

**Consultation: Draft Statement of Licensing Policy
Falkirk Licensing Forum's Proposed Response**

1. **(2.5) Chief Constables Report** - with the imminent publishing of the 2017-2018 report would it be possible for it to be considered as part of the consultation process so that it re enforces the views held previously that Falkirk is a relatively safe place for people to visit.
2. **(3.) Promotion of the Licensing Objectives** - under 3.1 you state that the board expects that all new premises licence applications, provisional premises licence applications and premises licence transfers have a statement with regard to the management of the licensing objectives.
Rather than using the word "expect", can this not be put in as a condition of the application and included in the guidance notes on each application form. This then ensures a consistent approach is being adopted by all new applicants moving forward.
3. **(3.3)** - we believe that moving forward each new applicant of an occasional licence should submit a similar statement on how they will manage the licensing objectives for their specific event. We should be raising the standards for all licence applications and demonstrating a desire for consistency.
4. **(3.4)** - rather than using the terminology of " strongly advises that premises carry out a risk assessment" why can we not put a risk assessment template in place to get licensed premises to complete. The Licensing Forum would welcome the opportunity to work with both Council Officers and Police Scotland in developing a satisfactory and workable risk assessment template for the trade to use.
5. **(3.5) - " additional control measures"** - it would be helpful to outline some examples of the areas that the Board would see as potential additional control measures as it is not specific.
6. **(3.6)** - rather than an incident log being good practice could it not be included as a condition depending on the type of premises applying for a licence e.g. all Premises participating in the **Bo'ness Children's Fair**.
7. **(3.9/ 3.10) CCTV**- you are asking premises to ensure their CCTV operation specification is approved by the Chief Constable . Are we confident that Police Scotland have systems themselves that are capable of reading the new CCTV technology in the market at present? Previously this has been an issue with the Procurators Fiscals office not having compatibility with viewing CCTV evidence.
8. **(3.17) Suggested control measures** - could an explanation be included to help premises understand what "Ask for Angela" means as not everyone reading the policy may be aware of it.
9. **(3.22) -Suggested Control Measures** - how practical is it to ask premises licence holders to liaise with public transport providers when there is a limited late night bus service and in many cases they are not interested in having dialogue with the Licensed Trade?
10. **(3.29)** - could we provide guidance on where premises could source drink driving awareness material. A link to a resource website would be helpful.
11. **(3.29)** - "having in place a policy/practice to deal with patrons who have consumed excessive alcohol " - what would that look like in practice?
12. **(3.34)** - we believe that some of the information referred to regarding the potential impact on children could be sourced via the NHS. Is it possible to have a link to the data included.
13. **(3.35)** - the first control measure should make reference to the mandatory 2 hour staff training. An additional control measure could be to have a children's menu to be available or children sized portions from the main menu.

14. (4.9) - For premises classed as nightclubs- who determines what the classification is for a night club as it is not listed anywhere in the policy? How would the Board determine an application for a potential nightclub?

(6.14) Sporting Events - we note the comments made and would support these, however we do not believe that they go far enough with regard to managing risk and would wish to include the following:

Events involving contact sports, such as boxing, karate or other martial arts tournaments, might be granted O.L.s, but, since all five of the Licensing Objectives are relevant here, the Board will only permit O.L.s for contact sports where:

- (a) the organiser is part of a recognised sporting association and
- (b) the event is conducted according to the rules of the association.

Accordingly the Board will not just be seeking information about who is to run the bar, but about who is running the event itself. The Board may require the Applicant for the Occasional Licence to give information and documents about the event, the association, and insurance. The Board may attach special Licence conditions requiring proper medical attention on-site (not simply First Aid), insurance and parental consent for participants under-16.

Any Application for an Occasional Licence where there are to be contact sports will be referred to the Convenor or another Member of the Board, who may direct that any Occasional Licence should be subject to additional conditions.

The Board may impose the following requirements that:

- (a) for all drinks (alcoholic or not) containers made of plastic or toughened glass should be used,
- (b) no conventional glass bottles, whether open or sealed, and whether they contain alcohol or not, should be given to patrons, whether at the bar or by staff service to any area away from the bar,
- (c) all drinks (alcoholic or not) should be decanted into containers made of these materials before supply to consumers,
- (d) all receptacles must still be in proper form to ensure accurate measurement of drink (e.g. draught beer and cider glasses must bear either a Crown stamp or CE mark).

Apart from Licensing issues, there may be a need for other consents or permissions, e.g. some staging or boxing rings may be regarded as "raised structures" requiring prior consent from Falkirk Building Standards. Some use of Premises may require Planning Permission.

15. (6.6) Occasional Licences - we are of the opinion that the standard of operation requires to be raised with regard to Occasional Licences. A means of managing this more closely could be by adding conditions. e.g someone must have completed 2 hour mandatory training, a risk assessment on the organisers skills to be assessed etc.

Alternatively we would wish to request that the following be included where an Occasional Licence has been applied for by a person.

"Where an occasional licence is granted to a Personal Licence Holder, the Personal Licence Holder must be present at the event."

In the case of Occasional Licences, requires the Licence Holder to ensure that:

- all staff who sell or serve alcohol either hold a Personal Licence or have received the same training as is required of staff in Licensed Premises;
- the Personal Licence or training record is produced to a L.S.O. on request;

- either they or that a trained member of staff is present at the Premises throughout the duration of the Licence.
- "In terms of Section 110 of the Act a notice must be displayed at all times at each place on the premises where sales of alcohol are made, and in a position where it is readily visible to any person seeking to buy alcohol. A Notice is enclosed herewith and you should arrange to display it at relevant locations within the premises. "

16. (6.6) Occasional Licences - we believe that the policy should state what are clear events that would not be suitable :

- private parties where there is no significant entertainment are not regarded as suitable for the grant of an Occasional Licence

17. (6.8) - we would propose for voluntary organisations or occasional licenses that are made of behalf of a organisation where no personal licence holder is listed on the application that this be a mandatory condition rather than using the word "desirable". This is about raising standards and responsibility.

18. (9.) Miscellaneous - we note that no reference has been made with regard to excluded premises. We have taken the following from another Licensing Boards policy which may be appropriate.

Excluded Premises - Garages - Under Section 123 of the Act some categories of premises are excluded from authorising the sale of alcohol. This includes premises or parts of premises used as a garage.

For the purpose of the Act a garage is a premises where there is

- (a) the sale by retail of petrol or derv;
- (b) the sale of motor vehicles or
- (c) the maintenance of motor vehicles.

The Act permits the Board to make exceptions to this rule if they determine that in relation to such premises, persons resident in the locality are, or are likely to become, reliant to a significant extent on the premises as the principal source of

- (a) petrol or derv, or
- (b) groceries.

When considering an application for a premises licence the Board would have to be satisfied that the premises will provide a service to local residents, which would not be reasonably met otherwise. When considering an application for a premises licence for a garage the Board would remind applicants that they would expect the premises to satisfy this test.

19.(9.13) - we would propose that the wording here be changed to make it a condition that licence holders keep a register of all refusals of sales of alcohol. Glasgow Licensing Board have this as a condition on every one of their licences and have had this in place for over 5 years and it works well.

20.(9.14) - you are requesting that any incidents of alleged drugs misuse be properly recorded and reported to the police. Could we not have an incident log as a condition of the licence?

Other observations

- There are at present no links to the Drug and Alcohol Partnership for Falkirk as a resource tool - could this be included?

- With over provision being taken as a separate part of the policy, will the Board include in the policy, consideration taken to rural village locations regarding Off Sales as servicing the community and not just merely an Off Sales. There does seem to be a negative narrative on Off Sales premises with the inference on irresponsible dispensing of alcohol.
- There is no mention in the policy regarding Internet alcohol sales or home delivery of alcohol. We came across this inclusion in another Licensing Boards policy and thought it would add value.

Home Delivery - Where alcohol (whether with or without food or any other goods or services) is supplied by delivery away from Licensed Premises (e.g. if a customer orders it by telephone) then:

- alcohol can only be sold within Licensed Hours, which cannot be outside the period 10 a.m. to 10.00 p.m. (Section 65) and might be shorter if the Board specifically directs this in relation to the particular Premises;
 - alcohol can be delivered outside those hours, but cannot be delivered between 12 midnight and 6.00 a.m. (Section 120);
 - the Board is likely to regard a delivery operation as being inconsistent with both the 'crime and disorder' and 'protecting children from harm' Licensing Objectives if alcohol is supplied unless:
 - the supplier on arrival at the delivery address first carries out the same checks about the recipient's age as would be appropriate to a sale (see Section 102);
 - the supplier refuses delivery unless and until such evidence of age is produced.
 - under Section 119, two records must be made before the Alcohol leaves the Premises:
 - in a Day Book kept on the Premises; and
 - in a Delivery Book or Invoice carried by the person delivering the Alcohol.
 - The information to be recorded in both cases is:
 - the quantity, description and price of the Alcohol, and
 - the name and address of the person to whom it is to be delivered.
 - It is illegal to deliver Alcohol to an address which is not recorded in both records. The records must be shown to a Police Constable or L.S.O. on request.
- **Dial a Booze** - There is no mention in the policy regarding "dial a booze" type operations which are known to be active in the Falkirk Licensing Board area. Is the Board going to take a view on this?