

STIRLING LICENSING BOARD
LICENSING (SCOTLAND) ACT 2005
STATEMENT OF LICENSING POLICY
2007 – 2010

Stirling Licensing Board (“the Board”) welcomes the opportunity given to it by the Licensing (Scotland) Act 2005 (“the Act”) to set out this Statement of Licensing Policy. The Statement will last for a period of not more than three years from 30 November 2007 and will be reviewed prior to its third anniversary.

In creating its Statement of Policy the Board has had regard to the statutory requirements to consult relevant stakeholders. The Board looks forward to working with the Stirling Licensing Forum in the implementation, operation and review of the Statement of Policy. It will also continue to work with individual stakeholders and organisations on matters of specific concern to them and will not view the Licensing Forum as a substitute for direct dialogue with agencies and individuals.

The Licensing Board will meet the Licensing Forum at least once a year and looks forward to a constructive relationship, the aim of which will be to ensure that the Act is operated in an appropriate fashion in the Board’s area.

There are two main purposes of this Statement of Policy. The first is to set out how the Board will deal with its business in relation to applications for licences, hearings, licence reviews and complaints. Secondly, it sets standards that it expects licensed premises and licensees to meet. Taken together these two purposes are intended to describe how the Board considers the licensing objectives set out in the Act can be met, in light of local circumstances in the Board’s area.

The licensing objectives are:-

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

This Statement of Policy is additional to the statutory requirements of the Act and any Regulations made under it. It does not, therefore, rehearse the statutory provisions that have to be followed but focuses on matters where the Board has discretion in ensuring that the licensing objectives are met.

The Board considers that, if its Statement of Policy is to be of value, it must be clear and concise, so that applicants, licence holders and others with an interest can easily understand what is required. It also considers that, for it to be a meaningful document that remains relevant throughout its life, it should not be set in stone but be changed as and when circumstances require.

This is particularly important as it is the first time that the Board has produced such a Statement of Policy and the Board accepts that it will not be perfect. The Board also acknowledges that circumstances can change over a three year period and that, to be responsive to those changes, the Statement of Policy should develop. Any changes to the Statement of Policy will be subject to consultation with stakeholders.

The Statement of Policy does not seek to apply particular measures to individual licensing objectives. This is because many of them can apply to more than one objective. Instead, the Board takes the view that, taken in the round, this Statement of Policy addresses all of the objectives.

THE LICENSING BOARD

The Board's area lies at the very heart of Scotland. It covers just under 220,000 hectares from Tyndrum and Crianlarich in the southern highlands to the Glasgow commuter villages of Killearn and Strathblane in the southwest and the villages of Plean, Fallin and Cowie in the east. The current population of the area is 86,930. The main urban centre – where over 60% of the population live – is the City of Stirling (47%) and its neighbouring communities of Dunblane (9.5%) and Bridge of Allan (6%).

The population of the Stirling area continues to grow unlike that of Scotland as a whole which is experiencing population decline. The area's population is projected to increase by 4.5% from 86,930 in 2005 to just over 91,000 by 2024. A map of the Board's area is attached.

The Board is established under the Licensing (Scotland) Act 2005 and deals with the administration of liquor licensing and certain other statutory duties. It comprises eight members, who are elected members of Stirling Council and are appointed to the Board by the Council.

As at October 2007, the number of premises granted licences is as follows: hotels 82, restricted hotels 15, restaurants 37, public houses 98, off-sales 174, entertainment 15 and refreshment 45.

Contacting the Board

Clerk to the Licensing Board – Peter J Broadfoot, Corporate Services, Stirling Council, Old Viewforth, Stirling, FK8 2ET. Tel. 01786 443283. e-mail broadfootp@stirling.gov.uk

Licensing Team – Municipal Buildings, Corn Exchange Road, Stirling, FK8 2HU. Tel. 01786 432192, 432294 or 432043.

Website – licensing@stirling.gov.uk

Other Policies

In carrying out its functions under the Act, the Board will have regard to other policies that it has in place and which do not form part of this Statement of Policy. These include its Race Equality Scheme and Action Plan, Disability Equality Scheme and Action Plan and Gender Equality Scheme and Action Plan. It will also continue to make as much information as possible about the Board available through its Freedom of Information Publication Scheme. All of these documents are available on the Board's website at licensing@stirling.gov.uk or from the Licensing Team whose contact details are given above.

Applications for Licenses

Where no representations have been made in respect of an application, the presumption is that the application will be granted, although statutory mandatory conditions may be applied in appropriate circumstances.

In considering applications for licences where representations have been made, the Board must consider whether or not the representations indicate that the operating plan submitted with the application for a premises licence fails to fulfil the licensing objectives. It will, therefore, be helpful if operating plans set out what measures are proposed by the applicant in relation to each of the five objectives. There should be evidence of how the measures will be implemented, rather than general statements of intent. This will vary according to the size and type of premises and the likely clientele.

In addition, where appropriate, the Board will have regard to representations about the size, location and type of operation being applied for and to the character of the area in which the premises lie. Examples would be whether or not it was next door to a school, residential home or place of worship.

The Board will have due regard to the role and responsibility of other agencies such as the Planning Authority, Police, Fire and Rescue Service, the NHS, the Forth Valley Substance Action Team and other regulatory bodies and will be mindful of any representations made by them in terms of the Act. The same applies in respect of any objections or representations made by competent parties under the Act.

All applications will be considered on their merits. Where concerns about an application have been raised, the applicant will be made aware of them and given the opportunity to respond before any decision is reached.

The Board will, where appropriate, apply any statutory mandatory conditions on the grant of licences. It will also consider applying further conditions if it considers the circumstances require it. This will most often happen where objections and representations have been made and the Board considers that imposing a condition on the grant of a licence would help to deal with the concerns that have been raised. The Board considers that this is often more appropriate than outright refusal of a licence.

If an applicant wishes, they may suggest a licence condition to the Board that might address the concerns that have been raised. The Board would view this as indicating that the applicant has acknowledged a problem, or potential problem, and is prepared to be constructive in ensuring that it is addressed. All such matters will be dealt with on their merits.

Board Meetings

At any hearing before the Board, all parties will be treated with respect and will be given a full opportunity to present their case.

The business of the Board will be conducted in an open and transparent manner and all meetings to consider applications or hold hearings or reviews will be held in public.

Each year the Board will produce and publish a timetable of meetings for the coming year, which will include the dates by which applications have to be made if they are to be considered at one of those meetings.

Where a hearing or a premises licence review is proposed, the licence holder will be given due notice of the date of the meeting and provided with all the information that will be taken into account at that meeting. If any hearing or licence review is required due to complaints or representations made about how the premises are being operated, the Board considers that it would be to the licence holder's advantage to have tried to resolve the complaint with the complainer in advance of the hearing or review.

Delegation of Powers

The Act allows the Board to delegate certain items of business. In order to ensure that applications are dealt with as quickly and efficiently as can be, the Board intends to delegate as many of its powers as is reasonable. It will produce a Scheme of Delegation whereby non-contentious items are delegated to the Clerk to the Board.

All decisions taken under these delegated powers will be reported regularly to members of the Board.

Complaints

If there are any complaints about how the Board or any employees engaged on Board business have dealt with matters, these will be investigated and the conclusion reported to the complainer. If the complainer is not satisfied with the response, they will be encouraged to use Stirling Council's formal complaints procedure known as "Talkback". Details of that procedure are available from the Licensing Team whose contact details are given above.

Overprovision

The requirements of the Act in relation to overprovision will not come into force until 2009 at the earliest. At present, therefore, the Board does not intend to set out its policy under the 2005 Act. This Statement of Policy will be revised to take account of the introduction of the statutory overprovision requirements at the appropriate time. In the meantime, the Board will continue to consider overprovision on a case by case basis, either where the Board itself considers that overprovision is an issue or where objections or representations have been received which refer to overprovision as a possible reason for refusal of an application.

MANAGEMENT OF PREMISES

The Board's view is that it is not in a position to, nor should it, become involved in the detail of the day to day operation of premises. It does, however, have to ensure that premises are operated in such a way that the licensing objectives are met. Other agencies have a role to play, such as Trading Standards and Environmental Health, but they operate under their own statutory frameworks and the Board cannot, and would not wish to, interfere in the way that they operate.

It is, however, important that the Board has close links with these other agencies to ensure that any issues arising in respect of licensed premises are properly addressed.

Licensing Standards Officers

Stirling Council will have Licensing Standards Officers whose role, as set out in the Act, will be to assist licensed premises in meeting the requirements of the Act and this Statement of Policy. They will be employed by the Stirling Council and will, therefore, be independent from the Board. Part of their role is to raise concerns with the Board if premises are not being operated appropriately. The Board expects that licence holders will co-operate with the Licensing Standards Officers and actively seek their advice and assistance when necessary.

Licensed Premises – General

Licensed premises are often a valuable asset to an area or a local community. The Board expects that the external appearance of any licensed premises should be neat and tidy. If they are allowed to fall into disrepair or appear neglected, they can have a detrimental impact on the area. In severe cases, they may encourage vandalism, litter and anti-social behaviour. Licence holders are encouraged to prevent this happening and to take positive action, for example, on the prompt removal of graffiti.

Linked to this is litter outside premises. Licence holders should ensure that any litter around their premises, which came from their premises, is kept to a minimum. To assist in this, there should be an enforced policy regarding the removal of bottles and other items from the premises.

Care should be taken to avoid commercial waste being left outside the premises at unsuitable times or locations. Particular care should be taken, when emptying bottles and cans into bins, that it does not cause nuisance to neighbours. This can be a particular problem in residential areas when bottle bins are filled late at night.

Outdoor Drinking and Smoking Areas

Although the Board is not responsible for the ban on smoking in public places, it is aware that people gathering outside licensed premises to smoke can

cause nuisance. So far as possible, the Board expects licence holders to provide a suitable outside area for people to smoke and, where there is such an area, that patrons be actively discouraged from standing around any doors of the premises or on the public footway outside. Consideration should be given to ensuring that any smoking area is not located close to adjoining properties, particularly dwellinghouses.

If there is an outdoor drinking area, the Board expects that area to be included in the operating plan as part of the licensed premises. Again, consideration should be given to ensuring that the area is sufficiently far removed from, or screened from, adjoining properties. There should be advice to patrons, including signs, reminding them that they should not behave in such a way as might cause disturbance or nuisance to neighbouring properties.

See also the section of the Statement of Policy dealing with hours of operation.

Capacity

Assessing the capacity of licensed premises will be more important under the Act than it has been. This is, in part, due to the fact that capacity of premises will be taken into account in assessing overprovision. In addition, the Board considers that it is very important for licence holders to have a sound knowledge of the capacity of their premises.

This is particularly so where the premises are large, or where they include entertainment such as dances and discos. The Board expects, in respect of these types of premises, that there should be suitable capacity control measures in place. These may include stewarding, door number clickers or issuing of tickets. Such premises should also have a documented plan to show how "comfort factors" may be used to control capacity.

Security

There are many measures that can be taken to ensure that premises are secure. Security can relate to security from theft, violence, disorder and other illegal activity such as substance abuse or providing evidence of underage sales.

The level of risk and, therefore, the need for security measures will vary depending on the premises. Larger premises and those where there is entertainment, as well as those with a clientele who may be more at risk, will need more measures in place than a grocer's shop.

The Board will take a proportionate view of what security measures are appropriate for each premises. At the most basic level, the Board expects premises to have an incident register that is kept up to date.

Licensees, when considering security, should bear in mind that they have a responsibility for ensuring the safety of their employees. In addition to

ensuring that Health and Safety legislation is followed while employees are in the workplace, licensees should also consider the safety of employees when they leave the premises after they have closed. This may be particularly important when the premises close in the early hours of the morning and may be affected by the location of the premises. Licensees, where appropriate, should consider what transport arrangements are in place for employees and what arrangements they have in place for ensuring that employees get home safely.

Other premises may consider it necessary to have accredited door stewards. They may also have CCTV, as do many shops selling alcohol. The Board considers that CCTV can be a very useful tool in preventing and detecting crime and disorder. It is important, however, that the CCTV equipment in use is well maintained and provides quality images that can be used in evidence if necessary.

The Board encourages all licence holders who have CCTV, or who are thinking of installing it, to liaise with the Forth Valley CCTV Partnership. They run the public CCTV system across Forth Valley and provide the Police with CCTV images for use as evidence in Court, both from the public cameras and those within licensed premises.

They can help to ensure that the equipment in licensed premises is compatible with their equipment, which means that the CCTV in premises will be of use in any Court proceedings. It is intended that they will keep a register of the CCTV in licensed premises. This will be on a voluntary basis and applicants and licence holders will be asked by the Board to join in that registration scheme. An additional benefit of having that register is that, if there is a major criminal incident in the Stirling area, the Police will know which premises have CCTV and which may be able to help them provide evidence.

The CCTV Partnership will provide a consultancy service to applicants and licence holders in respect of such matters.

The contact details for the CCTV Partnership are:-

Kenna Troup, Forth Valley CCTV Partnership, Kilncraigs Business Centre, Greenside Street, Alloa. Tel. 01259 727419. e-mail kenna.troup@kilncraigs.plus.com

Children and Young Persons

Where premises elect to allow children and young persons onto the premises, they need to ensure that they are protected from harm and are catered for appropriately. Depending on the type of premises, measures that could be taken are baby changing facilities and play areas. Consideration should be given to ensuring that children and young persons do not sit at, or get served at, any bar in the premises. The Board expects that, in general, children

should not be allowed in licensed premises beyond 8.00pm. If an applicant or licence holder intends to allow children in the premises beyond 8.00pm, they should demonstrate how they will ensure that the children are protected from harm. This may include ensuring that they are accompanied by an adult, that they are having a table meal or that they are attending a private function such as a wedding.

No sales of alcohol can be made to anyone under the legal age limit for buying alcohol. Premises must have in place robust procedures for ensuring that this is the case. These should include a requirement for proof of age. The only proof of age documents that the Board approves are a passport, a photo I D driving licence, or an accredited “proof of age” card. Premises must display signs that advise people that drink cannot be sold to anyone under age. They may contain the phrase “No proof of age, no sale”, or similar.

Premises should also keep a record of any refusal to sell to someone because they are, or appear to be, under age.

Where premises do not elect to allow children on to the premises, they must have an enforceable procedure setting out how access to the premises will be controlled.

Substance Abuse

This includes both over consumption of alcohol and illegal use of drugs or other substances.

In respect of alcohol, premises will comply with the law on sales to drunk people. They will have a register which details occasions when the sale of alcohol has been refused for such a reason as well as written procedures to deal with how the sale should be refused and how to deal with a customer who reacts badly to being refused.

Premises should have a zero tolerance policy in relation to the illegal use of drugs or other substances on the premises. There should be a register in which any such incidence is recorded and a written policy on how to deal with any drugs or other illegal substances. This will be of less significance for premises where alcohol is only sold for consumption off the premises.

Advice and assistance for licensees can be obtained for the Forth Valley Substance Action Team whose contact details are:-

Elaine Brown, Forth Valley Substance Action Team, Stirling Council, Room 34, New Viewforth, Stirling, FK8 2ET. Tel. 01786 443427. e-mail browne@stirling.gov.uk

Discounted Sales and Other Promotions

Licensees will, of course, have to comply with the terms of the Act and Regulations in relation to discounting alcohol and other promotions. The

Board, however, expects that licensees will also provide information to patrons about sensible drinking.

This may take the form of information leaflets, posters, taking part in campaigns and events, and providing information on the alcohol content of drinks. Anything that reminds people of the dangers of binge drinking, the recommended maximum consumption of alcohol per day and per week and the link between consumption of alcohol and health risks and violence are encouraged.

Information should also be available about organisations that may be able to assist people with alcohol dependency problems.

Premises are encouraged to promote designated driver schemes and to consider offering the designated driver free non-alcoholic drinks.

Incident Records/First Aid/Lost and Found Property/Weapons

Records should be kept of any incident occurring on the premises, over and above anything recorded in the drugs or refusal of sale registers. This would include any violent incidents, removal of patrons from the premises or accidents. There should also be registers of lost and found property and any weapons found on the premises.

In addition to keeping records, premises should have in place written policies on how to deal with incidents of disorder, accidents causing injury or damage to property, lost and found property and weapons.

Equalities and Community Engagement

The Board expects that all licensees will ensure that patrons are treated equally regardless of ethnic origin, disability, gender, sexual orientation or religious belief and have in place policies to show how that will be achieved. In respect of age, anyone over the legal age for consuming alcohol shall be treated equally. Further, the Board expects that licensees will ensure that any reasonable adjustments are made to the premises or the provision of services to ensure that people with a disability are not disadvantaged.

Licensed premises may also consider joining local pubwatch or radio link project in the area and the Board encourages them to do so. Contact details on how to join are:-

Peter Walker, Environment Services, Stirling Council, Viewforth, Stirling, FK8 2ET. Tel. 01786 443137. e-mail walkerp@stirling.gov.uk

Stirling Council runs an annual "Best Bar None" scheme. This gives premises the opportunity to apply for accreditation under the scheme. On application, premises are visited by an expert panel which then assesses whether or not they meet good practice criteria. If they do, they will be accredited and receive a plaque for display at the premises. It is a demonstration that the

premises are of a high standard. The criteria for the scheme reflect the licensing objectives. It is, therefore, the case that, if premises are accredited under the scheme, they will have gone a long way towards showing that they are meeting the licensing objectives. The Board encourages premises to apply. Even if premises do not fulfil the criteria, the assessment panel will provide advice and assistance to help them improve.

Opening Times

The Board does not intend to allow 24 hour drinking. Only on exceptional occasions will it consider allowing premises to sell alcohol for more than 16 hours at a time. The Board considers that the maximum appropriate hours are:-

Premises with entertainment such as dances and discos:-

Sunday to Thursday – 11:00am to 2.00am
Friday and Saturday – 11.00am to 3.00am

Other premises:-

Sunday to Thursday – 11.00am – 12 midnight
Friday and Saturday – 11.00am – 1.00am

Occasional extensions of hours:-

The Board will not usually allow extensions where the terminal hour would be after 2.00am.

Outdoor Drinking Areas:-

In general, alcohol shall not be consumed in any outdoor drinking area beyond 10.00pm. Where an applicant or licensee wishes to allow outdoor drinking beyond 10.00pm, they should be able to demonstrate how that will be compatible with the licensing objectives. This may be due to the premises being in a remote location, or the outdoor drinking area not being situated near any premises that are occupied at that time.

Closing Time/Dispersal of Patrons/Transport

It can often be the case that nuisance, disturbance and disorder can happen when people are leaving licensed premises at closing time. The Board accepts that licensees cannot control the behaviour of customers once they have left the premises. They can, however, take steps to help reduce any problem.

Licensees, particularly in residential areas, should have signs at the door of the premises reminding customers that they should leave quietly and quickly and not cause disturbance to neighbours. This can be reinforced verbally as

people are leaving. If people hang about outside the premises, they can be asked to move on.

Premises should also have information readily available about local transport. This should include details of train and bus times and details of local taxi and private hire car firms. Premises may consider contracting with taxi or private hire firms to provide a service to the premises, or having a telephone connected direct to such a firm. They may also consider providing their own transport such as a mini bus. This will be more appropriate for larger premises or for those in more remote areas. If a charge is to be made for use of the service, then private hire vehicle and driver's licences would be required. Information on such licences can be obtained from the Licensing Team whose contact details are set out above.

Stirling Licensing Board Map of Stirling Area



<p style="font-size: 8px; margin: 0;">Based upon Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationary Office (HMISO) (c) Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Stirling Council 100020780(2006)</p>		<p>Stirling Council Gambling Act 2005 Defined Area</p>	
<p style="font-size: 8px; margin: 0;">Date : 04/10/06</p>		<p style="font-size: 8px; margin: 0;">Scale : 1:347,520</p>	