

LICENSING BOARD CONSULTATION – SUMMARY OF RESPONSES

Question number	Issue	Summary of responses	Licensing Team comments
1	Curfew condition – no entry after 1am to nightclubs if you leave at all even to smoke – should this be retained?	Online: 14 responses – 11 in favour, 3 against Police in favour No other comments	Decision for the Board
2	Children's conditions - Do you agree that condition 4 of the children's conditions should be removed (re a minimum of 2 SIA stewards being required for birthday parties for under 18s).	Online : 13 responses – 7 in favour, 6 against Police against. Police want it extended to 18ths and 21sts but what about other parties for young people? AFS want the condition to be retained No other comments	This condition is flawed. It provides for stewarding at parties for small children. The Board could remove the condition or re-word it to e.g. to make it apply to parties at which the majority present would be between the ages of 15 and 22
3	Local conditions - Do you consider that any other changes should be made to either of the above local conditions?	Online : 11 responses – 1 in favour, 10 against Alcohol Focus Scotland (AFS) want the conditions to be listed under each objective. The Police want a condition to prevent boxing or combat sports taking place in licensed premises	<ul style="list-style-type: none"> It would be repetitive to list conditions under objectives as most will relate to more than one objective. It is suggested that it would be better to include references to objectives in bold after each condition. No evidence of any issues locally has been provided. We could look into this further if members wish.
4	Children's Access to Outdoor areas - Board considers that the	Online : 13 responses – 10 in favour, 3 against	There don't appear to be any good

	terminal hour for children and young persons' access to outside areas should be increased to 9pm in line with the terminal hour for use of such areas. The Board does not consider that the policy regarding children and young persons' access should be amended apart from this. Do you agree? If applicable please suggest any changes which you consider are necessary	<p>Two suggested 8pm and one appeared to have misunderstood the question.</p> <p>One gave no reason the other said "get children out of harms way earlier".</p> <p>AFS said the Board should have regard to the impact on children of parental drinking.</p> <p>No other comments</p>	reasons not to increase the time to 9pm.
5	Licensed hours - What impact do you consider that the current policy for on sales licensed hours has on you or people in your community? Please give examples and indicate whether these impacts are positive or negative.	<p>Online : 10 responses – 2 in favour of reduced hours , 5 for no change; 1 for extended hours before 11am for breakfast brunches, 2 no comment</p> <ul style="list-style-type: none"> Noise from late hours i.e. 12 pm affect children AFS think pubs should close at 11pm No other comments 	Decision for the Board
6	What changes could be made to on sales licensed hours that would have a more positive impact in your community? Please give examples of how this would make a difference.	<p>Online : 8 responses –</p> <ul style="list-style-type: none"> 1 suggested midnight on a Thursday should be the terminal hour instead of 1pm due to disruption. 1 suggested opening hours should be 10am (re breakfasts) 1 said hours should depend on type of premises 	
7	Festive policy – wording attached at appendix 1	<p>Online : 13 responses – 10 in favour, 3 against the suggested policy</p> <ul style="list-style-type: none"> AFS think that longer hours shouldn't be granted One response said night clubs shouldn't get longer hours One lengthy response argued that no additional hours should be granted across the board. The Police were happy with the suggested wording 	<p>Longer hours will be applied for anyway and are difficult to refuse.</p> <p>If the Board agrees with the suggested policy this should be agreed separately at the Board meeting on 12 October so it can be issued asap.</p>
8	Extended hours - Do you	Online : 12 responses – 3 said yes; 9 said no	<ul style="list-style-type: none"> Extended hours can be

	consider that the Board should make any changes to the extended hours section of the policy?	<ul style="list-style-type: none"> • One response thought that extended hours are just at Christmas • One thought it was too grey an area • The Police were happy with the current wording • AFS think that extended hours should be closely monitored 	<p>applied for all year long in 2 circumstances. There are no issues with this being abused. 33 granted in 2017.</p> <ul style="list-style-type: none"> • There are no resources to closely monitor extended hours applications, there are never any complaints.
9	Occasional licences - Do you agree with the amended definition of voluntary organisation?	<p>Online : 19 responses – 18 said yes; 1 said no</p> <ul style="list-style-type: none"> • AFS thought that “run by individuals who don’t get paid” needs clarification but were generally supportive • Police Scotland agreed with the revised wording 	The definition should be clarified.
10	Do you agree with the Board’s suggestion regarding the imposition of standard conditions on occasional licences?	Online : 15 responses, all agreed	<ul style="list-style-type: none"> • Updated wording enclosed below.
11	Do you consider that any changes need to be made to the list of occasional licence conditions? List attached at appendix 2.	<p>Online : 6 responses gave comment/suggestions</p> <ul style="list-style-type: none"> • The wording of condition 11 has been amended (see updated wording below) as it contained a drafting typing error) • Noise issues – different wording proposed • AFS welcome the standard conditions but have views about events for children and the wording for a “responsible drinking message” 	<ul style="list-style-type: none"> • The wording proposed is less restrictive • Amended noise condition to be considered • There are no grounds on which a refusal on “moral” grounds can be considered.

		<ul style="list-style-type: none"> Additional conditions suggested by EH 	<ul style="list-style-type: none"> We have sought views on the wording for a “responsible drinking message” from Police Scotland and AFS suggested a further contact. Wording amended as a result. Some of EH’s suggested conditions may be suitable for occasional licences, amendments made as required.
12	Do you have any comments to make regarding the proposed change to the policy regarding open air events?	<p>Online : 12 responses 4 said yes; 8 said no, 3 gave comments/suggestions</p> <ul style="list-style-type: none"> Risk management plans to be submitted Arrangements for noise nuisance and litter management to be required The Forum were supportive AFS no comments 	For larger entertainment events such as fun days and festivals more detailed plans are required as part of the public entertainment licence process. These cover risk management, noise and litter.
13	Do you consider that the Board should make any other changes to the occasional licence section of the policy?	<p>Online : 12 responses 3 said yes; 9 said no, 3 gave comments</p> <ul style="list-style-type: none"> One suggested changes to limit occasional licence numbers AFS suggest referring recurrent applications to the Board AFS are suggesting an additional form 	<ul style="list-style-type: none"> This is proposed by other boards but is not legally permissible. Any appeals from refusals on these grounds would be successful Any such additional form would be unworkable even if it was required. Occasional licence holders do not have

			to promote the objectives, only uphold them
14	Overprovision - Do you consider that there is overprovision of licensed premises within particular areas of West Lothian or indeed in the whole of West Lothian?	<p>Online: 9 responses 3 said yes; 6 said no,</p> <p>Comments were received from several sources but no evidence was received by the Board apart from the CRESH data provided by AFS which has been examined but does not go anywhere close to meeting the statutory test</p> <p>Aldi and the SGF argued against an overprovision policy</p> <p>Police Scotland said they would provide any statistics which were required.</p>	<p>The Forum has accepted in its online response that it is hard to provide local evidence to support an overprovision policy. No evidence gathering exercise by the Forum is planned. As no evidence has been provided this is an easy decision for the Board. Appropriate wording drafted for this part of the policy.</p>
15	Outdoor Drinking Areas - Do you consider that any changes need to be made to the current policy on outdoor drinking areas?	<p>Online: 10 responses 2 said yes; 8 said no, comments were received</p> <ul style="list-style-type: none"> One response said that no outdoor area should be allowed close to houses <p>Police Scotland supportive of the current policy.</p> <p>EH suggested additional wording</p> <p>No other comments</p>	<ul style="list-style-type: none"> This is covered by planning regulations EH suggestions considered and included as appropriate.
16	Alcohol Deliveries - Do you have any concerns about alcohol deliveries in West Lothian?	<p>Online: 10 responses 5 said yes; 5 said no</p> <ul style="list-style-type: none"> Concerns listed 	
17	How can the Board address the concerns	<p>Online: 6 responses</p> <p>See AFS comments</p>	<p>Some research regarding possible conditions needs to be done if the policy is to be amended to include conditions and Board expectations about deliveries. However, it should be noted that there is no evidence of</p>

			issues locally as the Police don't mention this and AFS's comments relate to Scotland generally. The Board needs to decide how to approach this issue.
18	Transport - Are there any particular issues whether arising from dispersal of patrons or otherwise which the revised policy should address in relation to transport?	Online : 10 responses – 2 said yes; 8 said no	
	What improvements could be made to the Board's policy in relation to transport issues?	<p>Online: 3 responses</p> <ul style="list-style-type: none"> • Comment that appears to be related to the issue below about residential parking. That where residential parking is limited it should be made private. • Comment that there should be more services provided for night time travel - bus and taxi. 	<ul style="list-style-type: none"> • Not within the remit of the Board. • Not within the remit of the Board.
	Please give examples	<p>Online: 3 responses</p> <ul style="list-style-type: none"> • Comment that patrons should not take up residential parking which is already tight. • Comment that liaison should be made with taxi operators and notices clearly posted to persons picking up and dropping off customers that doors should not be slammed, persons should leave quietly and drivers should not sit with their engines idling while waiting for passengers • Comment that it was recognised as good practice that Licensees arrange transport for their staff. 	<ul style="list-style-type: none"> • Parking issues not a material consideration when deciding alcohol licence applications. • The Board has no mechanism to compel or control taxi operators' behaviour or who customers choose to use for their taxis. • Board might consider whether the policy might include reference to licence

			holders considering the issue of safety of staff leaving work in the night time economy.
19	Equalities - Do you feel that there are alcohol related issues facing people with protected characteristics differently to people without protected characteristics?	Online : 11 responses – 4 said yes; 7 said no	
	Please tick the box next to any protected characteristic where you think that licensing policy can have a positive impact?	Online : 7 responses- <ul style="list-style-type: none"> • 2 said Age • 2 said Disability • 1 said Gender Reassignment • 1 said Pregnancy and Maternity • 1 said Religion or Belief 	
	How can this be achieved?	Online: 4 participants <ul style="list-style-type: none"> • All should be encouraged to note impact on disabilities such as mental health and behavioural problems and recognise when it is not appropriate to sell or continue to sell to an individual. • Not encourage segregated establishments i.e. religious based. • An effective overprovision statement would mitigate negative impacts across all those with protected characteristics who may be at increased risk of harm due to their vulnerability. • Alcohol issues of a high relevance to all equalities groups and can affect anyone either directly or indirectly. There are differences in within communities which affect pattern and level of drinking alcohol. A number of statistics are 	<ul style="list-style-type: none"> • The sale of alcohol to a drunk person by a responsible person on licensed premises is a criminal offence. • Overprovision dealt with elsewhere in this document. • The Board has consulted widely to review the policy.

		<p>provided to give examples – see full response.</p> <ul style="list-style-type: none"> The importance of Boards meaningfully considering the diverse nature of its communities when making decisions, and developing the policy. 	
	Please tick the box next to any protected characteristic where you think that licensing policy can have a negative impact?	<p>Online : 3 responses –</p> <ul style="list-style-type: none"> 2 said Age 1 said Religion or Belief 	
	How can the policy be changed to counter any negative impacts?	<p>Online : 2 responses</p> <ul style="list-style-type: none"> Comment that policy should encouraging establishments with one clientele in mind. An overprovision policy in areas already experiencing high-levels of outlets and harm. 	<ul style="list-style-type: none"> Not sure what this meant Overprovision dealt with elsewhere in this document.
20	<p>Links to other strategies - Guidance suggests that statements of policy should provide clear indications of how Boards will take into account other matters relating to alcohol, for example: local crime prevention; community safety strategies, health, planning, tourism, cultural strategies and any other plans introduced for the management of town centres and the night time economy.</p> <p>Are there any particular issues in relation to the above matters?</p>	<p>Online : 10 responses – 3 said yes; 7 said no</p>	
	Please detail the issues and give reasons for your answer	<p>Online : 3 responses</p> <ul style="list-style-type: none"> General response that alcohol relates to all the above 	More work required to research any relevant strategies as no details of

		<p>issues.</p> <ul style="list-style-type: none"> • Comment that the 5 licensing objectives should be paramount and not economic considerations or fear of legal challenge. • Focus on preventing further increases in harm from alcohol and that policy should complement other strategies such as community safety, health, planning, management of town centres • New policy should explicitly recognise links with other bodies interested in alcohol regulation and reference policies and strategies which are most relevant to the Board's functions. • See lengthy comment from AFS re: collaborative approach with Community Planning Partners and that the Policy aligns with Local Outcome Improvement Plans. Policy should signpost people to ADP's delivery plan. • AFS also recommend that policy references relevant locality plans and the strategic plan of the Health and Social Care Partnership. • See comment re Scottish Government's strategy 'Changing Scotland's relationship with Alcohol a Framework for Action'. • Licensing Boards bound by human rights legislation and there a range of links between alcohol related harm and the realisation of human rights. 	<p>these were provided by any of the respondents.</p> <p>Do any Board members have knowledge of any relevant strategies which should be considered?</p>
21	<p>Tourism: What suggestions do you have to amend the Board's policy to assist tourism?</p>	<p>Online: 6 responses</p> <ul style="list-style-type: none"> • The provision of meals in premises • Most establishments are cliquey- long running, or they re-open, re-name and it's all the locals that go. Not diverse. Local communities too set in their ways. • There needs to be a balance between tourism, trade and provision of alcohol. Employment should not be a reason to grant a licence where there is already a sufficiency. The 	<ul style="list-style-type: none"> • The Board cannot prescribe how premises are operated and run as long as the objectives are adhered to.

		<p>test should be is there a need (gap in the market).</p> <ul style="list-style-type: none"> • Tourism should not be given a priority over the health and wellbeing of residents and communities in West Lothian. • Forum response – tourism would be enhanced if the following was considered at time of application. (a) Premises to include eating facilities or to be food-related; (b) Premises to be fully inclusive, have family facilities; (c) high standards of facilities; (d) Health, safety and accessibility to be of highest standards. The Forum welcome extending time in outside areas to 9pm as proposed in consultation to enhance tourism. • A special note in the policy that the Board would look favourably on any application which presents a clear opportunity to increase tourism in the area. 	<ul style="list-style-type: none"> • As the legislation is based on a presumption of grant unless there are issues this would not be appropriate.
22	<p>Any other issues - If you have any other suggested changes to the Board's policy please indicate these and give reasons for your answer.</p>	<p>Online: 4 responses</p> <ul style="list-style-type: none"> • Applications for proposed premises in residential areas should be notified to all local residents and residents should be informed of how to object. Each premises should be visited. • A more detailed policy would be welcomed. This would give the Board more scope to apply increased scrutiny of applications and provide a stronger legal basis to challenge applications in vulnerable areas. • Comment from AFS that the Board's function under the 2005 Act is regulating the sale of alcohol and applying the five licensing objectives and not about promoting economic development, tourism and revitalising deprived areas 	<ul style="list-style-type: none"> • The legislation prescribes how notifications must be done. The Government have recently consulted on changes to this, but results not yet published. This is not a matter for the policy. • It is not possible for the Board's policy to alter how applications are determined, that is a matter for the Government • Government guidance states that policies should "provide clear indications of how Boards will take into account other matters relating to

		<ul style="list-style-type: none"> Environmental Health comments received on the wording of the current policy rather than in response to the consultation questions. Particular issues raised about noise, pollution and waste. 	<p>alcohol, for example: local crime prevention; community safety strategies; health, particularly in relation to the Scottish Executive Action Plan on alcohol problems; planning; transport; tourism; race equality schemes; cultural strategies; and any other plans introduced for the management of town centres and the night-time economy when developing policy statements". That explains the references.</p> <ul style="list-style-type: none"> This response was just received on 22/8/18 and time will be needed to go through it in detail.
--	--	---	---

