

Dumfries and Galloway Licensing Boards



Annandale & Eskdale Divisional Licensing Board

Nithsdale Divisional Licensing Board

Stewartry Divisional Licensing Board

Wigtown Divisional Licensing Board

**Statement of Licensing Policy including Assessment of
Overprovision (2018 - 2023) under Sections 6 & 7 of the
Licensing (Scotland) Act 2005**

LICENSING OBJECTIVES

The 5 core licensing objectives underpinning the Licensing (Scotland) Act 2005 (the Act) are:-

- (a) Preventing Crime and Disorder
- (b) Securing Public Safety
- (c) Preventing Public Nuisance
- (d) Protecting and Improving Public Health
- (e) Protecting Children and Young Persons from Harm

"We wish to propose that certain principles should be specifically enshrined in statute as principles which should at all times guide the Licensing Boards and others in the exercise of their functions".

(The Nicholson Committee: Review of Liquor Licensing Law in Scotland Paragraph 2.23)

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1. STATEMENT OF LICENSING POLICY

1.1 Preamble

1.1.1 This Statement of Licensing Policy has been prepared by the Dumfries and Galloway Licensing Boards in terms of Section 6 of the Act to assist in the implementation and administration of the licensing of the sale and supply of alcohol within their areas and to outline the way they intend exercising their functions under that Act.

1.1.2 The Dumfries and Galloway Local Authority Area is divided into 4 Divisions each with its own Board – Annandale & Eskdale Divisional Licensing Board, Nithsdale Divisional Licensing Board, Stewartry Divisional Licensing Board and Wigtown Divisional Licensing Board.

1.1.3 With a view to enhancing consistency of approach across Dumfries and Galloway, each Divisional Board has agreed to fulfil the requirement under Section 6 of the Act by approving this shared Statement. Where the approach of each Board is different (for example relating to licensed hours policy) this is clearly stated. Therefore in this document where the word “Board” is used, it refers to the 4 Divisional Boards unless otherwise specified.

1.1.4 This statement came into effect on 4 November 2018 and will exist for a maximum of 5 years. The Board may agree to prepare and publish Supplementary Statements within that period. If you consider that the Board should do so please contact the Licensing Service at the contact point stated on the front page setting out your suggestions on the issues which should be included within a Supplementary Statement.

1.2 Introduction

1.2.1 The 2005 Act establishes a contemporary liquor licensing system which introduces more flexibility for the licensed trade balanced by extensive, and in appropriate cases immediate, enforcement powers for the Board.

1.2.2 At the heart of the legislation are the licensing objectives which should at all times guide the licensing boards and others in the exercise of their functions.

These enshrined licensing objectives are:

- (a) Preventing Crime and Disorder
- (b) Securing Public Safety
- (c) Preventing Public Nuisance
- (d) Protecting and Improving Public Health
- (e) Protecting Children and Young Persons from Harm

These objectives coincide with the licensing objectives adopted in England and Wales, with the addition of the objective “Protecting and Improving Public Health”.

1.3 Context – Dumfries and Galloway

1.3.1 Dumfries and Galloway is a mainly rural area in south west Scotland. It covers around 6425 square kilometres (2470 square miles), with a population of around 148,000. The main settlements are Dumfries (including Heathhall/Locharbriggs) (around 37,100 residents), Stranraer (10,600), and Annan (8,250). All other settlements have populations of under 6,000. The region is divided into four traditional areas: Annandale & Eskdale, Nithsdale, the Stewartry and Wigtownshire.

- Annandale & Eskdale Division – is essentially a rural area without any city or large town to provide a central or focus point. The population is around 37,000. Among its settlements, Annan has the highest population. The other main settlements are Lockerbie, Gretna, Eastriggs, Moffat, Lochmaben and Langholm.

- Nithsdale Division – is Dumfries and Galloway’s most populated area with a total population of some 58,000 with Dumfries as the largest town in Dumfries and Galloway. The other main settlements include Sanquhar, Kirkconnel and Thornhill.
- Stewartry Division – covers an area of 1,700 square kilometres (645 square miles) and has a high quality natural environment that includes 2 National Scenic Areas, with the coastal waters providing an important recreational resource. The Stewartry is purported to be the most heavily forested part of Britain with one third forested.

1.3.2 The Stewartry is the least densely populated area within Dumfries and Galloway with a population of some 23,900. More than half the population live in the countryside or in settlements of fewer than 1,000 people. The remainder are concentrated in the towns of Dalbeattie, Castle Douglas and Kirkcudbright.

- Wigtown Division – with a population of under 29,100, Wigtown accounts for nearly 20% of the total population of Dumfries and Galloway. The 2 main towns, Stranraer and Newton Stewart, account for over 50% of the population. All other settlements in the area have populations of under 1,000.

1.3.3 Wigtown enjoys a vast length of varied coastline, boasts a main ferry route and indeed the “gateway” to Ireland.

1.4 Preparation of Statement

1.4.1 This Statement of Licensing Policy has been prepared and includes having regard to:

- the Licensing Objectives;
- the Guidance for Licensing Boards and Local Authorities issued by the Scottish Government;
- the terms of the Licensing (Scotland) Act 2005 (“the Act”) with particular reference to Sections 6 and 7.

1.4.2 In preparing this Statement including the Overprovision Assessment the Board had 2 periods of consultation:

- An initial, informal consultation took place from 15 November 2017 to 27 December 2017.
- A formal Consultation which took place for a full three month period from 1 March 2018 to 31 May 2018.

1.4.3 The Consultation also involved 2 public meetings which were held on 27 April 2018 as follows:

- 10am to 12pm - Licensing Office, Municipal Chambers, Buccleuch Street, Dumfries and
- 2pm to 4pm - McMillan Hall, Dashwood Square, Newton Stewart

Present at both these meetings were members of the public, Board staff and Board Members. The purpose of these meetings was to involve members of the public in the Consultation and allow them to have their say in relation to the Consultation.

1.4.4 A Working Group was also set up to discuss Overprovision. This Group met several times and comprised of the following members:

- Scottish Fire and Rescue Service;
- Police Scotland;
- Alcohol and Drug Partnership (NHS)
- Dumfries and Galloway Council.

1.4.5 During September 2018, each Board considered the responses to both consultations at individual Hearings (including a presentation at each Hearing from the Alcohol and Drugs Partnership on behalf of the NHS with regard to overprovision). A conjoined Hearing was also held in October 2018 to finalise the Statement of Licensing Policy (2018-2023) and agree the Overprovision Assessment for inclusion within this Statement.

1.5 General Principles

1.5.1 This Statement of Licensing Policy seeks:

- to promote the 5 licensing objectives and
- to comply with the terms of the Act.

1.5.2 This Statement of Policy sets out a general approach to the way the Board will make licensing decisions but nothing in this Statement will:

- undermine the rights of any person to apply under the Act and to have that application considered on its individual merit;
- override the right of any person to make representations on any applications or seek a review of a licence where permitted to do so under the Act.

The Board will consider all applications on their merits within the context of this Policy Statement. In particular, the Board will give due consideration to whether or not an application conforms to any requirements set out in this Policy Statement. However, applicants wishing to persuade the Board to depart from this Policy Statement will need to demonstrate, by way of evidence, good reason for so doing, and, in particular, evidence how a departure is not inconsistent with any or all of the five licensing objectives

1.5.3 The Policy Statement relates to how the Board will exercise its functions under the Act in relation to the regulation of the sale of alcohol and premises in which alcohol is sold all within the terms of the Act.

1.5.4 Applicants and licence holders can be assured and objectors and representors made aware that only considerations relevant to the Act and the Licensing Objectives will be taken into account when determining applications or considering reviews. Representors are considered to be those persons entitled to make representations to the Board. For example, in respect of an application for a premises licence, any person making representations:

- In support of the application
 - As to modifications which that person considers should be made to the operating plan, or
 - As to conditions which the person considers should be imposed

1.5.5 It must be recognised also that licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are no longer on the licensed premises and beyond the direct control of the individual, club or business holding the licence concerned. However, if the nuisance or antisocial behaviour is caused by misuse of alcohol then supply of alcohol would be a significant factor and the Board may consider using their powers to prevent a recurrence.

1.5.6 In this regard, the Board wishes to make it clear that if any antisocial behaviour/ nuisance/ disorder occurs outwith licensed premises and a causal link can be established linking that behaviour to the sale of alcohol within those premises, then the Board will make a premises licence review proposal in terms of its powers under section 37 of the 2005 Act

1.6 Types of Applications and Scheme of Delegation

1.6.1 The Board is a licensing authority for the purposes of the Licensing (Scotland) Act 2005 and is responsible for consideration of:

- premises licences
- occasional licences
- temporary licences
- provisional licences
- personal licences
- variations of licences
- review of licences
- transfer of licences
- extensions of licensing hours
- the sale of alcohol by retail;
- the supply of alcohol in members' clubs

1.6.2 The Board recognises that any application should only be submitted to the Board when necessary and where straightforward should be decided by the Clerk or a member of the Clerk's staff having authority to do so, to save resources and to create as little inconvenience to applicants as possible.

1.6.3 The Board has therefore agreed that only those applications and matters which by statute are required to be considered by the Board will be submitted to them for a hearing and the other applications will be determined by the Clerk to the Boards.

1.6.4 Those applications and matters which require to and will be submitted to the Board are:

- a premises licence application
- a premises licence variation where the variation sought is not a minor variation
- an application for transfer of a premises licence where the applicant has been convicted of a relevant offence or a foreign offence
- determining a personal licence application or a personal licence renewal application where the applicant has been convicted of a relevant offence or a foreign offence
- conducting any hearing including issuing a written warning, revoking or suspending the licence, making a variation of a licence, or in respect of a personal licence making an order revoking, suspending or endorsing a personal licence
- making a closure order
- refusing an application for confirmation of a provisional premises licence.

1.6.5 Determination of the following are delegated to the Clerk of the Board and her staff:

- An application for a transfer of a premises licence where the applicant has not been convicted of a relevant offence or a

foreign offence or the Chief Constable is not recommending refusal

- All applications for variation of a premises licence where the variation is a minor variation;
- All applications for personal licences or for the renewal of personal licence where the applicant has not been convicted of a relevant offence or a foreign offence or the Chief Constable is not recommending refusal
- All applications for occasional licences where there is no notice of objection or representation or no notice from the Chief Constable recommending refusal
- Grant of extended hours applications where the Chief Constable has not submitted an objection.

1.6.6 Determination of the following are delegated to the Convener:

- authority to decide whether any application for a Premises Licence Review is vexatious or frivolous and if so to reject it on behalf of the Board.
- whom failing the Clerk or Depute Clerk to decide, where an application for an occasional licence or for extended hours is lodged late whether the reason given for lateness is sufficient for the application to be processed.
- whom failing the Clerk or Depute Clerk to agree whether on application for an occasional licence or for extended hours requires to be dealt with quickly and if so to decide the period for responses being not less than 24 hours.
- authority to determine applications for occasional licences which have attracted objections or representations, including authority to reject an objection or representation as vexatious or frivolous and

- authority to determine extended hours applications which have attracted an objection from the Chief Constable or an adverse report from the Licensing Standards Officer.

1.6.7 All applications for premises licences must be accompanied by an operating plan and a layout plan all complying with the Act and Regulations made under that Act.

1.6.8 Operating plans must make clear how the premises are to be run, what activities will be undertaken on the premises and at what time.

1.6.9 An “operating plan” in relation to any premises is a document in the prescribed form containing:

- a description of the activities to be carried on in the premises,
- a statement of the times during which it is proposed that alcohol be sold on the premises,
- a statement as to whether the alcohol is to be sold for consumption on the premises, off the premises or both
- a statement of the times at which other activities in addition to the sale of alcohol are to be carried out on the premises,
- where alcohol is to be sold for consumption on the premises, a statement as to whether children or young persons are to be allowed entry to the premises and, if they are allowed entry, a statement of the terms on which they are allowed entry including, in particular:
 - the ages of children or young persons to be allowed entry,
 - the times at which they are to be allowed entry, and
 - the parts of the premises to which they are to be allowed entry

- information as to the proposed capacity of the premises,
- prescribed information about the individual who is to be the premises manager, and
- such other information in relation to the premises and the activities to be carried on there as may be prescribed.

1.6.10 Where alcohol is to be sold both for consumption on and for consumption off any premises, the operating plan for the premises may state different times for:

- the sale of alcohol for consumption on the premises, and
- the sale of alcohol for consumption off the premises.

1.6.11 In preparing and presenting the operating plan applicants should be aware that the Board expects premises to be run in a way compliant with and promoting the licensing objectives:

- Preventing Crime and Disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting and Improving Public Health
- Protecting Children and Young Persons from Harm

1.6.12 The layout plan must conform with the regulations including being to the scale of 1:100 unless otherwise agreed with the Board.

1.6.13 Bye-laws: Dumfries and Galloway Council has introduced byelaws prohibiting the consumption of alcohol in designated public places within certain towns and villages in their area.

1.6.14 Applicants should make themselves aware of the content of the Council’s current byelaws and make sure that the layout plan clearly shows which outside areas or area forms part of the licensed premises. Any

outside areas not clearly identified as part of the licensed premises will be “public places” where the byelaws apply and alcohol must not be consumed there as this would be contrary to the byelaws and constitute an offence.

1.6.15 Outdoor Drinking Areas: In respect of an application for a Premises Licence or for a Variation to a Premises Licence which proposes an outdoor drinking area the applicant must be mindful of the impact this would have on neighbours - particularly those who live in close proximity to proposed outdoor drinking areas. The Board will expect the applicant to have thought of measures to minimise any reasonably foreseeable adverse impact and to address the Board on these measures. These might include signage, prohibition of music, restricting use of the outdoor drinking area to certain times during the licensed hours authorised by the Operating Plan and use of non-glass vessels.

As with all applications :

- Each proposed outdoor drinking area will be determined on its merits, and
- The safeguarding of the Licensing Objectives and implementation of the statutory provisions will be at the forefront of the Board's decision making.

If the Board - taking into account all material before it, including the Licensing Standards Officer's report/assessment of the likely effect of the grant of the application on the Licensing Objectives - considers that granting the application would be inconsistent with the Licensing Objectives the application must be refused. It may be that in certain cases the Board would grant the application attaching conditions which might cover, for example, restriction of hours of use of the Outdoor Drinking Area and/or prohibition of playing of music.

Where an Outdoor Drinking Area is to be situated on a public footway the Board will expect the applicant to have obtained any necessary consent under Section 59 of the Roads (Scotland) Act 1984.

1.6.16 It is permissible under the Act for the Dumfries and Galloway Council to seek premises licences in its own name. When this is the case the Board and its officers will consider the matter from an entirely neutral stand point. If relevant representations are made, they will be given full and equitable consideration by the Board.

1.6.17 Although guidance might be sought from the Clerk and Licensing Standards Officers, it is for the applicant to make sure that the operating plan is in the correct form and covers all aspects of the operation of the premises. It is strongly recommended that any applicant, and indeed objector or representor, seeks independent legal advice.

1.6.18 Where a Hearing is to take place, the Board will attempt to make the experience as informal as possible consistent with the carrying out of the Board's quasijudicial function.

1.6.19 If something is not understood or has not been heard the applicant or objector or representor should draw this to the Convener's attention.

1.6.20 The normal procedure would be to hear the submission of the objector or representor or person seeking review of the premises licence. Next the Board might ask questions of the speaker. The applicant or licence holder or agent would then have the opportunity to address the hearing and Board Members might ask questions. There would then be the opportunity for final submissions by all parties.

1.6.21 Although meetings of the Board must be held in public the members of the Board may, before deciding any matter, conduct their deliberations on the matter in private.

1.6.22 Normally formal evidence will not be called for. However, it is noted that under Section 133 of the Act, Scottish Government may make regulations providing procedures to be followed at any hearing.

1.6.23 Grounds of Refusal: The grounds for refusal of a premises licence are:

- The premises are excluded premises (that in terms of the Act a licence cannot be granted for example a motorway service area, or subject to exceptions, a garage)
- That the Licensing Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence.
- Where an application for the premises has been refused within the previous year and there was no direction made by the Board to allow further application within that time or there has not been a material change of circumstances.
- Where 24 hour operation is sought and there are no exceptional circumstances to justify this
- The application relates to off-sales and seeks hours outwith 10am to 10pm
- The licensing board considers that the granting of the application would be inconsistent with one or more of the licensing objectives
- Having regard to:
 - the nature of the activities proposed to be carried on in the premises
 - the location, character and condition of the premises; and
 - the persons likely to frequent the premises

The Board considers that the premises are unsuitable for use for the sale of alcohol.

- Having regard to the number and capacity of:
 - Licensed premises; or
 - Licensed premises of the same or similar description as the application premises

In the locality in which the subject premises are situated the Board considers that if the application were granted there would, as a result, be overprovision of licensed premises, or licensed premises of that description in that locality.

1.6.24 If the Board considers that none of these grounds apply it must grant the application and if it considers that one or more applies it must refuse the application.

1.6.25 When considering whether any licence should be granted, the Board will take into account relevant matters including:

- the nature of the premises, the style and type of use, the potential number and profile of the customers likely to attend the premises
- the proposed hours of operation
- the means of access to the premises including the location and adequacy of customer entrances and exits
- the level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public transport that will be used by them
- the likely level of car parking demand on principal roads and surrounding residential streets in comparison with the existing situation, its effect on local residents and on residential parking and emergency access
- the provision of toilet facilities and ventilation of the premises
- appropriate risk assessments.

1.6.26 Where it is possible to take steps to mitigate or prevent any potential impact the Board may still be able to grant a licence subject to conditions; each case will be considered on its merits and appropriate advice will be sought by the Board.

1.6.27 When considering any application for premises which have been previously licensed, or in any review of an existing licence, the

Board may take into account any licensing history, especially of the impact on local residents and will also look at the measures put into effect by the applicant to mitigate the adverse impact.

1.6.28 Every premises requires to have one or more personal licence holders. In terms of the mandatory conditions in Schedule 3 of the Act, the Premises Manager must hold a personal licence.

1.6.29 A personal licence permits the holder to supervise and authorise sales of alcohol on the premises. The personal licence is intended to ensure that anyone managing premises is suitable to do so. A personal licence holder is qualified to provide the training which all staff making sales of alcohol or serving alcohol must undertake.

1.6.30 Applicants for a Personal Licence should ensure that they comply with the provisions of the Regulations made under the Act when submitting their applications.

1.6.31 Where the applicant resides in Scotland the application must be made to the applicant's local Board. Therefore the Board can only entertain applications from a person residing in Dumfries and Galloway or residing outwith Scotland.

1.6.32 When considering applications the Board will consult with Police Scotland to establish if the applicant has been convicted of any relevant or foreign offences and/or whether the Chief Constable is recommending refusal of the application.

1.6.33 Applicants are reminded of the provisions of Section 75 of the Act which places a duty on them to inform the Board of any relevant or foreign offence that they have been convicted of in the period between making their application and it being determined by the Board. Similarly if a licence holder is convicted of a relevant offence after they have been granted a licence they are also required to inform the Board.

1.6.34 Personal licence holders are reminded that it is mandatory for them to undertake prescribed training every 5 years and to provide the Board with evidence that they have undertaken this training. Should a personal licence holder fail to undertake the necessary training, they will have their personal licence revoked immediately.

1.6.35 In terms of Section 88 of the Act, the holder of a personal licence must notify the Board of any change of name or address within one month and must enclose the personal licence (or a statement of reasons for failure to produce the licence) with such notice. Failure to do so is an offence. Where the holder of a personal licence is working on licensed premises, a constable or Licensing Standards Officer may require the holder to produce his or her personal licence. Failure to produce the licence is an offence under Section 93 of the Act.

1.6.36 Occasional Licences: An occasional licence authorises the temporary sale or supply of alcohol which is not authorised by a premises licence.

It may be applied for by:

- the holder of a premises licence
- the holder of a personal licence
- a representative of any voluntary organisation

To cover a period of a maximum of 14 days.

1.6.37 Repeated applications for Occasional licences for the same unlicensed premises, and which are:

- Not for detailed specific events; and/or
- For activities that have been occurring (either in identical or largely similar terms) on the premises regularly over a period of at least 3 months;

will not generally be considered to be suitable for the grant of an Occasional Licence and will not be granted by the Board under delegated authority. They will require

a hearing before the Board. The Board expects such premises to be operating under a Premises Licence.

1.6.38 Section 59(6) of the Act specifies the grounds for refusal of an application for an Occasional Licence. These grounds include “that the Licensing Board considers the granting of the application would be inconsistent with one or more of the licensing objectives”. These licensing objectives include:

- Securing public safety.

The degree of scrutiny afforded by an application for a Premises Licence is not present where premises operate under a series of consecutive Occasional Licences. Accordingly, in the interests of better securing public safety, the Board considers that it is not generally appropriate for a premises to operate on a series of consecutive Occasional Licences rather than apply for a Premises Licence and, in these circumstances, the Board will require an applicant to explain why an application for a Premises Licence is not being made.

1.6.39 The Board will require an application to be made for an Occasional licence at least 28 days prior to the proposed event. This is to enable the Board to both advertise and process the application. If applications are received within 28 days of the proposed event, the Board may not be able to determine the application in time. This risk falls with the applicant as it is the applicant’s responsibility to give the Board sufficient notice to process the application.

1.6.40 Extended hours applications: in terms of section 68 of the Act, these allow for an occasional extension of licensed hours and operate only for a period of up to one month. If the Board receives a number of applications from the same applicant to extend licensed hours it will expect the applicant to consider whether an application should be made to vary the premises licence, by adjustment of the operating plan.

1.6.41 The Board recognises the power in Section 67 of the Act for them to grant General Extensions of Licensed Hours in connection with a special event of local or national significance. This can be a means of acknowledging a special event in one location within the Board’s area or an event such as a Royal Occasion across the whole of the Board area.

1.6.42 As the Board granting a General Extension of Licensed Hours does away with the need for licence holders to apply for the extended hours there is little inconvenience to the Trade or the Licensing Service. It would be for each premises to decide whether to use the additional licensed hours offered by the Board’s grant of the General Extension of Licensed Hours.

1.6.43 As a grant of a General Extension of Licensed Hours will normally follow consultation with the Chief Constable and the Local Licensing Forum there should be little deleterious impact on the Licensing Objectives.

1.6.44 Each request for the Board to consider granting a General Extension of licensed hours for a specific event, whether coming from, for example, the local trade or community organisations, will be considered on its merits. However, the Board would expect a local event to be truly exceptional and uncommon.

The Board has determined that

- Royal Events
- Major Sporting Events such as the World Cup and the Olympics where the time difference with the Host Nation means that coverage is outwith normal licensed hours

are likely to be given favourable consideration.

1.6.45 Where the Board has agreed a Festive Hours Policy it expects that Festive Hours Policy to be requested via Seasonal Variations

in the Operating Plan. However, it may accept Extended Hours applications from applicants where no Seasonal Variations have been requested.

1.6.46 In terms of Section 123 of the Act excluded premises includes premises used as a garage or which form part of premises which are so used. No premises licence or occasional licence can be obtained for excluded premises.

Premises are used as a garage if used for one or more of the following:

- the sale by retail of petrol or derv
- the sale of motor vehicles or
- the maintenance of motor vehicles

1.6.47 However, premises used for the sale by retail of petrol or derv or which form part of premises so used are not excluded premises and may therefore be the subject of a premises or occasional licence but only if persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of (a) petrol or derv or (b) groceries.

1.6.48 The Board would expect an applicant making such an application to provide evidence from community groups and members of the public of local residents' reliance on the service together with an impact assessment in relation to the anticipated impact taking into account the licensing objectives.

1.6.49 The following information should in no way be seen as overriding the right of any person to make an objection to an application or to seek a review of a premises licence.

1.6.50 Although anyone is entitled to object to an application for a premises licence or seek a review of a premises licence the Board may reject an objection or an application for review where it is considered to be

“frivolous” or “vexatious”. “Frivolous” and “vexatious” are the words used in the Act. In determining this, the Board is entitled to recover any expenses incurred by the Board in considering the objection or application for review.

1.6.51 These matters will be considered on their merits and the usual meaning of “vexatious” and “frivolous” will be adopted.

1.7 Licensing Hours

1.7.1 Whilst each individual application will be considered on its merits, this part of the Policy Statement sets out the Board's general approach to licensed hours and the reasons for adopting that approach.

1.7.2 Mention must first be made of certain provisions within the Act which limit the power of the Board:

- Section 64 of the Act provides that when the Board has before it an application for a premises licence; a premises licence variation application; an occasional licence application; or an extended hours application, which seeks to allow alcohol to be sold on the premises during a continuous period of 24 hours the Board must refuse the application unless satisfied that there are exceptional circumstances. The Scottish Government Guidance suggests that this would relate to special events such as one off local or national festivals and should be unlikely to be satisfied by routine requests for 24 hour operation;
- Section 65 provides that where the Board has before it a premises licence application; a premises licence variation application; an occasional licence application or an extended hours application, which seeks to allow alcohol to be sold for consumption off the premises any time before 10am, after 10pm or both the Board must refuse the application.

And a provision which allows the Board to grant general extensions of licensed hours:

- The Board is empowered under Section 67 of the Act to grant general extensions of licensed hours. This would have the effect of increasing licensing hours for a special event. It could cover the whole of the Board's area or specified parts. It could effect licensed hours generally or only to a specified description of licensed hours and may relate to all licensed premises or only to specified descriptions of such premises. The Board will consult with the Local Licensing Forum and licensed trade bodies where appropriate when considering granting a general extension on its own initiative or considering a suggestion that such an extension be granted.

In forming these policies for licensing hours the Boards have been mindful of the licensing objectives:

- (a) Preventing crime and disorder;
- (b) Securing public safety
- (c) Preventing public nuisance;
- (d) Protecting and improving public health; and
- (e) Protecting Children and Young Persons from harm

1.7.3 Where the application relates to hours for the sale of alcohol for consumption off the premises the Boards must specifically consider the effect (if any) which the off-sales hours proposed in the application would have on the occurrence of antisocial behaviour.

1.7.4 The Boards also recognise that licensing hours are important not only to individual licensed premises but can have a wider impact on an area. For example should there be a staggering of closing times to allow dispersal of customers over a reasonable time? This issue may be raised during preparation of a statement of transport arrangements as discussed later in this document.

1.7.5 Although promotion of the licensing objectives is paramount, licensing hours need not unnecessarily inhibit the development of thriving and safe evening and night time local economies which may be important for investment, employment and tourism.

1.7.6 The Scottish Government's Guidance for Licensing Boards and Local Authorities states that "in considering applications for licensed hours Boards may wish to consider applications for up to 14 hours as being reasonable but local circumstances and views of Local Licensing Forums should always be considered. Any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours".

Annandale & Eskdale

1.8 Policy Hours

1.8.1 Whilst considering every individual application on its merits, in general in respect of a premises licence application; a premises licence variation application; an occasional licence application; or an extended hours application:

- Where the premises do not have a function room the closing hours would be restricted to midnight and only in relation to Thursday, Friday and Saturday of each week, with the other days limited to 11pm.
- Where the premises have a function room or consist of a room or rooms set aside for a function suitable for the provision of dancing and/or other forms of entertainment the closing hour would be restricted to 1am and only in relation to Thursday, Friday and Saturday each week, with the other days limited to 11pm. The room should meet the requirement for access under the Equality Act 2010.
- The Board would normally be disposed towards grant of applications from hotels and other premises providing meals for

an extension from 11.00am to 12.30am on Sundays to allow for the service of alcohol with meals.

- On Sunday the closing hour would normally be restricted to 11pm with an extension to 12 midnight for one off events such as some particular national or local festivity or event or special birthday or anniversary milestone. To prevent public nuisance applicants would be recommended to consider if public entertainment such as disco, quiz nights and karaoke evenings could be considered for another evening.
- Favourable consideration would be given to the grant of an extension to 12 midnight on Sunday in respect of the following dates:
 - January 25th Burns Night (when appropriate)
 - May Day Holiday Weekend
 - Scottish August Bank Holiday
 - November, 30th St Andrews Night (when appropriate)
- However, where the function relates to a religious or cultural festival following on a Monday a closing hour of 1am on the Monday morning from the Sunday evening would be given favourable consideration.
- For the avoidance of doubt the Board confirms its understanding that where entertainment is not provided the premises should not remain open till the later hour but should instead close at the earlier time, one hour earlier.
- Applications for extensions beyond 1.00am, other than recognised local festivals for which each community will be allowed one occasion each year, would only be approved in exceptional circumstances.

- Individual consideration will be given to applications relating to hours before 11am, Monday to Saturday and before 12.30pm on a Sunday. The Board requests full details of the reason for seeking early hours, with the application.
- These provisions relate to supply of alcohol for on sale consumption. Applications insofar as relating to sales of alcohol for consumption off the premises will be dealt with on their merits. However, the Board would be minded to grant operating hours for the full statutory period of 10am to 10pm unless there was material before them that restricted hours were necessary to safeguard the licensing objectives or the Board in considering the effect which the off-sales hours proposed in the application would have on the occurrence of anti-social behaviour decides that such a restriction is justified.

Festive Hours Policy

1.8.2 The Board has introduced a Festive Hours Policy for on sales premises only to allow up to 1am on 24, 25, 26, 31 December and 1 January-without requirement of providing entertainment.

1.9 Reasons for Policy

1.9.1 The Boards' Licensing Policy Statement must seek to promote the licensing objectives. This relates to licensed hours policies just as much as to any other part of the Statement.

1.9.2 The Board at its meeting on 11 September 2018 agreed not to change the Licensed Hours Policy.

1.9.3 In forming and reaffirming this licensed hours policy the Board sees the terminal hour policy of 12 midnight Thursday Friday and Saturday and to 11pm on the other days as fair and workable within a quiet rural environment. Annandale and Eskdale area is widely seen as a tranquil peaceful area and the terminal hours specified reflect

and support this. In doing so the policy is promoting the licensing objectives especially (a) (Preventing Crime and Disorder) (b) (Securing Public Safety) and (c) (Preventing Public Nuisance).

1.9.4 The Board also recognises that certain premises have function rooms or a room or rooms suitable for a function. As these function rooms can host entertainment such as the provision of dancing the Board considers that a 1am terminal hour would not detract from the licensing objectives so long as this is restricted to Thursday, Friday and Saturday only.

1.9.5 The Board has further identified that to prevent inconsistency with the licensing objectives, (in particular (a) (Preventing Crime and Disorder) (b) (Securing Public Safety) and (c) (Preventing Public Nuisance)) licensed hours on a Sunday should normally be restricted to 11pm. Opening until 12 midnight on a Sunday would only be favourably considered where the extra hour was to celebrate one of the special events named. To minimise any disturbance and potential breach of the licensing objectives the operator is asked not to consider arranging public entertainment such as discos, quiz nights or karaoke on Sunday evening.

1.9.6 However a function relating to a religious or cultural festival following on a Monday from a Sunday evening, a terminal hour of 1am on the Monday morning from the Sunday evening is likely to be given favourable consideration. It is considered unlikely that this situation will arise very often and any potential breach of the licensing objectives is likely to be minimal.

Nithsdale

1.10 Policy Hours

1.10.1 Whilst considering every individual application on its merits, in general in respect of a premises licence application; a premises licence variation application; an occasional licence application; or an extended hours application:

- The closing hour will be restricted to 1am at the latest except in premises where the sale of alcohol is considered by the Board to be ancillary to entertainment where the closing hour might be 2am.
- Where the provision of entertainment will tend towards an activity which encourages the active participation of patrons in that activity, a grant to the later closing hour of 2am will be looked on favourably.
- The Board however considers dancing provided to the setting of a live band or singer or DJ as being different in quality to listening to a jukebox even with the possibility of being able to dance to the music produced by that means: there is a greater social experience and interaction with a live band or singer or DJ: a grant to the later closing hour of 2am will be looked on favourably where dancing is provided to the setting of a live band or singer or DJ but generally not where the opportunity to dance would be to a juke box or other recorded music not operated by a DJ or other performer.
- In general where patrons are merely watching or listening to the form of entertainment, for example recorded music or television this will not be regarded as entertainment which would justify the later closing hour of 2am.
- The Board freely recognises that there will be exceptions to this policy for events which would not normally be permitted the later closing hour of 2am but would be unlikely to breach the licensing objectives; entertainment such as the performance of a play or a specific act such as a stand up comedian or an open mic stand up comedy night. Each application, which the Board envisage would most often be by way of extended hours application for licensed premises, will be considered on its merits.
- For the avoidance of doubt the Board confirms its understanding that where entertainment is not provided the

premises should not remain open till the later hour but should instead close at the earlier time, one hour earlier.

- Applicants are reminded that the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 impose mandatory conditions where the premises have a capacity of at least 250 and which:
 - will regularly provide at any time between 1am and 5 am live music with a decibel level exceeding 85db, facilities for dancing or adult entertainment or
 - when fully occupied are likely to have more customers standing than seated.
- All applications seeking hours before 11am will be considered on their merits. The Board requests full details of the reason for seeking early hours, with the application.
- These provisions relate to supply of alcohol for on sale consumption. Applications insofar as relating to sales of alcohol for consumption off the premises will be dealt with on their merits. However, the Board would be minded to grant operating hours for the full statutory period of 10am to 10pm unless there was material before them that restricted hours were necessary to safeguard the licensing objectives or the Board in considering the effect which the off-sales hours proposed in the application would have on the occurrence of anti-social behaviour decides that such a restriction is justified.
- Festive Hours Policy

1.10.2 The Board has introduced a Festive Hours Policy and will allow one extra hours trading following closing time for all on sales premises on the following days: 26 December; 31 December and 1 January. For example, for a trading day that commences on 26 December with a closing time of 1am 27 December, the extra hour will allow the

sale of alcohol to 2am 27 December; and, for a trading day that commences 31 December with 2am closing 1 January, the extra hour will permit the sale of alcohol to 3am 1 January. With regard to a trading day that commences 1 January, if the usual terminal hour is 2am 2 January, the extra permitted hour will allow the sale of alcohol to 3am 2 January.

1.11 Reasons for Policy

1.11.1 The Board's Licensing Policy Statement must seek to promote the licensing objectives. This relates to licensed hours policies just as much as to any other part of the Statement.

1.11.2 In November 2010 the Board amended their licensed hours policy from the policy adopted in November 2007.

1.11.3 The amendment reduced the terminal hour by one hour respectively from 2am to 1am for general policy and from 3am to 2am for premises where the sale of alcohol is considered by the Board to be ancillary to entertainment.

1.11.4 This amendment was made in the circumstances at that time:

- The Board was aware of problems which the Chief Constable had in providing resources across the Division to police the late night economy especially at and after closing time of licensed premises.
- In the light of the then economic situation and the requirement for the public purse to find year-on-year savings this situation would only become more and more compelling.
- The Board's responsibility is to safeguard and promote the licensing objectives. This responsibility must be seen in real time and to accord with present and anticipated future conditions.
- The Chief Constable would no doubt use the resources available to him in the most effective way and in accordance with best

value. Reduction in resources will put ever more pressure on the Chief Constable.

- To safeguard and promote the licensing objectives especially (a) (Preventing Crime and Disorder) (b) (Securing Public Safety) and (c) (Preventing Public Nuisance) the Board amended their licensed hours policy from the policy adopted in November 2007.
- This amendment, in November 2010 had followed consideration by the Board of all material received during the consultation process towards the preparation of that Statement, including a response from the Chief Constable and a response from the Local Licensing Forum and the results of a survey relating to Nithsdale Local Licensing Hours Policy each of which recommended the Board to change their policy by outlining earlier terminal hours.

1.11.5 The Board had agreed the one hour differential where the sale of alcohol is considered by the Board as ancillary to the entertainment, as the provision of entertainment is seen as increasing the sociability of the experience and viewing the consumption of alcohol as only one aspect, and perhaps not the most important aspect, of that social experience.

1.11.6 In February 2012 the Board received a report on the Impact Assessment which had been undertaken in conformity with the Council's procedures relating to the change in Licensed Hours Policy.

1.11.7 The responses received during the consultation for the Impact Assessment had been considered by a Focus Group made up of a representative from/ of the Local Licensing Forum, Dumfries and Galloway Constabulary; Dumfriesshire Licensed Victuallers Association, NHS Dumfries and Galloway and the Licensing Standards Officers assisted by a Policy Officer, Dumfries and Galloway Council, William P. Taylor Service Manager, Licensing and Sharon Hines, Licensing Manager.

1.11.8 The Focus Group identified 10 Neutral Impacts, 5 Positive Impacts and no Negative Impacts.

1.11.9 The Positive Impacts related to:

- Health (Low Impact),
- Environmental Sustainability (Low Impact),
- Licensing Objective (a) Preventing Crime and Disorder (High Impact),
- Licensing Objective (b) Securing Public Safety (High Impact) and
- Licensing Objective (d) Protecting and Improving Public Health (Low Impact).

1.11.10 Although the Focus Group did not identify any negative impacts and in particular, Economic Sustainability, the Focus Group noted that there was help and advice available for businesses if necessary.

1.11.11 In addition, in relation to age, it was noticed that since the introduction of the Challenge 25 Policy, premises had made their age verification more robust therefore the issue of underage drinkers in the premises has lessened resulting in a positive impact.

1.11.12 When finalising this Licensing Policy Statement the Board considered that there was no material produced as a result of either period of consultation which would have made Members mindful of changing their Licensed Hours Policy at the time of finalising this Statement.

1.11.13 In finalising this Licensing Policy Statement the Board agreed to re-affirm the Licensed Hours Policy agreed in November 2010'.

1.11.14 The Board at its meeting on 12 September 2018 agreed not to change the Licensed Hours Policy and further agreed to introduce a new Festive Hours Policy.

1.11.15 On Wednesday 4 December 2019 the Board agreed a Supplementary Licensing Policy Statement which inserted the omitted reasons for the Board's Policy Hours. These reasons are now inserted at new paras 1.11.2 to 1.11.13 Licensing Policy Statement. This Supplementary Licensing Policy Statement

follows a Consultation that took place Monday 26 August to Monday 25 November 2019. Those consulted for the purposes of this Consultation are listed at new Appendix 3 Licensing Policy Statement. This Supplementary Statement comes into effect 20 December 2019.

Stewartry

1.12 Policy Hours

1.12.1 Whilst considering every individual application on its merits, in general in respect of a premises licence application; a premises licence variation application; an occasional licence application; or an extended hours application:

- There will be a general presumption against the sale of alcohol, outwith the hours 10:30am to midnight for consumption on the premises.

However the Board will normally be prepared to grant hours of operation to 1am for particular functions such as:

- Wedding Receptions and Civil Partnership Celebrations;
- Silver, Ruby, Golden and Diamond Wedding Anniversaries;
- Birthday celebrations for a 21st, 25th 30th and 5th Anniversary after that;
- Retirement celebrations; and
- Burns Suppers
- Around the time of major Religious and Cultural Festivals (for example, at Christmas one evening either 24, 25 or 26 December and at New Year one evening either Hogmanay or New Years Day)
- These provisions relate to supply of alcohol for on sale consumption. Applications insofar as relating to sales of alcohol for consumption off the premises will be dealt with on their merits. However, the Board would be minded to grant operating hours for the full statutory period of 10am to 10pm unless there was before them material

that restricted hours were necessary to safeguard the licensing objectives or the Board in considering the effect which the off-sales hours proposed in the application would have on the occurrence of anti-social behaviour decides that such a restriction is justified.

1.13 Reasons for Policy

1.13.1 The Boards' Licensing Policy Statement must seek to promote the licensing objectives. This relates to licensed hours policies equally as part of that Statement.

1.13.2 The Board at its meeting on 12 September 2018 agreed not to change the Licensed Hours Policy.

1.13.3 In forming licensing policy hours the Board sees the terminal hours policy of 12 midnight in general as fair and workable within a quiet rural environment. The Stewartry is renowned as a tranquil, peaceful area and the 12 midnight terminal hour reflects and supports this. In doing so, it is promoting the licensing objectives especially (a) (Preventing Crime and Disorder) (b) (Securing Public Safety) and (c) (Preventing Public Nuisance).

1.13.4 The Board also recognises that certain events both merit a later terminal hour and by their nature are unlikely to detract from the licensing objectives. It has therefore been agreed that a proposed terminal hour of 1am will be given favourable consideration for the types of events stated above.

Wigtown

1.14 Policy Hours

1.14.1 Whilst considering every individual application on its merits, in general in respect of a premises licence application; a premises licence variation application; an occasional licence application; or an extended hours application:

- Generally the closing hour for licensed hours should be:
 - Monday to Wednesday up to 12.30am
 - Thursday to Sunday up to 1am

1.14.2 The Board will give favourable consideration to extended hours up to 2am for applications for major Religious or Cultural Festivals (for example, Christmas and New Year).

- Where the premises are purpose built or designed, fitted out and operated for the regular provision of entertainment in the form of music whether live or in the form of a discothèque, the closing hour for licensed hours may be either:
 - Sunday to Wednesday up to 12:30am
 - Thursday to Saturday up to 2:00am within Stranraer (and up to 1am for licensed premises within any other location within the Division).or
 - Monday to Thursday up to 12:30am
 - Friday to Sunday up to 2:00am within Stranraer (and up to 1am for licensed premises within any other location within the Division).

1.14.3 In considering applications for such premises the Board would wish to be satisfied that the operation of the premise was such that the sale of alcohol was ancillary to the entertainment provided.

1.14.4 The Board would also expect such premises to have a fairly high occupant capacity and consequently to be fitted out with a high standard of equipment with appropriate ancillary facilities that meet the access requirements under the Equality Act 2010.

- For the avoidance of doubt the Board confirms its understanding that where entertainment is not provided the premises should not remain open till the later hour but should instead close at the earlier time, one hour earlier.
- The Board freely recognises that there will be exceptions to this policy for events which would not normally be permitted the later closing hours but would be unlikely to breach the licensing objectives; Each application, which the Board

envisages would most often be by way of extended hours application for licensed premises, will be considered on its merits.

- With regard to Children and Young Persons' access to all on sales licensed premises, the Board expects the following minimum criteria to be adhered to in pursuance of the Protecting Children and Young Persons from Harm Licensing Objective:
 - Children must be accompanied by a responsible adult at all times;
 - Young Persons must be accompanied by a responsible adult from 10pm onwards;
 - Children and Young Persons must vacate the premises by 10pm;
 - However, if there is a bona fide function/organised event to which Children and Young Persons are invited and its terminal hour is later than 10pm, then Children and Young Persons may vacate the premises by that later terminal hour for the purposes of the function/event only.
- Applicants are reminded that the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 impose mandatory conditions where the premises have a capacity of at least 250 and which:
 - will regularly provide at any time between 1am and 5 am live music with a decibel level exceeding 85db, facilities for dancing or adult entertainment or
 - when fully occupied are likely to have more customers standing than seated
- There will be a general presumption against the sale of alcohol for consumption on the premises before 11.00am Monday to Saturday and before 12.30pm on a Sunday. However favourable consideration will be given to applications from 12 noon on a Sunday where meals or substantial refreshments are available.

- These provisions relate to supply of alcohol for on sale consumption. Applications insofar as relating to sales of alcohol for consumption off the premises will be dealt with on their merits. However, the Board would be minded to grant operating hours for the full statutory period of 10am to 10pm unless these were before them material that restricted hours were necessary to safeguard the licensing objectives or the Board in considering the effect which the off-sales hours proposed in the application would have on the occurrence of anti-social behaviour decides that such a restriction is justified.

1.15 Reasons for Policy

1.15.1 The Board's Licensing Policy Statement must seek to promote the licensing objectives. This relates to licensed hours policies just as much as to any other part of the Statement.

1.15.2 The Board at its meeting on 19 September 2018 agreed not to change the Licensed Hours Policy generally except in relation to Children and Young Persons' access to licensed premises, where it introduced a new Policy.

1.16 Overprovision of Licensed Premises

1.16.1 Under Section 7 of the Act the Board is required to produce a statement as to the extent that the Board considers there to be overprovision of licensed premises or licensed premises of a particular description in any locality within the Board's area.

1.16.2 The Board has undertaken an Assessment of Overprovision.

1.16.3 The Board has taken into account all material before it and, in particular, the 2018 report prepared by the Alcohol and Drug Partnership, NHS Dumfries and Galloway.

1.16.4 This report set out recommendations to the Licensing Board on the levels of provision, and possible overprovision, of alcohol licences across Dumfries & Galloway

based on analysis of available data including from local data sources: NHS, Police, Fire and Rescue Service and Dumfries and Galloway Council and also sought to inform this Statement of Licensing Policy (2018 - 2023):

- Each data source was assessed to see whether it met the necessary requirements;
- Should be part of a standard dataset that is routinely collected so the data can be updated when needed in the future;
- Collected over a reasonable time period, especially the last few years;
- Available at both locality and Intermediate Data Zone (IDZ) level;
- Believed to be of good accuracy and completeness;
- Must contain large enough numbers to permit robust analysis.
- Of the six data sources adopted, the first two data sources were measures of the provision of alcohol while the last four sources are measures of alcohol-related harm in Dumfries & Galloway.
- Numbers of on-licensed premises, divided into different categories of premises. Where a licensed premises had both an on-licence and an off-licence, it was classified as an on-licence for analysis, as on-sales make up the majority of its business. For on-licences, the maximum licensed capacity was available. Private members' clubs were excluded (licensing information held by Dumfries & Galloway Council at February 2018)
- Alcohol sales area for off-licensed premises, available in square metres of sales area. (licensing information held by Dumfries & Galloway Council at February 2018)
- Alcohol-related hospital admissions. The data came from the NHS. These were identified over the period from April 2016 to March 2017 using alcohol-related International Classification of Diseases (ICD-10) codes.

- Alcohol-related police incidents, including road traffic incidents, over the period from April 2015 to March 2018. This included cases identified by the Police whether or not a crime was committed.
- Alcohol-related crimes or road offences from April 2013 to March 2017.

1.16.5 The report prepared by the Alcohol and Drugs Partnership forms Appendix 2 to this Statement of Licensing Policy.

1.16.6 Having carefully considered the terms of the Alcohol and Drugs Partnership report following a presentation from the ADP at their individual Hearings in September 2018, and, after much discussion and deliberations, all four Divisional Boards have determined that there is no overprovision of licensed premises or licensed premises of a particular description in any locality within their respective areas.

1.16.7 The Overprovision Assessment undertaken by each Board in terms of section 7 of the Act is that there is no overprovision of licensed premises or licensed premises of a particular description in any Board locality in Dumfries and Galloway.

1.17 Licensing Standards Officers

1.17.1 The Council has appointed 3 Licensing Standards Officers who have a statutory remit relating to guidance, mediation and compliance.

1.17.2 The Board sees the LSOs as having crucial roles to play within the Alcohol Licensing System. Indeed the LSOs have been vital and constructive consultees when preparing this Statement: they have attained knowledge on the local operation of the system through their day to day work in fulfilling their remit of guidance, mediation and compliance.

1.17.3 However the Board has identified a role in relation to the Board's consideration of applications for new Premises Licences and for Variation of Premises Licences.

1.17.4 The Board considering an application for a new Premises Licence or a major variation of an existing Premises Licence is a one off situation.

1.17.5 The Board must be in a position to decide whether any of the grounds for refusal apply. The Board therefore requires full information on applications for Premises Licences and for variation of Premises Licences to fulfil their responsibility to determine each application on its merits.

1.17.6 The best information is a fully detailed report by the LSO following inspection of the premises and discussion with the applicant/licence holder.

1.17.7 The Board therefore consults with the LSOs on any application for a new Premises Licence or a major variation of an existing Premises Licence.

1.17.8 The Board expects the LSOs using their powers under the Licensing (Scotland) Act 2005 including where necessary their specific powers under Section 137 to enter premises to assess the likely effect of the grant of an application for a Premises Licence or for a variation to a Premises Licence, to submit a detailed report on each such application for the assistance of the Board in their decision making.

1.17.9 The Board expects that within the report the LSO would set out his/her own opinions as well as factual information eg location of outdoor drinking area and domestic and other properties in the area and opinion on likelihood of public nuisance and the best means of reducing/eliminating them.

1.17.10 For the avoidance of any doubt the Board considers that the LSO's opinions/views form evidence which the Board is entitled to take into account when determining an application.

1.17.11 A copy of the LSO's report would be passed to the applicant/ licence holder, any objector, if appropriate, and the Chief Constable.

2. PROMOTION OF THE LICENSING OBJECTIVES

2.1.1 The Board will continually promote the Licensing Objectives:

- (a) Preventing Crime and Disorder
- (b) Securing Public Safety
- (c) Preventing Public Nuisance
- (d) Protecting and Improving Public Health
- (e) Protecting Children and Young Persons from Harm.

2.1.2 Local Conditions: The Board may agree a range of conditions which will, when determined necessary or expedient for the purposes of any of the licensing objectives as stated above, may be applied to a particular licence. Each application will normally be determined on its own merits.

2.1.3 However, the Board has determined that the following local conditions, in pursuance of its powers under section 27 shall apply to premises licences:

2.1.4 POLICE DRUGS POLICY

This local condition applies to the following Boards: Nithsdale; Annandale and Eskdale and Wigtown only.

In pursuance of the licensing objective preventing crime and disorder, the Board will apply the following local condition to all on sales premises:

- 'Drugs Policy: it is a condition that the licence holder has in place and enforces the drugs policy formulated by the police and attached hereto and displays a notice to the effect that such a drugs policy is in operation'.

2.1.5 REFUSALS REGISTER: PREMISES LICENCES

This local condition applies to the following Boards: Nithsdale; Stewartry and Wigtown only.

In pursuance of the preventing crime and disorder objective, the Board will apply the following local condition to all on sales and off sales premises;

- 'Premises licence holders must maintain a refusals register to include a daily incidents log and said register must be made available for inspection by Police Scotland and/or an LSO upon request'.

2.1.6 REFUSAL REGISTER: PREMISES LICENCES

This local condition applies to Annandale and Eskdale Board only.

In pursuance of the preventing crime and disorder objective, the Board will apply the following local condition to all on sales and off sales premises:

- 'Premises licence holders must maintain a Daily Incidents Register (which shall include all refusals) and said register must be made available for inspection by Police Scotland and/or an LSO upon request'.

The Board has also determined that the following local conditions, in pursuance of its powers under section 60 of the Act, shall/may apply to Occasional licences:

2.1.7 STAFF TRAINING: OCCASIONAL LICENCES

This local condition shall apply to all four Boards.

In pursuance of the licensing objectives preventing crime and disorder and securing public safety, the Board may apply the following local condition for large scale events (said events to be determined on a case by case basis):

- All staff employed or engaged to sell or serve alcohol will require to complete mandatory licensing training as prescribed by the Licensing (Training of Staff) Scotland Regulations 2007 and to include any subsequent amendments made to those Regulations'.

2.1.8 DISPLAY OF OCCASIONAL LICENCE

This local condition shall apply to all four Boards.

In pursuance of the licensing objective preventing crime and disorder, the Board will apply the following local condition to an Occasional Licence:

- 'The Occasional Licence must be prominently displayed at all times at the premises whereby it can be conveniently read by persons frequenting the premises'.

2.1.9 REFUSAL REGISTER: OCCASIONAL LICENCE HOLDERS

This local condition shall apply to Nithsdale and Wigtown Boards only.

In pursuance of the licensing objective preventing crime and disorder the Board will apply the following local condition to an Occasional Licence:

- 'The Licence Holder must maintain a refusals register to include a daily incidents log and said register must be made available for inspection by Police Scotland and/or an LSO upon request'.

2.1.10 REFUSAL REGISTER: OCCASIONAL LICENCE HOLDERS

This local condition shall apply to Annandale and Eskdale and Stewartry Boards only.

In pursuance of the licensing objective preventing crime and disorder the Board may apply the following local condition to certain Occasional Licences (for those that pertain to larger scale events - said events to be determined on a case by case basis):

- 'The Licence Holder must maintain a Daily Incidents Register (which shall include all refusals) and said register must be made available for inspection by Police Scotland and/or an LSO upon request'.

2.2 Preventing Crime and Disorder

2.2.1 The Board in carrying out its functions will have regard to the likely impact of

licensed activities and related crime and disorder when considering the location, operation and management of all licence applications, reviews and variations.

2.2.2 Applicants are expected to consider how they can promote the prevention of crime and disorder licensing objective.

2.2.3 Applicants are encouraged to discuss crime prevention procedures in their premises with Dumfries and Galloway Council and Police Scotland. Factors to consider may include underage drinking, drunkenness on premises, intoxication outwith licensed premises with a dependable causal link to specific premises, illegal drugs, violent behaviour and antisocial behaviour.

2.2.4 Control measures might include:

- Effective and responsible management of premises
- Training and supervision of staff
- Acceptance of accredited proof of age card
- Provision of effective CCTV in and around the premises. The CCTV should conform to the current specification prepared by the Police Scotland.
- Employment of Security Industry Authority licensed door staff
- Provision of litter bins and lighting outside premises
- Provision of plastic or toughened drinking vessels
- The Board strongly encourages that evidence based staff training is documented in a comprehensive handbook, demonstrating that staff members have read and been tested on its contents. Regular refresher training for staff is vital.
- Robust measures should be in place to ensure glassware is not removed from on-sale licensed premises.
- Glass collecting during the evening should be a continuous process to ensure that

extra glasses are accessible to customers, for example, not piled up at the end of the bar waiting to be washed.

- There should be regular toilet checks with documented check list and if appropriate, toilet attendant
- Frequent monitoring of beer gardens should take place to check for any noise nuisance/anti social behaviour, broken glass and other litter
- It is recommended that notices be displayed within premises to make patrons aware of any local Byelaws prohibiting consuming alcohol in designated public places as breaching the Byelaws is an offence

2.2.5 The Board notes the establishment of Pubwatch Online/MOBS and Best Bar None schemes across Dumfries and Galloway but would welcome a consistent and dedicated approach locally. The Board believes that these schemes have a positive impact on the Licensing Objectives and provide a network of support to those licence holders who adopt a diligent approach to their responsibilities under the legislation. They strengthen the need for ID checks and exclusion of troublemakers. They also send out a strong message to those who engage in unacceptable and criminal behaviour: it acts as a further sanction outwith the criminal justice system: it says that their behaviour will not be tolerated.

2.2.6 The Board strongly supports the use of these schemes as examples of good practice and expects all licence holders to actively participate in them. However, the Board also expects all licence holders to ensure that all customers are treated fairly and with respect irrespective of whether they (the licence holders) are participants of these schemes.

2.2.7 Licence holders are called upon to actively discourage drink driving which is a serious offence and can have catastrophic effects on families of both victims and offenders. Licence holders are therefore

encouraged to play an active part in preventing drink driving by:

- Displaying anti drink driving materials
- Supplying reasonably priced soft drinks
- Promoting awareness of campaigns such as designated drivers scheme
- Offering free soft drinks to designated drivers.

2.2.8 Dumfries and Galloway Council has introduced byelaws prohibiting the consumption of alcohol in designated public places within certain towns and villages in their area.

Applicants should make themselves aware of the content of the Council's current byelaws and make sure that the layout plan clearly shows which outside areas or area forms part of the licensed premises. Any outside areas not clearly identified as part of the licensed premises will be "public places" where the byelaws apply and alcohol must not be consumed there as this would be contrary to the byelaws and constitute an offence.

2.3 Securing Public Safety

2.3.1 The Board recognises that "licensed premises" will cover a wide range of premises and activities, each with their own safety risks or issues. The premises must be constructed or adapted and operated in such a manner as to safeguard occupants from those risks.

2.3.2 Issues may involve

- occupancy capacity of the premises
- age, design and layout including means of escape
- nature of activities such as music and dancing
- hours of operation
- customer profile (e.g. age, disability, sexual orientation, gender, race/ethnicity)
- use of special effects such as lasers, pyrotechnics, smoke machines

2.3.3 Examples of control measures might include:

- suitable and sufficient risk assessments
- effective and responsible management of premises
- sufficient number of staff
- appropriate instruction, training and supervision of staff
- training need not only relate to licensing, the sale or supply of alcohol and its misuse but wider issues especially those relating to equal opportunity and diversity
- adoption of best practice
- provision of effective CCTV. The CCTV should conform to the current specification prepared by the Chief Constable.
- provision of toughened or plastic drinking vessels
- implementation of crowd management systems
- proof of regular testing of procedures
- preparation and introduction of a policy around accessible transport for lone women and other vulnerable groups.

2.4 The Prevention of Public Nuisance

2.4.1 Licensed premises have a significant potential to impact adversely on communities through public nuisance that arise from their operation. The Board wishes to maintain and protect the amenity of residents and local businesses from the potential consequences of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

2.4.2 Although interpretation is ultimately a matter for the Court the Board would intend to interpret “public nuisance” widely and takes it to include such issues as noise, light, odour, litter and antisocial behaviour where these matters impact on those living, working

or otherwise engaged in normal activity in an area.

2.4.3 “Antisocial Behaviour” is defined in the Antisocial Behaviour etc (Scotland) Act 2004 as where a person acts in a manner that causes or is likely to cause alarm or distress or pursues a course of conduct that causes or is likely to cause alarm or distress to at least one person who is not from the same household as the person engaging in the behaviour; conduct includes speech.

2.4.4 The Board acknowledges that smoking itself is not a licensing matter but is regulated under other legislation.

2.4.5 The health risks associated with smoking and with passive smoking continue to be well publicised; licence holders will be aware of their own statutory responsibilities, customer expectations for a smoke free environment and the legislation concerning smoking in public places.

2.4.6 The Board expects licence holders to ensure that patrons do not create a nuisance or disturbance for residents living nearby. This includes noise from patrons using any outdoor drinking area or when leaving the premises, in particular at closing time, or patrons smoking outside the premises. In respect of smoking areas:

- These areas must be properly managed and monitored
- Location: where possible smoking areas should not be in a public facing area but should be in a private well ventilated area away from the passing public: patrons should be discouraged from standing around any doors which should be kept free from obstruction.
- Location: where the only available area is on the public street smokers should be discouraged from blocking pavements and otherwise causing a nuisance
- The area should be supervised, kept tidy, clean and clear during hours of operation

- There should be made available plenty of ashtrays/bins of appropriate size and durability which should be emptied or replaced on a regular basis to prevent unsightly build up of smoking debris and odour
- Patrons should be made aware of the need for consideration for neighbours
- Consideration should be given to measures to prevent smoke returning inside the building, for example, through double doors or removing seating directly next to smoking exits
- Licence holders should be aware, and make their staff and patrons aware, that where continuous complaints on the operation of these areas are received and mediation fails, the LSO may submit a report to the Licensing Board seeking review of the Premises Licence

2.4.7 Every business has a duty to ensure that waste is disposed of securely and to keep their premises clear of all litter generated by staff and customers; the Board expects licence holders to be aware of their responsibilities and of the possibility of statutory street litter control notices in the case of non compliance.

2.4.8 In addition where the Premises Licence authorises the use of Outdoor Drinking Areas regard should be had to the need to ensure that the use of such areas will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. This should be undertaken through awareness of staff and patrons of the need to give neighbours consideration for their peace and privacy and by proper management and monitoring. Consideration should be given to the use of non-glass vessels to avoid injury within a garden/family environment.

2.4.9 Where continuous complaints on the operation of an Outdoor Drinking Area are received and mediation fails, an LSO may submit a report to the Licensing Board seeking Review of the Premises Licence.

2.4.10 Licence holders are responsible for ensuring that all other consents and permissions are obtained including from Planning, Building Standards and any roads consent or permit.

2.5 Protecting and Improving Public Health

2.5.1 The Nicholson Committee was aware that the Licensing Act 2003 would provide licensing objectives for England and Wales. The Report's recommendation was to adopt similar objectives for Scotland with the addition of this specific objective.

2.5.2 The harmful impacts of alcohol on health are very well known. Nicholson's recommendation was obviously an important one.

2.5.3 Licence-holders can help promote this objective in many ways. Educating the public on sensible levels of drinking is a key public health message. Licence-holders can support public health activity in this area by participating in the following nationally recognised schemes/programmes:

- Drink Wise and Designated Driver Scheme
- National Alcohol Awareness Week
- Healthy Working Lives programme

It is suggested that a co-ordinated approach to this activity is adopted, with local agencies such as; NHS Dumfries and Galloway, Dumfries and Galloway Council, ADP and Police working with Licence-holders to ensure that any interventions are evaluated in terms of impact.

2.5.4 Within their own premises licence holders would be expected to consider introducing or establishing simple measures which will have a positive impact, for example:

- Provide free soft drinks to designated drivers and advertise this to customers
- Show the number of units in drinks on menus

- Call last orders in good time so customers have enough time to drink-up within the time allowed in law
- Consider withdrawing non-premium extra strength alcoholic products
- Ensure that staff are briefed regularly on the health hazards involved with drinking above the level of the recommended number of units including the potential impact on the drinker's family
- Assess whether the availability of food when premises are near closing would have a beneficial impact.

2.5.5 In terms of good practice businesses should have in place a workplace alcohol policy, which raises awareness about alcohol and its potential negative impact upon health. The policy should detail procedures for dealing with situations when staff may have alcohol related problems and, include information on support services. Staff should be able to access support (without fear of job loss) when a problem arises.

2.5.6 Licence holders, especially those operating on sale premises have a real role to play in ensuring that customers do not misuse alcohol on the premises. Licence holders are reminded of the raft of offences relating to sale of alcohol especially the offences of sale of alcohol to a drunk person and allowing drunkenness to take place on the premises.

2.5.7 In terms of public health action around alcohol there are real opportunities to link with other public health programmes. For example public health issues around drugs, sexual activity, gambling addiction, road safety and personal safety are often linked. This emphasises the need to ensure that future actions are delivered through a multi-agency approach with full support from the Licensed Trade.

2.6 Protecting Children and Young Persons from Harm

2.6.1 The wide range of premises licensed under the Act means that children and young persons will visit many of these premises.

2.6.2 The Board encourages applications that make venues family friendly and safe for children and young persons. However there will be very serious concern where:

- there have been convictions for serving alcohol to underage persons or there have been substantiated allegations of underage drinking
- there is a serious element of gambling within the premises
- entertainment of an adult or sexual nature is provided
- the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the service provided (so called vertical drinking establishments)
- licence holders or staff have convictions for offences against children or have otherwise been found unsuitable to work with children.

2.6.3 The protection of children and young persons from harm should include the protection of children and young persons from moral, psychological and physical harm. This would cover exclusion from serious gambling, lap or pole dancing or other sexually orientated entertainment.

2.6.4 Control measures might include:

- extra measures to secure the safety of children such as Disclosure Certificates for staff working within the premises or employed as stewards
- effective and responsible management of premises
- appropriate instruction, training and supervision of staff
- adoption of best practice

- limitation on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age
- acceptance of accredited proof of age schemes
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of strong and offensive language, violence or disorder
- Production and implementation of a written robust age verification policy signed up by the licence holder and all staff
- Keep refusals book
- Train staff in recognising fake ID
- Consider adopting a policy whereby a limit is placed on the amount of
- alcoholic drinks served to those adults in charge of children or young persons

2.6.5 When preparing the operating plan applicants must set out the terms on which children and young persons are to be allowed entry including the ages of children to be allowed entry, times and parts of the premises to which children will have access.

2.6.6 The Board has sought and allowed flexibility in relation to access by children and young persons within licensed premises. However, licence holders must operate within that flexibility in a responsible manner always mindful of the need to safeguard Licensing Objective (e) Protecting Children and Young Persons from harm.

2.6.7 The Board will not hesitate to make a Premises Licence Review Proposal where this or any other Licensing Objective is negatively engaged, for example, due to failure to comply with this access policy.

2.6.8 Children (defined as 0-15 years of age) should normally be accompanied by an adult. There will, of course, be exceptions.

Teenage children wish to have their own social lives, perhaps among a group which also includes young persons. The Board could see this scenario as acceptable where the group is going to licensed premises for a celebratory meal. The licence holder and staff would be legally obliged to ensure that no alcohol is consumed by or sold to children and, in certain cases, young persons. It is to be noted that there is a specific policy with regard to Children and Young Persons' access to licensed premises adopted by the Wigtown Board.

2.6.9 The Board recognises that the parent or guardian is ultimately responsible for the welfare of the child and a responsible adult will in most cases act in the best interests of the child. There will of course be circumstances where the licence holder or Designated Premises Manager will have to make a decision in the best interests of the child but contrary to the views of the accompanying adult.

2.6.10 A wedding reception or other major celebration is an exceptional family event. It is therefore likely that parents/guardians will want to stay to the end of the event with their children. Although this is acceptable to the Board, it is so as an exception. Children - especially younger children - should not be in licensed premises, unless resident in an hotel, for long periods of time and/or to late hours.

2.6.11 The Board does see a distinction between premises serving meals and Vertical Drinking Establishments.

2.6.12 Licence holders should consider adopting a policy whereby a limit is placed on the amount of alcoholic drinks served to those adults in charge of children or young persons.

2.6.13 The Board has been made aware that in some remote areas the only place children can purchase a soft drink or piece of confectionery after 5.00pm is the local pub or hotel. This access would appear to be acceptable if covered by the operating

plan. A similar situation may arise where older children wish access to premises to play indoor sport, such as pool, especially if it is part of a competition.

2.6.14 The legislation gives more freedom to young persons (16 and 17 year olds). For example, an adult can purchase beer, wine, cider or perry for consumption by a young person along with a meal. The protection is still there - the young person cannot purchase the alcohol for him or herself. Only an adult can make the purchase.

2.6.15 In most occasions the Board will find it generally acceptable for young persons to be allowed into premises unaccompanied by an adult. However there will be circumstances when there will be concerns:

- Crowded premises during a local event where there is a tradition of dedicated drinking
- Crowded premises before or after a football match especially if animosity between fans
- Where any type of gambling entertainment is being catered for in the premises

2.6.16 No children or young persons should be within any part of the premises where adult entertainment is being catered for.

2.6.17 The question should be "why is the child or young person in the premises?"

3. RELATIONSHIP WITH OTHER STRATEGIES

3.1.1 The Board will endeavour to secure proper integration with local crime prevention, community safety, health, planning, transport, tourism, race equality and cultural strategies.

3.1.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Board will receive, when appropriate reports on the needs of the local

tourism authority to make sure that these are reflected in the Board's consideration. The Board will also consider the terms of any reports by LSOs on the impact on the licensing objectives should the application be granted. The applications concerned are for:

- a premises licence
- a premises licence variation
- temporary premises licence
- occasional licence
- extended hours

3.1.3 The Board recognises that licensing applications should not be seen as a rerun of the planning process and there will be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. However there will continue to be proper liaison and communication between these 2 regimes.

3.1.4 In addition the Board will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary where they are also already adequately covered by other legislation.

3.1.5 The Board will liaise closely with the Local Alcohol and Drugs Partnership, the importance of such co-operation being recognised as part of the wider alcohol agenda, especially in relation to public health and child and young persons protection licensing objectives.

4. AVOIDING DUPLICATION

4.1.1 The Board will so far as possible avoid duplication with other regulatory regimes such as health and safety at work and fire safety. However, the Board recognises that there will be areas where responsibilities overlap between the Board and other public authorities or bodies for example the Boards' responsibilities under Equalities legislation.

5. CONDITIONS

5.1.1 The Act in Schedule 3 provides mandatory conditions for premises licences. The Scottish Government is empowered to make regulations to amend those conditions or to add to them.

5.1.2 In addition, the Scottish Government has introduced mandatory conditions relating to certain premises with licensed hours at any time between 1am and 5am (the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007).

5.1.3 The Board has power to impose additional conditions to a premises licence which they consider necessary or expedient for the purposes of any of the licensing objectives. These conditions will not be inconsistent with or seek to strengthen or restrict mandatory conditions or relate to a matter which is regulated by another enactment and will only be imposed when considered necessary for the promotion of the licensing objectives.

5.1.4 Schedule 4 to the Act sets out the mandatory conditions for an Occasional Licence.

5.1.5 Paragraph 2 of this Statement lists the local conditions that the Board may adopt in terms of its powers under section 27 and 60 of the Act.

6. THE HUMAN RIGHTS ACT 1998

6.1.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention Right. The Board will have particular regard to the following relevant provisions of the European Convention on Human Rights in respect of its licensing responsibilities:

- Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of their possessions, including for example the possession of a licence
- Article 6: that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law and
- Article 8: that everyone has the right to respect for their home and private life.

7 EQUALITY

7.1.1 The Board consists of Councillors of Dumfries and Galloway Council. Board Members therefore undertake the training required of Councillors including training on Diversity, Unlawful Discrimination and Equality of Opportunity.

7.1.2 Our Council recognises that to provide a good service staff must be well trained including training on Diversity, Unlawful Discrimination and Equality of Opportunity.

7.1.3 The Board is of course a Public Body in terms of the Equality Act 2010 and is therefore under a General Duty to :

- Eliminate Discrimination
- Advance Equality of Opportunity
- Foster Good Relations

7.1.4 In addition, from 30 April 2013 the Board has also required to publish:

- A set of equality outcomes
- Employment information (however it is the Council and not the Board which employs staff)
- A mainstreaming report

7.1.5 The Board has agreed that to fulfil these duties with a view to making a tangible positive difference to the elimination of discrimination, harassment and victimisation,

advancing equality opportunity and fostering good relations between people who share a protected characteristic and those who do not:

7.1.6 The Board's Mainstreaming Report would comprise:

- Awareness of protected characteristics and equality issues
- Encouragement of licensed trade to develop facilities to welcome persons with protected characteristics
- Access to information
- Engagement with local representative groups.

7.1.7 The Board's 2 Equality Outcomes would be:

- Raising awareness of equality and diversity; and
- Promoting accessibility to local licensed services for people with Protected Characteristics
- which would be achieved by the actions of :
 - Spreading equality materials including participation in appropriate campaigns
 - Encouraging operators to participate in the campaigns
 - Having regular dialogue about improvements to services between people with Protected Characteristics and operators in the Equalities Forums.

8. ENFORCEMENT

8.1.1 The Board will follow best practice in enforcement including adoption of the best Regulation Principles.

8.1.2 When a matter is submitted to the Board by an LSO it would be anticipated, except in the most serious cases, that attempts have been made through advice, negotiation and mediation to address the issues.

8.1.3 However it should be appreciated that in appropriate cases, the Board will not hesitate to use their powers to suspend or revoke a Licence notwithstanding that this may have a detrimental impact on the business.

8.1.4 Clubs complying with Section 125 of the Licensing (Scotland) Act 2005, subject to their statutory privileges, come under the full remit of the Board.

8.1.5 Clubs complying with Section 125 of the Act and the Club Regulations are in a privileged position:

- Their fees are lower than commercial premises,
- They do not require to have a Premises Manager,
- It is competent for a Club to apply for an occasional licence for the premises during which anyone might be allowed to purchase alcohol (not only members, guests of members and members of other clubs) and
- An application for a Premises Licence from a qualifying club cannot be refused on grounds of overprovision.

8.1.6 Qualifying Clubs should appreciate that privileges can be withdrawn if misused.

8.1.7 Members Clubs are not commercial operations and should not be run with a view to making a profit.

8.1.8 The sale of alcohol must be restricted to Club Members and their bona fide guests unless an Occasional Licence is in effect in the Club Premises.

8.1.9 If the Club cannot comply with this and other statutory requirements for qualification for the privileges under Section 125 then it is open to them to apply for a variation of the Premises Licence and relinquish Members Club status.

8.1.10 For the avoidance of any doubt the Board may consider failure to comply

with the Club Regulations and the Club Constitution as a breach of the mandatory conditions 2 and 3 attached to the Club Premises Licence and grounds for a Premises Licence Review. An example might be failure to restrict the sale of alcohol to Club Members and their guests.

9. GENERAL PROCEDURE

9.1.1 The Board or any Committee established by the Board shall hold in every calendar year such meetings as are necessary.

9.1.2 Meetings shall be held at such place and on such days and times as determined by or on behalf of the Clerk of the Boards which would be publicised on the Council's website.

10. DURATION AND SUPPLEMENTARY LICENSING POLICY STATEMENTS

10.1.1 This Statement of Policy came into effect on 4 November 2018 and will remain in effect until, at the latest, 18 months after the next ordinary election of Councillors for local government (the latter of which is at the time of publishing this Statement, due to take place May 2022). If necessary and/or appropriate, the Board will prepare, consult upon and publish a Supplementary Statement/s within that period.

APPENDIX 1

Consultees

Age Concern Scotland
Alcohol and Drugs Support, South West Scotland
Alcohol Focus Scotland
All Community Councils in Dumfries and Galloway
All Premises Licence Holders
All Designated Premises Managers
Annandale and Eskdale Licensing Forum
Anti-Poverty Group
Belendon Hospitality Services
BIIAB
Building Standards,
Dumfries and Galloway Council
Chief Officer, Scottish Fire and Rescue Service
City & Guilds
CPL Training Ltd
Crichton University Campus
Students Association
Deputy Chief Constable Designate
DG Training
DG Voice
Director CYPLL,
Dumfries and Galloway Council
Dumfries and Galloway
Alcohol and Drugs Partnership
Dumfries and Galloway Carers Centre
Dumfries and Galloway College
Dumfries and Galloway College
Students' Association
Dumfries and Galloway Council
Equality and Diversity Working Group
Dumfries and Galloway Council
Youth Justice Service
Dumfries and Galloway Disability Access Panel
Dumfries and Galloway Inter Faith Group
Dumfries and Galloway
International Women's Group
Dumfries and Galloway LGBT Plus
Dumfries and Galloway
Multicultural Association
Dumfries and Galloway
Strategic Housing Forum
Dumfries and Galloway Voice
Environmental Health Service,
Dumfries and Galloway Council
Head of Social Work,
Dumfries and Galloway Council
Highfield
JMG Training
LGBT Youth Scotland
Licensing Standards Officers
Licensed Victuallers Association
National Union of Students Scotland
NHS Dumfries and Galloway
Nithsdale Health and Wellbeing Partnership
Nithsdale Licensing Forum
Personal Licence Training (UK) Ltd
Planning Service,
Dumfries and Galloway Council
President, Dumfries Licensed Trade Association
President, South West Scotland
Licensed Trade Association
Scottish Beer and Pub Association
Scottish Children's Reporter Administration
Scottish Youth Parliament - 4 Members
Specialist Drug and Alcohol Service, Dumfries
Specialist Drug and Alcohol Service,
Newton Stewart
Stewartry Licensing Forum
Students' Union, University of Glasgow
Students' Union, University of Glasgow - QMU
The Scottish Licensed Trade Association
Third Sector, Dumfries and Galloway
Visit Southwest Scotland

Wigtown Licensing Forum

Women's Aid, Dumfriesshire & Stewartry

Women's Aid, Wigtownshire

Youth Enquiry Service, Dumfries

Responses received from initial consultation:

- Police Scotland

Responses received from formal consultation

- 162 responses
- Dumfries and Galloway Licensing Standards Officers
- Alcohol and Drugs Partnership, NHS Dumfries and Galloway
- Police Scotland
- The Dumfries and Stewartry Licence Association

APPENDIX 2

Overprovision in Dumfries and Galloway ADP 2018

APPENDIX 3

List of Consultees

- Police Scotland
- Scottish Fire and Rescue Service
- NHS Dumfries and Galloway
- Nithsdale Local Licensing Forum
- Dumfries and Galloway Alcohol and Drugs Partnership
- All Premises Licence Holders within the jurisdiction of the Nithsdale Board;
- All Designated Premises Managers within the jurisdiction of the Nithsdale Board;
- All Community Councils within the jurisdiction of the Nithsdale Board;
- Environmental Health Service, Dumfries and Galloway Council
- Building Standards, Dumfries and Galloway Council
- Planning Service, Dumfries and Galloway Council
- Youth Strategy Executive Group
- Dumfries and Galloway Council Youth Justice Service
- Alcohol Focus Scotland
- Scottish Beer and Pub Association
- Alcohol and Drugs Support, South West Scotland
- Dumfries and Galloway College Students' Association
- Students Union, University of the West of Scotland
- National Union of Students Scotland
- Youth Enquiry Service, Dumfries
- Nithsdale Health and Wellbeing Partnership
- Dumfries Licensed Trade Association
- The Scottish Licensed Trade Association

One response received from the Consultation: Police Scotland