>Further screening and, if necessary, equality impact assessment will be required once the Board has considered any adjustments to the draft Statement which, following consideration of consultation responses, the Board is minded to make. All screening and EQIA required of the</p>

	<p>final document, and any further adjustments required as a result of EQIA, must be carried out prior to implementation of the final revised Policy Statement 2013-16.</p>
<p>9. The Board should introduce a licensing register available for inspection by members of the public “at all reasonable times” as required by the Act. The lack of access to the licensing register means that members of the public, Board members, licence holders and licensing forum members do not have information to which they are entitled on applications made and licences issued. This applies to premises licences and occasional licences issued to voluntary groups and personal licence holders. If the register of licences were to be publicly accessible then the number of opportunities for confusion to arise as to when applications have and have not been made or when licences have and have not been granted would dramatically decrease. A register which is only available upon request to and according to the availability of a small number of licensing staff cannot be regarded as available for public inspection “at all reasonable times”.</p>	<p>As with the Forum’s 5th and 6th comments above, this comment relates to a procedural issue and not to the proposed Consultation Draft Policy Statement which the Board is being invited to agree for consultation.</p> <p>The regulations relating to licensing registers permit the register to be maintained either in electronic or in documentary form, or partly in one and partly in the other form.</p> <p>All information which the public is entitled to inspect in the register is currently available for inspection in documentary form at the Board’s various offices during normal office hours and it is considered that the Board is accordingly meeting its statutory obligations to allow inspection “at all reasonable times”.</p> <p>Steps are currently being taken, however, also to make available summary information on the Board’s website so that this information will also be accessible outwith normal office hours. The Forum will be notified when this work is done.</p>
<p>10 Board policy on how it will deal with review hearings should be clarified, eg on recent evidence a policy appears to have developed where premises licence holders who fail to attend a hearing for non-payment of annual renewal fees will have their licences revoked, and Board members</p>	<p>Any sanction to be applied at a review hearing (where the Board is satisfied that the ground for review is established) requires to be considered on a case by case basis having regard to whether, in the circumstances of the particular case, the Board considers the sanction necessary and</p>

<p>appear to have adopted a policy, on the advice of the Clerk, that when the grounds for review of a premises licence are established the minimum step the Board can take is to issue a written warning (ie they cannot do nothing). If the Board has formulated policy in either of these areas it should publicise its position by including an appropriate section in the policy statement.</p>	<p>appropriate for the purposes of any of the licensing objectives. It would be inappropriate therefore for the Board to adopt a policy as to when it will apply particular sanctions as this could be argued to be predetermination and a fettering of the Board's discretion.</p> <p>The Board did recently agree to revoke several licences for non-payment of fees and these were cases where the licence holder had failed to attend the hearing. At no point, however, did the Board indicate these decisions were based on a "policy" as opposed to consideration of the individual circumstances of the cases.</p> <p>Separately, the Clerk accepts that in terms of s39 of the Act the Board, if satisfied that a ground for review is established, has discretion as to whether to impose any sanction at all. This will, in future, be made clearer when advice is given at review hearings.</p>
<p>11. Stewarding requirements particularly in relation to occasional licences should be clarified. The use of the term "adequate" in conditions requires to be clarified.</p>	<p>This term has been removed from the proposed occasional licence local conditions. It is proposed that the relevant conditions specify the minimum number of stewards required.</p>
<p>12. The steps the Board will take to notify licence holders of review hearings / board meetings need to be clarified in the policy. At recent Board meetings there have been cases where there has been uncertainty as to whether the Board has fulfilled its obligations in relation to the service of documents on premises licence holders and the Board has consequently been uncertain as to whether hearings can proceed or not. The Board could clarify its position in its Draft Policy</p>	<p>This is an administrative and procedural issue and not a matter of policy. Advice on how the Board will serve documents will eventually be included in the procedural guidance notes referred to in the Clerk's comments at points 5. And 6. above.</p> <p>In the meantime, all liquor licensing staff have been instructed to serve review hearing notices and</p>

<p>Statement. This would avoid the circumstances where review hearings are deferred on the day in order to ensure that licence holders have been adequately notified.</p>	<p>accompanying documents on licence holders by recorded delivery as well as by ordinary first class mail. Using the “track and trace” on-line system, staff now also check, immediately before the review hearing, whether the recorded delivery has been delivered.</p> <p>There will inevitably be cases where the track and trace system discloses that recorded delivery has been unsuccessful and, in those cases, if the applicant fails to appear, the Board will require to postpone the hearing for re-intimation of the notice and documents. It would be unsafe for the Board to do otherwise.</p>
<p>13. The level of training for people qualified in First Aid to the satisfaction of the Licensing Board in late night premises requires to be clarified. The Forum previously responded to a consultation paper on this but the issue does not appear to have been resolved.</p>	<p>Agreed that this requires to be clarified.</p> <p>Following officers’ consultation with the Forum in October 2012, the Forum expressed the view that the minimum standard of first aid training which the Council should deem satisfactory for the purposes of the mandatory condition applicable to Late Opening Premises should be the Emergency First Aid at Work qualification (EFAW) approved by the Health and Safety Executive (HSE).</p> <p>A proposal to amend the Health and Safety (First Aid) Regulations 1981 to remove HSE approval of first aid training and qualifications has, however, now been approved by the HSE and, subject to Parliamentary approval, is likely to come into effect on 6 October 2013. Further consideration will therefore have to be given to defining, in guidance, the level and provenance of training which the Board will deem satisfactory after the amendment</p>

	<p>comes into effect. This will be done in the next few months and discussed with the Forum prior to seeking the Board's approval of final guidance.</p> <p>In the interim, it is proposed that the Board for the time being accept, as satisfactory first aid training for the purposes of the mandatory condition, EFAW training approved by the HSE</p>
Police Scotland (Divisional Coordination Unit) comments received 19.04.13 on "pre-consultation draft policy statement"	Clerk's comments
<ul style="list-style-type: none"> All references to 'Northern Constabulary' should be replaced by 'police' or 'Police Scotland', as appropriate. 	This has been done.
<ul style="list-style-type: none"> Re Para. 2.3 on Festive Period Hours, whilst the statement of policy is appreciated, we would contend that the emboldened concluding sentence should be strengthened to: "Applications received after 1 December will not be processed." 	The sentence currently reads "Applications received after 1 December may not be processed on time.". The Board cannot decline to process an application received after that date. It can only warn applicants that it may not be possible to process later applications in sufficient time for the start of the festive period dates which the Board identifies each year. It is recommended, therefore, that no change to the sentence is made.
<ul style="list-style-type: none"> Re Para. 2.9 on Plastic Glasses, we note the delayed start-time re this policy from 2100 to 2200. We are fully supportive of the continuation of this policy, since it obviously reduces the risk of injury to patrons and – as cited within Premises Licence Local Condition 'd' – clearly services a number of the licensing objectives, including 'preventing crime and disorder' and 'securing public safety.' Since these objectives are the cornerstone of the relevant legislation, it would surely be difficult to justify the 	The current start-time for the requirement to serve drinks in plastic or polycarbonate glasses (at premises open after 0100 hours) is 2100 hours. The pre-consultation draft suggested delaying this to 2200 hours. Given the diverging views expressed on whether the policy and conditions should be retained, extended to other types of premises or removed entirely, this section of the draft has now been amended to set out options for the position which the Board

<p>removal of such a policy. That said, there does appear to be an obvious inconsistency between 'late-opening premises' and other establishments which are open after 2200, in that the latter can continue to use standard glassware until 0100. We therefore believe that there is a case for all premises to use plastic or polycarbonate glasses after 2200. However, as a potential compromise, we would recommend that the policy continues in respect of 'late-opening premises' but with regard to other premises, is implemented only on the basis of individual risk assessment, (which would involve the removal of the qualification under Local Condition 'd').</p>	<p>might take in relation to the plastic glasses policy and condition.</p> <p>Consultees will be specifically requested to state their preferred option and reasons. Where their preferred option is retention or extension of the policy and condition, they will also be asked to state whether they consider the start time should be 2100 hours (as at present) or delayed to 2200hours.</p> <p>The Board should reserve its judgment on the issue until responses are received and considered.</p>
<ul style="list-style-type: none"> • Re Para. 2.13 on Overprovision, we acknowledge the reference to the separate evidence-gathering process. A report has now been compiled by our analysts and will shortly be submitted separately. 	<p>Noted.</p>
<ul style="list-style-type: none"> • Re Appendix 4 on Premises Licence Mandatory Conditions, it would appear that Section 6B would perhaps be more appropriate as a Section 7B under 'Pricing of Alcohol' as opposed to 'Training of Staff' – as per the parallel provision in Appendix 5 on Occasional Licence Mandatory Conditions. 	<p>Typographical error. The "Pricing of Alcohol" heading has now been moved to above condition 6B.</p>
<ul style="list-style-type: none"> • Re Appendix 6 on Late Opening Mandatory Conditions, just to emphasise that we are fully supportive of the specification by Local Condition 'p', (and reinforced by the provisions at para. 2.2 on Extended Hours Applications), of the earlier start-time of 2100 with respect to first aid provision, stewarding and the presence of a personal licence-holder. 	<p>The Police support for the original proposal (for Late Opening Premises) to bring forward, where considered appropriate, the time from which first aid provision, stewarding and the presence of a personal licence holder is required from 0100 hours as specified in the relevant mandatory conditions to 2100 hours is noted. However, since this proposal was made in the pre-consultation draft statement, it has been recognised that the time specified in</p>

	<p>the mandatory condition cannot lawfully be brought forward by local or special condition. This is because s27(7)(b) of the 2005 Act prohibits the Board from imposing conditions which would have the effect of making an existing applicable mandatory condition more onerous or more restrictive. The proposal to bring the time forward from that specified in the mandatory condition has accordingly been removed from the proposed Consultation Draft now before the Board.</p>
<ul style="list-style-type: none"> • Re Appendix 8 on Occasional Licence Local Conditions, we believe that there should also be a condition relating to the provision of first aid. 	<p>Noted. All suggestions for additional local conditions should be considered by the Board at the end of the consultation period.</p> <p>There is no mandatory condition relating to first aid provision for occasional licences so, in theory, imposition of a requirement for first aid provision by local condition on occasional licences would not be prevented by s27(7)(b) of the 2005 Act (i.e. it would not have the effect of making an existing mandatory condition more onerous or restrictive).</p> <p>However, if consideration were to be given to requiring first aid provision for occasional licences, the circumstances in which such provision was required (i.e. the size or type of event or venue to which it would apply) would have to be defined in such a way as not to impose unduly onerous requirements. Care would also require to be taken not to seek to regulate, by licence condition, any matter already regulated by the Health and Safety (First Aid) Regulations 1981, as this would fall foul of s72(7)(c) of the Act.</p>

The Highland Licensing Board

Meeting – 02 April, 2013

Agenda Item	
Report No	HLB

Extended Hours Applications in respect of Scottish Premier League Football Matches.

Report by Licensing Standards Officer

Summary: The Report summarises issues relating to pre-match drinking at Scottish Premier League Football matches and invites the Board to have regard to those issues when considering its policy in relation to extended hours.

1.0 Background

Within the Highland Licensing Board's area are two Premier League Football Teams, Inverness Caledonian Thistle FC based at the Tulloch Caledonian Stadium, Longman, Inverness and Ross County Football Club based at Victoria Park, Dingwall.

With the current popularity surrounding high profile football matches televised coverage means substantial revenue to the Clubs involved. The respective Television Companies also wield substantial influence in being able to have the matches scheduled to early kick-off's from the traditional start time of 3pm to maximise the revenue from pay per view television subscription. A number of matches are now scheduled for midday or 12.45pm kick-offs.

In turn Premises Licence Holders are keen to maximise revenue in a very challenging economic climate and have submitted in the past extended hours applications to open their premises from 10.00am.

The demographics of the two Clubs are relevant. In Dingwall the Football Ground is adjacent to the Town Centre and is literally a couple of minutes walk from the commercial district. Inverness Caledonian is situated about a mile outside the City Centre and accordingly visiting fans are usually bussed directly to the stadium and the travel times are planned so as to arrive in good time at the ground. Relatively few fans bother to visit Inverness and extended hours applications are not something that City Centre licensed premises have contemplated thus far.

Dingwall is a different proposition with fans able to quickly enter the Town Centre and visit hostelryes. Several Dingwall Premises have submitted extended hours applications in the past.

1.1 Ancillary Issues- Drinking en-route.

Discussion has taken place with Northern Constabulary senior officers. It is evident that the behaviour of some fans on football match days is very much one of custom and practice. Police report that a major problem is that fans arrive by coach having already consumed substantial quantities of alcohol during the long journey to the Highlands.

Whilst this is a criminal offence, tackling it is not within the remit of the Licensing Board and it is one for the Police, Football Clubs, Bus Companies and the Traffic Commissioners to tackle through pro-active enforcement of the existing law and for the relevant Clubs to apply sanctions such as revocation of season tickets on supporters.

Both Clubs have operated successfully Public House type bars at their grounds largely patronised by home support for a number of seasons. These venues have not sought to extend their hours. They have operated under robust conditions and have been effectively managed and stewarded.

1.2 Policing Match Days.

Feedback from the Police in Dingwall has indicated that there are an increasing number of entry refusals at the turnstiles due to intoxication. At a recent Ross County v Aberdeen FC match on the 3 November, 2012 the following statistics were gleaned:

Refusal of entry- 20 person (drunkenness).

Ejections during the match-3(affected by alcohol)

Arrests-3(all accused affected by alcohol).

As this was not an early kick off it is indicative of the fact that pre-match drinking and football go hand in hand.

During the first visit of Celtic FC to Dingwall on 18 August, 2012, I observed dozens of coaches arriving between 10.00 and 11.00 and it was clear that large quantities of supporters had been drinking heavily during the journey. The majority then proceeded to enter the Town Centre to seek further refreshment at Premises who were opening at 11.00am. I spoke to the SFA Match Observer (a former Police Football Match Commander) who commented on the potential for mishap due to the drunkenness of Celtic supporters who had gained access to the ground.

Football Match days see a large scale Police operation coupled with high visibility stewarding provided by the Clubs deployed to ensure the safety of the crowd. The presence of alcohol is undoubtedly a complication which inhibits safety and adds to the risk of injury or harm. Whilst the Licensing Board cannot influence a great deal of the consumption, it can ensure that it does not add to the complication by granting extended hours.

I have contacted most other LSO's in Scotland and all have reported that their Boards do not entertain early extensions for Football Matches on the grounds that conflict with the first two Licensing Objectives is occasioned. I have spoken with Harry Dunn, the LSO serving Perth and Kinross Licensing Board, who have a similar sized City and Football Club to our own. Whilst not having a bespoke policy they do not grant early extensions for Football Matches for the reasons outlined previously and their Premises Licence Holders are aware of the approach and do not apply.

On occasion the British Transport Police are utilising the sanctions available under Section 127 of the Act to prohibit the buying of alcohol on trains likely to be accessed by supporters on grounds relevant to the first two Licensing Objectives. It seems incongruous that upon arrival at the destination that normal drinking hours should be extended.

1.3 Policy Considerations.

It seems irrefutable that there is a real and present threat to the Licensing Objectives from extending the sale of alcohol prior to football matches. Even if there are no issues by allowing this I believe we would be introducing a risk element in relation to the first two Licensing Objectives which we could prevent in standing behind a policy that adheres to regular policy hours.

An area where the Board may consider a relaxation is in respect of Sundays where the Football Club themselves are providing in-house hospitality packages within function suites at the grounds. The Board may see fit to allow extended hours solely at these venues from 11am on a Sunday to compliment dining and pre-match entertainment packages. These functions are effectively stewarded and are well controlled. The alcohol is very much an ancillary matter to the dining and entertainment provided.

I further believe that through a clear policy surrounding this issue there is the opportunity to influence supporter behaviour in that travel arrangements will be made to coincide the arrival in time for kick-off's and not pre-match drinking.

1.4 Ancillary Issues.

One Licensed Premises in Dingwall, the Mallard, situated at the railway station in Dingwall has the facility to open at 10.00am through the exercise of grandfather rights, having made the case under the 1976 Act that there was a need for catering for rail passengers from 10.00am.

On match days the premises have employed a high level of serving staff supported by SIA registered stewarding. The local Police Chief Inspector states he has been impressed by their operation and approach and there have been no adverse incidents. The venue is conveniently situated near to the main thoroughfare to the football ground and it is popular with supporters.

Liaison with the management reveals that although they do get some custom between 10.00am and 11.00am it is not busy and the main customer attendance is from 11.00am.

Whilst this is something of an anomaly it seems effectively managed and causing no adverse issues.

8. Recommendation

Board Members are invited to:

- (a) note the contents of the report; and to;
- (b) consider the information within the report when considering the format of the revision of the existing Policy Statement for the Highland Licensing Board.

Designation: Licensing Standards Officer

Reference:

Date: 21 February, 2013

Author: Ian Cox

Background Papers: The Licensing (Scotland) Act 2005

25/04/2013

**POLICE
SCOTLAND**

Our Ref: NE4948/13

Clerk to the Highland Licensing Board
Alasdair MacKenzie
Chief Executive's Office
The Town House
INVERNESS
IV1 1JJ

Divisional Co-ordination Unit
Highland and Islands Division
Police HQ
Old Perth Road
INVERNESS
IV2 3SY

01463 720817

rodny.nicolson@scotland.pnn.police.uk

Dear Sir

**HIGHLAND LICENSING BOARD
ROSS, SKYE & LOCHABER DIVISION
APPLICATION : EXTENDED HOURS APPLICATION (1000 until 1230, 5 MAY 2013)
APPLICANT :
DINGWALL
PREMISES :**

I refer to correspondence received at this office and have to advise that there are Police objections to this application under Section 69(2) of the Licensing (Scotland) Act 2005.

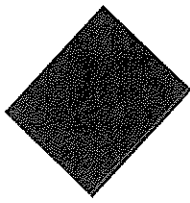
Objection - The granting of this application would not be in accord with the upholding of three of the objectives of the Licensing (Scotland) Act 2005.

In relation to the objection, the following forms the basis of our disapproval to this application.

The fundamental aspect underlying the entire ethos of the Licensing (Scotland) Act 2005 is the licensing objectives. The first three objectives of the Act are preventing crime and disorder, securing public safety and preventing public nuisance. It is these three objectives that will be adversely affected, should these extensions be granted.

I am of the opinion that adding the two and a half hour extension, at this time, could result in an increase in the levels of intoxication and anti social behaviour and have the potential for this to have a detrimental effect on the Board's attainment of the crime prevention, public safety and public nuisance objectives.

The Police view is that there is a direct correlation between over consumption of alcohol and anti social behaviour and the following are some statistics from the four previous 12noon kick offs in Dingwall, which would support this argument.



GPMS Classification: RESTRICTED - POLICY

Arrests – 7

Persons refused access to ground – 41

Persons ejected from ground – 5

Alcohol was the major contributory factor in all these instances.

This application is also outwith the permitted legislated opening hours.

I am also of the opinion that the event to be catered for is not;

- a) a special event or occasion, or;
- b) an event of local or national significance.

I respectfully submit this information for your attention with the recommendation that this application be refused.

Yours sincerely

Colin Gough
Chief Inspector
Divisional Co-ordination Unit

GPMS Classification: RESTRICTED - POLICY

Review of literature – issue of glassware in nightclubs

Situation

The licensing Board will agree a new licensing statement in November 2013 and this is an opportunity to consider if the current policy on glass alternatives and polycarbonates is fit for purpose. The Board currently applies a local condition to late opening premises (premises opening after 0100 hours) requiring that from 2100 hours, alcoholic and non-alcoholic drinks be sold or served in plastic or polycarbonate glasses. This was introduced in response to concerns raised by Northern Constabulary over numbers of “glassing” incidents.

This literature review summaries evidence drawn from case studies, pilot projects and observational studies.

Background

A search of the available data and literature shows that in for Highland region it is not possible to make a link directly between the number of glass related assaults, the resultant injuries and links to late night entertainment venues. This data is simply not collected. Instead it is possible to draw upon other types of evidence and make generalisations to the Highland region.

Attacks with glass can be fatal and cause lifelong disfigurement through scarring. Furthermore the assault victim and the perpetrator can experience life changing circumstances that could arguably be avoided; in the case of the former this might be serious facial injuries and in the case of the latter a prison sentence. It is estimated that 70% of assault attendances at A&E are alcohol related and some of these involve injury through glass. Some research, albeit observational, has demonstrated by not using glass there is potential to reduce the severity of alcohol-related violence in the night club economy. Furthermore patrons find the use of glass alternatives acceptable and report they feel safer in areas where this is now policy. In general it is older patrons who report that they do not like glass substitutes. Some night club managers have reported no detriment to their business after polycarbonates were introduced.

The development of polycarbonates has resulted in products that are much more difficult to break, cause less damage and also lend themselves to sponsorship. A past criticism has been that they are not recyclable but there are products on the market that can be recycled.

Assessment/summary of the literature

Source, aim and date	Description & Methodology	Key issues	Conclusions and limitations
Title: A Little Nightclub Medicine: the Healthcare Implication of Clubbing			
<p>Luke LC <i>et al.</i> (2002) <i>Emergency Medicine</i> Vol 19: 5420545 Aim: To describe the scale and range of acute medical problems among patients who present to an inner city accident and emergency department after attending nightclubs in Liverpool.</p>	<p>From April 1997- April 1998 all patients having identified as having attended a nightclub before their arrival at the department were included in the study. 777 were enrolled in study. Most presentations at a weekend between midnight and 8.00am.</p>	<p>Assault accounted for most presentations 57% and lacerations were the commonest injury. Alcohol was the main intoxicant.</p> <p>Cites that 9% of assault victims are attacked with broken or intact glass receptacles. Many victims have facial wounds and one quarter experience post-traumatic stress reaction.</p>	<p>Research made several recommendations:</p> <ul style="list-style-type: none"> - Introduction of unbreakable glass or plastic containers - Curbing of over-crowding and cheap drinks - Registration of door staff - Targeted policing <p>Paper suggested that the cost of above should be met by the nightclubs and brewing industries.</p> <p>A booklet entitled '<i>Safer Clubbing</i>' was produced by the Home Office on the back of this research.</p> <p>Limitations Published in 2002 Looks at all assaults not just glass.</p>

			Liverpool based.
Title: Banning Glass from nightclubs in Glasgow: Observed Impacts; Compliance and Patrons Views			
<p>Forsyth AD (2008) Scottish Centre for Crime and Criminal Justice Research, Glasgow</p> <p><i>Alcohol and Alcoholism</i> Vol 43, No 1 pp 111-117</p> <p>Aim: To examine the impact of glassware ban policy on disorder-related harm within licensed premises and how this action was viewed by their patrons</p>	<p>Field studies were carried out in 8 nightclubs in Glasgow following the introduction of a glassware ban policy.</p> <p>Qualitative and quantitative data was used.</p>	<p>Disorder in all-plastic venues was observed to incur less injury risk. Patrons reported feeling safer in nightclubs with the ban.</p> <p>Clubbers perceived Glasgow's nightclubs to be safer than other cities because of the ban.</p> <p>Depending on type of 'plastic' could result in clubbers discarding the vessel and increase in littering.</p>	<p>Research demonstrated the potential to reduce the severity of alcohol-related violence in the night club economy.</p> <p>Recommendation – future bans be tailored towards elimination of all types of glassware from like premises.</p> <p>Limitations Observation only; not a before and after study. Glasgow based.</p>
Title: Understanding alcohol Misuse in Scotland Harmful Drinking Alcohol and Assaults			
<p>Scottish Emergency Development Alcohol Audit &</p>	<p>24 emergency departments tool part over a 6 week</p>	<p>It was estimated that 70% of all assaults presenting to A&E were alcohol</p>	<p>Alcohol is found to be a contributory factor is 73% of assaults.</p>

<p>NHS Quality Improvement Scotland</p> <p>2006</p> <p>Aim: To determine the number and nature of patient attendances to emergency departments in Scotland as the result of an assault and to identify the degree to which alcohol is a contributory factor.</p>	<p>period.</p> <p>3281 patients presented to 16 centres.</p>	<p>related. Therefore each day there are 77 alcohol related assaults.</p> <p>Wounds were the most common form of injury.</p> <p>The location of assault was documented in 43% of cases. The most common documented location was the 'street' followed by the home and then a bar or club. Glass was identified as a key weapon second to a 'blunt object'. Lacerations were the most common type of injury.</p>	<p>Shows the situation for nightclubs and for glass as a weapon.</p> <p>Limitations Not all centres participated in the study and therefore estimates have been used. Overall there was poor documentation which suggests under-recording of incidents.</p> <p>Figures/percentages not given. Presentation is via graphs.</p> <p>The report describes the situation and does not offer recommendations.</p>
<p>Title: Design Out Crime: Using Design to Reduce Injuries from Alcohol Related Violence in Clubs and Pubs</p>			
<p>Design and Technology – Alliance Against Crime (Home Office) 2011</p> <p>Aim: To use design and modern technologies to help reduce and</p>	<p>An information sheet that describes how different technologies can help reduce injuries and crime where glass is implicated. It addresses the</p>	<p>Outlines the problems associated with glassing incidents.</p> <p>Describes a range of alternatives to glass and describes both the advantages and disadvantages of using polycarbonates. Although</p>	<p>Polycarbonates appear to be accepted by the customer who report they feel safer in venues where they are used. Furthermore it does not adversely affect the taste of the alcohol.</p> <p>Advertising potential should make it attractive to those selling alcoholic and non alcoholic drinks.</p> <p>Some studies have been able to link the</p>

eliminate crime.	problems associated with glass and offers a range of alternatives including the use of polycarbonates. National statistics and research are cited illustrated by case studies.	<p>more expensive than glass they are long lasting and can be recycled.</p> <p>Cites a trial in Northampton where polycarbonates were introduced with an associated 40% decrease in glassing incidents. Customer opinion was that the polycarbonates helped them feel safer in the venue and that the taste of alcohol was not adversely affected.</p> <p>Polycarbonates can be an attractive position to advertises/sponsors because of the setting (clubs/pubs), durability and being recyclable.</p>	<p>introduction of glass alternatives to a reduction in glassing incidents.</p> <p>An emerging technology.</p> <p>Limitations Not Scottish specific.</p>
Title: Injuring Potential of Drinking Glasses			
Sterzik V <i>et al.</i> (2008) Forensic Science International 179 19-23	Case study of incident in a sports club. Describes tests where drinking vessels	Shows the severity and in this case fatal the impact of a broken glass in a social situation.	<p>Case studies speak for themselves and although not in Scotland the circumstances and issues are relevant.</p> <p>Limitation</p>

<p>Aim: Describes a glassing incident at a sports club in Bern Switzerland.</p>	<p>were thrown at the skull-neck to find out how the fatal wound occurred. Results suggest the glass was broken prior to being thrown.</p> <p>Contains photos of the fatal wound.</p>	<p>Tests showed that injury caused death because the glass was broken at the time of being thrown.</p> <p>The perpetrator was found to have drunk alcohol.</p> <p>The perpetrator was sentenced to three years and nine months in prison.</p>	<p>A sports club and not a night club.</p>
<p>Title: Evaluating the use of Polycarbonates in Pubs and Clubs</p>			
<p>Hughes <i>et al.</i> (2010) John Moores University in collaboration with WHO</p> <p>Aim: Evaluation of the use of polycarbonates glasses in clubs and pubs.</p>	<p>A collaborative study between JMU, Lanarkshire police into the acceptability of polycarbonates. Took place in Burnley, Chorley and Preston. 5 venues in each area over a 3 month period stopped using glass and used PCG. Used a mix of qualitative and</p>	<p>Shows high quality PCG is acceptable to staff and customers.</p> <p>Suggests PCG could reduce serious injury</p> <p>The research recommends that the PCG should be part of a strategy for crime and violence reduction</p>	<p>Customers reported that the use of PCG would not affect their choice of venue.</p> <p>Most customers did not say it affected their drinking experiences furthermore customers reported it kept their drinks cool (and keep its' head).</p> <p>Managers reported no adverse effect on business. Sales data showed no difference between sites using PCG and comparison sites.</p> <p>Older customers less likely to visit a bar using PCG.</p>

	quantitative methods. Outcomes included no glass breakages and a reduction in customer injuries. No recorded impact on A&E services.		Limitation Outwith Scotland.
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Summary

This literature review lays out some of the key issues arising from incidents relating to glass.

- It is estimated that 70% of assault attendances at A&E are alcohol related and some of these involve injury through glass
- For both the victim and perpetrator there can be life-changing mental health issues and physical injury
- Some research, albeit observational, has demonstrated by not using glass there is potential to reduce the severity of alcohol-related violence in the night club economy
- Patrons find the use of glass alternatives acceptable and report they feel safer in areas where this is now policy; staff reported less injury
- In general it is older patrons who report that they do not like glass substitutes
- Some night club managers have reported no detriment to their business after polycarbonates were introduced.

Recommendations

Given the severity of injury resulting from a glass assault and because there is a safer alternative, I recommend that:

- **the current policy of glass alternatives and polycarbonates in the night club economy remains in place for the sale of alcoholic and non-alcoholic drinks**
- **the use of glass alternatives and polycarbonates should be extended to all late night opening premises.**

**Elisabeth Smart, Consultant in Public Health
April 2013**

DRAFT

Is there Evidence of Possible Overprovision in Highland? Report prepared by the Highland Alcohol and Drugs Partnership and the Directorate of Public Health and Policy

Contents

Position	Page
1. Purpose	2
2. Background	2
2.1. The cost of alcohol harm in Highland	3
3. Problems related to Alcohol	4
4. Alcohol sales	4
5. Types of data and Geography used	5
5.1. Methods	7
6. Alcohol-related Deaths in Scotland compared to the UK	8
7. Alcohol-related Hospital Discharges	9
8. On-sales capacity data	11
9. Spatial Distribution of alcohol locations in Highland	12
10. Survey results	
10.1 Public opinion (survey monkey)	18
10.2 Participatory appraisal	21
11. Documentary	28
12. Options for discussion	28
References	30
Appendices	31
1: Multi-Member Wards	
2: Highland Intermediate Geographies – distribution of alcohol license premises, outlet exposure and alcohol related discharger rate per 100,000	
List of contributors	39

Position

In order to understand levels of alcohol overprovision in Highland a number of data sources have been included so that overprovision can be considered from a number of viewpoints. Sources range from traditional hospital discharge data to a short documentary drawing on expert opinion including people's personal experiences. The public's view of overprovision was also sought and addressed issues of culture, purchase and availability.

The following report has summarised the data and in section 12 offers a number of options for the Licensing Board to consider in deciding an overprovision statement in November 2013.

Purpose

1. Purpose

To report to the Licensing Boards on an analysis of levels of overprovision of alcohol licenses across Highland.

To assess whether there is evidence of overprovision across Highland.

2. Background

The Licensing (Scotland) Act 2005 (Scottish Government 2005) has five central objectives:

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

The Act stipulates that each Licensing Board must publish a statement of its policy with respect to the exercise of the Board's functions under the Act, in advance of each three-year period.

The Statement of Licensing Policy published by a Licensing Board has to include a statement as to the extent to which the Board considers there to be overprovision of licensed premises either in general, or of a specific description, in any locality within the Board's area.

Highland has one Licensing Board covering the entire Highland area. This report does not cover Argyle and Bute which is covered by another Licensing Board. The

paper has taken cognisance of data from a number of sources but because of differences in organisational boundaries and how the data is recorded it has not been possible to use a common geography. Qualitative and quantitative data is presented and data is drawn from public survey work to include public opinion.

This paper reports to the Licensing Board on the levels of provision and possible overprovision, of alcohol licences across Highland. It is also intended to inform the Highland Statement of Licensing Policy for the period 2013-2016.

Where the Licensing Policy Statement concludes that there is overprovision of a type of licensed premises in an area, it is anticipated that new applications of that type in that area should generally be refused. If there is no mention of areas of overprovision in the Licensing Policy Statement, it is anticipated that it is most unlikely that any refusal based on overprovision could be upheld.

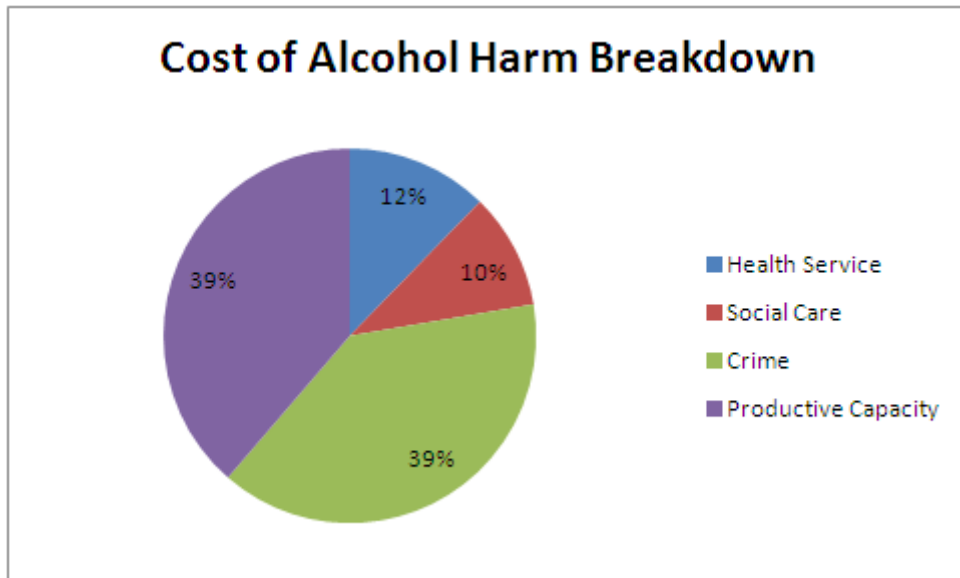
2.1 The cost of alcohol harm in Highland

The following table 1 and figure 1 show the breakdown of social care and productive capacity costs for Highland as a result of harm caused by alcohol for the year 2007. The Highland total is approximately £85 million and this equates per head of population to £383. This does not include wider social costs that estimate the value of non-paid work and intangible social costs associated with people who experience premature mortality from alcohol-related diseases (Alcohol Focus 2012/13)

Table 1: Cost of Alcohol Harm Breakdown 2007

Cost of Alcohol Harm Breakdown	Millions	Percentage
Health Service	10.4	12%
Social Care	8.51	10%
Crime	33.11	39%
Productive Capacity	32.83	39%
Total	84.85	100%

Figure 1: Cost of Alcohol Harm Breakdown 2007



(Source: Local Cost Profiles 2007, Alcohol Focus)

3. Problems related to alcohol

Alcohol is an important part of Highland life. Whiskey production and associated businesses provides work for thousands of people and brings money into the Highland economy. It can also make a positive contribution to an individual's mental and social health and wellbeing when used sensibly. Similarly, for communities it can make a positive contribution to social interactions and gatherings.

Alcohol, if not used sensibly, has great potential to cause harm leading the way to negative social, physical and mental health problems including:

Harm - health

- Death
- Falls and injuries
- Long term conditions
- Sexual abuse, sexually transmitted diseases and unwanted pregnancies

Societal

- Crime
- Domestic violence
- Employment issues
- House fires
- Relationship issues
- Road accidents
- Violence

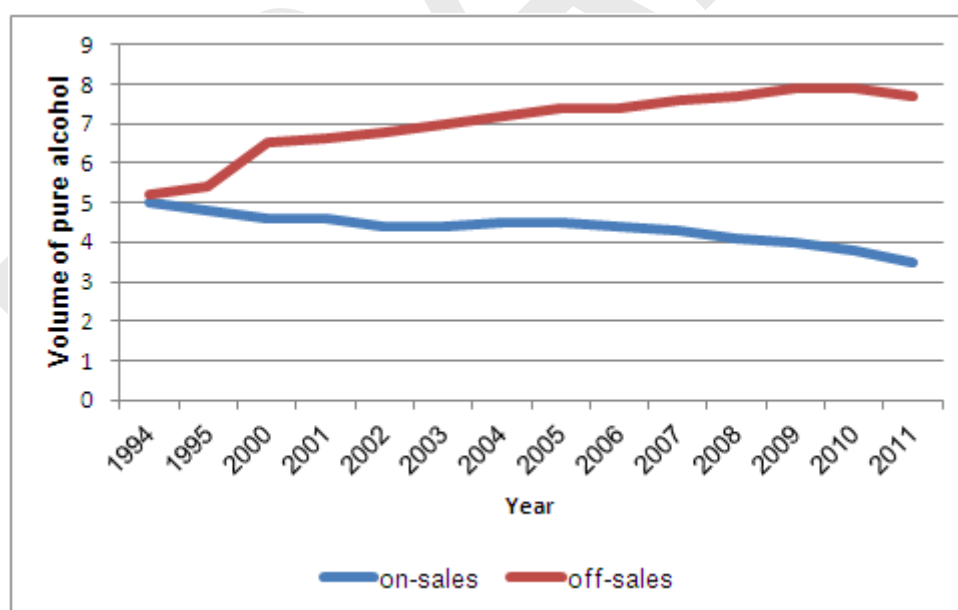
The list shows that alcohol causes harm beyond the physical and psychological health of the drinker and can impact on the health and wellbeing of people around them.

Alcohol carries a significant risk of dependence and is characterised by the individual not being able to control their drinking and this affecting their social interactions, employment and recreational activities. A European study (Rehm & Shield 2012) estimated that 9.3% of men and 3.6% of women in England were alcohol dependant. Although figures are not given for Scotland prevalence can be estimated for the Highland area. This has been calculated as 11,400 males and 4,640 females aged 18 and over (NRS 2012).

4. Alcohol Sales

Although specific sales data is not available for Highland trends for Scotland are available and it is likely that off-license and on-licensed sales will be very similar. In Scotland, the volume of pure alcohol sold per adult through the on-trade decreased by 30% from 5.0L in 1994 to 3.5L in 2011, whereas off-trade sales increased by 48% over the same time period, from 5.2L in 1994 to 7.7L in 2011. It is estimated that about two-thirds (69%) of all pure alcohol sold in Scotland in 2011 was sold through the off-trade.

Figure 2: Trends in Alcohol Sales in Scotland for on and off sales



(Source: NHS Health Scotland)

5. Types of Data and Geography Used in Report

A wide range of existing local data was examined to see whether it would be useful in assessment of possible overprovision. Data sources were considered from five agencies in Highland: NHS, Police, Fire and Rescue Service, Council, and the Alcohol and Drugs Partnership. Each data source was assessed for its usefulness.

Possible overprovision can be assessed at a number of different levels:

- Highland wide
- intermediate geography
- police area
- three licensing areas
- multi-member ward.

Highland as one area or the licensing areas are large, however, and it is quite possible that there could be overprovision of licences in some areas within a locality but not in others. It is therefore better to assess possible overprovision at smaller area level. The level cannot be too small, for example the level of a particular street, as in that case the data would not contain large enough numbers for analysis.

A good compromise as to size of area is given by using “intermediate data zones” (IDZs). The IDZs are defined by the Scottish Neighbourhood Statistics Programme in a standard way across Scotland (SNS 2013). There are 54 IDZs throughout Highland with each IDZ containing an average of approximately 4,500 residents.

When using IDZ it is important to note that they do not fit perfectly with multi-member ward boundaries and have been named to reflect the local area.

Each data source was assessed to see whether it met the following requirements:

- should be part of a standard dataset that is routinely collected so the data can be updated when needed in the future
- collected over a reasonable time period
- available at locality/ward and/or IDZ level
- believed to be of good accuracy and completeness
- must contain large enough numbers to permit robust analysis **or**
- must raise key issues relevant to alcohol overprovision (qualitative data)

These requirements made it difficult to use a number of the data sources. The following list shows what can be used now and what had to be excluded at this moment in time. As data systems develop the data sources might be useable in the near future.

Table 2: Potential Data Sources

Data Source	Comments	Included or excluded
A: NHS		
A1: NHS Hospital Discharge	Meets requirements IDZ level	√
A2: Accident and Emergency Data	Recording of alcohol related incidents/accidents known to be inaccurate. Currently under-reported	X
A3: Scottish Index of Multiple Deprivation	Meets requirements Available at IDZ	√
B: ADP & NHS		
B1: Public Opinion Survey Monkey	Meets requirements Records public opinion Multi Member Ward (MMW) level	√
B2: Public Opinion Participatory Appraisal	Meets requirements Records public opinion MMW level	√
B3: Expert Opinion Documentary	Meets requirements Experts are defined as those in professions such as Public Health or Emergency Medicine and those personally affected by alcohol	√
C: Licensing		
C1: On-sales Capacity	Meets requirements IDZ level, MMW level	√
C2: Off-sales Capacity	Recording of data inconsistent and under-recorded	X
C3: Spatial Distribution of Licensed Premises	Meets requirements	√
4: Other		
4.1: Police	Recorded by police area - different to MMW or IDZ area	X
4.2: Ambulance Service	Unable to obtain this data from SAS.	X
4.3: Fire and Rescue	Small numbers and probably under-recorded	X

Six data sources met the requirements and have been used in the investigation of possible overprovision (Table 2: identified by a √)

5.1 Methods

Qualitative and quantitative methods were used to understand the available data these were:

- presentation of data using a number of methods such as graphs, pie charts and tables

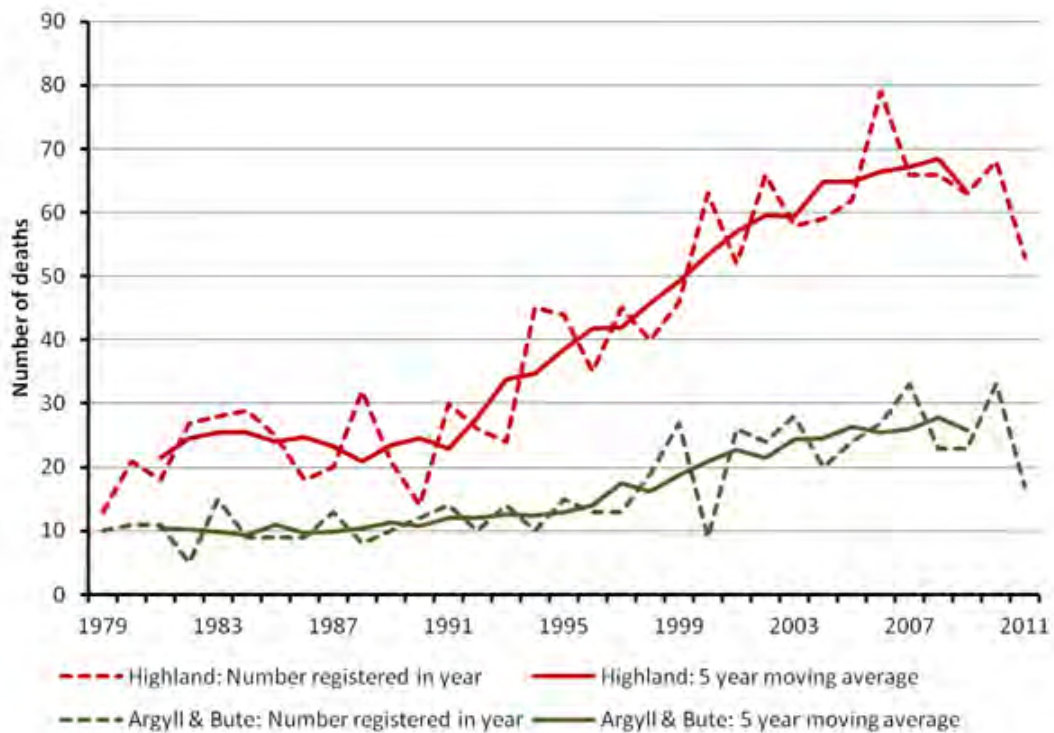
- rates 10,000 population were calculated for some data sets to allow comparison between localities and Intermediate Data Zones
- public opinion gathered through a online questionnaire
- public opinion gathered by participatory appraisal techniques (adults)
- documentary of expert opinion

Table 2 explains the challenges of data collection and with improvements in the how the data is collected this situation can be improved.

6. Alcohol Related Deaths in Scotland compared to the UK

Despite the modest reduction in recent years the trends in alcohol-related mortality both in the Highlands and nationally remain a concern. In 2011 there were 53 deaths in Highland where alcohol was recorded as the major cause of death. Figure 3 show that alcohol related deaths rose steeply from 1990 with a modest reduction in recent years. By 2010 there were three times as many deaths registered in Highland than in 1990. 5 year rolling averages are also shown and they are a better guide to the underlying mortality level. Figures for Argyll and Bute are included for comparison.

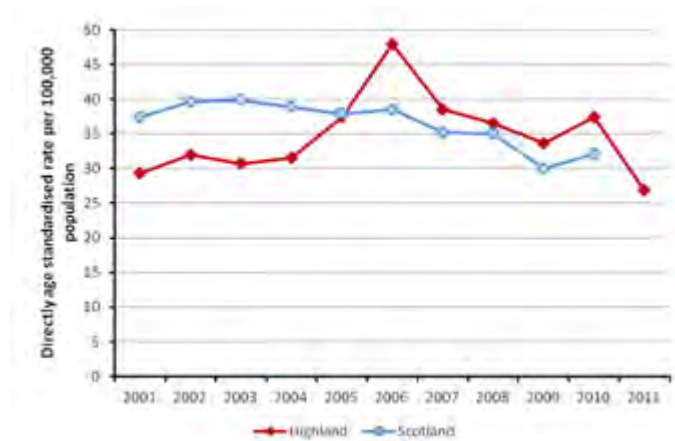
Figure 3: Alcohol-related deaths (underlying causes) in Highland (and Argyll and Bute) 1979-2011, including 5 year moving averages



(Source: National Records of Scotland)

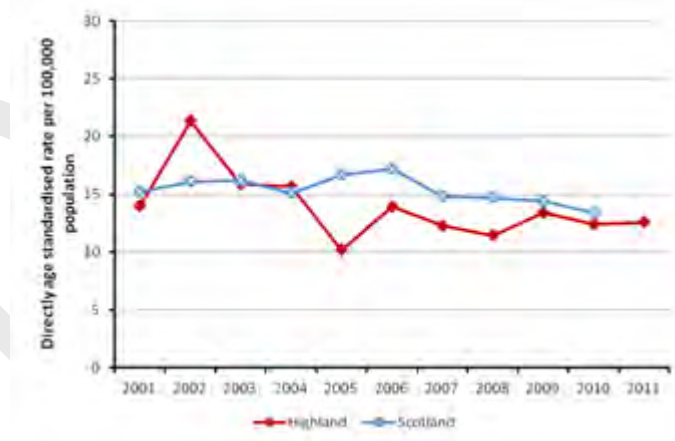
As mentioned earlier the trend in Highland has seen a modest reduction in recent years. Figure 4 and figure 5 show a modest reduction in male alcohol-related mortality and a small reduction in female alcohol-related mortality in recent periods. Furthermore comparable rates have been static in Highland since 2006.

Figure 4: Alcohol-related mortality rates (underlying cause) among men: directly age standardised rates per 100,000 population



(Source: Alcohol Statistics Scotland 2009 and 2011 and locally held death records)

Figure 5: Alcohol-related mortality rates (underlying cause) among women: directly age standardised rates per 100,000 population



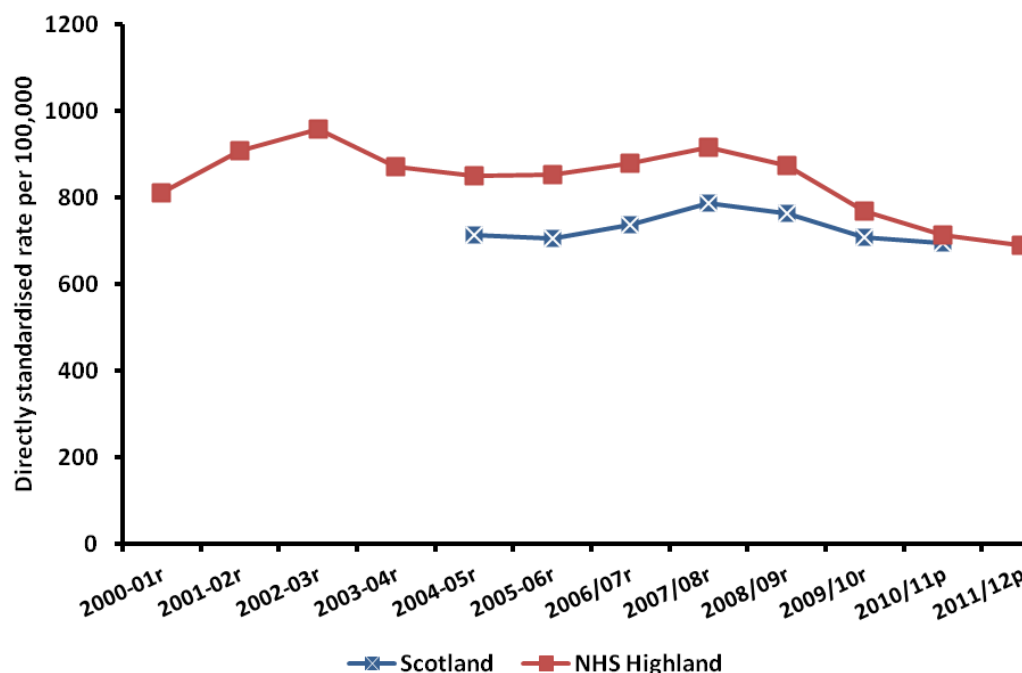
(Source: Alcohol Statistics Scotland 2009 and 2011 and locally held death records)

7. Alcohol Related NHS Discharge data

Hospital inpatient and day case recording provides evidence of the most serious impact of alcohol on the population. The following figure 6 include data on acute conditions, such as alcohol poisoning and acute intoxication, chronic effects such as

alcohol-induced pancreatitis, chronic liver disease and stomach cancer, as well as mental health problems such as alcohol dependence.

Figure 6: NHS Highland and Scotland directly age-standardisation rate per 100,000 general discharges with an alcohol related diagnosis in any position of the hospital record 2001-02r-2011-12p



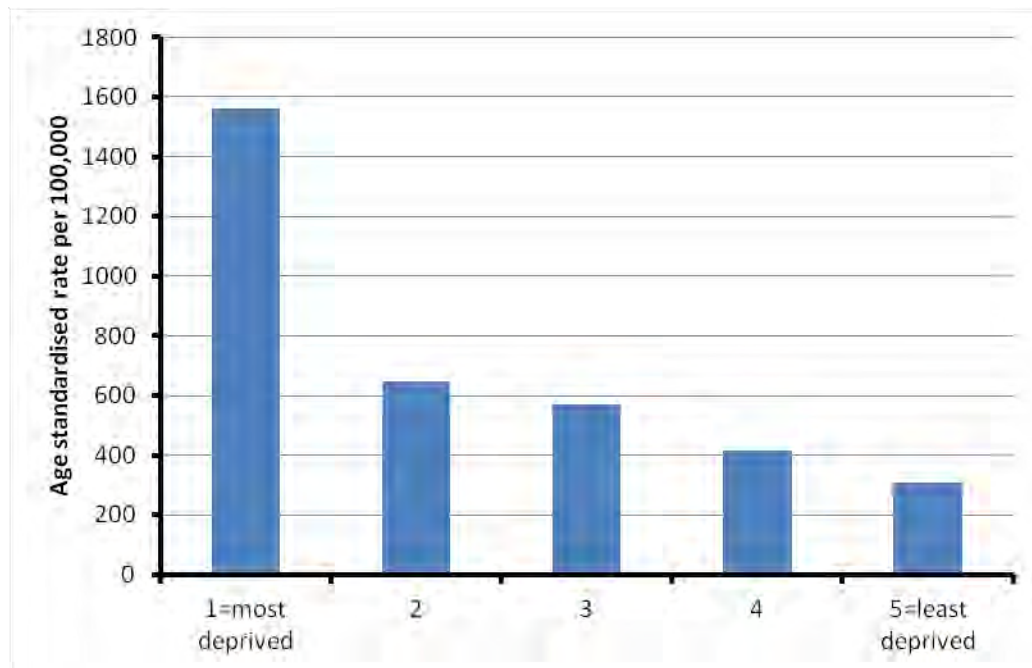
(Source: NHS Highland SMR01 files and Alcohol Statistics Scotland 2012)

Rates of alcohol related hospitalisation in the general acute inpatient setting for NHS Highland residents has been decreasing in recent years and the gap between local and national rates has reduced. The highest rates of alcohol-related hospital discharges are found in the most deprived areas. See figure 7.

There has been a change in the pattern of psychiatric inpatient care in recent years with more care now being provided in the community setting. This has resulted in a reduction in alcohol-related psychiatric discharges, however, one in five of all discharges in psychiatric specialties have a diagnosis related to alcohol.

Figure 7 shows the greatest burden of alcohol related harm is concentrated in those who live in the most deprived areas. Interpretation of this data is important because these figures are associated with wider determinants of health such as employment, housing conditions and education.

Figure 7: NHS Highland age standardised rates per 100,000 for general acute inpatient discharges¹ with an alcohol-related diagnosis in any position of the hospital record by quintile of within Board deprivation², 2011-2012^P



Data Source: NHS Highland SMR01 files

1 NHS Highland residents

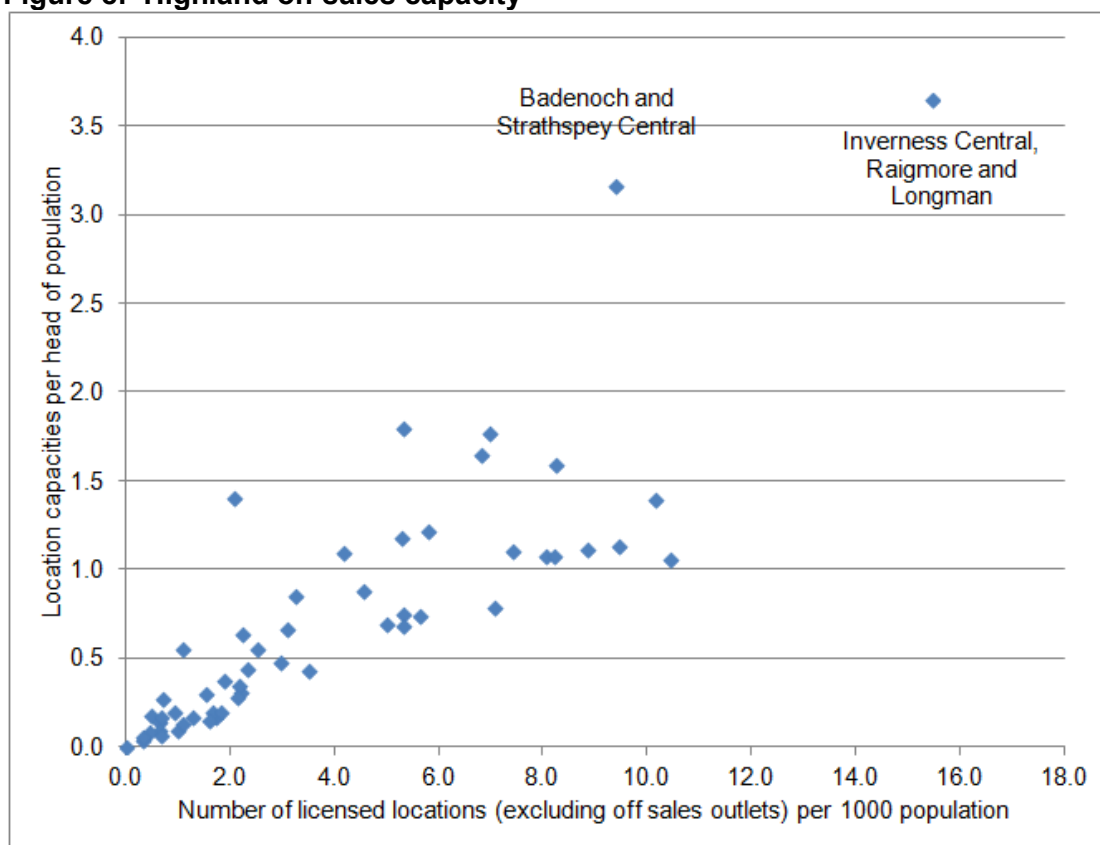
2. Scottish Index of Multiple Deprivation (SIMD 2009v2)

8. On-sales capacity

On-sales data has been included to gain an understanding of the relationship between licensing density and capacity. When applying for a license the applicant must state the venue's capacity, for example, a cinema complex might be able to seat 1500 customers and in contrast a small hotel might be able to accommodate 35 guests.

It is of no particular surprise that there is a positive correlation between these two variables as shown using IDZs in figure 8. There are two obvious outliers in Badenoch and Strathspey Central, and Inverness Central, Raigmore and the Longman. The Badenoch area includes Aviemore and has a large number of licensed premises some of which are large conference and hotel complexes. The Inverness area is to be expected because of being Highland's largest city with the biggest population. This data shows that where there are more licensed locations there is a correlation with licensing capacity.

Figure 8: Highland on-sales capacity



Note about off-sales capacity. It has not been possible to analyse off-sales capacity because the data did not meet the set criteria. It is anticipated that in future years this will be included.

9. Spatial Distribution of alcohol locations in Highland

Alcohol availability has been shown in research to have a strong influence on alcohol use and a recent systematic review identified studies that showed significant positive relationships between the density of outlets and levels of violence, alcohol related traffic accidents, self-reported injuries and suicide, sexually-transmitted disease and child abuse or neglect (Popova *et al.* 2009). While the nature of the association is contested, the authors conclude that there is sufficient evidence to indicate drinking-related harm associated with increased outlet density. The management of alcohol can both stimulate consumption and contribute to an increase in alcohol related problems or reduce health related alcohol harm.

In this report the differences in the exposure of the Highland population to outlets licensed to sell alcohol by area is illustrated.

Details of the methodology and data is available by following this link

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Essentially the postcodes of the alcohol licensed locations in conjunction with unit postcode population data available from the Community Health Index (CHI) at October 2012 to undertake a network analysis in a Geographical Information System. This allowed the calculation of the number of licensed outlets accessible from every postcode in Highland with A CHI population. The access extents were defined by ten minute drive time and a ten minute walk time.

Using the number of outlets accessible from every postcode and the CHI population a weighted aggregated exposure to licensed locations was then calculated per head of population for small area Highland intermediate geographies.

Small area data for all intermediate geographies in Highland is provided in Appendix 1. There are 54 intermediate geographies in Highland with an average population of 4,500 people. They are 'intermediate' between very small areas such as data zones and larger areas such as Local Authorities and were created by the Scottish Government by aggregating contiguous data zones with similar social characteristics (Scottish Government.2005).

Additional analysis was undertaken for a stratification of area deprivation based on the Scottish Index of Multiple Deprivation 2012 income domain (Scottish Government 2012a) and for the Scottish Government Urban Rural Classification (SGURC) (Scottish Government 2012b).

Access times

The measures of walk time and drive time access highlight that the population of Highland as a whole has a high degree of access to a variety of licensed locations within immediate proximity. Over 90 percent of the population live within 10 minutes drive time of a licensed outlet and there is comparable access to off license premises. Over 65 percent of residents can walk to a licensed premise within 10 minutes and 50 percent of people can walk to an off license within the same time (table 3).

Table 3: Percentage of Highland population within 10 minutes drive and walk times of an alcohol licensed outlet by Licensing Board

All licensed locations	Highland	North	Mid & West	East
10 minutes drive	93.8	94.1	90.4	95.6
10 minutes walk	65.6	65.5	57.7	70.7
Off licenses				
10 minutes drive	90.4	91.1	83.8	94.1
10 minutes walk	53.6	55.1	41.9	60.0

Outlet exposure and Income Deprivation

Exploring the relationship between income deprivation and licensing outlet highlights a U shaped relationship with drive time access exposure across Highland (table 4). The most and least deprived areas in Highland have the greatest potential access to all licensed and off license locations. See figures 9 & 10. The drive time exposure pattern is again influenced by urban settlement in Highland and particularly the geography of Inverness City. In figure 10 all the areas at the 'points' of the U shape are in Inverness.

When looking at walk time, those living in more deprived areas in Highland again have the greatest potential to access or to be exposed to licensed premises per head of population. This is notably the case for off licensed locations where those in the most deprived areas have greater exposure (figure 10). Notably a number of deprived areas in Inverness have high levels of access to off license outlets within a 10 minute walk time (table 4).

Table 4: Alcohol outlet exposure per head of population by decile of income deprivation and 10 minute drive and walk times in Highland

	10 minutes drive time		10 minutes walk	
	All licenses	Off licenses	All licenses	Off licenses
1 most deprived	113.1	31.9	14.5	3.5
2	67.6	18.0	5.8	2.1
3	55.2	14.5	6.9	1.6
4	31.0	8.3	2.4	0.7
5	27.5	6.9	2.3	0.7
6	38.6	10.2	7.2	1.6
7	39.6	10.0	1.6	0.5
8	55.9	15.3	3.8	1.0
9	78.8	21.4	3.8	1.0
10 least deprived	104.2	28.0	3.5	1.0
Total	61.4	16.5	5.2	1.4

Figure 9: Off license location access based upon 10 minute drive time exposure per head of population by intermediate geography income deprivation rank in Highland

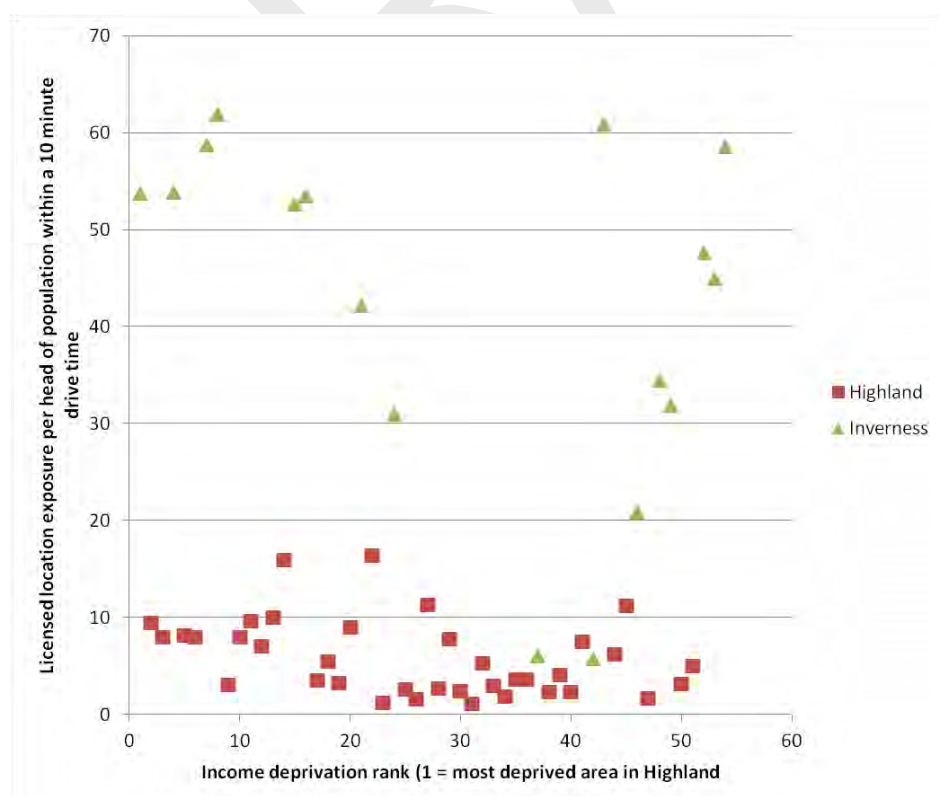
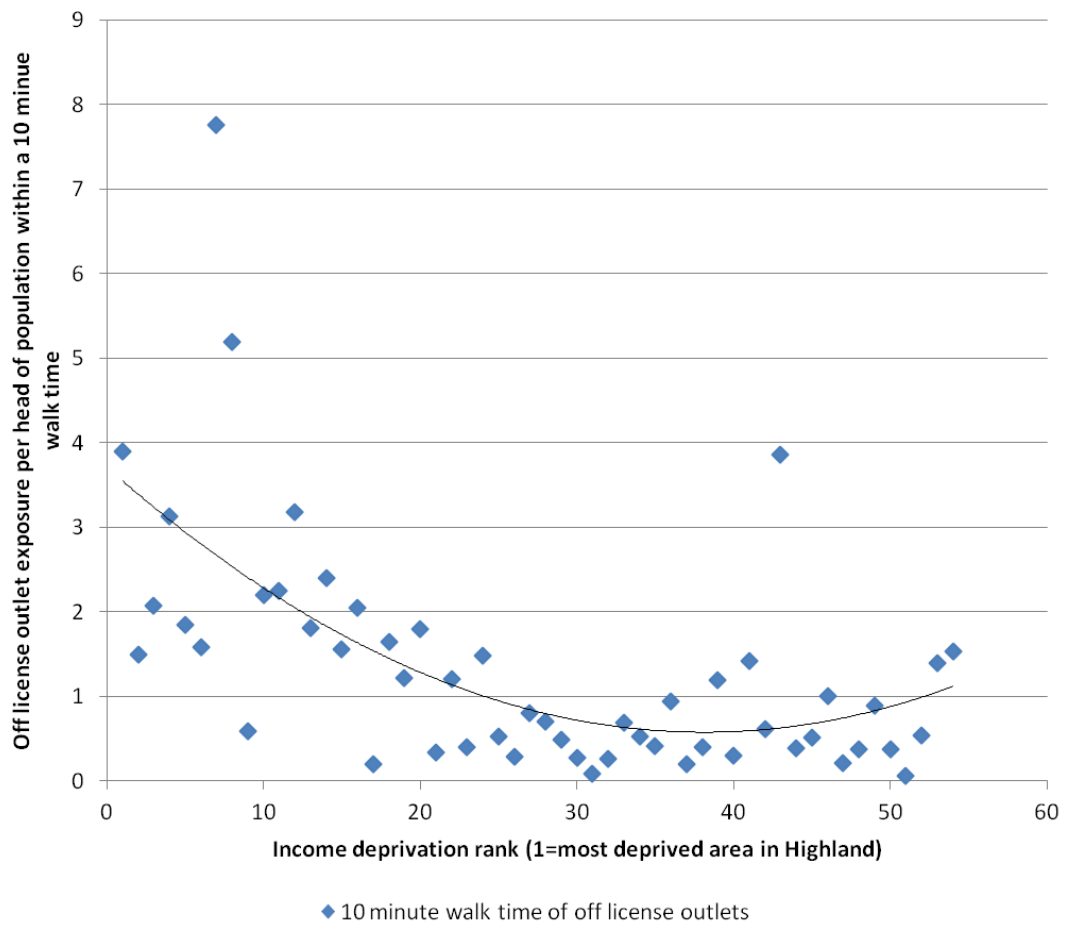


Figure 10: Off license exposure per head of population based upon a 10 minute walk time by intermediate geography ranked by income deprivation in Highland



Figures 11 & 12 combine the 10 minute drive and walk time with direct age standardised alcohol-related discharge rate per 100,000 population (2010-2012) and

Figure 11: Directly age standardised alcohol-related discharge rate per 100,000 population (2010-2012) and off license outlet exposure per head of population within a 10 minute walk time, Highland intermediate geographies

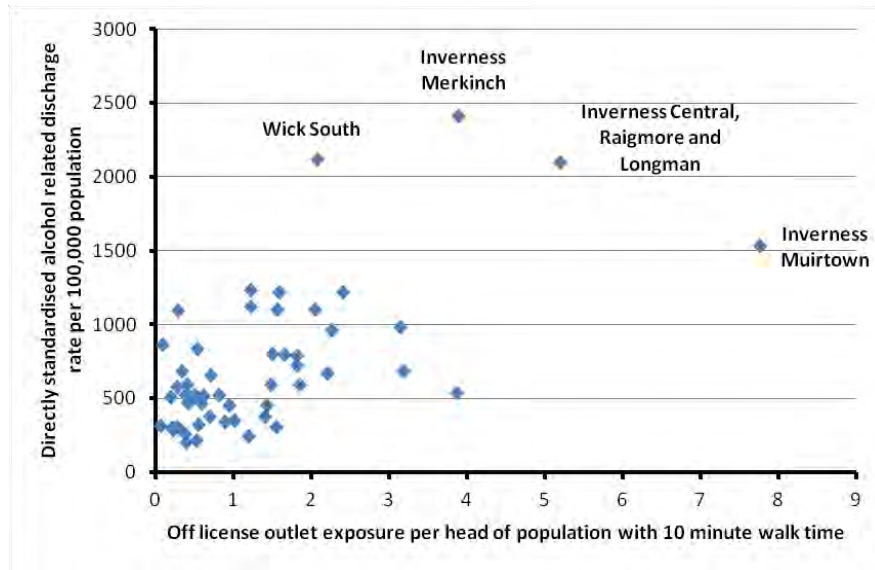
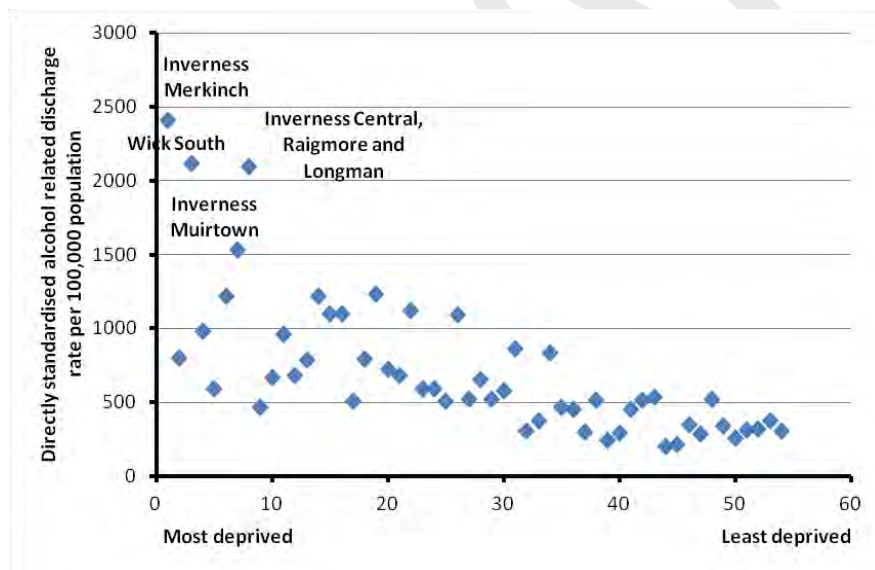


Figure 12: Directly age standardised alcohol-related discharge rate per 100,000 population (2010-2012) and income deprivation rank of Highland intermediate geographies



Spatial distribution – concluding comments

Over 90 percent of the Highland population live within 10 minutes drive time of a licensed outlet and there is comparable drive time access to off license premises.

Few people need to travel far in Highland to obtain alcohol and particularly in Inverness and areas of town settlement there is already existing consumer choice in outlet availability and potentially ready access to offers and discounts.

10. Survey Results

Two surveys were undertaken to provide public opinion about alcohol provision and overprovision in Highland. The data was collected by using the on-line survey monkey tool and through a participatory appraisal technique. These methods were chosen to add another dimension to the discussion about alcohol overprovision in addition to quantitative data. It is not possible to report all the findings here and separate reports are posted on [xxxxxxxxxxxxxxxxxxxxxx](#).

A survey monkey style questionnaire of 15 questions was posted on the Highland Council and NHS Highland websites and sent out through ADP networks during February 2013. 420 people responded to this questionnaire.

A participatory appraisal tool was devised (for adults) and the data was collected by trained volunteers co-ordinated by the Highland Interface. The local ADP groups also helped collect the data. Over 600 responses were collected through this technique during February and March 2013.

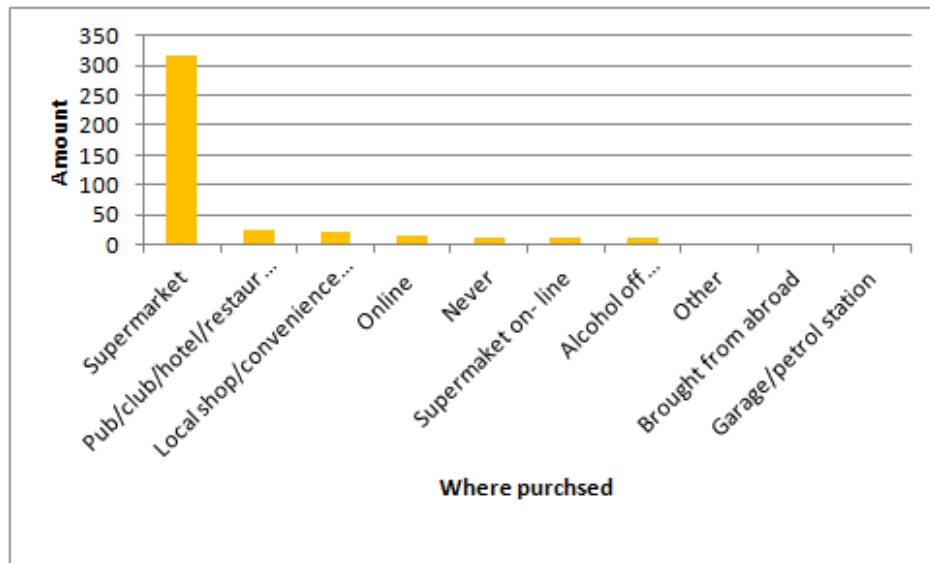
Both surveys focused on public opinion rather than individual drinking habits.

10.1 Survey Monkey Results

Of the 420 responses 31% (121) were males and 69% (265) females and 34 people did not respond. Most respondents were from the 40 to 60 age group (230).

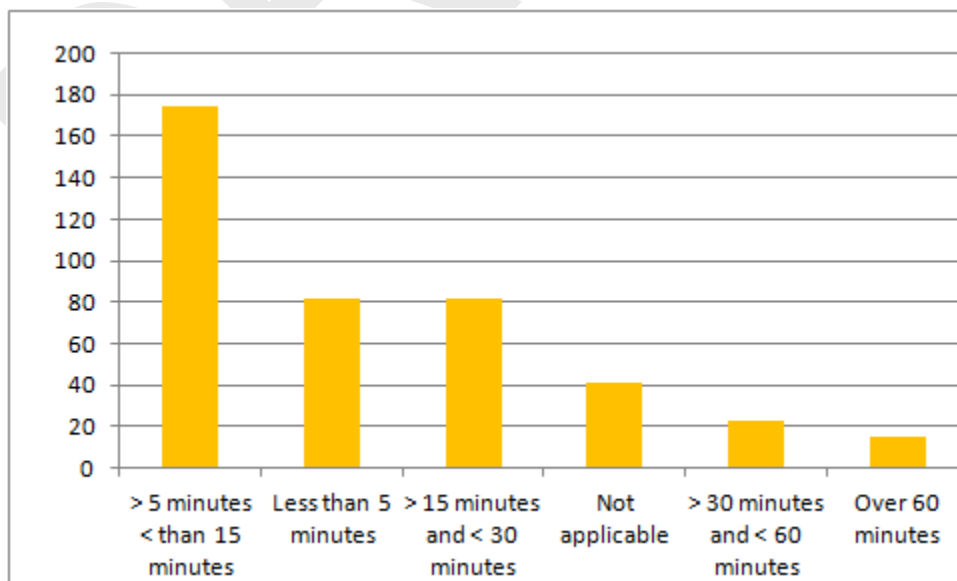
Respondents were asked where they purchased alcohol from most frequently, see figure 13. 76% (316) respondents reported that they purchased alcohol most frequently from a supermarket.

Figure 13: Most frequently reported site for alcohol purchase



Following on from this question respondents were asked how long it would take to travel to make this purchase. 62% (256) of the respondents travelled less than 15 minutes to make this purchase. If travel time increased to 30 minutes then the percentage increased to 82% (338) to make this purchase.

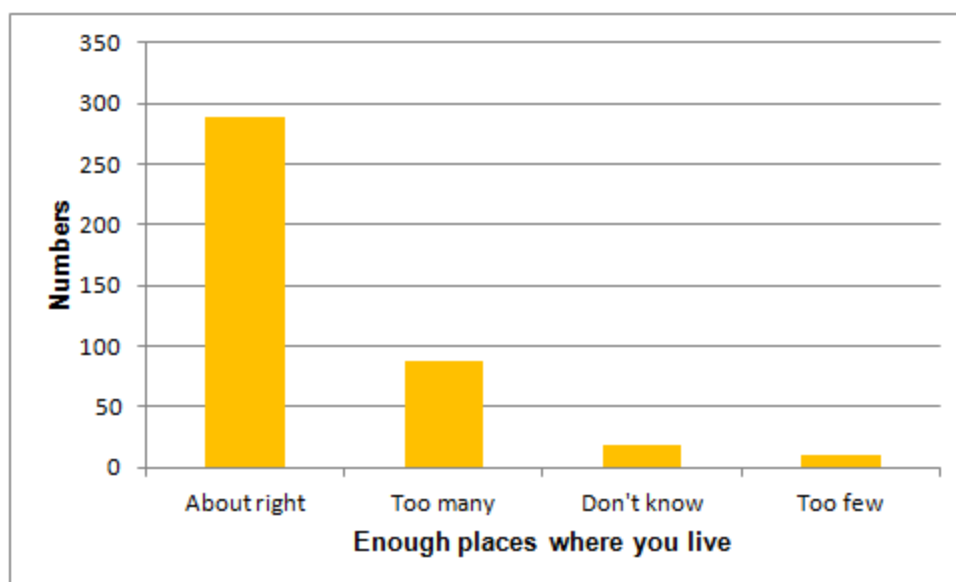
Figure 14: Time taken to reach the place where alcohol is purchased most frequently (n = 417)



Respondents were asked if there were enough places selling alcohol in the area where they lived. 71%(280) respondents selected the category 'about right' and 22%

(88) selected the category 'too many'. Only 3% (11) respondents selected 'too few' and were mainly from rural areas.

Figure 15: Do you think there are enough places selling alcohol in the area where you live? (n= 407)



Respondents were asked if the range of premises selling alcohol should be restricted and which type of premise should not be permitted to sell alcohol. For this question the respondent could select more than one answer. 93% (236) of respondents selected garages/petrol stations followed by take-aways 75% (190).

Key points

- **76% of respondents purchased alcohol most frequently from a supermarket**
- **62% of respondents travelled less than 15 minutes to purchase alcohol and this increased to 82% when travel time increased to 30 minutes**
- **93% of respondents said provision of alcohol in the place they lived was either 'about right' or 'too many'**
- **93% of respondents said that garages/petrol stations should not be permitted to sell alcohol**

10.2 Participatory Appraisal

The total number of responses was 605, not all questions were answered for every record resulting in differing final numbers for each figure. There were more female 55% (329) than male 45% (269) respondents; for 7 respondents no gender was recorded. The most common age group was “40 < 60”, 34% (202) and the least common was “18 < 25”, 21% (128). For 9 respondents no age was recorded or they were under 18 and therefore excluded.

The focus of the participatory appraisal was to ask the public three key questions about the overprovision of alcohol in Highland and to give a score between 1 (low) and 10 (high) showing strength of feeling; the responses follow:

The first question on the Participatory Appraisal asked, “Alcohol is part of Highland life. Do you agree or disagree with this statement?”

Figure 15 indicates that 80% (470) of people agreed. When broken down by gender both males 82% (218) and females 79% (252) were mostly in agreement with this statement.

Figure 16: “Alcohol is part of Highland life. Do you agree or disagree with this statement?” (n = 584)

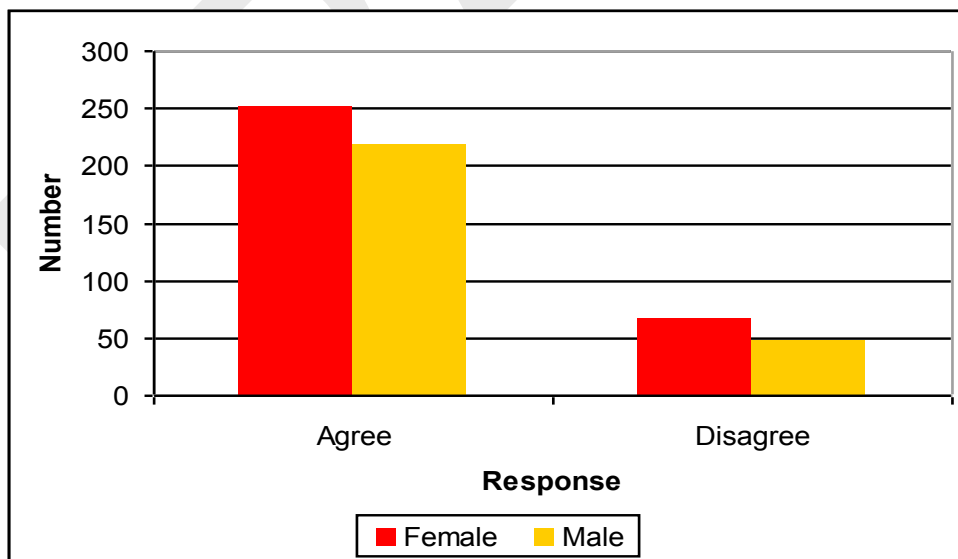
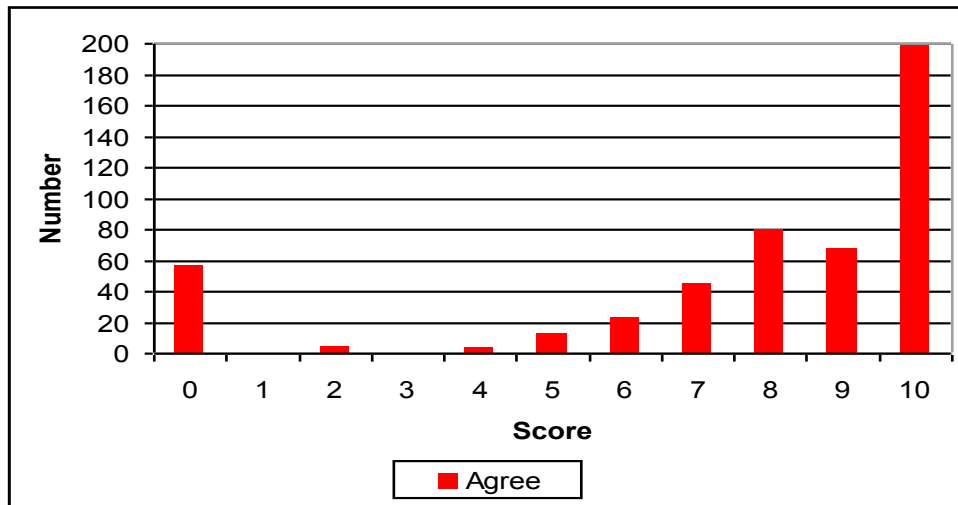


Figure 17 shows how strongly people agreed with the statement (10 being most strongly agree). 26% (121) of the respondents selected “10” followed by or “8”, 24% (111) which indicates there was a very strong agreement to the statement.

Figure 17: Strength of Feeling (n = 489)



As shown in the figures above, many people believe that alcohol is very much a part of Highland life. These are some comments made regarding the Highland culture:

“It has always been so for social events and entertaining.”

“[There is] Overprovision on every street corner. Shop, newsagent and ‘Discount Booze Cruises.’ Shops targeting specific areas in towns and cities.”

“Clear supermarkets of alcohol.”

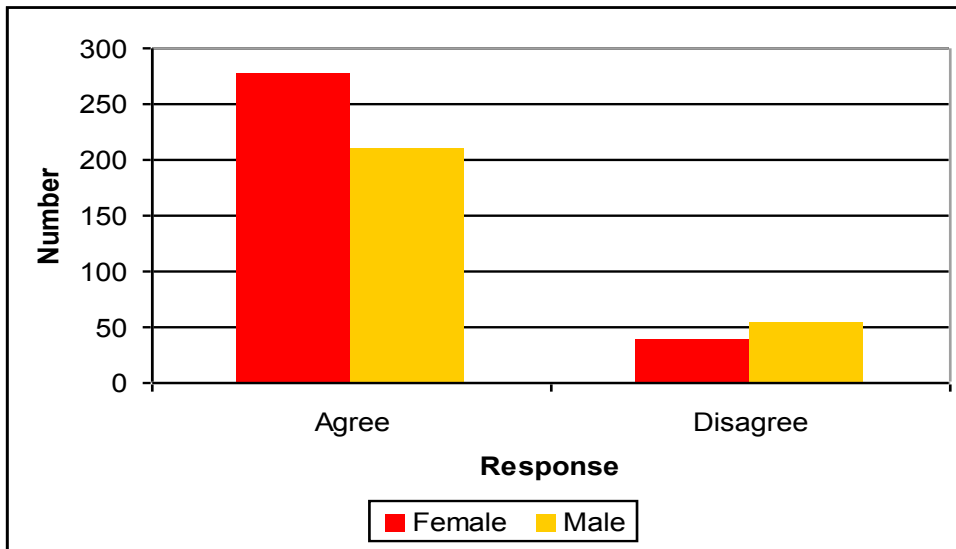
A number of comments were made about alcohol being no worse a problem in Highland than anywhere else in Scotland:

“Not better or worse than other areas, most people use [alcohol] responsibly.”

Question 2: “There are enough places selling alcohol in the area where you live. Do you agree or disagree with this statement?”

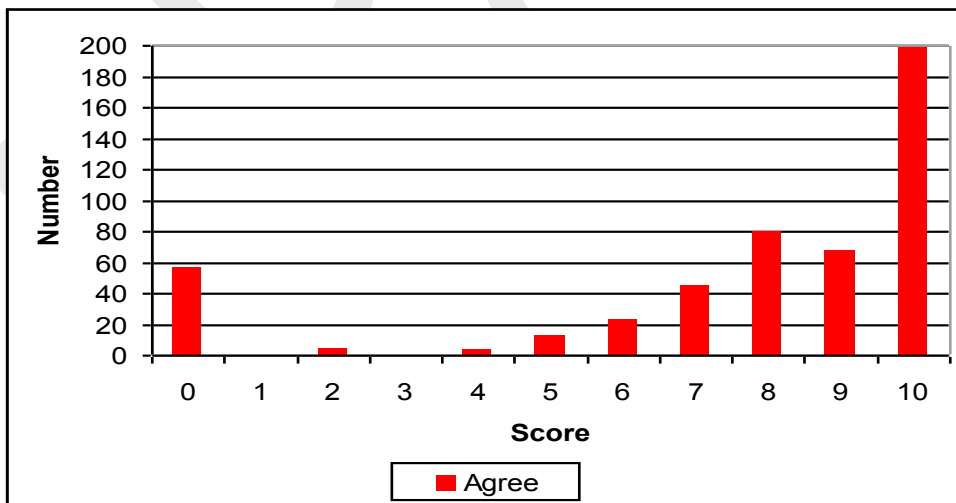
The second question on the Participatory Appraisal asked, “There are enough places selling alcohol in the area where you live. Do you agree or disagree with this statement?” 84% (487) agreed with this statement, 48% females (277) and 36% males (210) (Figure 18).

Figure 18: “There are enough places selling alcohol in the area where you live. Do you agree or disagree with this statement?” (n = 579)



When asked how strongly they agreed the vast majority, 40%, chose the score of 10 (198). Only 1% (7) people chose a low level of agreement (a score of 1-4). This indicates that the majority of respondents think there are enough places selling alcohol in the area where they live (figure 19).

Figure 19: Strength of Feeling (n = 489)



These are some comments made in response to the availability of alcohol in the area where they lived.

Most respondents felt there were enough or too many outlets in the area where they live:

“For a fairly small place we are well provided for.”

“There are too many outlets in Dingwall.”

In contrast, others felt that their area could do with more alcohol outlets, or more choice of outlet:

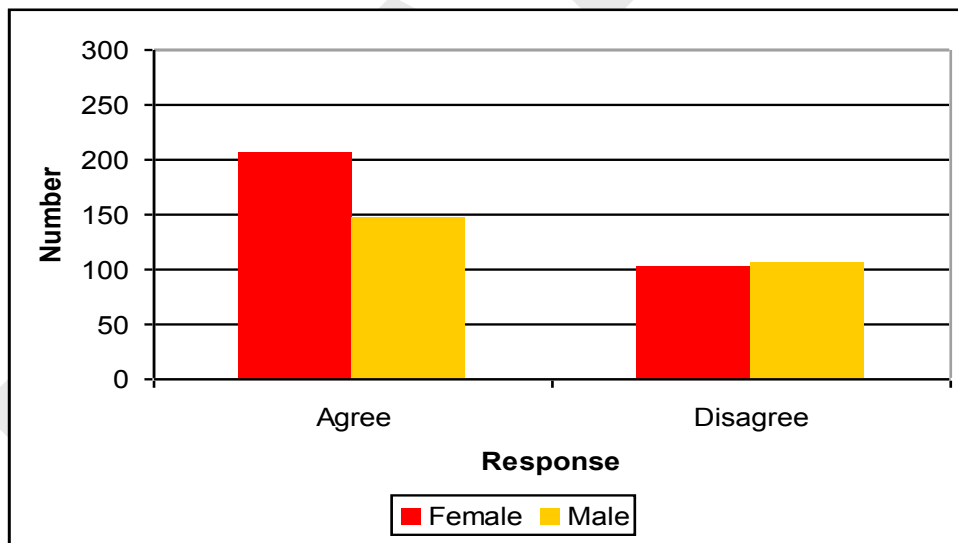
“[There are] plenty, [but] not specialist shops like Majestic or malt whisky shops.”

“Friends living in outlying villages do not have same choice so more equal spread of places selling alcohol in area would be good.”

Question 3: “When more alcohol is available people tend to drink more. Do you agree or disagree with this statement?”

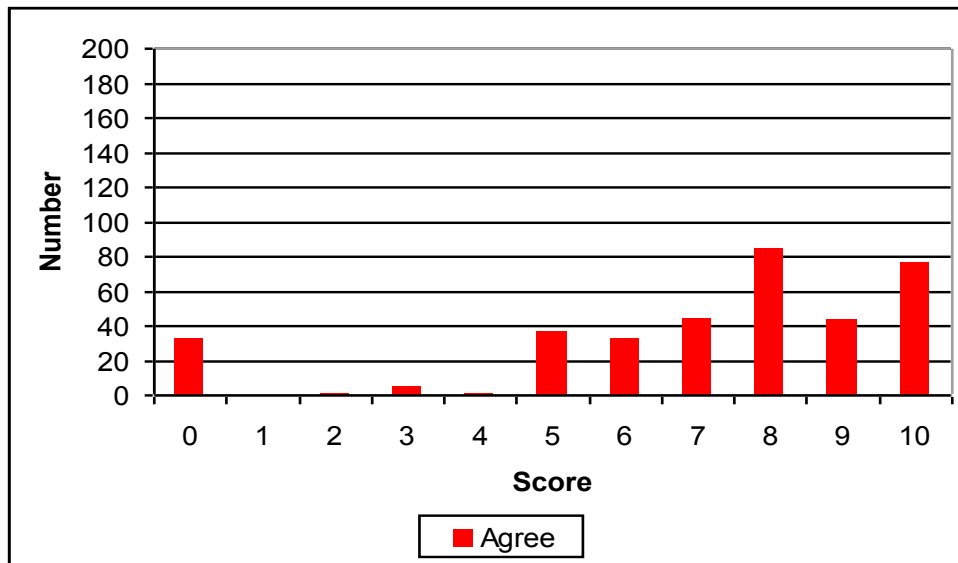
The final question in the Participatory Appraisal asked, “When more alcohol is available people tend to drink more. Do you agree or disagree with this statement?” 63% (355) of respondents agreed with this statement (Figure 20.)

Figure 20: “When more alcohol is available people tend to drink more. Do you agree or disagree with this statement?” (n = 565)



The majority of those who agreed with this statement, when asked about strength of feeling, gave it a high score (figure 21). Again, 10 was the strongest level of agreement. Most people scored 8, 23% (84) followed by 22% scoring 10 (77).

Figure 21: Strength of Feeling (n = 358)



The following statements are made by respondents who agreed that when more alcohol is available people will drink more:

“The more freely available alcohol is the more people are tempted to buy and drink more.”

“The wide availability of alcohol sends the message that this is a safe and acceptable leisure activity.”

In contrast, others felt that it was more a personal responsibility how much you drink:

“People’s drinking habits or inclination to drink have little to do with availability.”

Respondents had a clear idea of what they felt needed to change to stop people over-indulging on alcohol when more is available:

“Alcohol advertising aimed at youngsters should not be allowed.”

“Cut licensing hours, they are too long and inconsistent”

“Responsibility [needs] to be taken further regarding retailers who know how to make a quick buck on promotions and sporting events.”

“Change peoples’ ideas of how to socialise – letting them see that there are other things to do.”

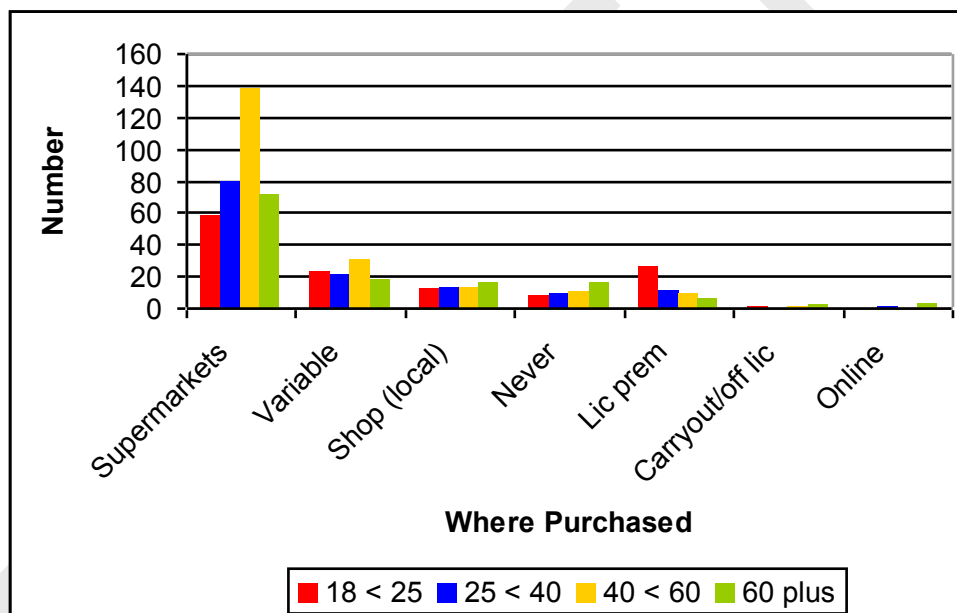
In addition to these three questions respondents were asked where they purchased their alcohol most frequently.

More than half of respondents 58% (350) most frequently bought their alcohol in supermarkets (Figure ?). 9.2% (55) of respondents bought their alcohol from a local shop and 8.5% (51) bought from a licensed premise. Only 0.6% (4) of people

reported buying alcohol from and off license or carry out, and 0.6% (4) reported buying alcohol online. 8% (46) reported never buying alcohol and 15% (92) said where they bought from varied sources. This shows that by far, supermarkets are the most common source of alcohol for residents in the Highlands. It should be emphasised that this does not mean this is the only place they purchased alcohol.

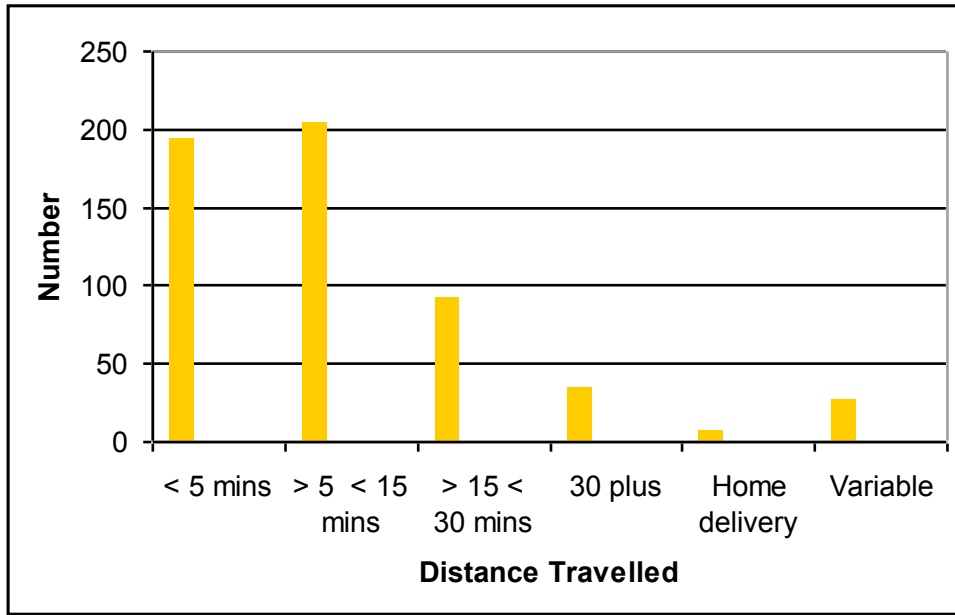
Supermarkets are the most common source for alcohol for all age groups 58% (346) (figure 21). A large proportion of young people (18 < 25) buy their alcohol from licensed premises 20% (26). Again, it should be noted that this was just where they bought alcohol most frequently, not the only place they bought it.

Figure 21: Where alcohol was most frequently bought (n = 595)



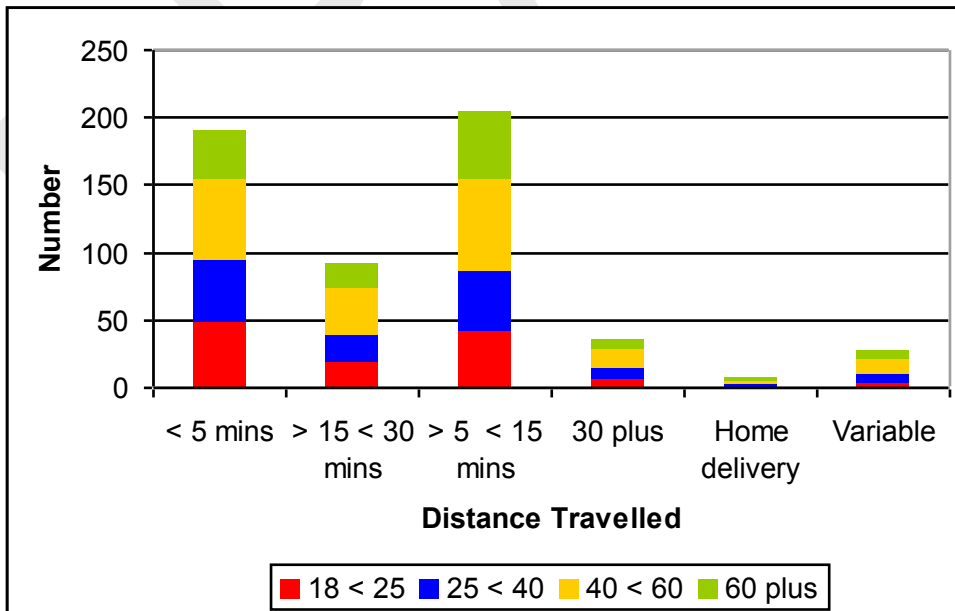
Almost three quarters 71% (398) of respondents travelled for less than 15 minutes to buy their alcohol; and of them, just under half 49% (194) travelled for less than 5 minutes to buy their alcohol. For 46 respondents distance travelled to buy alcohol was not recorded (figure 22).

Figure 22: Distance travelled to buy alcohol (n = 559)



Most of those in the “18 < 25”, 41% (49) and the “25 < 40”, 36% (46) age group would travel less than 5 minutes to buy alcohol. 36% of the “40 >60” age group (68) and 43% of the “60+” age group (50) were more likely to travel more than 5 but less than 15 minutes (figure 23)

Figure 23: Distance travelled to buy alcohol (n = 553)



Key points

- **80% of respondents agreed that alcohol was part of Highland life**
- **84% of respondents agreed that there were enough places selling alcohol in the area where they lived**
- **63% of respondents agreed and 37% of respondents disagreed that when more alcohol was available people tend to drink more**
- **58% of respondents purchased alcohol most frequently from a supermarket and 15% purchased alcohol from various sources**
- **49% of respondents travelled less than 5 minutes to purchase alcohol. If travel time is increased to less than 15 minutes the percentage goes up to 71%**

11. Documentary – expert opinion

A Short documentary is available providing expert opinion from a number of sources. Expert views have been gathered from those personally affected by alcohol and by professionals involved in public health and service delivery.

The documentary can be found at:

[Details to be inserted]

12. For discussion - overprovision Options

The Licensing Board is asked to consider the following options as to defining possible overprovision in Highland.

OPTION 1: There is insufficient evidence of overprovision.

The Board might take the view that because of the difficulty of linking specific on-licensed or off-licensed premises to the range of data provided, they are not prepared to identify any areas of overprovision in Highland.

This would lead to the retaining the current licensing position.

OPTION 2: There is evidence of overprovision for all licensed premises throughout Highlands. This would lead to three sub options.

Option 2a:

The Board might take the view that there are links to be made between overprovision and the evidence such as

- the health data (A1)
- inequalities / Scottish Index of Multiple Deprivation (A3)
- the spatial distribution of licensed premises (within a 10 minute drive time) (C3)
- on-sales capacity data (C1)
- public opinion about availability (surveys) (B1,2)
- expert opinion (B3)

This would lead to either an agreement of issuing no more licenses throughout Highland or the targeting of specific areas such as Inverness central or Wick.

Option 2b:

Boards could take the view that only a certain category or categories of on-sales licensed premises in specific areas would be considered overprovided.

This would relate to:

- vertical establishments where there are strongest links to police incidents and crimes
- sufficient supermarket locations because they sell the most alcohol and create environments for virtually twenty-four hour access

Option 2c:

Acceptance that there are enough places selling alcohol throughout Highland and the Board issue no more licenses and consider either maintaining the current number of license or move towards a reduction.

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- Scottish Index of Multiple Deprivation (2013) <http://www.scotland.gov.uk/Topics/Statistics/SIMD>
- Scottish Neighbourhood Statistics Intermediate Geography Background Information (2013) : <http://www.scotland.gov.uk/Publications/2005/02/20732/53084>
- NHS Highland SMR01 files and Alcohol Statistics Scotland 2012 Health Intelligence and Knowledge Team, NHS Highland

Appendix One - List of the Multi-Ward Areas with population size 2012

- 1 North, West & Central Sutherland 5,568
- 2 Thurso 7,218
- 3 Wick 6,587
- 4 Landward Caithness 4 11,355
- 5 East Sutherland
& Edderton 3 7,952
- 6 Wester Ross, Strathpeffer & Lochalsh 11,372
- 7 Cromarty Firth 11,748
- 8 Tain & Easter Ross 8,860
- 9 Dingwall & Seaforth 12,399
- 10 Black Isle 9,639
- 11 Eilean a' Cheò 10,114
- 12 Caol & Mallaig 7,882
- 13 Aird & Loch Ness 10,658
- 14 Inverness West 8,204
- 15 Inverness Central 13,654
- 16 Inverness Ness-Side 10,008
- 17 Inverness Millburn 8,050
- 18 Culloden & Ardersier 11,030
- 19 Nairn 11,593
- 20 Inverness South 14,092
- 21 Badenoch & Strathspey 12,983
- 22 Ft William & Ardnamurchan 11,404

Total = 222,370

Appendix 2: Highland Intermediate Geographies – distribution of alcohol license premises, outlet exposure and alcohol related discharger rate per 100,000

The appendix table is ordered using a ‘best fit’ relationship between intermediate geographies, Highland Council Ward areas and the three Highland Licensing Board areas

East: Inverness and Badenoch and Strathspey

Multi Member Ward	Intermediate Geography	Total number of licensed locations	Number of licensed locations per 1000 population	Number of off licenses	Number of off licenses per 1000 population	Outlet exposure per head of population				Alcohol related hospital discharge rate per 100,000
						10 minutes drive time		10 minutes walk time		
						All licensed locations	Off licenses	All licensed locations	Off licenses	
Aird & Loch Ness	Inverness West Rural	23	3.8	5	0.8	23.6	5.8	2.2	0.6	514.8
	Loch Ness	43	9.5	8	1.8	11.9	2.3	1.6	0.3	289.5
Badenoch & Strathspey	Badenoch and Strathspey Central	56	12.2	9	2	37.8	7.5	5.3	1.4	448.3
	Badenoch and Strathspey North	30	6.5	5	1.1	24	4.1	5.8	1.2	239.1
	Badenoch and Strathspey South	40	10.6	7	1.9	23.8	3.6	4.7	0.9	451.5
Culloden & Ardersier	Inverness Culloden and Balloch	4	0.9	2	0.5	74.7	20.8	1.9	1	342.7
	Inverness Smithton	4	1.2	2	0.6	122	30.9	2.7	1.5	589.3
Inverness Central	Inverness Crown and Haugh	27	6.5	5	1.2	205.7	60.8	21	3.9	530.6

Multi Member Ward	Intermediate Geography	Total number of licensed locations	Number of licensed locations per 1000 population	Number of off licenses	Number of off licenses per 1000 population	Outlet exposure per head of population				Alcohol related hospital discharge rate per 100,000
						10 minutes drive time		10 minutes walk time		
						All licensed locations	Off licenses	All licensed locations	Off licenses	
	Inverness Merkinch	6	1.9	4	1.3	192.4	53.7	9.6	3.9	2406.1
	Inverness Muirtown	28	7.4	8	2.1	202.9	58.7	33.2	7.8	1529.2
Inverness Millburn	Inverness Central, Raigmore and Longman	87	20.1	17	3.9	207.7	61.9	31.4	5.2	2091.9
	Inverness Drakies	2	0.8	1	0.4	199.6	58.6	3.9	1.5	302.9
Inverness Ness-Side	Inverness Drummond	5	1.5	4	1.2	191.5	53.5	3.3	2.1	1096.9
	Inverness Hilton	2	0.7	2	0.7	188.9	52.6	2.9	1.6	1099.4
	Inverness Lochardil and Holm Mains	6	1.3	3	0.7	171.9	44.9	2.1	1.4	372.5
Inverness South	Inverness East Rural	16	3.3	2	0.4	21.7	6	0.6	0.2	300.2
	Inverness Inshes and Slackbuie	8	1.1	3	0.4	135.1	34.4	0.7	0.4	518.8
	Inverness Westhill	10	1.8	4	0.7	113.3	31.9	1	0.9	338.9
Inverness West	Inverness Ballifeary and Dalneigh	14	3.2	5	1.1	192.5	53.8	5.1	3.1	981.5

Multi Member Ward	Intermediate Geography	Total number of licensed locations	Number of licensed locations per 1000 population	Number of off licenses	Number of off licenses per 1000 population	Outlet exposure per head of population				Alcohol related hospital discharge rate per 100,000
						10 minutes drive time		10 minutes walk time		
						All licensed locations	Off licenses	All licensed locations	Off licenses	
	Inverness Kinmylies and South West	3	1	1	0.3	166.1	42.2	0.3	0.3	677.4
	Inverness Scorguie	2	0.6	1	0.3	179.2	47.7	0.8	0.5	318.5
Nairn	Nairn East	26	6.9	4	1.1	45.5	8	15.2	2.2	666.4
	Nairn Rural	9	2.2	3	0.7	27.9	5	0.3	0.1	311.3
	Nairn West	12	2.7	1	0.2	45.6	7.8	5.6	0.5	522.5

West:West Ross, Skye and Lochalsh

Multi Member Ward	Intermediate Geography	Total number of licensed locations	Number of licensed locations per 1000 population	Number of off licenses	Number of off licenses per 1000 population	Outlet exposure per head of population				Alcohol related hospital discharge rate per 100,000
						10 minutes drive time		10 minutes walk time		
						All licensed locations	Off licenses	All licensed locations	Off licenses	
Black Isle	Black Isle North	9	2.5	3	0.8	9.5	3.2	1.2	0.4	255.2
	Black Isle South	17	2.8	6	1	37.9	11.2	1.6	0.5	215.7
Caol & Mallaig	Fort William North	11	2.6	3	0.7	72.6	16.4	2.3	1.2	1118.0
	Lochaber East and North	56	11.8	11	2.3	13.8	2.7	2.5	0.7	654.9

Dingwall & Seaforth	Conon and Muir of Ord	14	2.1	5	0.8	35.4	11.3	1.7	0.8	521.0
	Dingwall	23	4.7	7	1.4	35.5	10	6.4	1.8	787.0
Eilean a/E ChPo	Skye North East	33	9.8	6	1.8	19.4	3.2	7.2	1.2	1229.2
	Skye North West	24	7.1	4	1.2	5.1	1.1	0.3	0.1	864.3
	Skye South	34	10.1	5	1.5	9.2	1.5	1.5	0.3	1090.3
Ft William & Ardnamurchan	Fort William South	58	10.4	13	2.3	74.1	16	9.6	2.4	1218.1
	Lochaber West	63	13.5	12	2.6	10.3	2.3	1.6	0.4	512.0
Wester Ross, Strathpeffer & Lochalsh	Lochlash	30	11.7	8	3.1	9.2	1.9	2.3	0.5	834.9
	Ross and Cromarty Central	20	5.6	4	1.1	20.3	5.3	1.7	0.3	306.1
	Ross and Cromarty North West	30	9.6	10	3.2	10.3	3	2.5	0.7	374.7
	Ross and Cromarty South West	40	13.5	8	2.7	7.2	1.6	0.9	0.2	283.0

North: Caithness, Sutherland and Easter Ross

Multi Member Ward	Intermediate Geography	Total number of licensed locations	Number of licensed locations per 1000 population	Number of off licenses	Number of off licenses per 1000 population	Outlet exposure per head of population				Alcohol related hospital discharge rate per 100,000
						10 minutes drive time		10 minutes walk time		
						All licensed locations	Off licenses	All licensed locations	Off licenses	
Cromarty Firth	Alness	12	2.2	5	0.9	27.5	9.5	3.9	1.5	795.4
	Invergordon	15	3.6	5	1.2	24.5	8.2	4.6	1.8	592.8

	Ross and Cromarty East	9	2.9	2	0.6	17.6	6.2	0.8	0.4	196.8
East Sutherland & Edderton	Sutherland East	31	7.4	9	2.1	16.7	5.4	4.4	1.6	789.1
Landward Caithness	Caithness North East	16	4.3	5	1.3	9.1	2.4	0.8	0.3	573.6
	Caithness North West	11	2.3	4	0.8	13.5	3.6	1	0.4	465.6
	Caithness South	8	2.8	2	0.7	15	3.6	0.8	0.2	509.6
North, West & Central Sutherland	Sutherland North and West	48	14.7	14	4.3	3.8	1.2	1	0.4	591.8
	Sutherland South	43	7.1	10	1.7	10.7	2.6	2.1	0.5	505.3
Tain & Easter Ross	Seaboard	14	3.1	5	1.1	10.4	3.1	1.4	0.6	466.6
	Tain	18	5.2	6	1.7	24.1	7	10.7	3.2	681.9
Thurso	Thurso East	23	8.9	5	1.9	37	9.6	8.6	2.3	957.1
	Thurso West	10	2.2	3	0.6	35.8	9	5.3	1.8	724.6
Wick	Wick North	14	4.5	2	0.6	32.5	8	8.7	1.6	1216.7
	Wick South	15	4.3	5	1.4	33	8	9.8	2.1	2119.2

Contributors

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