

STIRLING LICENSING BOARD

LICENSING (SCOTLAND) ACT 2005

STATEMENT OF LICENSING POLICY

2023 to 2028

**(draft version for formal consultation with track
changes: January 2024)**



Map of Stirling Licensing Board Area



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1 FOREWORD

The Policy that has been set out is the policy that will guide the District of Stirling Licensing Board for the next five years.

It is a policy that has been refined and amended from that which was in place before following thorough consultation with the Stirling Licensing Forum and many different bodies and individuals representing those within the Licensed Trade as well as those who speak for local communities and other partner agencies including Police Scotland.

In all that the Board do and in all decisions that we make, our aim will be a consistent one, to promote a responsible attitude to the sale and consumption of alcohol.

The Board are aware of the UK Chief Medical Officers Low Risk Drinking Guidelines published in 2016 along with the health risks associated with alcohol. Whilst the Board is committed to the promotion of the public health objective alongside the other licensing objectives, it is aware that its role is not to prohibit the sale of alcohol but to regulate it in order for the district of Stirling to have a healthy relationship with alcohol and minimise the effects alcohol has in the locality.

The Board is committed to ongoing consultation with Stirling Licensing Forum and all other interested parties on the content of this document and will continue to monitor the effectiveness of the Statement of Licensing Policy.

Councillor Alasdair Tollemache
Chair of the District of Stirling Licensing Board

2 INTRODUCTION

Background

- 2.1 Stirling Licensing Board (the "Board") welcomes the opportunity given to it by the Licensing (Scotland) Act 2005 (the "Act") to set out this Statement of Licensing Policy (the "Policy"). The Policy will have effect from [date to be inserted] 2024
- 2.2 In creating its Policy the Board has had regard to the statutory requirements to consult relevant stakeholders. The Board looks forward to working with the relevant stakeholders in the implementation and operation of the Policy. This Policy will be applied during the period until 18 months after the next ordinary local government elections; it will be kept under review and revised, if appropriate, by the issue of supplementary statements, during this period
- 2.3 The Board will meet the Licensing Forum at least once a year and looks forward to continuing the constructive relationship between both bodies. The aim of the relationship is to ensure that the Act is operated in a lawful and consistent manner in the Board's area.
- 2.4 There are two main purposes of this Policy. The first is to set out how the Board will deal with its business in relation to applications for licences, hearings, licence reviews and complaints. Secondly, it sets standards that it expects licensed premises and licensees to meet. Taken together these two purposes are intended to describe how the Board considers the licensing objectives set out in the Act can be met, in light of local circumstances in the Board's area. It provides a framework within which the Board, licensed premises and other licensees are required to operate.
- 2.5 The licensing objectives are:-
- preventing crime and disorder
 - securing public safety
 - preventing public nuisance
 - protecting and improving public health
 - protecting children & young persons from harm
- 2.6 This Policy is additional to the statutory requirements of the Act and any regulations made under it. The Policy does not rehearse the statutory provisions that have to be followed by the Board or by licence holders. Instead, the Policy focuses on matters where the Board has discretion in ensuring that the licensing objectives are met.
- 2.7 The Board considers that if its Policy is to be of value it must be clear and concise so that applicants, licence holders, the public and others with an interest can easily understand what is required.

The Licensing Board

- 2.8 The Board's area lies at the very heart of Scotland. It covers just under 2,196km² from Tyndrum and Crianlarich in the southern highlands to the Glasgow commuter villages of Killearn and Strathblane in the southwest and the villages of Plean, Fallin and Cowie in the east. The estimated population of the area is 92,600 . The main urban centre is the City of Stirling (41,000) and its neighbouring communities of Dunblane (9,310) and Bridge of Allan (5,320).
- 2.9 The population of the Stirling is projected to grow to 98,836 by 2028 . Stirling is projected to have the 6th highest percentage change in population size amongst the 32 council areas and is more than double the national average of 1.8%.
- 2.10 Stirling is home to the University of Stirling and Forth Valley College with a thriving student population. During term time the population of the city can increase by up to 2,000 as a result, helping to sustain a thriving night time economy.
- 2.11 The Board is established under the Act and deals with the administration of liquor licensing and certain other statutory duties. It comprises six members, who are elected members of Stirling Council and are appointed to the Board by the Council. The Board is independent of the Council and acts in a quasi-judicial manner when making decisions on licensing applications and reviews.
- 2.12 As at January 2024, the number of premises in the Board's area granted licences is as follows: 384 licensed premises, 33 of which are licensed club premises (made up of 111 off sales premises, 100 on sales premises and 173 on and off sales premises).

Contacting the Board

- 2.13 Clerk to the Licensing Board – Julia McAfee, Chief Officer - Governance, Stirling Council, Old Viewforth, Stirling, FK8 2ET.
- 2.14 Licensing Team – Governance, Old Viewforth, Stirling, FK8 2ET. Tel. 01786 233612 email: liquorlicensing@stirling.gov.uk
Website – www.stirling.gov.uk/licensing

Other Policies

- 2.15 In carrying out its functions under the Act, the Board will have regard to other policies that it has in place and which do not form part of this Policy. It will also continue to make as much information as possible available through [Stirling Council's Opendata website](#) ¹ Copies of all relevant documents are available on the [Board's website](#).² or from the Licensing Team whose contact details are given above.
- 2.16 The Board acknowledges that it does not operate in isolation and due regard will be had to Stirling Council policies and strategies, where appropriate. The Board notes in particular the terms of [The Stirling Plan](#).³
- 2.17 Stirling Council has in place byelaws within certain parts of the Board area, which regulate the drinking of alcohol in public places. It is the responsibility of members of the public and licence holders to familiarise themselves with the terms of those

¹ [Opendata Stirling Council \(arcgis.com\)](#)

² [Licensing Board | Stirling Council](#)

³ [The Stirling Plan | Stirling Council](#)

byelaws and to ensure compliance with them. The [Register of Byelaws](#)⁴ can be viewed on the Council's website.

Equalities and Human Rights

- 2.18 The Board is committed to fulfilling the three key elements of the general equality duty as defined in the Equality Act 2010 namely:-
- Eliminating discrimination
 - Eliminating harassment and victimisation
 - Advancing equality of opportunity between people who share a protected characteristic and those who do not, and fostering good relations between people who share a protected characteristic and those who do not.
- 2.19 The protected characteristics are; age, disability, gender reassignment, pregnancy and maternity, race - this includes ethnicity, colour and national origin, religion or belief, sex, sexual orientation and marriage/civil partnership.
- 2.20 The Board recognises the links between equality, human rights and fairness; and seeks to help improve the quality of life for everyone in the Stirling Council area by working with community partners and the way in which it grants and regulates licences.
- 2.21 In carrying out its functions the Board will seek to ensure the mainstreaming of the general equality duty. In particular, the Board will ensure that people with protected characteristics are able to fully participate in the application process and in meetings of the Board.
- 2.22 The Board also expects licence holders to be aware of and address equality and diversity issues during the operation of their business. All applications for premises licences made to the Board must now include a Disabled Access and Facility Statement.
- 2.23 The Human Rights Act 1998 incorporates the European Convention on Human Rights ("ECHR") and makes it unlawful for public bodies 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 ECHR in exercising its functions under the Act:-
- Article 1 of the First Protocol: that every person is entitled to the peaceful enjoyment of their possessions;
 - Article 4 - the prohibition of slavery and forced labour;
 - 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.

Reporting

- 2.24 The Board will operate in a transparent manner, with a view to ensuring that relevant stakeholders and members of the public can access and scrutinise its operation and decision-making, as appropriate. All meetings of the Board will be in public, and can be attended in person or watched online through the Council's Public-i system at <https://stirling.public-i.tv/core/portal/home>.

⁴ [Stirling Council byelaws register | Stirling Council](#)

- 2.25 The Board will prepare and publish an annual functions report, summarising its activity in the preceding year. That report will include annual statistics of licences granted by the Board.
- 2.26 The Board will also prepare and publish an annual financial report, summarising its income and expenditure.

3 THE LICENSING OBJECTIVES

- 3.1 The following sets out the Board's general approach to how it will seek to promote each of the licensing objectives. The Board expects applicants to be able to demonstrate that they have addressed the objectives and measures set out in this part. Similarly, the Board expects existing licence holders to be able to demonstrate that they have addressed these issues and measures in their operation of premises. The measures and steps detailed in this part are not an exhaustive list of best practice and part of the educational role of the Board's Licensing Standards Officer will be to encourage and share areas of best practice throughout the licensed trade in the Board's area.

Preventing Crime and Disorder

- 3.2 In carrying out its functions under the Act the Board will have regard to the impact licensed premises may have on crime and disorder in the area. The Board recognises that licensed premises can be a source of disturbance and subsequently crime and disorder. The Board considers that good management practices in licensed premises can often make an important difference to the level of alcohol related crime and/ or disorder in the vicinity of licensed premises.
- 3.3 Applicants and licence holders will be expected to demonstrate in their operating plan that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent the following problems on and in the vicinity of their premises:
- Underage drinking including agency purchases (an adult buying alcohol for a child or young person);
 - Public disorder or violent behaviour;
 - Drink driving;
 - Anti-social behaviour;
 - Illegal possession, supply and/or use of drugs and other substances.
- 3.4 . The measures should be relevant to the individual style and characteristics of the premises, the activities at those premises and the nature and extent of the sale of alcohol at those premises (including if on sales, off sales or on and off sales).

Suggested control measures might include:

- Effective and responsible management of premises;
- Appropriate training of staff members;
- Employment of Security Industry Authority licensed door supervisors;
- Provision of effective CCTV in and around the premises, which complies with all current legislative provisions and provision of external lighting and other security measures;
- Display of prominent notices which set out the management's policy on illegal substances;
- Responsible advertising and promotions;
- The availability of low alcohol and non-alcoholic drinks;
- Proper management of people entering and leaving the premises.

Securing Public Safety

- 3.5 The Board is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end applicants and licence holders will be expected to demonstrate in their operating plan that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises, the activities at those premises and the nature and extent of the sale of alcohol at those premises (including if on sales, off sales or on and off sales). These may include:
- The occupancy capacity of the premises;
 - The design and layout of the premises, including the means of escape in the event of a fire;
 - The profile of the customer at the premises;
 - The nature of the activities to be provided at the premises.
- 3.6 Suggested control measures might include:
- Suitable and sufficient risk assessments in place for the operation of the premises;
 - Effective and responsible management of premises including installation of a CCTV system in and around premises and the provision of adequate training given to staff in its operation and the retrieval of CCTV footage;
 - Employment of adequate numbers of suitably trained staff;
 - Proof of regular testing and certification where appropriate of procedures or equipment which are in place.
- 3.7 The Board expects licence holders to appropriately safeguard those within their premises, including against specific risks that may arise from the consumption of alcohol. The Board encourages the use of schemes such as 'Ask for Angela' and the White Ribbon Campaign.

Preventing Public Nuisance

- 3.8 The Board recognises that licensed premises can have an impact on the amenity of the local area. The Board intends to take appropriate steps to protect local communities from any negative impact from the operation of licensed premises. The Board will take a wide view of the phrase "public nuisance" to include noise, light, odour, litter, amenity of area and anti-social behaviour where they impact adversely on the local community.
- 3.9 Applicants and licence holders will be expected to demonstrate in their operating plan that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises, the activities at those premises and the nature and extent of the sale of alcohol at those premises (including if on sales, off sales or on and off sales). These may include:
- The location of premises;
 - The type of neighbouring properties in the vicinity;
 - The licensed hours;
 - The nature of the activity to be carried out on the premises;
 - The last admission time.
- 3.10 Suggested control measures might include:
- Appropriate management of people entering and leaving the premises;
 - Installation of sound proofing and sound limiting devices;
 - Effective ventilation systems to prevent nuisance from odour;

- Management arrangement for the collection and disposal of waste, empty bottles and cigarette butts at appropriate times.

Protecting and Improving Public Health

- 3.11 The Board is very aware of the link between consumption of alcohol and public health. The Board wishes to see licensed premises thriving in the area, but this cannot be at the expense of the health and wellbeing of patrons or the wider community. The Board encourages applicants and licence holders to demonstrate both within their operating plan and in their everyday practice the measures which will be put in place to protecting and improve public health. Suggested measures may include:
- Making available information which promotes moderate drinking along with awareness of units of alcohol and recommended guidelines (for men and women);
 - Providing information and contact details for obtaining assistance with alcohol related problems;
 - Displaying anti drink drive materials and promoting awareness of campaigns such as designated driver schemes;
 - Having in place a procedure to deal with patrons who have consumed excessive alcohol;
 - Ensuring managers and staff are complying with the law regarding pricing of alcohol and irresponsible drinks promotions and are appropriately trained to make judgments on the sale of alcohol;
 - Availability of low alcohol and non-alcoholic alternatives.
- 3.12 Licence holders must not promote irresponsible drinking practices and should ensure their staff are appropriately trained not to do so.

Protecting Children & Young Persons from Harm

- 3.13 The Board wishes to see family friendly premises thriving within the area. However, the Board recognises the additional responsibilities placed upon such premises and the importance that such premises have in place appropriate measures to protect children and young persons from harm.
- 3.14 The Board encourages licence holders to demonstrate both within their operating plan and in their everyday practice the measures which will be put in place to protect children and young persons from harm connected to the sale of alcohol. The plan should also set out the terms on which children and young persons are permitted access to the licensed premises.
- 3.15 Suggested control measures may include:
- Appropriate measures to ensure children or young persons do not purchase or consume alcohol on the premises (unless such consumption is permitted by a young person in terms of the restricted provisions of Section 106 of the Act);
 - Acceptance of accredited proof of age schemes and training in spotting counterfeit or forge identity documents;
 - Adoption of appropriate schemes and training tools to address/ mitigate against the likelihood of agency purchases;
 - Measures to ensure that children and young persons are not exposed to inappropriate language, violence or disorder;
 - Measures to ensure that children and young persons are not waiting or seated in the bar area.

4 LICENCES

Board Business

- 4.1 The Board will deal with its business in an open and transparent manner. Information and assistance will be made available to persons wishing to apply for a licence, make representations or lodge objections. While Council Officers will give advice, it should be understood that they will not complete applications or operating plans. Officers cannot provide legal advice to applicants. Applicants/ licence holders may wish to obtain independent legal advice in connection with any application.
- 4.2 The Board will meet in public to determine both policy matters and applications, it may however adjourn at times to take legal advice and some matters may be held in private if certain legal or commercially sensitive matters are being discussed. Details of Board meetings will be published on the [Board's website](#)⁵.
- 4.3 Copies of the Board's Agenda and Minutes of Board Meetings will be made available on the [Board's website](#)⁶.

Delegation of Functions

- 4.4 It is of importance to the Board that the service they provide is efficient and cost effective to all those involved in the licensing process.
- 4.5 Decisions on Licensing will be taken in a transparent manner and in accordance with an approved scheme of delegation, aimed at underlining the principles of timely, efficient and effective decision making.
- 4.6 Delegations will be made by the Board in accordance with the Act. A table setting out how the Board intends to delegate its various licensing functions comprises Appendix 1.
- 4.7 In order to maintain an overview the Board will receive regular reports regarding the use of delegated decision making powers.

Applications for Licenses

- 4.8 When assessing applications for premises licences the Board must be satisfied that the measures proposed in the applicant's operating plan aim to achieve the five licensing objectives. The Board strongly encourages all applicants to submit, alongwith their application, a written statement tailored to their particular premises setting out how they intend to conform to and promote the licensing objectives, paying particular attention to the locality in which the premises are situated and the activities to be carried out. The Board considers that a written statement demonstrates a pro-active consideration by the applicant as to the practical application of the licensing objectives in their premises.
- 4.9 The Board will expect individual applicants to address the five licensing objectives in their operating plan and/ or in their representations to the Board. It will expect the operating plan to have regard to the nature of the area where the premises are situated, the type of premises, the activities to be provided, the arrangements made in respect of children on the premises, operational procedures and the concerns of the

⁵ [Licensing Board | Stirling Council](#)

⁶ [Licensing Board | Stirling Council](#)

local community. The Board will expect the operating plan to demonstrate how it is intended that the premises will be good neighbours to residents and to other venues and business.

- 4.10 All applications will be considered on their merits on the basis of the relevant information presented to the Board. Where concerns about an application have been raised, the applicant will be made aware of them and given the opportunity to respond before any decision is reached.
- 4.11 The Board acknowledges the introduction of the 'fit and proper test' as a ground on which it may now refuse to grant certain licence applications. The Board will consider each application on its own merits and will take into account relevant information presented to it by the Chief Constable, the applicant and other relevant persons in making any such determination. The Board shall have regard to the licensing objectives, and specifically whether the applicant's conduct is consistent with those objectives, in making a determination as to whether they are a fit and proper person to hold the licence applied for.
- 4.12 Mandatory conditions are set out in the Act and in Regulations. The Board may apply additional (local) conditions if it considers it necessary or expedient for the purpose of one or more of the licensing objectives or otherwise to give effect to the provisions of this policy or the provisions of the Act. This will most often happen where objections and representations have been made and the Board considers that imposing a condition on the grant of a licence would help to deal with the concerns that have been raised. The Board considers that this is often more appropriate than outright refusal of a licence. A list of Local Conditions that may be attached to a premises licence are detailed in Appendix 2.
- 4.13 Where confirmation of a provisional premises licence is sought to enable alcohol to be sold and consumed on the premises, the Board may make a variation to the conditions for the purposes of ensuring consistency with any statement of licensing policy issued since the provisional licence was granted.

Licensing Standards Officers (LSOs)

- 4.14 LSOs are an integral part of the monitoring and compliance regime under the Act. Their role is to provide:
- **Guidance** – by providing information and guidance concerning the operation of the Act to licence holders, members of the public and other interested persons.
 - **Mediation** – by providing mediation services in order to avoid or resolve disputes or disagreements between the holders of premises or occasional licences and other persons concerning issues of compliance.
 - **Compliance** - supervising compliance with licence conditions, Board policies and other requirements under the Act by premises licence holders and holders of occasional licences.
- 4.15 LSOs will visit all licensed premises in the area to monitor compliance with the Act. Regular inspections will be targeted at premises, whose activities in terms of the operating plan give rise to the most serious risks or those premises that have been the subject of enforcement action by the Board. LSOs work with partner agencies to ensure the effective sharing of information relating to licensed premises, and to enable the most efficient and appropriate responses to be made when compliance issues arise.

- 4.16 The Act provides that anyone preventing LSOs from undertaking certain tasks will be guilty of an offence. The Board expects licence holders to co-operate well with LSOs, to provide them with appropriate information and to seek to remedy any issues raised by the LSO.
- 4.17 The LSO is also a statutory member of the Licensing Forum and attends meetings, which play a key role in the licensing regime. However, they are not in a position to give any legal advice nor make any applications or objections on behalf of any party.
- 4.18 LSOs provide a yearly report with all activities undertaken throughout the duration of the calendar year.
- 4.19 Licensing Standards Officer – Old Viewforth, Stirling, FK8 2ET. Tel.01786 233615, email: liquorlicensing@stirling.gov.uk

Licensed Premises – General

- 4.20 Licensed premises are often a valuable asset to an area or a local community. The Board expects premises to have a good neighbour policy and to attend community council meetings as appropriate. The Board considers that engagement with the relevant community council may be appropriate in circumstances such as when adverse representations are made by members of the community or if the applicant or licence holder is aware of particular concerns by members of the community as to the terms of an application or licence.
- 4.21 The Board also expects that the external appearance of any licensed premises should be neat and tidy. If they are allowed to fall into disrepair or appear neglected, they can have a detrimental impact on the area. In severe cases, they may encourage vandalism, litter and anti-social behaviour. Licence holders are expected to prevent this happening and to take positive action, for example, on the prompt removal of graffiti.
- 4.22 Linked to this is litter outside premises. 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 being served in the case of non-compliance.
- 4.23 It can often be the case that nuisance, disturbance and disorder can happen when people are leaving licensed premises at closing time. The Board accepts that licensees cannot control the behaviour of customers once they have left the premises. They can, however, take steps to help reduce any problem.
- 4.24 Licensees, particularly in residential areas, should have signs at the door of the premises reminding customers that they should leave quietly and quickly and not cause disturbance to neighbours. This can be reinforced verbally as people are leaving. If people hang about outside the premises, they should be asked to move on.
- 4.25 Premises should also have information readily available about local transport. This should include details of train and bus times and details of local taxi and private hire car firms. Premises may consider contracting with taxi or private hire firms to provide a service to the premises, or having a telephone connected direct to such a firm. They may also consider providing their own transport such as a mini bus. This will be more appropriate for larger premises or for those in more remote areas. If a charge is to be made for use of the service, then private hire vehicle and driver's licences would be required. Information on such licences can be obtained from the Licensing Team whose contact details are set out above.

- 4.26 The Board encourages all licence holders to recycle appropriately, including in particular to minimise their use of single-use plastic (for example, straws and cups).

Management of Premises

- 4.27 Within the operating plan for premises in which alcohol will be sold, a premises manager must be specified. The Board will expect the premises manager to have the day to day responsibility for running the premises and to be at the licensed premises on a regular basis when alcohol is being sold. The Board expects that there will be in place appropriate arrangements for monitoring by the premises manager.
- 4.28 The Board expects that appropriate steps will be taken by licence holders to ensure that any conditions imposed on their licence or features of their operating plan which limit the operation of the licence in any way are communicated to patrons, as appropriate. That may include, but is not limited to, signage specifying, for example, any limitations on outdoor drinking, access of children and young persons or last admission times.

Outdoor Drinking and Smoking Areas

- 4.29 Although the Board is not responsible for the enforcement of a ban on smoking in public places, it is aware that people gathering outside licensed premises to smoke can cause nuisance. So far as possible, the Board expects licence holders to provide a suitable outside area for people to smoke and, where there is such an area, that patrons be actively discouraged from standing around any doors of the premises or on the public footway outside. Consideration should be given to ensuring that any smoking area is not located close to adjoining properties, particularly dwelling houses. Licence holders should take appropriate steps to ensure patrons do not leave the premises with alcoholic drinks whilst smoking, if outdoor drinking in that area is not permitted under the licence.
- 4.30 If there is an outdoor drinking area, the Board expects that area to be included in the operating plan and layout plan as part of the licensed premises. The Board expects that any such areas be:
- sufficiently far removed from other properties;
 - cordoned off from public access, as per the layout plan; or
 - appropriately screened from adjoining properties and/ or public access,

as appropriate to the character and location of the premises.

There should be advice to patrons using outdoor areas, including signs, as appropriate to the premises, reminding them that they should not behave in such a way as might cause disturbance or nuisance to neighbouring properties.

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

Capacity

- 4.32 Assessing the capacity of licensed premises is important under the Act. This is, in part, due to the fact that capacity of premises will be taken into account in assessing overprovision.

On sales

- 4.33 The Board considers that it is very important for licence holders to have a sound knowledge of the safe capacity of their premises. Capacity for on sales premises should be presented to the Board in patron numbers. The maximum capacity should be worked out using the formula used by Building Standards. However, the safe operating capacity may differ as this formula does not take into account the fixtures and fitting of the premises. Licence holders should consider the type/nature of the facilities offered to customers, the seating and table arrangements, the current risk assessment for the premises etc in assessing a safe operating capacity and should take any advice given by the Scottish fire and Rescue Service in this regard.
- 4.34 This is particularly so where the premises are large, or where they include entertainment such as live music, dances and discos. The Board expects, in respect of these types of premises, that there should be suitable capacity control measures in place. These may include stewarding, door number clickers or issuing of tickets.

Off sales

- 4.35 Again, the Board considers that it is very important for licence holders to have a sound knowledge of the capacity of their premises. Capacity for off sales premises should be presented to the Board in meters squared.

Children and Young Persons

- 4.36 Where premises elect to allow children and young persons onto the premises, they need to ensure that they are protected from harm and are catered for appropriately. Depending on the type of premises, measures that could be taken are baby changing facilities and play areas. Consideration should be given to ensuring that children and young persons do not sit at, or get served at, any bar in the premises.
- 4.37 The Board expects that, in general, children should not be allowed in licensed premises beyond 10.00pm. Where children are to be allowed on premises, applicants should demonstrate how they will ensure that the children are protected from harm. This should include, for example, ensuring that they are accompanied by an adult, that they are having a table meal or that they are attending a private function such as a wedding.
- 4.38 A mandatory condition for all premises licences and occasional licences requires that there must be an age verification policy in relation to the sale of alcohol on the premises.
- 4.39 The law has set a minimum age of 25 years for this policy where it appears to the person selling the alcohol that the customer may be under the age of 25 years proof of age must be requested.
- 4.40 Premises should also keep a record of any refusal to sell to someone because they are, or appear to be, under age.
- 4.41 Where premises do not elect to allow children on to the premises, they must have an enforceable procedure setting out how access to the premises will be controlled.

Substance Use

- 4.42 This includes both over consumption of alcohol and illegal use of drugs or other substances.
- 4.43 In respect of alcohol, premises will comply with the law on sales of alcohol to a person who is drunk. They will have a register which details occasions when the sale of alcohol has been refused for such a reason as well as written procedures to deal with how the sale should be refused and how to deal with a customer who reacts badly to being refused.
- 4.44 Premises must have a zero tolerance policy in relation to the illegal use of drugs or other substances on the premises. There must be a register in which any such incidence is recorded and a written policy on how to deal with any drugs or other illegal substances. This will be of less significance for premises where alcohol is only sold for consumption off the premises.
- 4.45 Advice and assistance for licensees can be obtained from the Clackmannanshire and Stirling Alcohol and Drugs Partnership. The Partnership can provide service information, prevention literature, campaign resources and can also signpost people to data relating to alcohol and drug use where appropriate. Their contact details are:-
- Clackmannanshire and Stirling ADP, Stirling Council, Wolfcraig Building, Dumbarton Road, Stirling, FK8 2LQ.
- Tel. 01786 233542.

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

- 4.46 Records should be kept of any incident occurring on the premises, over and above anything recorded in the drugs or refusal of sale registers. This should include any violent incidents, removal of patrons from the premises or accidents. Records of any weapons found on the premises must be kept. There should also be registers of lost and found property.
- 4.47 In addition to keeping records, premises should have in place written policies on how to deal with incidents of disorder, accidents causing injury or damage to property, the discovery of any weapon and also for lost and found property.

Home Deliveries

- 4.48 Premises which intend to provide home deliveries of alcohol must specify this in their operating plan.
- 4.49 The Board will also expect policies and procedures to be in place and implemented by staff including in relation to the process of taking and recording orders, training of delivery drivers, recording of items dispatched, the hours of delivery, the steps which will be taken to verify the age of the person ordering and accepting delivery of the alcohol, not leaving deliveries of alcohol in nominated places or on doorsteps, keeping a refusals register and arrangements to protect the safety of those delivering alcohol. A copy of the policies and procedures should be submitted with an application seeking to add a delivery service as an additional activity on the operating plan.
- 4.50 All such deliveries must be made to a bona fide residential or business address.
- 4.51 The Board expects all premises who offer home delivery for alcohol to operate Challenge 25 or similar age verification scheme in respect of all such deliveries.

Licence holders should provide notification, as appropriate, to customers in advance of any home delivery of alcohol that an age verification scheme is in operation.

- 4.52 Premises licence holders are reminded that if they use a courier or the sale and delivery are carried out through a third party organisation, it is the responsibility of the premises licence holder to make sure the courier/third party has appropriate policies and procedures in place.

Community Engagement

- 4.53 Licensed premises may also consider joining local pubwatch or radio link project in the area and the Board strongly encourages them to do so. Contact details on how to join can be provided by:
- 4.54 Licensing Standards Officer – Old Viewforth, Stirling, FK8 2ET. Tel.01786 233615, email: liquorlicensing@stirling.gov.uk

Opening Times

- 4.55 Whilst each application is assessed on its own merits, the following sets out the Board's general policy on licensing hours. For applications seeking hours outwith the Board's policy, the practical onus is on the applicant to persuade the Board to grant the application. Applicants should provide information to enable the Board to make a decision about whether the additional requested hours are appropriate in the circumstances, and are consistent with the licensing objectives. Applications seeking hours outwith policy may be dealt with by the Board rather than under delegated powers by officers.
- 4.56 The Board does not intend to allow 24 hour drinking. Any application which seeks to allow premises to sell alcohol for more than 14 hours at a time merits careful consideration by the Board. Only on exceptional occasions will it consider allowing premises to sell alcohol for more than 16 hours at a time.

Off Sales

- 4.57 The maximum licensed hours for the sale of alcohol for consumption off the premises are laid down as between 10 a.m. and 10 p.m. each day. These hours are applicable to premises licences and occasional licences. The Board will have no discretion to permit licensed hours outwith these times.
- 4.58 In making any application to the Board for off sales provision commencing at 10am and/ or permitting the sale of alcohol until 10pm, applicants/ licence holders require to satisfy the Board as to why the granting of a licence for that period is consistent with the licensing objectives.

On Sales

- 4.59 The Board regards the following indicative hours as reasonable:-
- (i) premises other than off-sales and premises specified at (ii) below
- Sunday – Thursday – 11am - 12 midnight
- Friday and Saturday – 11am - 1 a.m.

These premises will in the main be vertical drinking establishments (premises where the only or main activity is consumption of alcohol and other activities taking place on

the premises are secondary to the consumption of alcohol), hotels, restaurants and members' clubs.

(ii) premises offering significant entertainment

The Board considers that the maximum appropriate hours for premises providing significant entertainment (to the satisfaction of the Board) are:-

Sunday to Thursday – 11:00am to 2.00am

Friday and Saturday – 11.00am to 3.00am

- 4.60 The Board will interpret the phrase “significant entertainment” strictly and will only grant late opening premises hours if the entertainment offered is adequately specified in the operating plan submitted with the application. The Board will require applicants to demonstrate the entertainment proposed will not be merely ancillary to the consumption of alcohol. In particular, applicants must satisfy the Board that significant facilities within the premises will be dedicated to the provision of the entertainment. Examples would include provision of a significant dance floor area and/or a dedicated stage or performance area. Applications should also provide evidence that forthcoming entertainment will be pre-advertised.
- 4.61 Where these tests are met, the Board considers that entertainment such as, musical performances including live music for concerts, nightclubs, cabaret and theatrical plays and comedy nights may amount to significant entertainment. Pool, darts, dominoes and background music will not be accepted as significant entertainment.
- 4.62 Regardless of the above, what the Board considers to amount to provision of entertainment or other facilities or activities bringing a premises into the category above will be determined on the facts and circumstances of each application. It is up to the applicant to satisfy the Board that genuine entertainment or other activities or facilities will be provided.
- 4.63 The Board has a presumption against granting an application based on the above where that application purely seeks an additional period for drinking where no entertainment or other activities or facilities are provided on the grounds that this contravenes the promotion of public health under the Act.

Festive Trading

- 4.64 The Board may grant a general extension for longer licensed hours over the festive period. Should the Board not grant a general extension then Applicants will be required to submit an extended hour's application that will be considered in accordance with the Act and this Policy. The Board's policy stance is that it will normally be prepared to allow an extension of up to one hour on existing licensed hours in connection with festive related special events.
- 4.65 For the above purpose, the festive season will be deemed to be the period commencing on the second Friday in the month of December in each year and terminating on 2nd January in each year.

Special Events - Extended Hours Applications

- 4.66 The Board may on application extend the licensed hours in respect of licensed premises by such period as the Board considers appropriate. This can only be in respect of (i) a special event or occasion to be catered for on the premises, or (ii) a special event of local or national significance.

- 4.67 Generally, the Board will only grant an extended hours application for one additional hour.
- 4.68 applicant requires to satisfy the Board that their application relates to either (i) (a special event or occasion to be catered for on the premises) or (ii) (a special event of local or national significance), and that to grant the application will not conflict with any of the licensing objectives.
- 4.69 Where the hours sought fall outwith the on-sales hours specified in this policy, the practical onus is on the applicant to provide information to enable the Board to make a decision about the application. The applicant requires to satisfy the Board that the hours sought are appropriate in the circumstances of the application. It will be for the applicant to provide the Board with sufficient information to enable it to reach a decision. The information which will assist the Board in making a decision will include:
- The hours sought;
 - The description of the special event or occasion;
 - What activities are proposed;
 - If more than one activity, the duration of each activity; and
 - The reason for the event or occasion being regarded as special and requiring extended hours.

4.70 (i) Special event or occasion to be catered for on the premises

The Board will consider the nature of any “special event or occasion” cited by an applicant on its own merits. The onus is on the applicant to satisfy the Board as to why the event or occasion is genuinely ‘special’ if relying on it in seeking an extension of their licensed hours.

The Board will take into account whether the selling of alcohol is supplementary to the event or activity proposed to be carried out on the premises outwith existing licence hours and the extent to which the event or activity is ‘special’ compared to the normal activity carried on at the premises. The Board will not normally grant extended hours for the type or entertainment provided for within the operating plan for the premises.

4.71 (ii) Special event of local or national significance

The Board recognises the community benefit in marking significant local and national dates and other significant local events and will look favourably on applications in respect of on sales premises seeking to extend their standard licensed hours by one hour for the following approved dates:

- Easter Weekend;
- May and Spring Bank Holidays (first and last Sunday in May);
- Freshers & Re-freshers Week (1 week in September & 1 week in January respectively);
- Halloween (the Board will take into account whether Halloween falls on a weekend and if it does not in any year, the Board may look favourably on applications for extensions on the weekend closest to Halloween);
- Patron saints’ days, if the premises can demonstrate that they are hosting an event or entertainment in connection with that date.
- Festive Period (second Friday in the month of December in each year and terminating on 2 January in each year).

The above list is not exhaustive and the Board will consider the nature of any local or national event cited by an applicant on its own merits. The onus is on the applicant to satisfy the Board as to why the event is of local or national significance, if relying on that in seeking an extension of their licensed hours.

- 4.72 Even if the Board is satisfied that an application relates to an event as described at (i) or (ii) above, the Board will not grant an extended hours application where the applicant fails to satisfy the Board that a genuine special event is taking place and the application merely relates to additional drinking time. The Board considers this approach is consistent with the protection of public health licensing objective.
- 4.73 Licence holders should be aware that an application submitted less than 10 weeks prior to the date sought may not have the application processed in time should the application have to be determined at a meeting of the Board. An application would have to be determined at a meeting of the Board if objections or representations were received, there was a recommendation for refusal by the Chief Constable or the Licensing Standards Officer, or there was an unusual feature to the application.
- 4.74 The Board is of the view that extended hour applications should not be used consistently by licence holders to extend their operating hours and/ or to facilitate the operation of their premises. Licence holders should consider whether a variation to their licence is more appropriate than making repeated extended hour applications. The Board may refuse to grant an extended hours application if it considers that any licence holder is using this mechanism when in its view the licence holder should make an application to vary their premises licence.

Premises Licences Ceasing to have effect

- 4.75 Section 28 of the Act details the period of effect of a premises licence. A premises licence ceases to have effect on the occurrence of certain events. One such event is when a premises ceases to be used for the sale of alcohol and that reason is not the surrender or revocation of the licence. The Board considers the closure of a premises to the public for a period of time, during which the premises is not used for the sale of alcohol, an event which may indicate that a premises has, or is likely to, cease to be used for the sale of alcohol. The Board is aware that there may be many reasons why a premises closes and that closure does not automatically mean that the premises has ceased to be used for the sale of alcohol. However, the Board does not consider that a premises should indefinitely retain a licence, if it is not being used for the sale of alcohol. This section is not intended to affect premises that might close for a period of time due to seasonal demand.
- 4.76 The LSO will have a role in identifying if any licensed premises is closed to the public and not selling alcohol. Licence holders are however expected to engage with the Board and should advise the Board in writing if they intend to close to the public and as such cease to sell alcohol for a period of time.
- 4.77 The Board considers that if a premises has been closed to the public and has not sold alcohol for a period of twelve (12) months, it will be deemed to have ceased to be used for the sale of alcohol. In those circumstances, a licence will have ceased to have effect and the premises would require a new premises licence to enable alcohol to be sold.
- 4.78 The Board does not intend this section and the timescale set out, to apply retrospectively. However, the Board does expect licence holders to take steps to notify the Board, following its adoption of this Policy, if their premises are closed to the public. The Board will consider the timescale referred to within this section as commencing when the Board writes to licence holders confirming adoption of this Statement of Policy.

Occasional Licences

- 4.79 Occasional licence applications may be made by:
- a premises licence holder;
 - a personal licence holder;
 - a voluntary organisation representative.
- 4.80 Such an application is appropriate where authority is being sought for the sale of alcohol on premises which are not licensed premises.
- 4.81 An occasional licence can last for a maximum of 14 days.
- 4.82 Whilst premises licence and personal licence holders may make unlimited applications for occasional licences, the following restrictions apply to applications on behalf of voluntary organisations. A voluntary organisation can apply for in any period of 12 months:
- (a) no more than 4 occasional licences lasting for up to 4 days;
 - (b) no more than 12 occasional licences for periods of less than 4 days.
- 4.83 This is subject to a maximum of 56 days on which occasional licences can have effect in respect of any one voluntary organisation in any 12 month period.
- 4.84 Applicants are strongly recommended to make applications no later than 10 weeks prior to the event for which application is made.
- 4.85 The time limit is required to allow the Board to carry out all necessary administration and fulfil its statutory duties in respect of consultation. Police Scotland and the LSO have a 21 day period to make representations or objections to an application.
- 4.86 The Board considers that applications which require to be dealt with quickly in terms of section 57(4) of the Act will generally only be considered appropriate in relation to funeral functions. Any other application seeking a section 57(4) decision must be accompanied by a clear explanation of why the licence is required and why the standard notice could not be given.
- 4.87 While the Board is aware that the Act does not refer to the holding of events in the provisions dealing with occasional licences, given their short term nature and that they are not subject to any requirements for certification, neighbourhood notification or public site notices, it will generally look for the applicant to demonstrate that the occasional licence is required for a special event to be catered for on unlicensed premises. The Board believes that this approach is necessary to avoid the occasional licence process being used as a mechanism which could be said to circumvent the full licensing process which would more readily identify any issues of concern in relation to one or more of the licensing objectives, and, in particular, that relating to securing public safety. Each application will, however, be determined on its own merits.
- 4.88 The Board may impose such conditions as it considers appropriate having regard to the detail provided within the application and the nature and location of the event.
- 4.89 In particular, when considering any application for an occasional licence to permit the sale of alcohol at an 18th or 21st birthday party or similar event, the Board expects the applicant to have addressed the steps that will be taken by the licence holder to safeguard children and young people. That should include detail as to the steps the licence holder will take to prevent children or young people from accessing alcohol during such an event.
- 4.90 Generally, the Board will not grant occasional licences for events that are aimed primarily at children or young people.

- 4.91 Applicants should be aware that they may also require a public entertainment licence, market operator licence, street trader licence, late night catering licence and/or permission for a raised structure (including a platform, stand or stage).
- 4.92 Where an occasional licence application is for an outdoor area, a layout plan showing the proposed licensed area is required.
- 4.93 Where the licensed area sought is an outdoor area and it within an alcohol bye-law area, the licensed area should be physically enclosed by use of, for example, fencing, ropes and entry/exit should be controlled.

Applications for Occasional Licences will generally be determined in accordance with the Board's policy on licensing opening hours set out above. This will include any extended licensed hours over the Festive period.

Personal Licence Holders

- 4.94 It is the responsibility of a personal licence holder to carry out appropriate refresher training within five years of obtaining their personal licence and to evidence to the Board that they have done so. The Board will, in accordance with the Act, revoke a personal licence if a personal licence holder has not done so.
- 4.95 It is the responsibility of personal licence holders to submit their renewal application for their personal licence in sufficient time and to have undertaken necessary training to enable the Board to grant the renewal of their licence. Licence holders can submit their renewal application between 12 months and 3 months in advance of their licence end date. Applications received by the Board within 3 months of their end date cannot be processed by Board. Licence holders should submit their renewal application as soon as possible during the renewal window and the Board would encourage licence holders to lodge no later than 4 months before expiry of their personal licence.

Minimum Pricing

- 4.96 The Board acknowledges the implementation of legislation requiring minimum unit pricing to alcohol from May 2018. Those minimum pricing requirements will be imposed by the Board as a mandatory condition on all relevant licences. The Board's Licensing Standards Officer will have a role in supporting and educating licence holders but responsibility for compliance sits with licence holders.
- 4.97 Licence holders and applicants are also referred to the Scottish Government Guidance on the Implementation of Minimum Unit Pricing which can be accessed via the following link: <https://www.gov.scot/Resource/0053/00534378.pdf>

5 OVERPROVISION

5.1 Overprovision Statement

The Board is under a duty in terms of Section 7 of the Act to include in this policy document a statement of the extent to which it considers there to be overprovision of licensed premises or overprovision of licensed premises of a particular description, in either case in any locality within the area of the Board.

At present, the Board has yet to reach a conclusion that there is overprovision of licenced premises of any description within its area. The matter of assessing whether there is overprovision of licenced premises be contained in a supplementary statement determined following appropriate consultation.

6 APPENDICES

Appendix 1 – List of Delegated Powers

1. Any application for a minor variation of premises licences (Section 29).
2. Any application for variation to substitute a new premises manager (Section 29, 31).
3. Any application to transfer a premises licence – where the transferee has not been convicted of any relevant or foreign offence (Section 33-35).
4. Any application for confirmation of a provisional premises licence – where no variation (other than a minor variation) has been made to the operating plan or layout plan for the premises to which the licence relates since the provisional licence was issued or since a variation of a provisional premises licence was granted (Section 46).
5. Any application for an occasional licence – where no objections or representations have been received, nor any notice recommending refusal from the Chief Constable or any report from the Licensing Standards Officer recommending refusal (Section 56-61).
6. Any application for extended hours where :–
 - (a) the application is for extended hours which are within the Board's policy hours as detailed in its Statement of Licensing Policy;
 - (b) no objections or representations have been received;
 - (c) no recommendation for refusal are received from the Chief Constable or the Licensing Standards Officer;
 - (d) there are no unusual aspects to the application.
7. The determination in terms of Section 74(7) and (8) of the 2005 Act as to whether or not the Licensing Board will hold a hearing to determine the application for a personal licence, where the applicant has held a personal licence which has expired, or been surrendered, in the previous three years.
8. Any application for a personal licence or renewal of a personal licence where the applicant has not been convicted of a relevant or foreign offence, and where there is no representation recommending refusal from Police Scotland (Section 74).

Those function which are delegated to the Board Chair and Vice Chair are:

9. Determination of any application for extended hours where:-
 - a. the application is for extended hours which are outwith the terminal hour as detailed in the Board's Statement of Licensing Policy; and
 - b. there are no objections or representations received; and
 - c. no recommendation for refusal is received from the Chief Constable or the Licensing Standards Officer; and
 - d. there are no unusual aspects to the application

Appendix 2 – List of Local Conditions

This is a sample list of local conditions that seek to promote the Licensing Objectives. These conditions may be attached to any application considered to be granted at the Licensing Board, either under provisional grant, full grant or occasional licence and extended hours licence as follows: -

(Please note that this list is not exhaustive and the Board will have the right to amend or adapt conditions that tailor to the premises specific requirements or attach other conditions as they consider appropriate.)

Premises Licence

- A CCTV system is to be of a specification that is approved by the Chief Constable. Any system that is installed must meet the Data Protection Act 1988. The system must be fitted, maintained and in full working order at all times in accordance with guidance provided by the Information Commissioner. Any such system fitted must be operational at all times when the premises are open for business and images must be available to the Police or the Licensing Standards Officer on request.
- A member of staff who has charge of the licensed premises must be fully trained on operation of the CCTV and be able to provide footage when requested.
- All sales of alcohol must be entered through a till which has a facility to print itemised sales. Any such till receipt must specify the date, time, quantity and cost of any such sale. This facility must be in full working order at all times. Any such print out must be available when requested by Police or the Licensing Standards Officer.
- The premises that provides off sales facilities must ensure that a refusal register is kept and maintained. The register must be capable of recording date, time, reason for refusal and name of staff member who refused them. The register may also be kept in an electronic format. The register must be made available when requested by Police or the Licensing Standards Officer.
- Licensed premises for consumption of alcohol off the premises, with regards to home deliveries, should ensure that the following is adhered to: -
 - A day book is kept on the premises
 - A delivery book or invoice is in the vehicle with driver who is delivering the alcohol.

The information that is required to be shown on both documents above is: -

- The quantity, description and price of the alcohol
- Name and Address of the person to whom the alcohol is being delivered

All records stated above for all deliveries must be retained and that all deliveries will be made to a bona fide residential premises. All documentation must be produced when requested by the Police or the Licensing Standards Officer. All information can be found at Section 119, of the 2005 Act.

- For sporting events being held at the premises adequate stewarding by persons who hold a licence granted under Section 8 of the Private Security Industry Act 2001 is provided.
- For sporting events the Licensing Board and the Police are given at least 21 day's notice, in writing by the Premises Licence Holder, of any confirmed sporting event at the premises.
- For sporting events children under the age of 16 will only be permitted entry to the main area, for such events that are suitable to be attended by children of such an age, and specifically provided that such events do not involve boxing, martial arts, wrestling, cage fighting and and/or similar such activities, save with the prior written consent of the Clerk to the Licensing Board (the Clerk also being obliged to consult with members of the Licensing Board and Police Scotland on the suitability of those of such an age being permitted entry to the same where such consent is sought).
- For sporting events all drinks must be decanted into plastic cups, where a meal is not involved.
- Premises that have an outdoor area as part of their premises, where appropriate, must ensure a Street Café Permission is acquired from Road and Transportation Department before using the area. Such permission must be renewed accordingly.
- Premises providing Children's access must ensure that all heating appliances within the public area are protected.
- Premises providing Children's access must ensure that all electrical sockets in the public area are protected.
- In premises that are holding events exclusively for children, or children and young persons, such as themed parties, discos etc, must ensure that adequate adult supervision is in place for children or young persons attending the event.

(Specifically regarding Home Deliveries)

- All such deliveries must be made to a bona fide residential or business address.
- Home delivery of alcohol must operate Challenge 25 or similar age verification scheme in respect of all such deliveries.
- Delivery staff undertaking home delivery of alcohol be trained to the same level as staff who sell or supply alcohol in licensed premises.
- Alcohol delivery orders cannot be left in a nominated safe place.

Occasional Licence:-

- Sufficient SIA stewarding must be provided within and at all entry and egress points to licensed area.
- No alcohol is to be sold or removed outwith the licensed area and is to be adequately supervised to ensure no one leaves the area with alcohol.
- A personal Licence Holder who is responsible for authorising all sales of alcohol must be present and working within the bar for the duration of the event.

- Wash basin/s provided with adequate supply/s of hot and cold water for the purpose of washing hands require to be provided adjacent to the food preparation and drinks serving areas.
- The event being held must be ticketed.

Outdoor Events:-

- All alcohol sold for consumption on the licensed premises relating to an outdoor event must not be supplied in a glass or tin can drinking vessels.
- All food and drink facilities must comply with the relevant provisions of the Food Safety Act 1990 & Regulation (EC) No 852/2004 on the Hygiene of Foodstuffs. Also to ensure where food is being offered that there is a gluten free option is available to customers.
- Suitable and efficient sanitary accommodation must be provided for persons expected to attend the event. The applicant must contact environmental services at least 14 days prior to the event to ensure that accommodation provided is suitable and sufficient.
- Events held within a marquee/barn all exit routes should be clear of obstruction.
- Events held within a marquee/barn should have some form of a barrier indicating the area covered by the licence.
- Events held in marquees/barns within an open space, such as a field, must ensure the area is left clean and tidy during and after the event.
- No undue disturbance to neighbouring properties shall be caused by noise generated at the event. If amplified music is provided, appropriate noise conditions must be agreed with environmental services at least 14 days prior to the event.
- No smoking signs must be displayed within the Marquee/Barn.
- The licence holder must ensure that there are adequate First Aid facilities.

Extended Hours: -

- Mandatory Late Night Opening conditions will be attached to each extended hours application that is requested after 1am.
- The event being held must be ticketed.

Appendix 4 – List of Consultees

To be inserted following consultation

Appendix 5 – List of those who responded to consultation

To be inserted following consultation