**Falkirk Council Licensing Board Licensing (Scotland) Act 2005 Statement of Licensing Policy**

**Nov 2023**



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# INTRODUCTION

## Background

* 1. The Licensing (Scotland) Act 2005 (the Act) makes provision for regulating (a) the sale of alcohol and (b) licensed and other premises on which alcohol is

sold.

* 1. The administration of alcohol licensing is carried out by Licensing Boards. Section 6 of the Act requires Licensing Boards to publish a statement of their licensing policy within 18 months of an ordinary election of councillors’ for local government areas taking place under section 5 of the Local Government etc. (Scotland) Act 1994.
	2. Each Licensing Board must ensure that it seeks to promote the five Licensing Objectives set out in section 4 of the Act. The objectives are:-
		+ preventing crime and disorder
		+ securing public safety
		+ preventing public nuisance
		+ protecting and improving public health, and
		+ protecting children and young persons from harm.
	3. This policy statement sets out the approach Falkirk Council Licensing Board (the Board) will adopt to promote the Licensing Objectives in its area. The policy is additional to the statutory requirements of the Act and any Regulations made under it. It does not seek to repeat those requirements but addresses areas where the Board is entitled to exercise discretion.
	4. In exercising its functions under the Act, the Board is required to have regard to its policy statement. It must also have regard to any guidance issued by the Scottish Ministers under section 142 of the Act (142 Guidance) which was updated in January 2023. Subject to promotion of the Licensing

Objectives, the Board recognises and supports the contribution licensed premises make to the economy, employment, tourism and vitality of the Falkirk area. Moreover, the Board acknowledges that the licensing system is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are no longer on licensed premises and beyond the direct control of the licence holder. While the Board recognises that many of the problems in society have an association with the abuse of alcohol, it also recognises that it is not for the Board to place unnecessary obstacles in the way of businesses engaged in lawful trade.

* 1. The aim of this policy statement is to promote consistency in decision making and to provide applicants with an indication of how the Board is likely to approach certain matters and deal with and determine applications. There is a presumption that the Board will follow the terms of this policy statement in its determination of individual applications. However, the Board will consider each application on its merits and will give due consideration to any application whether or not it conforms to the requirements herein. In such circumstances, the onus will be on the applicant to evidence/demonstrate to the Board good reasons why the Board’s policy statement should not be followed.

## Falkirk Council Licensing Board

* 1. The Board is the licensing authority for the local government area of Falkirk for the purposes of the Act. The Board is made up of a maximum of 10 members, all of whom are elected members of Falkirk Council. The Board is responsible for the functions set out in paragraph 1.1 within the Falkirk Council area.
	2. While the Board is made up of members elected to Falkirk Council, it is independent of the Council, being a separate legal entity with its own constitution and statutory procedures.
	3. A list of members currently sitting on the Board is available on Falkirk Council’s website at: [www.falkirk.gov.uk](http://www.falkirk.gov.uk/).
	4. The Board will deal with its business in an open and transparent manner. Information and assistance will be made available to persons wishing to apply for a licence, make representations or lodge objections. While Board staff will give advice, it should be understood that they will not complete applications or operating plans. Information is available on Falkirk Council’s website in relation to all types of licences; guidance on how to apply, how to submit an objection or representation, statutory notices and application forms etc. All of the Board’s statutory reports and policies are also available.
	5. A guide on what to expect when attending a Licensing Board meeting is also available.
	6. The Board will generally meet in public in the Grangemouth Community Education Centre, Abbots Road, Grangemouth. Meetings will generally be held in hybrid format allowing applicants to attend either online, or in person. Meetings will be streamed live on Falkirk Council’s YouTube channel but will not be recorded other than by way of a written minute. The Board will attempt to make its meetings and hearings as informal as possible consistent with the carrying out of the Board’s quasi-judicial function. Copies of the Board’s agendas and minutes of Licensing Board meetings will be made available on the Council’s website: [www.falkirk.gov.uk](http://www.falkirk.gov.uk/)
	7. The Board’s aim is to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process. To this end, the Board has adopted a scheme of delegation to ensure that decisions are made in a manner consistent with this aim. The scheme sets out decisions which may be made by the Clerk of the Board and other specified Board officers and is set out in Appendix 1.
	8. The Board is committed to avoiding duplication with other statutory regimes and agencies as far as possible. The Board recognises that Falkirk Council and other bodies are responsible for enforcing and regulating statutory regimes which may directly or indirectly impact on the licensing process such as health, transport, planning and building control.
	9. While not being complacent about the impact of irresponsible alcohol consumption on individuals and on communities, the Board considers that the thrust of this policy statement should build on the previous policy approach rather than being a radical departure from it.

## Equality Act 2010

* 1. In exercising its functions, the Board is committed to fulfilling the public sector equality duty, namely, to have due regard to the need to:-
		+ eliminate unlawful discrimination, harassment, and victimisation and any other conduct that is prohibited by the 2010 Act;
		+ advance equality of opportunity between persons who share a relevant protected characteristic\* and those who do not;
		+ foster good relations between persons who share a protected characteristic\* and those who do not.

(\* age, race, religion or belief, pregnancy and maternity, sex, sexual orientation and marriage/civil partnership, gender reassignment, disability. In addition, the Council has added “care-experienced” as a protected characteristic)

* 1. The Licensing Board’s Equality Strategy, Equalities Mainstreaming Report and Equality Outcomes are available on the Council’s website as part of the wider Falkirk Council Mainstreaming report: [www.falkirk.gov.uk](http://www.falkirk.gov.uk/).

## Complaints

* 1. Any complaints about the Licensing Board or its staff will be processed in accordance with Falkirk Council’s complaints procedure which is available on the Council’s website: [www.falkirk.gov.uk](http://www.falkirk.gov.uk/)

## Annual Fee

* 1. Payment of the fee is a mandatory condition of the premises licence. The Board reminds all premises licence holders that the annual fee is due to be paid by 1st October each year. In accordance with the Act, notification of the annual fee will be issued at least 30 days before it is due. Failure to make payment by this date may result in a Licensing Standards Officer’s investigation which could lead to formal action being taken. Licence holders should note that the Board has the ability to carry out a premises licence review on its own initiative.

## Objections and Representations

* 1. The Board has issued guidance on the Falkirk Council website:

[www.falkirk.gov.uk](http://www.falkirk.gov.uk/) to assist anyone who wishes to submit an objection or representation in relation to an application. Representations can also be submitted in support of an application.

* 1. In addition to the local guidance provided by the Board, Alcohol Focus Scotland has produced guidance on how communities can get involved with the licensing process: this guidance and other useful information on licensing matters can be found at [www.alcohol-focus-scotland.org.uk](http://www.alcohol-focus-scotland.org.uk/)

## Other Policies and Strategies

* 1. In carrying out its duties under the Act, the Board will have regard to other policies and strategies, both local and national, which are in place or may come in during the lifetime of this policy. It will also continue to make as much information as possible available through its Freedom of Information Guide to Information available in its Publication Scheme.
	2. The Board is aware that it does not operate in isolation and therefore regard will be had to other Falkirk Council policies and strategies. This is particularly applicable to those which have shared similar goals to the Board such as The Falkirk Plan 2021-2030 which brings together public agencies, the third sector, and the private sector with communities, to improve the lives of the people of Falkirk.
	3. Falkirk Council has in place bylaws that relate to the consumption of alcohol in public places. The council’s website [www.falkirk.gov.uk](http://www.falkirk.gov.uk/) has details of the bylaws and interactive maps showing the areas to which the bylaws apply.
	4. The Board is aware of the work of other organisations and bodies interested in alcohol regulation and the impact of alcohol consumption and will take cognisance of their policies, strategies and research findings. Such

organisations and bodies include:-

* + - The Scottish Government
		- Falkirk Local Licensing Forum
		- Alcohol Focus Scotland
		- Forth Valley Alcohol & Drug Partnership
		- Falkirk Alcohol & Drug Partnership.

# CONTEXT

## Falkirk Council Area

* 1. Falkirk is situated in the Forth Valley right at the centre of Scotland. It has a growing population of over 160,000~~.~~ The settlement pattern within the Board’s area is a network of small to medium sized towns. The principal town of Falkirk, with a population of around 36,000, is centrally located and serves as the main shopping, service and employment centre for the area. Separated from Falkirk by a narrow green belt are the urban areas of

Larbert/Stenhousemuir, Polmont and Grangemouth. The former two are largely residential in character, while Grangemouth is home to the largest petrochemical complex in Scotland, as well as a major port on the River Forth. In the western reaches of the area lie the settlements of Denny/Dunipace, Bonnybridge and Banknock, while to the east, overlooking the Forth, sits the town of Bo’ness. Some 18 smaller village communities are scattered across the rural part of the area.

## Tourism

* 1. Tourism is an important sector of the economy that continues to grow in the Falkirk Council area due to the abundance of outstanding visitor attractions, such as Callendar House, Blackness Castle, The Kelpies, The Helix, Falkirk Wheel, Bo’ness and Kinneil Railway and the Antonine Wall. The Board is aware of the Falkirk Area Tourism Strategy 2022 - 2027 and will work with the agencies involved in this to help achieve its aims.
	2. Tourism has impacted on the local economy in terms of income creation and generation of jobs. The Board will look to encourage the growth of tourism through its policies and practices and will expect licence holders to strive to drive up standards of service and the facilities they offer to help attract visitors to the area. Whilst the Board is keen to support the tourist and night-time local economy, it is mindful of the impact of these on local communities and, as such, it will ensure that any issues which impact negatively on the five Licensing Objectives will be met with a proportionate response.

## Annual Reports

* 1. Annual reports will be presented to the Board so that members can be made aware of various matters associated with the licensing system in the Falkirk area (for example, a functions report, a financial report and a report from the Chief Constable). Annual reports may be scrutinised and cross referenced by the Board over a period of time so that any trends can be identified. Any such trends may be utilised to support the Board’s position on overprovision.

# PROMOTION OF THE LICENSING OBJECTIVES

* 1. Each licensing objective has equal weighting. Given their importance, the Board expects all applicants and licence holders to familiarise themselves with them and to be prepared to address the Board on what steps have been taken to address each of them with regard to any issue raised by their application or regarding their licence.
	2. While not a requirement of the Act, the Board expects applicants for new and provisional Premises Licences and transfers of Premises Licences to accompany their applications with a written statement tailored to their

particular premises. This should set out how they intend to conform to the 5 Licensing Objectives, paying particular attention to the locality in which the premises are situated and the activities to be carried out.

* 1. The Board is of the opinion that a written statement demonstrates an active and thoughtful engagement with the Licensing Objectives. The Board considers that applicants for occasional licences must also submit such a written statement in relation to how they will address the Licensing Objectives at their event. To assist applicants with this, a template will be available on the Council’s website.
	2. In relation to each objective the Board has set out the general policy it will pursue in seeking to promote that objective. However, this does not override the right of any person to make representations on an individual application or to seek a review of a licence where such a provision has been made in the Act.
	3. The Board considers that effective and responsible management of licensed premises is key to securing consistency with the Licensing

Objectives. In respect of each licensing objective, the Board has specified a list of measures (“control measures”) which it commends to applicants and licence holders as worthy of consideration in seeking to secure consistency with that objective. These lists are intended to assist applicants and licence holders but, again, are not exhaustive. Some control measures apply to more than one licensing objective and some will necessitate the imposition of additional conditions on a licence. For each application, the Board will consider

whether it is necessary to impose additional conditions to promote the Licensing Objectives. Examples of additional conditions are attached at appendix 2.

* 1. Additional control measures in the form of specific conditions may be necessary in relation to occasional licences such as when a special event is planned which is intended to, or likely to, attract larger audiences or audiences of a different nature.
	2. The Board is of the opinion that good record keeping supports good management and it expects records to be kept in relation to any First Aid administered on the premises, lost and found items and adverse incidents.
	3. Incidents and/or accidents on licensed premises should be properly managed in such a way to ensure that potential evidence is not disturbed or destroyed. This includes CCTV footage where there are cameras on the premises. The Designated Premises Manager, or in their absence, a member of staff, is

strongly encouraged to contact the appropriate blue-light service without delay.

## Preventing Crime and Disorder

* 1. In carrying out its functions under the Act, the Board will have regard to the likely impact licensed premises may have on crime and disorder. The Board recognises that licensed premises can be a source of disturbance and consequently crime and disorder. Alcohol use can also increase the

likelihood of repeat offending behaviour and in many cases, the consumption of alcohol contributes adversely to levels of crime and disorder. The Board acknowledges that such crime and disorder takes place in both public and private/ domestic circumstances. The Board considers that good management practices in licensed premises can often make an important

difference to the level of alcohol related crime in the vicinity of licensed premises.

* 1. The Board is of the view that closed circuit television (CCTV) has made a significant contribution to addressing levels of crime and disorder across the Falkirk area, particularly with regard to anti- social behaviour. For that reason, the Board is likely to require all premises for which a new premises licence is granted to have in place a CCTV system, unless there is evidence that this is not necessary. All such systems must be:-
1. maintained in full working order
2. operational at all times the premises are open for business and
3. operated in accordance with data protection legislation and
4. the Information Commissioner’s Office Guidance on Video Surveillance.
	1. Premises licence holders must ensure that images from the CCTV system are made available to a Licensing Standards Officer or an officer from Police Scotland on request in a suitable format. The Board accepts that it may not be practical for all members of staff to be trained in the use of CCTV. However, there is an expectation that key members of staff (premises managers, supervisors etc) are trained on CCTV use, including how to navigate the system and retrieve images. It should be noted that the Board may take a dim view of any unnecessary delay in providing CCTV footage once it has been requested.
	2. The Board considers the use of Electronic Point of Sale (EPOS) type tills to be an important management tool in providing an itemised record of alcohol sales in off sales premises and, for that reason, the Board is likely to require all premises for which a new premises licence application is granted for off sales premises to have an EPOS type till unless there is evidence that this is not necessary. The till must:
5. be used for all sales of alcohol;
6. be maintained in full working order;
7. be operational at all times the premises are open for business;
8. accurately record the date and time of each sale of alcohol;
9. accurately record the type (beer, wine, spirits) or name of the product;
10. accurately record the amount of alcohol sold.
	1. In addition to the foregoing, applicants and licence holders should be able to demonstrate that all factors which impact on crime and disorder have been considered. These include:-
		* underage drinking, including agency purchases
		* drunkenness on or around the premises
		* illegal possession and/or use of drugs
		* violent behaviour/public disorder
		* harassment of customers on or leaving premises
		* antisocial behaviour
		* drink driving
		* litter

Suggested control measures include:-

* + - appropriate instruction, training and supervision of staff
		- acceptance of accredited proof of age schemes
		- employment of Security Industry Authority ( SIA) door staff
		- regular toilet checks
		- the display of notices which set out management policy in relation to drugs
		- provision of local transport information to permit customers to make safe arrangements to travel home
		- proper management of people entering and leaving the premises
		- lighting outside the premises
		- promoting awareness of schemes such as the designated driver scheme
		- choice of size of glasses, particularly for wine
		- the use of time locks on tills so that sales of alcohol cannot be made outside the hours of the operating plan.
		- the use of till prompts so that all till users are prompted to ask for ID when an age restricted product is scanned.
		- the use of electronic refusal registers so that all sales are automatically recorded within the till system.

## Securing Public Safety

* 1. The Board is committed to ensuring that the safety of any person visiting, or working in, or in the vicinity of, licensed premises is not compromised. The steps applicants and licence holders should take in order to address matters of public safety will vary according to individual premises and the types of activity on offer. Subject to this, in general the Board expects applicants to have particular regard to:-
		+ the capacity of their premises;
		+ the physical layout of their premises;
		+ their operational practices in terms of both avoidance of risk and response to it, including, for example, fire safety; and
		+ meeting any applicable standards under separate legislation.
	2. When determining appropriate applications, the Board will seek advice from Falkirk Council’s Building Standards Service with regard to the capacity of the premises. Any capacity figure recommended to the Board by Building Standards will be treated as the maximum capacity and the Board may consider a lower figure to be appropriate depending on the particular circumstances of the application.
	3. In addition to the foregoing, applicants and licence holders should be able to demonstrate that all factors which impact on public safety have been considered. These may include:-
		+ the design and layout of the premises, including means of escape
		+ the nature of the activities on the premises
		+ the hours of operation
		+ customer profile (e.g. age, disability)
	4. Suggested control measures include:-
		+ carrying out risk assessments
		+ provision of effective CCTV in and around the premises
		+ employment of adequate numbers of suitably trained staff
		+ proof of regular testing and, where appropriate, certification of appliances and safety systems
		+ employment, when necessary, of SIA licensed door staff
		+ use of plastic glasses and/or non-glass bottles
		+ participation in anti-violence and abuse strategies and campaigns such as Ask for Angela.

## Preventing Public Nuisance

* 1. The Board wishes to protect and maintain the amenity of residents and occupiers of business premises in the Falkirk area and recognises that the operation of licensed premises can, on occasion, interfere with the peaceful enjoyment or amenity of the wider community, either in the vicinity of the premises or more generally.
	2. Although interpretation is ultimately a matter for the courts, the Board intends to interpret “public nuisance” widely to include such issues as noise, light, odour, litter and antisocial behaviour where these impact on the local community.
	3. The Board recognises that nuisance can be attributable to licensed premises in a variety of forms and is not exclusive to premises with outside areas

(including smoking areas) and those in immediate proximity to residential accommodation, although these features may be indicative of premises presenting a higher level of risk of nuisance. The Board also recognises that licensing legislation is not the primary statutory mechanism for controlling nuisance and anti-social behaviour by individuals once they are no longer on licensed premises and are beyond the direct control of the licensee. However, where it is apparent that public nuisance is the direct result of specific practices in the licensed premises, evidence of this activity may be reported to the Board for their consideration.

* 1. Applicants and licence holders should be able to demonstrate that all factors which might contribute to public nuisance have been considered. These include:-
		+ the location of the premises and the type of neighbouring premises
		+ the hours of opening
		+ the nature of the activities to be provided on the premises
		+ the occupancy capacity of the premises
	2. Suggested control measures include:-
		+ appropriate instruction, training and supervision of staff to prevent incidents of public nuisance
		+ proper management of people entering and leaving the premises
		+ installation of sound proofing and sound limiting devices
		+ sound tests for equipment used in providing live or amplified music
		+ management of amplified music
		+ knowledge of public transport providers and local taxi/private hire companies
		+ effective ventilation systems to prevent nuisance from odour
		+ provision of effective CCTV in and around the premises
		+ employment, when necessary, of SIA licensed door staff
		+ management arrangements for the collection and disposal of waste, empty bottles and cigarette butts
		+ use of portable air conditioning units

## Protecting and Improving Public Health

* 1. The Board recognises the link between consumption of alcohol and public health. The Board wishes to see licensed premises thriving in the area, but this cannot be at the expense of the health and wellbeing of patrons or the wider community. The NHS Inform website contains health advice in relation to the consumption of alcohol: <https://www.nhsinform.scot/healthy-living/alcohol>
	2. While the Board is fully supportive of efforts to tackle the problems associated with harmful and dependent drinking, it recognises that existing licensing laws are such that there has to be a causal connection between a particular licensing application and a concern for the public health objective. The Board is not in a position to apply the Act more widely than through the powers it has been given.
	3. While recognising its own important part in promoting this particular licensing objective, the Board strongly encourages applicants and licence holders to have greater regard to the public health objective when considering the management and operation of their premises. Applicants and licence holders should be prepared to address the Board, if questioned, on what steps have been taken to deal with a particular health concern raised by any aspect of their application or in terms of a premises licence review hearing.
	4. Applicants, licence holders and all staff responsible for the sale or serving of alcohol on licensed premises should be aware of the risks associated with alcohol and the impact they could have on public health. These include:-
		+ hazards of rapid intoxication from high strength alcohol, particularly when consumed without food
		+ regular heavy consumption of alcohol is associated with poor health, accidents and violence
		+ the burden on the NHS, Police, other services and local communities
		+ due to excessive alcohol consumption
	5. The Board expects applicants, licence holders and all staff responsible for the sale or serving of alcohol on licensed premises to have a clear understanding of the offences in connection with the sale of alcohol to a person who appears drunk, or who is known to have consumed large quantities of alcohol and allowing drunkenness on the premises.
	6. The Board has been made aware of a very small number of off sales premises which supply alcohol to customers then collect the payment at a later date. The Board considers this to be a breach of the public health objective as it is likely to be offered to vulnerable persons who have a

dependency on alcohol and may be a factor in contributing to alcohol harm.

* 1. Suggested control measures include:-
		+ displaying material discouraging drink driving.
		+ making available information promoting moderate drinking along with awareness of units of alcohol and recommended guidelines. (*Any information provided should be based on the Chief Medical Officer’s (CMO) low risk drinking guidelines. Information on the Scottish*

*Government Safer Scotland’s “Don’t Risk It” campaign can be found by following the link below*)

<https://www.dontriskit.info/drink-driving/>

* + - having a workplace alcohol policy in order to raise awareness, minimise harm and ensure that staff are able to access help (without fear of job loss) when an alcohol related problem arises
		- ensuring that customers are aware of choice in relation to alcohol measures, especially in the case of wine, e.g. small, medium and large glasses should be available
		- ensuring that customers are aware of choice in relation to the strength of alcohol in drinks such as wine and beer
		- availability of low alcohol and zero alcohol alternatives
		- encouraging the consumption of food
		- providing contact details where assistance for alcohol related problems may be sought
		- having in place a policy/practice which the Board expects the licence holder to outline how staff will deal with patrons who have consumed excessive alcohol or are vulnerable.
		- increasing the proportion of seating available so as to reduce the level of “vertical drinking”

## Protecting Children and Young Persons from Harm

* 1. The Licensing (Scotland) Act 2005 differentiates between children and young persons with “children” being defined as those under 16 years of age and young persons being defined as those aged 16 and 17 years of age.
	2. The Board wishes to see family friendly premises thriving in Falkirk. It will welcome premises licence applications from those who wish to operate licensed premises which accommodate children and young persons and which provide an environment where families can socialise safely together. The Board recognises that additional responsibilities will be placed on such applicants while at the same time recognising that parents and other adults accompanying children also have responsibilities, particularly in relation to their supervision. The Board expects applicants to evidence the measures in place to meet this objective. In determining any such application the need to protect children and young persons from harm will be a major consideration and the Board therefore wishes to ensure that such premises are run in a way that is suitable for children and young persons.
	3. However, the Board take the view that neither children nor young persons should be present within on-sales premises to a late hour by default. It is therefore expected that children and young persons will leave licensed premises prior to 10pm on any day of the week, including weekends. Applicants who wish to depart from this policy should be prepared to make a full and proper case to members.
	4. The Board considers that the wide variety of types of premises that wish to accommodate children and young persons makes it difficult to have a prescriptive approach and, for that reason, the Board will consider each application on its own merits. The Board will assess measures such as the following as part of the consideration:-
1. location of the premises
2. nature of the premises and customer profile
3. activities on the premises (gambling, TV sports, etc)
4. food provision
5. location of toilets within the premises
6. location of bar serveries
7. entertainment/functions
8. specific provision for children such as play area, children’s menu/portions etc.
9. ratio of seating to standing customers.
10. Appropriate terminal hour
	1. Where licensed premises intend to hold events where alcohol is not provided and those events are specifically targeted at children or young persons (for, example, underage discos or parent and toddler groups), consideration should be given to taking steps to avoid any obvious promotion of alcohol.
	2. The Board would not be in favour of granting occasional licences for events that are aimed primarily at children or young persons, such as but not limited to, school sports days or children’s parties. For the avoidance of doubt, this presumption would not apply to events such as but not limited to Christenings, First Communions or Confirmations.
	3. Licence holders and staff responsible for the sale or serving of alcohol on licensed premises should be aware of the risks associated with alcohol and the potential impact on children. These include:-
		* the toxic effects of alcohol on the social, physical and mental wellbeing of children and young people, particularly with regards to brain development
		* alcohol related brain damage in children and young people is irreversible
		* children and young people who frequently witness alcohol consumption as normal practice, have an increased risk of consuming greater quantities of alcohol and at a younger age
		* those affected are at a higher risk of developing hazardous drinking patterns and dependence in adult life
	4. Suggested control measures include:-
		* appropriate instruction, training, and supervision of staff in accordance with the Act
		* appropriate checks for staff who will be working in premises where children and young persons will be present.
		* acceptance of accredited proof of age schemes
		* measures to ensure that children and young people are not exposed to strong language, violence, or disorder.
		* the use of non-glass drinking vessels
		* a change mat, proper waste disposal and adequate hand washing facilities to be provided within the baby change facilities
		* the use of guards for portable heating appliances and electric socket covers
		* children’s menu to be available or children sized portions from the main menu.

# LICENSING HOURS

* 1. While each application will be dealt with on its merits, this part sets out the Board’s general policy on licensing hours. Applicants seeking hours outwith the policy will require to demonstrate as part of their applications that the additional hours requested are appropriate in the circumstances and that they are consistent with the Licensing Objectives.

## Presumption against 24 hour licences

* 1. In terms of section 64 of the Act, there is a presumption against the grant of applications for licensed hours for a period of 24 hours, whether made on a permanent basis or in relation to a one off event, unless the Board is satisfied that there are exceptional circumstances which justify allowing the sale of alcohol on the premises during such a period.
	2. The Guidance sets out that the Scottish Ministers are of the view that Boards should consider exceptional circumstances to cover special events such as one-off local or national festivals. The Guidance states that it is unlikely that exceptional circumstances would be constituted in the case of premises where there were routine requests to sell alcohol for 24 hours.
	3. As a matter of policy, the Board cannot conceive of any special events or festivals where such a request would be justified as it considers that the granting of such hours would generally be detrimental to the Licensing

Objectives. The onus, therefore, would be on the applicant to demonstrate to the satisfaction of the Board that the granting of such hours was not inconsistent with any of the Licensing Objectives and that there were genuinely exceptional circumstances to justify the request.

## Off Sales

* 1. The sale of alcohol for consumption off the premises is not permitted before 10am nor after 10pm. However, it is open to the Board to further restrict licensed hours for off-sales where it considers that the hours proposed would be inconsistent with one or more of the Licensing Objectives. In particular, where as a result of the hours operated or proposed, premises are, or are likely to be, a source of, or focal point for, anti- social behaviour and thus compromise the Licensing Objectives of preventing crime and disorder and/or preventing public nuisance, the Board may restrict the hours of operation.
	2. The Board is aware that in rural village locations premises often serve other community needs such as Post Office Services, sale of groceries etc and not just merely an Off Sales and this will be taken into consideration when determining applications. In this regard, the Board will consider the

percentage of the sales area that is dedicated to the display of alcohol and the other services provided.

## On Sales – General

* 1. The Board recognises that licensing hours are important to individual premises but can have a wider impact on an area. Balanced against this, the Board does not wish to inhibit unnecessarily the development of thriving and safe evening and night time local economies which are important for investment, employment and tourism. The Board considers that the on-sale policy hours are appropriate for the Board’s area and represent a balance between the interests of the public, residents, licensed premises and their customers.

## On Sales – Early Opening

* 1. With the specific exception referred to in paragraphs 4.3 and 4.4 the Board considers that the commencement of on-sales of alcohol before 10am is likely to be inconsistent with the licensing objective of protecting and improving public health.
	2. The Board considers that the historic basis for granting early morning hours, for example as a facility for shift workers or market workers, is unlikely now to apply. Based on the Board’s own local knowledge, and views expressed to it by Police Scotland, early morning licensed hours can attract persons with alcohol dependency issues which can, in some situations, compromise the licensing objective of protecting and improving public health by allowing the consumption of alcohol over a sustained period of time commencing in the earlier part of the day.
	3. It is also recognised that football supporters leave Falkirk Council area on a regular basis, via organised buses, in order to support their team of choice. However, the Board is of the view that supporters’ buses leaving licensed premises, or from an area in and around licensed premises, would not constitute a viable reason to support granting extra hours. Neither is the Board minded to grant extra hours to accommodate supporters’ buses from outwith the area, who may be using the Falkirk Council area as a stopping off point. Nevertheless, the Board will consider every application on a case- by- case basis.
	4. Any applicant seeking licensed hours before 10am would require to persuade the Board that they were an exceptional case. The Board would expect evidence, and not just anecdotal evidence, that there was an actual need and demonstrable demand for the hours sought. Reference simply to “customer demand” will generally be insufficient in this regard and evidence of quantifiable demand will be required. Moreover, the Board cannot conceive of a successful application that would involve purely the addition of extra drinking hours.
	5. Where the Board grants the commencement of on-sales of alcohol before 10am, a condition may be attached to the licence requiring the purchase of alcohol to be ancillary to the purchase and consumption of a meal during the early opening period (for the avoidance of doubt, snacks and crisps are not considered to constitute “meals”).

## On Sales – Terminal Hour

* 1. With the exception of those premises dealt with at paragraphs 4.14 to 4.17, the terminal hour for on-sales premises will be no later than midnight from Sunday to Thursday and no later than 1am on Friday and Saturday nights. The Board considers that these hours draw an appropriate balance between the Licensing Objectives (particularly preventing crime and disorder, securing public safety and preventing public nuisance) and the development of a thriving night-time economy.

## Nightclubs

* 1. For premises classed as nightclubs, the terminal hour will be no later than 2am from Sunday to Thursday and 3am on Friday and Saturday. For the avoidance of doubt, it is recognised that the terminal hour is reached in the early hours of the morning following each day.
	2. To be considered for the on-sale policy applying to nightclubs, applicants will require to satisfy the Board on the following matters:-
		+ the premises to which the application relates are purpose built or designed, fitted out and operated for the regular provision of either substantial live musical entertainment or a DJ operated discotheque facility.
		+ the premises have a comparatively high occupant capacity and are fitted out to a high standard of equipment with appropriate ancillary facilities, such as toilet provision and stewarding to cope with large numbers of

late-night patrons; and

* + - the operation of the premises is such that the sale of alcohol to patrons is genuinely ancillary to the entertainment provided and the primary reason for patrons visiting the premises is the entertainment itself rather than the provision of alcoholic refreshment.
	1. Premises seeking to sell alcohol prior to 7pm will not generally be considered to be nightclubs and will therefore not normally be granted nightclub hours. Where consent is sought to sell alcohol prior to 7pm, applicants will be expected to demonstrate to the Board that the sale of alcohol is genuinely

ancillary to some other substantial form of entertainment during that time or is for some other legitimate purpose e.g. the provision of conference facilities or specific social functions.

* 1. The Board recognises that where the circumstances relating to a particular premises dictate e.g. where different activities may be taking place in different parts of the premises at the same or at different times, it may be necessary to impose different opening and terminal hours to those parts of the premises and for different days of the week and to impose different conditions to ensure the activities remain separate and in order to achieve the Licensing Objectives.
	2. The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 directs that, a person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of,
1. the time at which the premises next close; and
2. 5:00 am.
	1. For clarity, the Board is satisfied that the Emergency First Aid at Work training course is the minimal standard of training required to meet the late opening conditions.
	2. Emergency first aid training qualifications are valid for 3 years and the Board expects proper (in date) training certificates to be held, and produced as necessary, when asked for by a Licensing Standards Officer.
	3. The Board will also set this minimal level of first aid training as a condition of late opening if and when required. (for instance, an event licensed to sell alcohol under an occasional licence, such as a prom, boxing/sporting event and concerts).

# EXTENDED HOURS

* 1. In terms of the Act the Board is only empowered to extend the licensed hours of premises in respect of:-
		+ a special event or occasion to be catered for on the premises, or
		+ a special event of local or national significance.
	2. The Board must consider whether it is appropriate to grant the application

and can extend the licensed hours by the period specified in the application or such other period as it considers appropriate. In either case the period

must not exceed one month.

* 1. Where the hours sought fall outwith the on-sales hours specified in paragraphs 4.11 and 4.13 above, the applicant will have to persuade the Board that the hours requested are appropriate in the circumstances and that a departure from the general policy is justified. The applicant should provide to the Board sufficient detailed information to enable a decision to be made in this regard. This information will include:-
		+ the hours sought;
		+ a description of the special event or occasion;
		+ the activities proposed to take place in the premises during the hours sought;
		+ when each activity will take place;
		+ why the event or occasion is considered to be special.
	2. The Board considers that wedding receptions, dinner dance or events where a disco or live entertainment is provided will, generally be accepted as activities to which extended hours would be appropriate. However, darts, dominoes, pool/snooker competitions, karaoke nights or private parties where there is no significant entertainment will, generally, not be considered as activities to which extended hours would be appropriate.

## Public Holidays

* 1. The Board recognises the community benefit and the longstanding tradition of marking significant local holidays and will look favourably on applications in respect of on-sales premises seeking to extend their standard licensed hours by one hour on the night before the following approved holidays:-
		+ Good Friday
		+ Easter Monday
		+ First Monday & Tuesday in May
		+ September Tryst weekend (being the first Monday following the first Tuesday in September)

## Festive Trading

* 1. The Licensing Board will grant a general extension of hours on certain dates during the Festive Period which will run from mid-December to 2 January the following year. The dates for a general extension of hours will be set by the Board. The general extension will allow nightclub premises to extend their terminal hour for the sale of alcohol to a maximum of 4am and all other on sales premises to a maximum of 2am.
	2. The general extension of hours will apply to on sales premises only and any premises that are open beyond 1am must comply with the late night opening mandatory conditions.
	3. Any premises requiring extended hours for dates that are not covered by a general extension must make application at least 5 weeks before the event(s). These applications will be determined by the Board. In such cases, the Board will consider the following when determining the application:-
1. the hours applied for,
2. the nature of the event,
3. if, and what type of entertainment is being provided,
4. if, and what type of food is being provided,
5. if the event is part of a larger, festive programme.
	1. The dates agreed by the Board for the general extension of hours will be determined at a meeting, not later than August of each year and will be published on Falkirk Council’s website.

## Monitoring and Enforcement

* 1. In granting any hours outwith the standard licensed hours, the Board may consider attaching licence conditions in order to regulate the activities associated with those non-standard licensed hours.
	2. If it is found that the premises are not being operated in accordance with the terms of the exception, or any condition, or if there is a particular concern in relation to one or more of the Licensing Objectives, then the premises licence may be reviewed.

# OCCASIONAL LICENCES

* 1. It is possible to make an application for an occasional licence authorising the sale of alcohol on premises which are not licensed. Applications for occasional licences are advertised on the Board’s website for a period of 7 days and any person can object or make representation regarding these applications. Such applications may only be made by:-
		+ the holder of a premises licence.
		+ the holder of a personal licence.
		+ a representative of any voluntary organisation.
	2. The Board will not condone the use of the occasional licence process as a mechanism to circumvent the full licensing process which would more readily identify any issues of concern in relation to one, or more, of the Licensing Objectives and in particular, that relating to securing public safety. Each application will, however, be determined on its own merits.
	3. In order to ensure that the full licensing process is not being circumvented, applications for 4 or more occasional licences for a period of 14 days that run consecutively will generally be referred to the Board for determination unless deemed unnecessary by the clerk to the Board following discussion with the Convenor.
	4. The Board expects that an occasional licence will be operated in such a manner as to be consistent with the five Licensing Objectives. To that end the Board requires applicants for occasional licences to submit with their application a written statement explaining how they will promote the five Licensing Objectives.
	5. For each application, the Board will consider whether it is necessary to impose additional conditions to promote the Licensing Objectives. Examples of additional conditions are attached at appendix 2.
	6. Information about the event will require to be detailed on the application form. If an occasional licence is required for a part of a premises, then a layout plan showing the extent of the licensed area within the premises must be submitted. The layout plan must also indicate the location and dimensions of any outdoor drinking area.
	7. The Board would encourage the holders of occasional licences to have a personal licence holder on duty throughout the event where possible. Where the Board deems it necessary, this may be an additional condition on the licence.
	8. The Board will not generally favour occasional licences for 18th birthday parties.

## Voluntary Organisations

* 1. In the absence within the Act of a definition of what constitutes a voluntary organisation, the Board is minded to apply the following definition:-

Voluntary organisations are formally constituted, non-profit driven, autonomous and non-statutory organisations run by individuals who do not get paid. The main aim of a voluntary organisation is to deliver social benefit in a variety of forms, rather than to generate profit for distribution to its members.

* 1. Where the application is from a voluntary organisation, the applicant will require to satisfy the Board that it is a properly constituted organisation by submitting a copy of their constitution with the application. Additionally, the applicant must demonstrate that the event is connected to the organisation’s activities. Applicants who simply state “fundraising” as the reason for the event will be expected to provide more details as to the reason for the fundraiser and who the beneficiaries will be.
	2. The Board is aware that the Act does not require the office bearers of voluntary organisations who apply for occasional licences to obtain an appropriate training qualification. The Board is conscious, however, that such persons are in charge of events where alcohol is being dispensed and sold and may be running a number of such events during the course of a year.
	3. Having regard to the Licensing Objectives, the Board considers that such training is desirable and would encourage holders of occasional licences 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.
	4. It is recognised that the occasional licence system, and in particular the number of licences permitted for each organisation, may well cause frustration especially in connection with local football clubs who wish to enhance the supporter experience by providing hospitality.
	5. These types of voluntary organisations (voluntary run sports clubs) can often be reliant on, and hindered by, restrictive fixture scheduling, match postponements and/or rearranged fixture at short notice. Although the Board is sympathetic to their situation it cannot grant more than 4 occasional licences each having effect for a period of 4 days or more, and not more than 12 occasional licences each having effect for a period of less than 4 days provided that, in any period of 12 months, the total number of days on which occasional licences issued does not exceed 56.

## Temporary Structures and Open Air Events

* 1. Where an application for an occasional licence relates to a temporary structure such as a marquee, a layout plan must be submitted with the application showing the exact area to be licensed including any area designated for outdoor drinking. The plan should also show the location of the temporary structure as it relates to any permanent structures.
	2. The Board expects any outdoor drinking area to be clearly delineated with barriers.

## Large Scale Events

* 1. Large scale events are considered by the Board to be events such as concerts, displays and festivals where the attendance is estimated to be in

excess of 1000. The applicant for an occasional licence for a large scale event must submit with their application an Alcohol Management Plan which details, amongst other things, how the alcohol will be sold, the types of alcohol, stewarding arrangements and the measures put in place to support the

Licensing Objectives. For the avoidance of doubt, a layout plan/drawing should accompany the application. Such a plan should be clear and legible and show, among other things, from where alcohol will be dispensed from. Applicants may wish to take guidance from layout plan regulations when drafting a plan.

* 1. The Board expects full compliance with the Alcohol Management Plan and a robust approach to protecting the Licensing Objectives. It is anticipated that at least one personal licence holder will be in attendance throughout the event. Specific conditions may also be attached.
	2. In relation to routine occasional licence applications, for large scale events with no objections/representations the Board will expect these to be brought before them for consideration as to the imposition of appropriate conditions as they will no longer be viewed as appropriate for a grant under delegated powers. In order to achieve a consistent approach and to ensure that the Licensing Objectives are always at the forefront of decision making, the Board will require the applicant to arrange and attend a debrief with relevant officers to ensure that lessons (good and bad) can be learned from the event with the view of achieving the highest possible standards for future events.
	3. It is imperative that applications for large scale events are submitted in plenty of time so that Board members can properly scrutinise the application and be content that the Licensing Objectives are at the forefront of the application. In some circumstances a site visit may be required to assist members to understand the proposed venue or location. It is understood that the event may not be set up at this stage, but a visit to the area may be beneficial. The Board would encourage an application for an occasional licence, in connection with a large-scale event, to be lodged 4-6 months prior to the event.

## Martial Arts and Boxing Type Sporting Events

* 1. The Board is aware that this type of event has become more popular in recent years and that unfortunately, in some circumstances has resulted in drunken behaviour, crime and anti-social behaviour. The Board will not condone such behaviour in the Falkirk Council area and therefore, in order to uphold the Licensing Objectives, it is the Board’s view that where these types of events take place on premises for which an occasional licence has been granted, the following additional conditions are likely to apply.
		+ adequate stewarding by persons who hold a licence granted under section 8 of the Private Security Industry Act 2001 is provided during the event.
		+ a personal licence holder be present for the duration of the sporting event organised; and
		+ all drinks must be decanted into plastic drinking vessels.
	2. Where children and young persons are in attendance, a condition will be put on the occasional licence stating that they must be accompanied by a responsible adult.

## Hours

* 1. Applications for occasional licences and extended hours will generally be determined in accordance with the Board’s general policy on licensed hours as set out in this policy.

## Processing Timescales

* 1. In order to allow sufficient time for processing applications for occasional licences and extended hours, and to ensure timescales are met for the necessary consultations, applications must be submitted no later than 5 weeks prior to the date of the proposed event. While applications submitted later will be accepted, they will require to be accompanied by a letter giving the reason for the lateness of the application. Where applicants submit more than 3 late applications in a calendar year, they should expect, in relation to the fourth and subsequent applications, to make representation to the Board as repeated late applications will no longer be approved under delegated powers. The exception to this would be a sports club who may have to contend with rearranged fixtures, or fixtures at short notice due to circumstances outwith their control.
	2. The Board considers that applications which require to be dealt with quickly in terms of section 57(4) of the Act will generally only be considered

appropriate in relation to funeral functions. Any other application seeking a section 57(4) decision must be accompanied by a clear explanation of why the licence is required and why the standard notice could not be given.

# OVERPROVISION

* 1. Section 7 of the Act requires the Board to include within its policy a statement as to the extent to which the Board considers there to be overprovision of (a) licensed premises or (b) licensed premises of a particular description, in any locality within the Board’s area.
	2. The Board is mindful of the recent pandemic and the associated restrictions particularly in relation to the on-sale trade. The Board is also very mindful, by way of hearing applications brought before it, that alcohol deliveries have grown during the pandemic and seem now to be a firm part of how the trade operate. This also provides a clear indication of how shopping habits have evolved particularly in connection with alcohol being delivered to the doorstep.
	3. Alcohol deliveries can take many forms. Some may be considered as small operators providing a service to a particular local area whilst others may well be seen as larger operations who are able to deliver throughout the whole of Falkirk and even beyond Falkirk Council’s boundaries.
	4. In considering the issue of overprovision, the Board has had regard to the delivery of alcohol situation, especially the potential cross border aspect of such, the Guidance, the Chief Constable’s reports to the Board, and the Board’s own information. The Board also sought advice from the local Police Command Unit for any relevant statistical information related to licensed premises and has also sought similar information from NHS Forth Valley.
	5. While acknowledging that there may be an argument towards over consumption of alcohol the Board has not previously been able to make a sustainable causal link to overprovision of premises generally or specifically within the Falkirk area. This remains the position for this policy term in that the Board cannot evidence a causal link to show overprovision in any area within Falkirk.
	6. The Board will continue to work with the Licensing Forum, Police Scotland, NHS Forth Valley and other relevant bodies to consider overprovision on an ongoing basis. The Board would welcome any relevant statistical information and will review such data on an annual basis so that patterns of behaviour and trends can be identified. The Board may issue a supplementary statement during the term of this policy if the position on overprovision changes.

# MEMBERS CLUBS

* 1. While acknowledging the role that members' clubs play in the life of the community, the Board emphasises that, in holding premises licences, they must also be able to demonstrate that they are capable of adhering to the terms of their licence and upholding the Licensing Objectives.
	2. The Board expects that clubs will carefully consider the access arrangements for children and young persons participating in sporting activities separate from attendance by such persons at social events.
	3. Each club should be non-profit making, with a constitution and limited access by members of the public, and any club in submitting an application for a premises licence should submit a copy of its current constitution.
	4. Following their Annual General Meeting, clubs are required to provide the Clerk to the Board with an updated list of office bearers, their address, date of birth and phone number. Only current office bearers are able to make applications for extended hours or occasional licence on behalf of the club.
	5. Clubs should give careful consideration when advertising events within the club to the general public. Any such events must be run for the benefit of the club and be covered by an occasional licence if they are open to the public and not restricted to members and their guests.
	6. Two key requirements for a qualifying club mean that anyone who is supplied with alcohol on the premises must be (a) a member of the club or a genuine guest of a member of another qualifying club, and (b) properly signed in accordance with the provisions of the constitution.
	7. The Board notes that there is no definite answer to the question of how many people a member can sign in if this is not provided for in the constitution. The Board expects that, in these circumstances, the natural limit would be the number of people the signing member can reasonably accompany. The entries in the signing-in book should be clearly legible and should include the full name of the member accompanying the visitor, and the visitor's name and full address. The Board expects that the member should know everyone he is signing in and accompany them during their time within the club.
	8. The Board expects such clubs when seeking an occasional licence to conform to the general policy on terminal hours set out above.

# EXCLUDED PREMISES

* 1. 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:-
1. the sale by retail of petrol or derv;
2. the sale of motor vehicles or
3. the maintenance of motor vehicles.
	1. The Act permits the Board to make exceptions to this rule if it determines that in relation to such premises, persons resident in the locality are, or are likely

to become, reliant to a significant extent on the premises as the principal source of:-

1. petrol or derv, or
2. groceries
	1. 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.

1. **MISCELLANEOUS**

## Licensing Standards Officers

* 1. The Board recognises that Licensing Standards Officers play a key role in the licensing regime. The Licensing Standards Officers will carry out the roles and responsibilities set out under the Act including:-
		+ Providing guidance and information on the Act
		+ Checking that licence holders are complying with the terms of the legislation and their licence conditions
		+ Providing a mediation service in order to resolve disagreements and disputes.
	2. Two Licensing Standards Officers are employed by Falkirk Council. They can be contacted by emailing licensing@falkirk.gov.uk or by calling 01324 501575.
	3. The Licensing Standards Officers are not in a position to give legal advice or make applications or objections on behalf of any party.
	4. Licensing Standards Officers’ resources will be targeted at high-risk premises and activities which require greater attention. A lighter touch will be employed in respect of low-risk premises which are well operated. Regular inspections of licensed premises in the area will be carried out and the officers will work with partner agencies such as Police Scotland to enable the most efficient and appropriate responses to be made when compliance issues arise.

## Outdoor Areas

* 1. The Board is aware that an outdoor drinking area may be beneficial to a licensed premises but there has to be a balance between the need of the premises and the need to protect the Licensing Objectives. Not all outdoor areas can be viewed the same way and some may be the subject of conditions where others may not. An area to the rear of a premises will have different characteristics than one to the front. There is also a recognisable

difference when an approved area is sited on land that does not belong to the licence holder, such as a public pathway etc. The Board reserve the right to attach conditions, as may be necessary, to outdoor drinking areas.

* 1. Regardless of the location, the Board expects that, any area approved for outdoor drinking, will be managed in a responsible manner in order to help protect the Licensing Objectives, particularly securing public safety, protecting children and young persons from harm, and preventing public nuisance. There will be an expectation (which may be strengthened by a specific conditions) that the following matters are in place/addressed:-
		+ Consumption of alcohol in the outdoor area is not permitted after 10.00pm.
		+ No recorded music, live performances or other entertainment is permitted within the outdoor drinking area.
		+ The outdoor area shall have suitable lighting for the convenience and safety of all persons using the facility.
		+ The area shall be monitored by CCTV during opening hours.
		+ Where the area in question is enclosed with a fence (or other similar structure) appropriate emergency exits should be in place and properly maintained.
		+ A physical demarcation of the area should be in place.
		+ Barriers and street furniture, when not in use, will be removed or secured.
		+ Plastic drinking vessels will be in use whilst the premises are open to the public.
	2. Where an applicant proposes to provide seating, tables or other facilities in any outdoor area, consideration should be given to the need to ensure that the use of such areas will not cause disturbance or nuisance to occupiers of other premises in the vicinity, whether licensed or not. The Board will expect applicants to consider visually impaired and disabled persons when determining the size and location of such an area particularly if the proposed area is in relation to a public right of way.
	3. The Board may consult other departments within the council as necessary.
	4. In each individual case where an outdoor area is proposed, the Board will consider whether there should be a physical demarcation of the area, unless such an area already exists.

## Local Licensing Forum

* 1. The Board recognises the importance of the Local Licensing Forum and will endeavor to have a close relationship with it. The Board fully intends to use the experience and knowledge of the Forum, through its members to consult on licensing matters as and when required.

## Alcohol and Drug Misuse

* 1. The Board recognises the importance of the work of the local alcohol and drug partnership and will always seek to be supportive of their campaigns.
	2. It is expected that licence holders and Designated Premises Managers will take all reasonable steps to promote the safe drinking of alcohol and have a zero tolerance to drunkenness on their premises. The Board is of the opinion that well managed premises will have an up-to-date register of all refusals of the sale of alcohol detailing the reason for the refusal.
	3. It is recognised that drug misuse is an unfortunate part of the wider society and licence holder should have a zero-tolerance approach to the use and

supply of drugs and/or any illegal substances on their premises. Any incidents of alleged drug misuse must be properly recorded in an incident log and reported to the police.

## Proms and 18th Birthday Parties

* 1. The Board is aware that a number of schools both within and outwith the area, organise prom events for their pupils and staff at premises in this area. The Board expects holders of premises licences and occasional licences that cater for this type of function to ensure that the event is run in a manner that upholds the Licensing Objectives, particularly in relation to protecting children and young persons from harm and protecting and improving public health.
	2. Where an occasional licence is granted for this type of event, conditions may be put on the licence. These may include:
		+ The use of wrist bands.
		+ The use of SIA licensed door stewards.
		+ The decanting of drinks into non-glass drinking vessels.
		+ A personal licence holder to be on the premises for the duration of the event.
	3. Where this type of event is held on premises where there is a premises licence, the Board expects that this is referred to in the Operating Plan. The Board may attach such conditions to the licence specifically relating to this type of event.

## Performances Including Children and Young Persons

* 1. The Board considers the terms and conditions of children access, as detailed in the operating plan, should take into consideration whether children or young persons maybe on the premises as part of organised entertainment. Where this is the case, it would be expected that appropriate control measures are

put in place including an up-to-date record of all under age performers showing name, date of birth, address and emergency contact details.

* 1. The Board expects that under age performers will leave after the entertainment, to which they are party, has ceased in accordance with the terms and conditions of the operating plan.
	2. Where an occasional licence is applied for, and any entertainment at the event which includes the participation of children and/or young persons, the Board expects this to be detailed in the application form including the time that the entertainment will cease. The Board will impose a condition on the licence to the effect that under age performers will leave after the entertainment, to which they are party, has ceased.

## Site Visits

* 1. It may well be necessary for the Board to carry out a site visit prior to an application being heard. This may be in connection with a new application, a variation or even an occasional licence. The Clerk to the Board, in consultation with the Convenor, will advise whether a site visit is needed. Any potential visit will be prompted by the application characteristics, such as a substantial increase in children and young persons’ access. Objections and/or representations may also trigger the need for a site visit before determination of the application.

## Home Deliveries / Internet Sales

* 1. Where a premises licence holder sells alcohol online, the Board expects this to be included as an activity in their Operating Plan and for the sales and subsequent deliveries to comply with the relevant provisions of the Act. The Board expects the Licensing Standards Officers to have access to the following statutory documentation:-
		+ the day book recording the order which is kept on the premises from where the alcohol was dispatched; and
		+ the delivery book or invoice is carried by the person delivering the alcohol.
	2. Furthermore, the Board has adopted an alcohol delivery policy which has been produced by the Local Licensing Forum. It is expected that this policy will be followed by premises licence holders when delivering alcohol. This policy is the basic level expected and licence holders are also encouraged to implement further measures if they deem necessary. The policy is attached at appendix 3

## Social Media – advertisement of alcohol

* 1. It is understandable that licence holders may seek to maximise their profile on social media platforms, particularly with keeping their customers informed of new products etc. However, this must be done with careful consideration of the terms and conditions of their licence. An example of this would be taking photographs of alcohol whilst it is on the serving counter or in an area of the shop which has not been approved for the display of alcohol. Licence holders and premises managers should always refer to their premises licence prior to making a decision on advertising their products on social media so that they are fully aware of the dangers of advertising outwith their approved areas.

## Alcohol Support and Awareness

* 1. It is acknowledged that some people may wish to seek support for themselves, or a family member, in relation to alcohol consumption. The following websites may be of use if such support is required:-

[www.nhs.uk/](http://www.nhs.uk/) Alcohol support [www.youngminds.org.uk](http://www.youngminds.org.uk/)

[https://drinkaware](https://drinkaware/)

[www.alcohol-focus-scotland.org.uk/alcohol](http://www.alcohol-focus-scotland.org.uk/alcohol) -and-older-people

**Scheme of Delegation** Appendix 1

1. **Functions:** The functions listed below are reserved to the Board:-
	1. Determining the Board's policy for the purposes of the licensing policy statement or supplementary licensing policy statement.
	2. Determining, for the purposes of the licensing policy statement or supplementary statement, whether there is overprovision of licensed premises or overprovision of licensed premises of any particular description, in any locality.
	3. Determining a premises licence application.
	4. Determining a premises licence variation application other than a minor variation.
	5. Determining an application for the transfer of a premises licence where the applicant has been convicted of a relevant offence or foreign offence.
	6. Determining a personal licence application or a personal licence renewal application where the applicant has been convicted of a relevant or foreign offence.
	7. Conducting a hearing under the Licensing (Scotland) Act 2005 and taking any of the following steps following hearing:
		* issuing a written warning to a premises licence holder,
		* revoking or suspending the licence, or
		* making a variation of the licence, or
		* revoking, suspending or endorsing a personal licence.
	8. Making a closure order.

## In addition, the following functions are reserved to the Board

* 1. Refusing an application for confirmation of a provisional premises licence.
	2. Determining an occasional licence application where this is a notice of objection or representation in relation to the application, or a report from The Licensing Standards Officer (section 59). Or where paragraph 6.25 applies.
	3. Granting of general extensions of licensed hours for a special event of local or national significance (Section 67).
	4. Determining an application for extended hours where there is notice of objection from the Chief Constable or report from the Licensing Standards Officer (Section 70).
1. The Board has delegated all other functions to the Clerk.

Appendix 2

## Additional Conditions

The Licensing Board may seek to attach conditions to any licence with the view of helping to protect the Licensing Objectives. Conditions may be added as listed or tailored as required.

# CCTV

* 1. A fully operational CCTV system must be operational when the premises are open. Such system must:
		+ cover all areas of the premises to which the public have access
		+ be fitted and maintained in full working order and
		+ be operated in line with data protection legislation and in accordance with guidance on video surveillance issued by the Information Commissioner.
	2. CCTV Images must be made available to a Police Officer or a Licensing Standards Officer on request.

## Itemised sales

* 1. All sales of alcohol must be entered through a till which has the facility to print itemised sales and must specify the information below.
		+ The date and time of the purchase
		+ A description/name of the item purchased.
		+ Quantity of the item purchased.
		+ The cost of the items sold.
	2. Evidence of sales of alcohol must be made available to a Police Officer or a Licensing Standards Officer on request.

## Security Industry Authority (SIA)

* 1. Authorised stewarding personnel, licensed by the Security Industry Authority, must be present to provide for the maintenance of public safety and the proper management, control and safety of customers.
	2. Door stewards, licensed under the Security Industry Authority, must be present at each entry point of the premises for the duration of ***[specific timings to be approved by Board].***
	3. A record of SIA stewards, working on the premises, must be kept by the licence holder. Any such record must show the name of the stewards, their registered SIA number, and a record of any incidents and what action they took.

## Refusal register

* 1. A refusal register shall be maintained on the premises recording all refused sales of alcohol including the date and time, the reason for refusal and the member of staff refusing the sale. Where a refusal register is to be kept

electronically, there must be a method of printing the refusals.

* 1. The refusal register should be inspected and signed by the Designated Premises Manager, or another personal licence holder, at least on a weekly basis.
	2. The refusal register should be made available for inspection by the Police and Licensing Standards Officers on request.

## Glass safety

* 1. Glass drinking vessels, including bottles, are not to be used, in the outdoor drinking area.
	2. Glass drinking vessels, including bottles, are not to be used for the duration of the event.

## Access/Egress

* 1. Access to the premises/event will be by a ticket only.
	2. The premises shall have a written door control and dispersal policy that ensures sufficient measures are in place to enable safe and orderly departure of patrons from the premises.

## Outdoor area

* 1. The approved outdoor area will be defined using a structural barrier in order to control access to and from the area. This barrier and all street furniture must be taken out of use at 10pm and stored in a manner which does not cause an obstruction or nuisance to members of the public.
	2. The approved outdoor area will cease to be used for the consumption of alcohol at 10pm.
	3. No amplified or acoustic sound will be played in, or relayed to, the approved outdoor area.
	4. The use of television screens or monitors is not permitted in the approved outdoor area.
	5. The outdoor area may only be used for the consumption of alcohol by customers when seated at tables.

## PLH/event

* 1. A personal licence holder will be present for the duration of the event.
	2. Staff working at the event are required to be trained under the Licensing (Training of Staff) (Scotland) Regulations 2007. Evidence of such training must be made available to a police officer or a Licensing Standards Officer on request.

## Children and Young persons

* 1. While children are in any part of the licensed premises they should remain under the supervision of an accompanying adult.
	2. All heating appliances and electrical sockets in the public area should be adequately protected.
	3. A children’s menu should be always available when children are permitted to be on the premises. Alternatively, the main menu should show that children’s portions are available.

Appendix 3

## Delivery of alcohol

When considering an application in relation to the delivery of alcohol it is expected that best practice is adopted when undertaking the delivery. The Board also wishes to remind licence holders who use third party deliveries, that it is their responsibility to ensure any such delivery company has policies in place which would satisfy the standards expected by the Board. Additionally, the Board would expect that.

* + - The premises from which alcohol is being dispatched, and the delivery vehicle, should hold records in a daybook. (*This can be held in electronic forma*t) relating to,
			* The quantity, description and price of the alcohol.
			* The name and address of the person to whom the alcohol is to be delivered.
		- Delivery of alcohol must not be made to parks or waste ground and should be delivered to a person at a bona fide address.
		- Alcohol should never be left with a neighbour or in a safe place.
		- All records are to be kept for a minimum of 28 days and should be made available to a Licensing Standards Officer or an officer of Police Scotland when requested.
		- Undelivered alcohol will be returned to the premises and recorded in a refusal register.
		- The delivery driver will never deliver alcohol if it compromises the Licensing Objectives or puts any person in a position as to create, or be part of an offence, under the Licensing (Scotland) Act 2005.
		- All premises delivering alcohol are encouraged to have a written age verification policy.
		- If the customer is unable to produce approved identification, when asked to do so, the alcohol must be returned to store.
		- No deliveries of alcohol will be made during the hours of 12 midnight and 6am.
		- Pricing of alcohol will be in accordance with Minimum Unit Pricing.