

NORTH AYRSHIRE LICENSING BOARD LICENSING POLICY STATEMENT UNDER THE LICENSING (SCOTLAND) ACT 2005

Adopted by North Ayrshire Licensing Board on 20th November 2007

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1. INTRODUCTION

1.1 Section 6 of the Licensing (Scotland) Act 2005(the 'Act') requires all licensing boards to publish every 3 years a statement of licensing policy. This statement adopted by North Ayrshire Licensing Board on 20th November 2007,fulfils that statutory requirement. The Board is required to ensure that its policies promote the licensing objectives. They are set out in section 4 of the Licensing (Scotland) Act 2005 and are:

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

1.2 Subject to the promotion of the licensing objectives the Board recognises and supports the contribution which licensed premises make to the economy of the area, to employment, tourism and the vitality of the area. The Board will take into account specific regeneration or local tourist benefits in its considerations.

In exercising its functions under the Act the Board is required to have regard to its Licensing Policy Statement. The Licensing Board will consider all applications on their merits within the context of the Licensing Policy Statement. In particular the Board will give due consideration to an application whether or not it conforms to any requirements set out in the Licensing Policy Statement.

1.3 In relation to applications, section 23(5) of the act details various grounds for refusal. If these apply then the Board must refuse an application. This Licensing Policy Statement sets out the Board's policy with respect to the

exercise of its functions under the act. It aims to promote transparency and certainty and to indicate to both the licensed trade and the public the issues that the Board consider important in determining whether grounds of refusal apply. Underlying all of this Licensing Policy Statement is the promotion of the licensing objectives, inconsistency with which is one of the specific grounds of refusal in terms of section 23(5)(c) of the act. If an application conforms to the licensing objectives as promoted by this Licensing Policy Statement then there is a presumption that the application will be granted unless there are other material licensing considerations which relate to another ground of refusal.

It is open to applicants to submit applications which deviate from this Licensing Policy Statement. However if an application does not conform with this Licensing Policy Statement then applicants will be expected to address the issue or issues in question in their application.

In relation to applications, all documents submitted along with or in support of the application will be deemed to form part of the application. Applications which are granted will be granted on the basis of the application, operating plan, plans and other supporting information submitted by the applicants, including the Appendix 1 Risk Assessment, if submitted. Insofar as not already covered in the application or mandatory conditions imposed under the act or regulations, the Board will impose conditions to ensure consistency with the licensing objectives as promoted in this Licensing Policy Statement. The effect of this will be that unless the Board have specifically deviated from this Licensing Policy Statement in granting an application, that the Board will expect licence holders to adhere to the terms of this policy and in the event of breach, to demonstrate good reasons from deviating from it.

- 1.4 The Board acknowledges that its licensing powers are not the main statutory mechanism for dealing with anti social behaviour and nuisance and will pay due regard to any other statutory or other systems of control which can be more appropriately applied to the circumstances.

In seeking to avoid duplication with other regulatory regimes, the Board will have regard to the extent to which another regulatory regime promotes the licensing objectives and as to whether that regulatory regime or the liquor licensing regime best promotes the objectives.

2. THE LICENSING OBJECTIVES

2.1 In general terms the Board will seek to promote the licensing objectives as follows:

Preventing Crime and Disorder

The Board supports a strategy aimed at making the area a safe place to live in and visit. The Board is committed to improving the quality of life for the people in the area by ensuring that licensed premises are run in such a way as not to contribute to crime and disorder. Applicants should be able to demonstrate that they will address the problems of:-

- ⌚ Underage drinking;
- ⌚ Drunkenness on premises;
- ⌚ Public drunkenness;
- ⌚ Illegal possession and/or use of drugs;
- ⌚ Violent behaviour;
- ⌚ Anti-social behaviour;
- ⌚ Litter

Securing Public Safety

The Board is committed to ensuring that the safety of any person visiting or working on or in the vicinity of licensed premises is not compromised.

Preventing Public Nuisance

The Board wishes to protect and maintain the amenity of residents and occupiers of other businesses from any adverse consequences of the operation of licensed premises whilst at the same time recognising the valuable, cultural, social and business importance that such premises provide.

Protecting and Improving Public Health

The Board is concerned about the link between the consumption of alcohol and public health. The Board wishes to see premises thriving in the area, but this cannot be at the expense of patrons' health and wellbeing. The Board will have regard to the views of the relevant bodies responsible for, and interested in, the protection and improvement of public health in the area. It will take advice from those relevant bodies.

Applicants will be expected to demonstrate in their operating plan that suitable and sufficient measures have been identified and will be implemented and maintained to protect patrons' health. This will include such measures as making information available free of cost with regard to sensible drinking, the effects of excessive alcohol consumption and contact points where assistance can be obtained for

problem drinking. The Board will also require a wall-mounted notice board of prescribed dimensions to be erected to display such information. Drinking water must be available to customers free of cost. There must also be available other reasonably priced alternatives to alcohol.

Protecting Children from Harm

The Board wishes to see family friendly premises thriving in the area. Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time recognising that parents and other adults accompanying children also have responsibilities.

The Board also takes very seriously the issue of under age drinking and wishes to remind licensees that they and their staff must comply with all other legislation in relation to children and young persons including not selling or allowing the sale of alcohol to children and young persons.

3. BOARD BUSINESS

3.1 Openness and accessibility

The Board will deal with all of its business in an open and transparent way. Information and assistance will be made available to those who wish to apply for a licence, to make representations or to object to an application. The Board is also aware of the need to ensure that the licensing process is accessible to all. Assistance will be available on request for those who require special arrangements to access any part of the process. In particular, information may be made available on request in large print or in alternative formats.

The Board will develop a statement of procedure and guidance notes which will be made available to applicants, licensees and the public.

3.2 Applications and Risk Assessment

As mentioned in paragraph 1.3, the Board will consider whether granting an application is consistent with the licensing objectives as promoted in this Licensing Policy Statement. To assist applicants for premises licences, the Board has drawn up in Appendix 1 a list of matters pertaining to the Licensing Objectives as promoted in this Licensing Policy Statement. The Board encourages applicants to submit this as part of their application as this will help applicants to address the issues covered in this Licensing Policy Statement, and will simplify the processing and determination of applications by the Board. Essentially the appendix provides a check-list for applicants of matters that they should address in relation to the licensing objectives as promoted in this Licensing Policy Statement and a check-list for the Board that such matters have been properly addressed. The appendix asks applicants to consider as part of their application, an assessment of the risk or relevance of certain matters to their particular premises, reasons why this view has been taken and steps to be taken, if any.

If applicants choose not to submit the appendix 1 risk assessment then their application will still need to contain sufficient information to enable the Board to consider whether the application is consistent with the licensing objectives. The danger is that if sufficient information is not contained in the application, that determination may be delayed pending clarification of such issues by the Board.

3.3 Decision making

It is the Board's aim to provide an efficient and cost effective service to all those who are involved in the licensing process. Therefore, the Board will adopt a Scheme of Delegation to ensure that decisions can be made in a way which is consistent with this aim. This Scheme will in particular set out the decisions which may be made by the Clerk to the Board.

3.4 Transitional Arrangements

In terms of draft regulations issued by the Scottish Executive, "grandfather rights" are available to existing licence holders (other than those holding provisional grants of licence under the 1976 Act). Where the size and capacity of the premises, the general nature of the premises and any entertainment to be provided on the premises are substantially the same. "Grandfather rights" give exemption from:

- (a) the overprovision ground of refusal under Section 23(5)(e); and
- (b) the need to provide Building Standards, Planning and Food Hygiene Certificates.

While such applicants do not need to submit Planning and Building Control certificates, the Board will still need to satisfy itself that the application is substantially the same as that existing. This will involve checking Building Standards and Planning records. The Board is aware that not all premises will have a full Building Standards and Planning history. This may be due to a number of reasons such as the use of the premises pre-dates the planning system, unauthorised alterations have been carried out etc. In such circumstances the applicant will require to produce evidence to the Board that, since the grant of their previous licence under the 1976 Act, there has been no change of use, development or other operations to the premises which require planning permission or building warrant. If licensees are unable to produce planning permission(s) or completion certificate(s) which cover the full extent of the premises as proposed in the application, and if they cannot provide other adequate evidence that their application is substantially the same as existing under their 1976 Act licence, then the Board will expect applicants to obtain planning consent/certificate of lawful use and/or building warrant/completion certificate to cover their use of the premises.

Whilst such a conversion will have Grandfather Rights applied to it, the Licensing Board may still decide that it would be minded to refuse the application on the grounds relative to the character or condition of the

premises. No Grandfather Rights are given in this regard. However, if in considering a conversion application which does attract the limited Grandfather Rights, the Board is minded to refuse on the grounds of character or condition but also considers that suitable modifications may be made to address this, the licence will be granted and the licence holder will be given a period of up to 12 months to make the necessary modifications. Following the expiry of this period, the Licensing Board will either hold a hearing or continue the case for a further period of up to 12 months. At any such hearing, the Licensing Board will determine whether the appropriate modifications have been made as required. If they are not satisfied with those modifications, the Licensing Board may revoke the licence.

In the circumstances where the Licensing Board is not satisfied as to the modifications carried out and has to decide whether to revoke the licence or continue the case for a further period of up to 12 months, the Licensing Board will have regard to any representations made on behalf of the applicant and reports from the Council's Building Standards and Environmental Health Services regarding the extent of the modifications carried out to date and the further work required to be carried out, and likelihood of such work being completed within the next 12 months.

If the case is continued for a further period of up to 12 months, on the expiry of that period the Licensing Board may accept that the modifications have been properly made or, if not satisfied with the modifications, it may revoke the licence.

4. PREMISES LICENCES

- 4.1 Premises that wish to sell alcohol for consumption on or off the premises will require to have a premises licence. This will govern, amongst others, what activities are allowed on the premises and what hours the premises can be open for business. Each licence will be tailored to the type of premises in question. There must be a description of the premises, an operating plan and a layout plan of the premises.

Applicants should pay particular attention to the operating plan and the layout plan. If a particular activity is not mentioned in the operating plan that activity cannot take place on those premises until further authorisation is obtained from the Board by way of seeking a variation of the premises licence. For the avoidance of doubt, the Board considers any change in Entertainment or activities provided to be significant, and not a minor variation of the operating plan.

The Board will provide guidance to all applicants in relation to the requirements for operating plans and layout plans. However specific attention is drawn to the need to assess those matters detailed in section 2 and in Appendix 1 and include this assessment in the operating plan.

The Board will require applicants to certify that they have control of premises and in what capacity- eg- as owner or tenant etc. The Board will require applicants to provide details of other parties having an interest in either the premises or the premises licence as owner, occupier, tenant or otherwise

4.2 Notification of applications, Objections and Representations

The Licensing Board must give notice of a premises licence application to:

- (a) each person having a notifiable interest in neighbouring land (to be defined by Regulation)
- (b) any community council within whose area the premises are situated
- (c) North Ayrshire Council
- (d) Chief Constable of Strathclyde Police
- (e) Strathclyde Fire and Rescue Service

Any person may submit an objection or representation to the Board. Any objection must relate to one of the 5 licensing objectives and relate to specific premises.

Any objection to a premises licence application on the general basis of opposing the use of alcohol or to the principle of Sunday trading will be considered to be frivolous by the Licensing Board and will be rejected without being considered in determining the premises licence application.

4.3 Consideration of premises licence applications

The Licensing Board will assess each premises licence application on its own merits. For the assistance of applicants the Board will have particular regard to:

- 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 and exit from the premises including the location of customer entrances and emergency exits
- food safety and cleanliness issues
- the provision of toilet facilities
- whether children and/or young persons are to have access to the premises or parts of premises and upon what terms
- the need for door supervisors

- areas or activities which may have potential for crime and disorder or public nuisance, including noise and any measures to mitigate those issues

When considering any application for premises which have been previously licensed, or in any review of an existing licence, the Board will take into account any relevant evidence, especially of the impact on local residents and businesses and will also look at the measures proposed by the applicant to mitigate any adverse impact.

4.4 Conditions

Mandatory conditions are set out both in the Act and in Regulations. The Board will consider on an individual basis whether it is necessary or expedient to impose additional conditions, to promote one or more of the licensing objectives or otherwise to give effect to the provisions of this policy statement or to the provisions of the Act. The decision whether to impose a condition will be made on an objective basis, having regard to the operating plan, the layout plan, any assessments or other documentation submitted as part of the application and any representations made and any other relevant information available to the Board when considering the application. The Board will seek to avoid the imposition of disproportionate conditions. The Board will also seek to avoid, so far as possible, the use of conditions to regulate matters which are more effectively or more comprehensively dealt with under another regulatory regime.

5. MANAGEMENT OF PREMISES

5.1 The Board considers that licensees and their staff should operate their business or operation in a manner which is consistent with the 5 licensing objectives. There are various aspects of running licensed premises which are of particular concern to the Board. The Board has therefore determined to implement policies in these areas, as follows:

5.2 Noise

Licensees are expected to be aware of the impact on neighbours of noise from their premises and are expected to apply best practicable means to prevent noise nuisance. Steps to be taken may include sound tests; installation of a sound limiter; use of a volume control or on/off switch behind the service area; soundproofing; keeping doors and windows closed; door staff to ensure patrons leave quickly and quietly; notices at exits asking patrons to leave quietly. If despite the best efforts of the licensee to control sound break-out from the premises, sleep disturbance to neighbours occurs. The Board shall have the option to restrict the times when noisy entertainment is provided or to restrict the opening hours to no later than

11pm. Where appropriate licensees should seek the advice of an acoustic engineer or other suitably qualified person.

Licensees Workplace Risk Assessments should cover exposure of staff, performers and patrons to noise in line with the occupational requirements of the Health and Safety Executive.

Licensees shall also apply best practicable means to minimise noise from amplified and non-amplified music, singing, speech and other causes sourced from licensed premises being audible in any adjoining property after 11pm.

5.3 Vertical Drinking

The Licensing Board is concerned about so called vertical drinking establishments. Particular attention will be paid to any applications for a premises licence where large numbers of patrons will be provided in the premises or part of the premises only with standing accommodation. The Licensing Board will expect all such premises to accommodate patrons with a minimum of 25% of occupant capacity provided as seating space. The Board may lower this percentage in the case of premises where the sale of alcohol is ancillary to a primary purpose of entertainment and where that entertainment reasonably requires greater than 75% of non-seated space in the premises.

5.4 Children and Young Persons on Licensed Premises

The Board has a long standing interest in encouraging family friendly premises within North Ayrshire and wishes to continue to ensure that premises which seek to accommodate children are run in such a way that they are suitable for children.

5.4.1 In determining any application where the operating plan indicates that children are to be allowed on the premises, the Board will consider the need to protect children from harm as its paramount concern.

Applicants will be expected to demonstrate understanding of the additional responsibilities placed on them when children are on the premises. Specifically, applicants will be expected to demonstrate that suitable and sufficient measures are in place to protect children from harm.

The Licensing Board will not normally grant a premises licence or occasional licence where children would have direct access to pool tables, dart boards or gaming machines. Glass doors are also of concern to the Licensing Board. Parts of premises to which children and young persons are to be allowed entry will require to have a suitable character and atmosphere. Premises or parts of premises which are very small and enclosed are unlikely to be able to provide the appropriate environment. Also premises which have very few facilities are unlikely to comply with the Board's requirements. Toilets should

be of a reasonable standard and reasonably accessible to the area to which children and young persons are allowed entry.

The Licensing Board will impose conditions on a premises licence or in granting an occasional licence where children are to be allowed entry such as, but not limited to, the following:-

- i. provision of a minimum of two safe high chairs.
- ii. provision must be made for heating children's food at no extra cost.
- iii. a separate container for the disposal of soiled nappies must be provided.
- iv. all heating sources must be adequately protected.
- v. all electrical sockets must be fitted with a safe cover when not in use.
- vi. children must not be permitted to operate any amusement with prizes or video/dvd and electronic games machines which are in the premises.
- vii. the playing of darts and the presence of pool tables is prohibited in the area(s) of the premises to which children have access.
- viii. A children's menu must be available at all times or alternatively the main menu must show that half size portions area available for children.
- ix. While children are in any part of the premises, and in particular in the toilets areas, they must at all times be supervised by an accompanying adult.
- x. Drinks supplied to children under 12 must be served in non-glass containers. Straws must also be available free of cost to children.

Licensees are reminded that they and their staff must comply with all other legislation in relation to children and young persons including not selling or allowing the sale of alcohol to children and young persons; not delivering alcohol to a child or young person; the employment of children and young persons; and preventing or stopping a child from being breast fed in terms of the Breastfeeding etc. (Scotland) Act 2005.

5.5 Disabled Facilities

Appropriate disabled facilities should be provided on the premises to ensure compliance with the legislation covering disabled persons and disabled facilities. Where existing facilities are to be altered or upgraded it is recommended that Building Standards are consulted.

5.6 Condition of Premises

Licensees and their staff are expected to ensure that the premises, both internally and externally, are maintained in good, clean and tidy condition at all times.

5.7 Food Hygiene

Where food is prepared on the premises (which includes reheating of food by microwave) the applicant is required to ensure it is produced and served in a safe and hygienic manner. There should be a suitable food safety management system operating within the premises and staff should have suitable food hygiene training commensurate with their work activity.

5.8 Litter and Waste Management

Licensees are expected to have a suitable litter and waste management program in place to ensure that the area outside the premises are kept free of waste and litter to the standard set out in the Code of Practice on Litter and Refuse issued under section 89 of the Environmental Protection Act 1990.. Where appropriate the Board may impose conditions requiring licence holders to provide litter bins outside the premises. Any litter bins provided by the licensee will be the responsibility of the licensee including responsibility for emptying of such bins.

5.9 Smoking

The Board welcomes the legislation prohibiting smoking in enclosed public places. Licensees have been effective in ensuring patrons do not smoke within their premises, however, other issues can arise in the area around the premises such as noise nuisance, obstruction of entrances/exits litter, disorder, and smoke drift into neighbouring residences or back into the licensed premises. Licensees and their staff are expected to have sufficient measures in place to prevent such problems arising. Licensees must also ensure that all entrances and exits, including emergency exits, are kept free from obstruction at all times.

5.10 CCTV

The use of CCTV on premises can be an important measure in complying with the licensing objectives, particularly in (a) preventing crime and disorder and (c) preventing public nuisance. Digital CCTV systems are readily available which may include both internal and external camera coverage of the premises. The Board supports the use of such systems and would encourage licensees to make use of these. If having regard to the licensing objectives, the Board is of the view that there is a risk of disorder, crime or nuisance arising in or outside particular premises, or that the use of CCTV would otherwise promote the licensing objectives, the Board may require such premises to install an effective CCTV system, covering the interior and /or the exterior of the premises. Without prejudice to the foregoing generality, if the Board is of the view that there is a possibility of licensed premises or the area immediately outside the premises, particularly off sales, becoming a gathering point for youths and others to congregate, with potential for issues of crime, disorder or nuisance to arise, then the Board will require the installation of an effective CCTV system covering the interior and/or the

exterior of the premises. Where used, such systems must be kept in proper working order at all times, staff on the premises must be able to operate the system, and images should be kept for at least one month and made available to Strathclyde Police on request.

5.11 Policy relative to the Prevention of Racial or Sectarian Conduct associated with the Management of Licensed Premises

Background and Purpose of Policy

The Licensing Board is aware of wide public concern within its administrative area and elsewhere in Scotland surrounding sectarian conduct which focuses on the religious divide between allegiance to the Catholic and Protestant expressions of the Christian faith.

For a licensee to behave in such a fashion or to condone such behaviour by others in the premises, can cause offence and can lead to members of the public refraining from taking entry or considering themselves excluded from the premises by reason of their religious beliefs or affiliations. Such conduct can also be intimidatory and inflammatory, inciting religious or sectarian hatred, and constitute a threat to public order or safety or on occasions actually cause or contribute to public disorder. As such this policy has been adopted in pursuance of the licensing objectives of Securing Public Safety, Preventing Crime and Disorder and Preventing Public Nuisance.

The policy will operate as follows:-

In general terms, the Licensing Board looks to licensees not to engage in or permit conduct or activities at licensed premises which cause offence to a reasonable person or which constitute a threat to public order or safety, on racial, religious, sectarian or other discriminatory grounds or which can reasonably be construed as having such effect or which have the effect, on any one of those grounds, of discouraging a particular part of the community from using the premises. The Board will also expect that licensees will take appropriate action in dealing with any such discriminatory incidents or abuse at their premises. For the avoidance of doubt, the association of any licensed premises with a particular football club or the display of football programmes or football memorabilia within the licensed premises shall not of itself breach the policy. However, the football memorabilia displayed must not contain any design, insignia, word or groups of words, which discriminate on the basis of race, religion are sectarian or which could reasonably be construed as being discriminatory or inciting racial, religious or sectarian hatred or violence.

The terms of this policy will be taken into account in the determination of any application for the grant of a premises licence (for both a "conversion" and a new licence) in considering whether the application is inconsistent with one or more of the Licensing Objectives.

5.12 Radiolink & Pubwatch

In those areas where it is available, Radiolink and Pubwatch can be of assistance to licensees and their staff in preventing crime and disorder and undue public nuisance. The Board supports the use of such schemes and would encourage licensees to join these in areas where this is available.

5.13 Dispersal of Patrons

Many occurrences of crime, disorder and public nuisance occur at or immediately after the terminal hour for the supply of alcohol. Licensees should ensure that they and their staff have sufficient measures in place to ensure patrons exit the premises in good order and as quietly as possible. Measures may include limiting the amount of alcohol sold just before the terminal hour, i.e. only permitting a group to purchase one round, not two; making sure all patrons know well in advance the last time for purchasing alcohol is approaching; covering bar taps once the terminal hour has past, raising the lighting level and inspecting all parts of the premises for patrons.

5.14 Door Supervision

The Licensing Board, taking into account the licensing objectives of preventing crime and disorder, securing public safety, and preventing public nuisance may consider door supervision appropriate. Whether or not door supervisors are to be required and, if so, the number of door supervisors, the occasions they must be present, the hours they must be present and possible specification of particular duties and functions will be assessed according to the merits of each individual application.

Applicants are reminded that as from 1 November 2007 all door supervisors must be registered with the Security Industry Authority under the Private Security Act 2001. To employ a door supervisor who is not registered is a criminal offence. Licensees involved in what is termed manned guarding activities, whether or not door supervisor are used, may also have to be registered. Applicants should contact the Security Industry Authority for more information.

5.15 Residence of Licensee

The Licensing Board has concerns both for the health of licensees and at enforcement issues which can arise if licensees reside in licensed premises. Accordingly the Board will expect that:-

- the holders of either personal and premises licences, other than those premises where the primary purpose is the provision of accommodation and food, shall not reside in premises for which they hold a licence and there shall be no direct means of access between the premises and the licensee's dwelling house;

- the licensee shall not in the licensed premises give alcoholic liquor free of charge, nor any other gift, except to private friends of the licence holder bona-fide entertained by him at his own expense in the premises.

5.16 Off Sales

All alcohol sold for consumption off the premises shall be sold in sealed and unopened containers.

5.17 Games and Entertainment in Licensed Premises

The Board is conscious that the type and extent of games and entertainment which is permitted or provided by licensees in licensed premises, has an impact on both the licensing objectives and the character of premises. Accordingly the Board requires applicants to include in their operating plan details of all activities carried on in the premises including without prejudice to the foregoing generality:-

- details of any games which patrons are permitted to play in the premises.
- details of any wireless, video/DVD, television sets, jukebox or audio or visual systems to be used in the premises.
- details of other entertainment to be provided including singing, pool, darts, karaoke, live music and entertainment involving patrons participation etc.
- details of any adult entertainment to be provided being any entertainment which:
 - (a) involves a person performing an act of an erotic or sexually explicit nature; and
 - (b) is provided wholly or mainly for the sexual gratification or titillation of the audience.

The applicant shall also provide an assessment of the noise produced by such activities, the impact of such noise on neighbouring properties and the locality, and details of steps to be put in place in terms of paragraph 5.2 to address such noise.

Where entertainment involves the participation of patrons in games, physical activities or their exposure to substances e.g. bar bounce, bucking bronco hypnosis and foam parties. The applicant shall provide in their operating plan a risk assessment for these occasions and adopt adequate controls to avoid the risk of injury to participants.

5.18. Gambling

The Board has produced a Gambling Policy Statement. The Board is however aware that certain types of gambling may not require a licence. Examples are games such as cards or dominoes played by patrons, or race

nights. The Board, having regard to the licensing objectives, has a concern if games played by patrons are played for such high stakes states that they constitute an inducement to persons to resort to the premises primarily for the purpose of taking part in such games. The Board also has concerns that the provision of “race nights” or similar entertainment for the commercial gain of the licensee may have a major impact on the character of the premises. Indeed this is likely to be a criminal offence unless the licensee is separately licensed. Accordingly the Board will impose a condition to the effect that no race night or similar entertainment shall be provided for the commercial gain of the licensee.

5.19 Policy relative to the Management of Outside Drinking Areas

Where applicants for a premises licence propose within their operating plan to provide an outside drinking area or areas, the Licensing Board will expect the applicant to have regard 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 locality.

Where an applicant intends to apply for an outside drinking area to be included within the licensed area of the premises, that area must be included within the layout plan for the premises and clearly indicated as such. The applicant must also be able to advise as to how the proposed licensed outdoor area will be delineated on the ground by a removable barrier designed to allow access and exit for disabled persons. The requirement for physical delineation on the ground will then be made a condition of the premises licence in respect of outdoor drinking areas.

It will also be a condition of the premises licence in respect of outdoor areas that sufficient ashtrays and other litter receptacles are to be provided in outdoor areas which are excluded from the definition of “no smoking premises” as prescribed in the Prohibition of Smoking in Care Premises (Scotland) Regulations 2006.

The Licensing Board will also expect the applicant to be able to demonstrate their intention to put in place effective management controls, supervision and other measures to ensure that the use of such areas by patrons does not have an adverse impact on the locality, particularly to occupiers of premises in the vicinity of the premises.

In relation to noise control, and in pursuance of the Licensing Objective of Preventing Public Nuisance generally the Licensing Board will not permit amplified sound or music to be played within, or relayed to, outdoor drinking areas nor non-amplified sound or music to be played within these areas.

Where the proposed outdoor area is situated on a public footway, the Licensing Board expects applicants applying for outdoor areas to have obtained consent from the Council’s Roads Service under Section 59 of the Roads (Scotland) Act 1984. The Licensing Board expects that premises

licence holders will comply with all conditions which may be attached to that consent. A section 59 consent will require to be submitted along with any application which includes an outdoor area situated on a public footway. Also such outdoor areas should only be used for the consumption of alcohol by those **seated** in the area - no external 'vertical drinking' should take place on a public footway. The prohibition on vertical drinking will not generally apply to external areas which are contained within 'beer gardens'.

No drinks shall be taken outside nor any drinking permitted in outside areas associated with licensed premises earlier than 11am and later than 10pm.

For the purposes of this policy, and for the avoidance of doubt, 'beer gardens' are clearly identified external areas of private ground included within the licensed premises as per the approved operating plan and layout plan and which do not require consent in terms of Section 59 of the Roads (Scotland) Act 1984. "Public footway" is the area for which consent is required in terms of that section.

6. PREMISES PROVIDING LATE NIGHT ENTERTAINMENT

6.1 Premises which provide late night entertainment, such as night clubs, are an important contributor to the night time economy and involve a substantial investment in the facilities and entertainment provided on the premises. Those premises tend to be places where patrons arrive from other licensed premises and stay until the terminal hour.

In light of this and the 5 licensing objectives, the Board will impose conditions on the licence of a premise which in its view provides significant entertainment as follows:

- The provision of alcohol is for consumption on the premises only.
- The provision of alcohol is ancillary to the entertainment provided.
- The entertainment provided must be on a continuous basis with breaks of not more than 15 minutes in any one hour.
- Any public notices or advertisements may advertise the premise, the entertainment, its commencement time and the price of entry but not the terminal hour for the premises. The Board will expect licensees to use best practicable means to avoid any fly posting in respect of their premises or events thereat, and will expect applicants to detail in their operating plan the means which they will apply to avoid fly posting. The Board will hold licensees responsible for fly posting which advertises their premises or events thereat unless licensees can demonstrate that best practicable means have been used.
- No member of the public shall be admitted to the premises, whether on payment or not, any later than 12.30am.

The Licensing Board will also impose conditions in relation to the use of CCTV and door supervision at such premises as more fully detailed under Section 5.

The conditions mentioned or referred to in this section will be imposed on a premises licence for such a premise unless the circumstances of a particular application indicate otherwise and/or an applicant is able to demonstrate to the Board that a condition is not appropriate in the circumstances.

7 ADULT ENTERTAINMENT

This part of the Policy Statement details the Licensing Board's approach to adult entertainment and the steps which it will generally require premises to take if they are proposing to offer dance entertainment of an erotic or explicitly sexual nature in order to promote the licensing objectives of Preventing Crime and Disorder and Protecting and Improving Public Health.

The following policy will require to be adhered to where the operating plan states that the premises will be offering adult entertainment in addition to the mandatory conditions applied in terms of the Act.

The Performers

The licensee must maintain a register of performers engaged to perform in the licensed premises. The register must show the name, age and current address of the performer. The licensee must require photographic proof of identity which must be via the production of the performer's passport if available. Foreign Nationals must be asked for their passport and the licensee must take appropriate steps to ensure that there are no restrictions on the performer's entitlement to stay and work in the United Kingdom. No performer below the age of 18 shall be engaged.

Changing Facilities

The licensee must provide suitable changing facilities for the performers to comply with the following basic standards:-

- (a) the facilities must have a minimum floor area of 1.86m² per performer engaged to perform at any one time;
- (b) the facilities must be secure, private and for single sex use only and should not be accessible by patrons;
- (c) the facilities must be located near to, but not within, sanitary conveniences;
- (d) the facilities must include private and lockable storage units for each performer for the safe-keeping of valuables and clothing;
- (e) the facilities must include a plentiful supply of wholesome chilled drinking water for all performers.

Performances

Performers must only perform in open public areas within the licensed premises which must at all times be appropriately stewarded and covered by CCTV cameras. Performers' genitalia must be covered at all times. There must be no touching between performers and patrons at any time during a performance, the only contact allowed being the hand to hand payment of money at the conclusion of the performance. Performers remaining in the public areas before, following or between performances must be clothed at all times with no exposure of breasts or genitalia. Any advertising of performances outwith the licensed premises, including newspaper advertisements, 'flyers' or other promotional material or notices at the premises, must only depict performers clothed as aforesaid. Performances involving the removal of clothing must not be visible from outwith the premises.

Supervision

The licensed premises must be appropriately stewarded by personnel who are licensed by the Security Industry Authority in terms of the Private Security Industry Act 2001. Licensed stewards must be provided in all public dance areas in addition to the entrance to/exit from the premises. All public dance areas and entrances and exits must be monitored constantly whilst the premises are open to the public via the use of CCTV. CCTV must be of a high quality to ensure that individuals may be clearly identified whilst in any part of the premises. The licensee must ensure that the CCTV cameras operate properly whenever performers are performing on the premises, and that it provides full coverage of the performance and door areas. CCTV recordings must be retained for a period of at least 28 days.

General Health & Safety Issues

• Risk Assessment

A risk assessment must be undertaken and appropriate control measures must be implemented in respect of

- The precise work activities required of performers
- The personal safety of performers
- The use of chemicals which may come into contact with performers' skin

This is not an exhaustive list and premises licence holders must ensure that all hazards are assessed.

In addition the premises must be subject to a fire risk assessment to the standard of Fire Precautions (Workplace) Regulations 1997 as amended.

This assessment must be recorded and kept available for inspection by a duly authorised fire safety officer of Strathclyde Fire & Rescue.

- Ventilation

All dance areas and the changing facilities provided for performers must be mechanically ventilated with fresh or purified air. There must be at least 10 air changes per hour.

- Temperature

All dance areas and the changing facilities provided for performers must be maintained with a minimum temperature of 25 Celsius / 72 Fahrenheit. A clearly visible wall mounted thermometer must be provided in all rooms used by performers. Portable LPG heaters would not be deemed an acceptable form of permanent heating.

- Lighting

All dance areas, changing facilities provided for performers and sanitary conveniences must have lighting of a sufficient standard to enable performers and others to move around safely, and to enable clear recording of images by CCTV.

- Cleanliness

All dance areas, changing facilities provided for performers and any furniture, fittings, etc., must be kept clean. The surfaces of the floors, walls and ceilings of all dance areas, changing facilities and other parts of the licensed premises to which performers have access must be capable of being kept clean.

- Sanitary Conveniences

Sanitary conveniences must be provided in accordance with the requirements of the Workplace (Health, Safety & Welfare) Regulations 1992. and the currently Approved Code of Practice made thereunder. The facilities must be for the exclusive use of staff and performers and must provide privacy and security for changing and from intrusion by members of the opposite sex and from patrons.

- Washing Facilities

Wash hand basins and showers must be provided in accordance with the requirements of the Workplace (Health, Safety & Welfare) Regulations 1992 and the currently approved Code of Practice made thereunder. Such facilities must be for the exclusive use of staff and performers and must have a supply of warm, or hot and cold water and provide privacy and security from intrusion by members of the opposite sex and from patrons. Washing facilities must be provided in the immediate vicinity of the sanitary conveniences and the changing facilities.

- Condition of Floors

Every floor used for dancing or for access to the dancing areas must be of a construction suitable for the intended uses and must be kept free from obstruction and from any substance that may cause a performer to trip or slip.

- Facilities to eat meals

Eating facilities to include a table, chairs, kettle and sink with hot and cold water must be provided and be accessible to only staff and performers and comply with the Food Hygiene (Scotland) Regulations 2006

Where it is proposed to alter or extend premises to provide or upgrade facilities it is recommended that licensees contact Building Standards.

8 PLASTIC GLASSES IN LATE OPENING PREMISES

Background and Purpose of Policy

It is widely acknowledged that violent crime, particular that involving glasses and bottles in licensed premises, tends to be spontaneous and invariably involves a link with the consumption of alcohol. Similarly, it is generally accepted that individuals using glasses and bottles as weapons have caused a significant number of serious injuries sustained in or around licensed premises over the past few years.

The Licensing Board is aware of statistical information to the effect that the incidence of 'glassing attacks' is considerably greater in 'late opening premises', such as nightclubs, as opposed to other licensed premises which do not operate into the early hours of the morning.

Effect of Policy

Against this background, the Licensing Board considers it desirable to have in place a policy in order to reduce, as far as possible, bottles and other receptacles being used as weapons during any incidents of disorder.

"Late opening premises", for the purposes of this policy, shall apply if the operating plan for the premises specifies that the premises will, on any occasion, be able to sell alcohol on any occasion after midnight on Sunday to Wednesday nights, or after 1am on Thursday to Saturday nights.

For the avoidance of doubt the requirements of this policy only apply to the sale of alcohol in late opening premises during the hours of operation after midnight or 1am. It is for licensees to determine what practices should be put in place with regard to the safe operation of their licensed premises during the permitted hours prior to these times in terms of complying with the Licensing Objective of Securing Public Safety.

The Policy will operate as follows:-

- (a) In late opening premises all drinks should be served in plastic receptacles.
- (b) In late opening premises no conventional glass bottles, whether open or sealed, should be given to patrons, whether at the bar or by staff service to any area away from the bar.

The Licensing Board may also apply this policy to particular premises during different hours if, having regard to the history of incidents involving injury to patrons, crime or disorder occurring in those premises and to the licensing objectives, there is merit in so doing.

Where the licensee of late opening premises is unable to source and use non-conventional glass bottles, such as plastic RTDs, any drinks sold in bottles should be decanted into plastic receptacles before being served to the patron. For the avoidance of doubt, this policy only applies to the sale of alcohol liquor or other drinks for consumption on the premises. Sales of alcohol liquor in sealed bottles for off-consumption are not affected.

Note- plastic glasses must still be in proper form to ensure accurate measurement of drink. For example draught beer and cider glasses must bear either a crown stamp or CE mark.

Exemptions

In appropriate circumstances, an exemption from the policy requirements may be given in relation to any affected premises or any part thereof. Exemptions may also be given with regard to the use of certain types of receptacle or bottle. Each request for exemption from the policy requirements will be considered by the Licensing Board on its own merits.

The Licensing Board has agreed that a specific exemption be given in the following terms:-

‘The terms of this policy shall not apply to late opening premises operated exclusively as a restaurant, or any part of such premises which is set aside permanently and exclusively for use as a restaurant, in which the sale or supply of alcoholic liquor is solely to persons taking table meals there, or as an ancillary to the table meals. Where this exemption applies to part only of the late opening premises, the licensee shall ensure that no alcoholic liquor or other drink is taken from the restaurant area to any other parts of the premises unless the alcoholic liquor or other drink is contained in plastic receptacles.

The terms of this policy shall also not apply to late opening premises which operate principally as hotels and which include at least four apartments set apart exclusively for the sleeping accommodation of travellers.

9. LICENSED HOURS AND EXTENDED HOURS

9.1 While each application is assessed on its own merits, the following sets out the Licensing Board's policy on licensing hours. For applications for licensed hours at times outwith the Board's policy, applicants will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances.

9.2 Off-Sales

For applications relating to premises licences and to occasional licences, the licensed hours for the sale of alcohol for consumption off the premises (off-sales hours) are 10 am to 10 pm, each day. The Licensing Board has no discretion to permit licensed hours outwith these times. In determining applications and licensed hours within these times, the Board will, in considering the merits, have particular regard to the effect (if any) which the proposed off-sales hours would have on the occurrence of antisocial behaviour in the premises or the locality thereof.

9.3 On-Sales

For applications relating to premises licences including extensions of hours, the licensed hours for the sale of alcohol for consumption on the premises (on-sales hours) the Licensing Board considers the commencement of the sale of alcohol shall be no earlier than 11 am. Applicants seeking a premises licence in respect of hours before 11am shall require to justify the request for such additional hours by reference to particular activities to be provided on the premises as per the terms of the operating plan or by reference to a demonstrable demand from patrons to provide certain facilities e.g. the provision of breakfast facilities for shift works from nearby factories, markets etc or in meeting demands of the tourist industry. If a licence is granted prior to 11am on the basis of the premises having certain facilities then a condition will be imposed to the effect that such facilities must be provided throughout the early opening period.

Outside areas associated with licensed premises will generally be permitted to operate no earlier than 11am and no later than 10pm.

Licensed hours for on-sales premises in particular can have an impact not only within the individual premise but also within the locality in which the premises are situated. Taking into account the 5 licensing objectives, the presumption against 24 hour drinking and the Guidance for Licensing Boards and Local Authorities issued by the Scottish Executive and that mandatory conditions specified by Regulation apply to those premises opening after 1 am, the Licensing Board considers the following to be appropriate for the terminal hour beyond which alcohol must not be sold on the premises or parts of premises:-

9.4 Restaurants

Those premises or parts of premises where the supply of alcohol for consumption is ancillary to a table meal taken by persons within the premises.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12 midnight	12 midnight	12 midnight	1am	1am	1am	12 midnight

A table meal generally consists of a meal eaten by a person sitting at a table, counter or other structure which serves the purpose of a table. Snacks and crisps are not considered to constitute table meals.

9.5 Premises offering no significant entertainment facilities

Those premises or parts of premises where the provision of alcohol is the principal activity and significant entertainment facilities are not provided. This includes public houses and members clubs.

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	12 midnight	12 midnight	12 midnight	1am	1am	1am	12 midnight
Festive period	1am	1am	1am	2am	2am	2am	1am

9.6 Premises offering significant entertainment in function rooms or subject to close down

Premises or parts of premises which ordinarily fall under “Premises offering no significant entertainment facilities” but which:

- (a) have a separate function room and/or
- (b) are closed down and cleared of patrons for at least one hour beforehand, for the purpose of entertainment and/or functions and
- (c) where the provision of alcohol is ancillary to the entertainment.

Entertainment/functions considered acceptable for this purpose include dances, discos, dinner–dances, wedding receptions and parties where a disco or band is provided. Entertainment/functions not considered acceptable for this purpose include darts, dominos or pool competitions, karaoke evenings, parlour derbies, or private parties where there is no significant entertainment. Where live entertainment is not an integral part of the function then this would also not be acceptable e.g. background piano music.

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	12 midnight	12 midnight	12 midnight	1am	1am	1am	12 midnight
Festive period	1am	1am	1am	2am	2am	2am	1am

9.7 Premises offering significant entertainment facilities and subject to conditions the Board may impose premises or parts of premises where the provision of alcohol to persons frequenting the premises for consumption on the premises is ancillary to the significant entertainment provided and subject to conditions the Licensing Board may impose in relation to such premises. These include nightclubs.

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	1am	1am	1am	2.30am	2.30am	2.30am	1am
Festive period	2am	2am	2am	2.30am	2.30am	2.30am	2.30am

The Board will also impose a condition that no member of the public shall be admitted to such premises, whether on payment or not, any later than 12.30am. The Board may also apply a similar condition to other specific premises where this is merited having regard to the licensing objectives.

Festive Trading

The Board has an existing practice of permitting longer licensed hours for a specified number of days during the Christmas/New Year Festive period, and that will continue to be the case. The Festive period and the number of days per premise which will accord with the policy will be determined by the Board on an annual basis. In respect of some or all of the festive period the Board may vary or dispense with the 'curfew hour' of 12.30am beyond which no member of the public shall be admitted to the premises.

9.8 Registered Clubs

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
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Annually except festive period	1am	1am	1am	1am	1am	1am	1am
Festive period	2am	2am	2am	2am	2am	2am	2am

9.9 Additional Considerations

Applicants should be aware that premises are obliged to remain open for the licensed hours they apply for and which are granted by the Licensing Board.

In determining applications where more than one activity takes place in the premises or where parts of premises fall under different categories as specified above, the Licensing Board will have regard to when the activities take place and the principal activity taking place. The Board may impose further conditions to ensure other activities do not take place or remain ancillary to the principal activity for those licensed hours.

Premises where more than one of the categories applies in different parts of the same premise will be given careful consideration. The Licensing Board may impose conditions and/or different licensed hours to those parts of premises to ensure the activities remain separate.

9.10 Extended Hours Applications

The Licensing Board may extend the licensed hours in respect of premises by such period as the Board considers appropriate. The Board will normally only do so in connection with (i) a special event or occasion to be catered for on the premises, or (ii) a special event of local or national significance. The grant of an extension of licensed hours can only last for a maximum of one month.

Where the hours sought fall outwith the on-sales hours specified in this statement, the applicant will have to demonstrate the hours requested are appropriate in the circumstances. The applicant should provide to the Board sufficient information to enable a decision to be made. This will include:-

- the hours sought
- the description of the special event or occasion
- what activities are proposed to take place during those hours
- when each activity will take place
- why the event or occasion is considered to be special, and
- why the event or occasion cannot take place within the on-sales hours specified above.

The Board will also impose a condition that no member of the public shall be admitted to the premises, whether on payment or not, any later than 12.30am.

The Board has an existing practice of granting a limited number of occasional licences for longer hours during certain holidays or local festivals. These include Easter weekend, May Day, May and September holiday weekend, Arran Folk Festival, Glasgow and Paisley Fair weekends, Marymass, Largs Regatta Week and Millport Country & Western Festival.

It is likely that this will continue to be the case and the number of days per premise and hours which will accord with the Board's policy will be set annually. In respect of some or all of these events the Board may vary or dispense with the 'curfew hour' of 12.30am beyond which no member of the public shall be admitted to the premises.

10. OCCASIONAL LICENCES

10.1 It is possible to make an application for an occasional licence authorising the sale of alcohol on premises which are not licensed premises. This may be made by:-

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

An occasional licence can only last up to a maximum of 14 days.

The holders of a premises licence or a personal licence may make unlimited applications.

There are restrictions on the number of applications a voluntary organisation can make, in any period of 12 months. Guidance is available.

To allow time to consult the Police and for objections to be made, applications should be submitted as far in advance of the event as possible but no later than 21 days before the event is due to take place. Applicants should also be aware that they may also require a public entertainment licence and/or a late night catering licence issued by North Ayrshire Council under the Civic Government (Scotland) Act 1982.

The Board considers that activities such as dances, discos and dinner-dances, wedding receptions and parties where a disco or band is provided are generally acceptable for granting an occasional licence. Darts, dominos or pool competitions, karaoke evenings, parlour derbies or private parties where there is no significant entertainment are generally not considered acceptable activities.

The Board will impose a condition that the licence will only come into effect after a satisfactory final inspection of the premises by Building Standards.

- 10.2 The Licensing Board considers the commencement of the sale of alcohol shall be not earlier than 11am. For the terminal hour beyond which alcohol must not be sold on the premises, the Licensing Board considers the following to be appropriate:-

Period	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Annually except festive period	12 midnight	12 midnight	12 midnight	12 midnight	1am	1am	1am
Festive period	1am	1am	1am	1am	2am	2am	2am

- 10.3 For applications for licensed hours at times outwith the Board's policy, applicants will require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances.

- 10.4 Where an occasional licence has been granted to the holder of a premises or personal licence, the licensee shall ensure that they or a member of their staff is present at the premises for which the occasional license has been granted. If a member of their staff is present then they must have received the same training as is required of personal licence holders under section 87 of the Act.

10.5 Conditions

The Board is aware of the mandatory conditions which are set out both in the Act and in Regulations. The Board will also consider on an individual basis whether it is necessary or expedient to impose additional conditions, to promote one or more of the licensing objectives or otherwise to give effect to the provisions of this policy statement or to the provisions of the Act. The decision whether to impose a condition will be made on an objective basis, taking into consideration any representations made and any other relevant information available to the Board when considering the application. The Board will seek to avoid the imposition of disproportionate conditions. The Board will also seek to avoid, so far as possible, the use of conditions to regulate matters which are more effectively or more comprehensively dealt with under another regulatory regime.

11. SPECIAL ISSUES – OVERPROVISION AND OCCUPANCY CAPACITY

11.1 Overprovision

The Licensing Board must include a statement as to the extent to which it considers there to be overprovision of licensed premises or licensed premises of a particular description, in any locality within the Board's area.

This duty will not come into force until 1 September 2009 at the earliest. The Licensing Board will issue and consult upon a draft statement in this regard in due course.

It should be noted that, separate to this duty and in terms of Section 23(5) (e) of the Act a ground of refusal of a premises licence application is overprovision of licensed premises or licensed premises of a particular description in the locality. According to draft Regulations not yet in force at the time of preparation of this policy statement, the Licensing Board is not entitled to refuse a premises licence application on that ground where the application relates to a premise in respect of which a licence or certificate of registration is in force under the Licensing (Scotland) Act 1976 and the premises licence application is substantially the same (regarding size, capacity and general nature of the premises, any entertainment on the premises and licensed hours). In all other cases the Licensing Board can consider overprovision as a ground of refusal.

11.2 Occupancy Capacity

The occupancy capacity of premises is one factor in the assessment of overprovision for the purpose of this policy statement, is a factor in the ground of refusal of a premises licence on the basis of overprovision, and may be a factor for consideration in an Occasional Licence application.

In terms of the licensing legislation it is for applicants to suggest a capacity of premises. This should not exceed the capacity calculated under the Building Regulations. Applicants are strongly recommended to contact Building Standards as they may already have occupancy capacities for existing premises.

The Licensing Board will expect applicants to consider various factors when assessing the appropriate capacity for premises or events. These include:-

- The design and layout of the premises including the extent of floorspace occupied as (a)seating and (b)standing room for patrons
- The location, availability and size of exits including emergency exits
- The nature of the premises or event
- The nature of the activities being provided

- The provision or removal of temporary structures such as a stage or furniture
- The number of staff available to supervise customers both ordinarily and in the event of an emergency
- The age of the customers
- The attendance by customers with disabilities
- The availability of suitable and sufficient sanitary accommodation
- The nature and provision of facilities for ventilation

Licence holders will be expected to have monitoring arrangements in place to verify the number of persons present at any point to ensure that the occupancy capacity is not exceeded.

The Board will set maximum occupancy limits to ensure the safety of persons in the premises and safe escape in the case of an emergency. If there are additional concerns about crime and disorder or public nuisance, or to otherwise promote the licensing objectives, the Licensing Board may consider setting a lower maximum occupancy limit than that recommended by the Building Standards Service.

12. SPECIAL ISSUES - MEMBERS CLUBS

12.1 Members Clubs are currently authorised to supply alcoholic liquor by a certificate of registration granted by the Sheriff. With some exceptions, members clubs will be regulated under the Act. To authorise the sale of alcohol on the premises, a premises licence will be necessary.

12.2 In order to benefit from the “exemption” from certain provisions of the Act members clubs must be non-profit making with a constitution and rules detailed in Section 125 of the Act. Each club in submitting an application for a premises licence should also submit a copy of its current constitution and rules setting out those matters detailed in the Licensing (Clubs) (Scotland) Regulations 2007. Members Clubs will be asked on applying to the Licensing Board to certify whether or not they comply with the criteria detailed in these regulations which are required to benefit from the exemption in Section 125 of the Act.

The Board expects clubs to reflect certain operational requirements in their constitution and may impose conditions on a premises licence in respect of, but not restricted to the following matters:-

- That the business and affairs of the club shall be under the management of a committee or governing body who shall be elected for not less than one year by a general body of members.

- That the committee or governing body shall hold periodic elections and meetings.
- That correct accounts and books shall be kept showing the financial affairs and intrusions of the club.
- That no member of the committee or governing body and no manager or staff employed in the club shall have any personal interest in the sale of alcoholic liquor in the premises or in the profits arising from.
- That there shall be a definable subscription payable in advance by members of the club.
- That no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the constitution.
- That a maximum of 3 visitors per member shall be permitted in the club premises provided they are signed into the club by that member into a book kept for that purpose by the club.

Clubs must keep their constitutions updated and when revised, submit a copy of the revised constitution to the Clerk to the Licensing Board. Clubs must also ensure their constitution; accounts and entry book are available for inspection by the Licensing Standards Officer and the Police at all reasonable times.

13 GARAGES

13.1 Some premises are excluded from authorising the sale of alcohol including premises or parts of a premise used as a garage. Such premises are used as a garage if there is (a) sale by retail of petrol or derv (diesel), (b) the sale of motor vehicles, or (c) the maintenance of motor vehicles.

13.2 However, where those premises or parts of premises are used for sale by retail of petrol or derv, alcohol may be authorised to be sold in some circumstances. Alcohol may be sold where the Licensing Board determines that in relation to such premises that persons resident in the locality 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. In order for premises to satisfy this test all of the following criteria need to be satisfied:-

- The locality is defined. The Board accepts that the geographical extent of a locality is likely to be wider for petrol/derv than for groceries;
- Groceries – in order to substantiate criteria (b) evidence will have to be produced of the groceries, including the number and type of stock lines sold by the premises. The Board takes the view that “groceries” include food

(other than that sold for consumption in the store) pet food, drinks, cleaning products, toiletries and household goods. It excludes petrol, clothing, DIY products, financial services, pharmaceuticals, newspapers, magazines, greetings cards, cds, dvds, videos and audio tapes, toys, plants, flowers, perfumes, cosmetics, electrical appliances, kitchen hardware, gardening equipment, books, tobacco and tobacco products.

- Persons resident in the locality – the Board requires evidence that a significant proportion of persons resident in the locality, exceeding 50% by number are reliant to a significant extent on the premises. This is without prejudice to the Board’s consideration of bullet point 5;

- That residents use the premises as their principal source of petrol/derv or groceries. The Board will treat this criterion as satisfied if persons resident in the locality purchase more than 50% by value of petrol/derv or groceries from the premises. In relation to groceries the Board will also consider submissions from applicants that the premises are the principal source of groceries by virtue of the fact that persons resident in the locality purchase more than 50% by type of stock line of groceries; and

- Such persons are reliant to significant extent on the premises. The fact that persons use the premises as their principal source of petrol/derv or groceries does not itself establish that they are reliant to a significant extent on the premises. For example customers may shop at particular premises due to the fact that it is marginally nearer than other premises, personal friendliness with the proprietor or for reasons of comparison shopping rather than due to reliance on the premises. Accordingly evidence will also require to be submitted to the Board to demonstrate that persons resident in the locality are reliant to a significant extent on the premises.

13.3 In determining an application for such a premise, the Licensing Board expects the applicant to provide sufficient information to enable the Board to consider:-

- i) The locality in which the premises are situated;
- ii) What other sources of (a) petrol or derv and/or (b) groceries are in that locality;
- iii) In relation to groceries, the particular groceries on sale by reference to stock lines;
- iv) Retail survey evidence to establish whether persons resident in the locality use the premises as their principal source of petrol/derv or groceries;
- v) Retail survey evidence as to the number or percentage of persons resident in the locality who use the premises as their principal source of petrol/derv or groceries;

vi) Evidence as to the reasons why persons resident in the locality shop at the premises including evidence as to why they are reliant to on the premises;

vii) Evidence as to the extent to which persons resident on the premises are reliant on the premises.

- 13.4 Taking into account the licensing objectives of (a) preventing crime and disorder, (b) securing public safety (d) protecting and improving public health and (e) protecting children from harm, and therefore the government's message on drinking and driving, the Licensing Board will impose conditions in relation to a garage which is not an excluded premise that all payments for fuel will be made separately from payments for alcohol either (i) through the use of different buildings or (ii) by payment of fuel from outside the premises or part of premises through a payment window without fuel customers entering the premises. The Licensing Board may also require the premises to have signage, the size, content and location of which it deems appropriate of that payment arrangement. The foregoing conditions will not apply when the Licensing Board is satisfied that it is not appropriate to impose such conditions.

14. PERSONAL LICENCES

- 14.1 The Board will consider applications for personal licences from individuals living in the area of North Ayrshire. When considering an application for a personal licence, the Board will work closely with the police to establish whether the applicant has been convicted of any relevant offence (which will be set out in Regulations).

Where the police have advised that the applicant has an unspent conviction for a relevant offence, the Board will consider whether the application should be refused under the Act. Prior to making any decision the Board will invite the applicant to a hearing and consider any representations made. In making a decision the Board will have regard to the seriousness, relevance and age of the conviction along with any other circumstances it considers relevant.

15. LICENSING STANDARDS OFFICERS

- 15.1 Two Licensing Standards Officers will be employed by North Ayrshire Council and will have the functions set out in the Act. Their role will be threefold - guidance, mediation and compliance. They will also be a member of the Licensing Forum for the North Ayrshire area.

Licensing Standards officers will work with the public, the Council's partners and the business community in seeking to promote the licensing objectives and ensuring compliance with the law.

Licensees should afford Licensing Officers, Environmental Health Officers, Building Standards Officers, Planning Officers and other Officers of the Board courtesy, good manners and their full co-operation in the course of their inspections and investigations of complaints.

Advice given by Licensing Standards Officers is given in that capacity and is not advice or consent by the Council as planning, building standards, roads, environmental health or other statutory authority

RISK ASSESSMENT DOCUMENT

The North Ayrshire Licensing Board in paragraph 3.2 its statement of Licensing Policy has indicated that it would assist both applicants for premises licences and the Board if applicants include along with their operating plan an assessment of certain matters. Applicants are accordingly requested by the Board to assess the relevance or risk of certain matters to their premises, give reasons for this view and advise as to the steps they intend to take, if any.

In preparing this document North Ayrshire Licensing Board has sought to give applicants as much assistance with the process as possible. Each premise is unique and not all matters will be relevant to each premises.

The licensing objectives are:

- 1. Preventing crime and disorder**
- 2. Securing public safety**
- 3. Preventing public nuisance**
- 4. Protecting and improving public health**
- 5. Protecting children from harm**

How to complete this assessment;

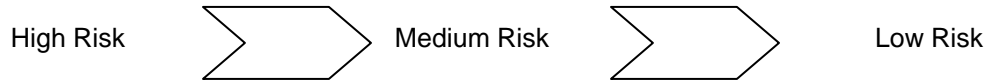
Various matters have been listed under each of the licensing objectives. The risk which you need to evaluate is the risk of these matters impacting on the licensing objectives in your premises, taking account of the likelihood of that risk occurring and the consequences should it occur. This will involve the following basic steps: -

1. Identify potential hazards arising from the particular issue.
2. Decide who (e.g. employees, visitors) might be in danger where a risk does materialize.
3. Evaluate the risks arising from the hazards and decide whether your existing measures are adequate or whether more should be done to get rid of the risks or to control the risks.
4. Detail any action you intend to take to deal with the risk. If the risk is to be addressed by the preparation of a policy statement then this should be submitted along with the application.
5. Keep the assessment under review and revise it when necessary.

For example, paragraph 1.1 raises the issue of whether door supervisors or other security staff are required. Licensees need to consider what might be the risks in terms of crime, disorder, securing public safety and preventing public nuisance should you not provide such staff. They then need to consider how likely those risks are to occur and the consequences of such a risk occurring.

Other paragraphs require applicants to consider the need for a policy on a particular issue. Applicants need to consider the risk of not having any such policy. If a policy is needed, applicants should consider the issues and risks that it needs to cover and confirm under the 'action' heading the areas that the policy will cover.

Risk should be assessed on a scale as follows:



The higher up the scale a matter comes, the more it demands action in response. Matters assessed at No Risk will not require action.

Applicants should be clear about giving reasons for their assessment of the risk for each matter listed.

Where applicants adopt a particular policy as a result of the risk assessment then the policy should be put in writing, should be brought to the specific attention of all staff members, should be enforced, should be reviewed at regular intervals in the light of changes of circumstance or incidents and should be made available for inspection by either Strathclyde Police, a representative of North Ayrshire Licensing Board or North Ayrshire Council or the Licensing Standards Officer.

The completed risk assessment will provide valuable information to the Board and demonstrate that applicants have taken these matters into accounts. It encourages voluntary participation in best practice. This in turn should reduce the need for the Board to be too prescriptive in its conditions of licence and should shorten timescale for determination of applications.

Applicants are also advised that this is not an exhaustive list of matters which should be contained in the risk assessment. Each premise is unique and each will have its own risks. Accordingly applicants should feel free to add further matters to the risk assessment.

A copy of this document will be made available on the Board's website for downloading by applicants.

1.	Licensing Objective Prevent Crime and Disorder	High Risk	Med Risk	Low Risk	Reasons for Assessment	Action Taken
1.1	Entry and Exit - Are door supervisors or other security staff are required in respect of the venue and the licensable activity proposed.					
1.2	<p>In the event that door supervisors are used by all the applicants premises:</p> <ul style="list-style-type: none"> • Such persons must hold the relevant qualifications under the Private Security Industry Act 2001; • Must be properly trained and sufficient in number, both inside and outside the premises according to the nature and extent of the licensable activities carried on; • Must be required to vet, regulate and control persons entering or leaving the premises and to seek to ensure the prevention of crime and disorder but also to safeguard public safety and internal security at premises; 					
1.3	Are there policies in place regarding the exclusion of persons or persons who appear to have had too much to drink and/or who appear inclined to disorder, the monitoring of persons on the premises for excessive consumption of alcohol and/or who exhibit the potential for disorder.					

1.4	In the event that the door supervisors or other security staff are used, applicants should make appropriate arrangements for a daily register of staff and the recording of incidents in an approved incident log.					
1.5	The daily register and incident log must be open to inspection by authorized officers of the North Ayrshire Licensing Board, North Ayrshire Council and Strathclyde Police on request.					
1.6	Applicants should consider what measures should be put in place to prevent the use or supply of illegal drugs or weapons, such as the searching of customers for offensive weapons or drugs on entering the premises, or the use of metal detectors.					
1.7	Where such measures are in place applicants will also be expected to make arrangements to record the search of individuals and the seizure of any property which may be required for evidential purposes. Applicants will also be expected to provide a suitable receptacle for the safe retention of illegal substances and to inform the Police so that appropriate disposal can be arranged.					
1.8	Applicants should also consider discouraging the use of illegal substances or weapons by displaying notices in and entrances to licensed venues which clearly define the policy of the venue and should state that criminal offences will be reported to Strathclyde Police.					

1.9	For town centre venues the North Ayrshire Licensing Board recommends the Safer Clubbing Guide, found at the following link: www.drugs.gov.uk/publication-search/youngprople/safer-clubbing-guide.pdf?view+Binary Applicants should confirm consider issues from the Guide implement appropriate measures where necessary.					
1.10	Applicants should consider whether a means of communication with other premises and the police is required. This is likely to be particularly relevant in town centres. The North Ayrshire Licensing Board recommends the existing Pub Watch Scheme as an example of good practice.					
1.11	Applicants should also consider practices relating to consultation with the police particularly where events are of a character that is not usually held in that particular venue. Minimising any risk of disorder in this way is an example of good practice and it is likely to lead to fewer requests to review licences.					
1.12	Applicants must consider policies to deal with known troublemakers to minimise the risk of disorder. These may include policies relating to the exclusion of known troublemakers. In certain cases organizations of licensees may consider the operation of exclusion or banning scheme so that known troublemakers are refused entry to all licensed premises in a particular vicinity. If such a scheme is in force locally, applicants should consider whether to become part of it. In exceptional cases applicants may seek to refer a particular case to the police for consideration of Antisocial Behaviour Order (ASBO) to enforce exclusion.					

1.13	Applicants should consider policies on managing groups of people, particularly larger single sex groups.					
1.14	Applicants should consider a policy in to prevent the sale of alcohol to persons that appear to be drunk. This also promotes the objectives of preventing public nuisance and protecting public health. There is no legal definition of drunk and it is up to staff to decide whether to serve a particular person or whether that person is too drunk. Staff should be made aware in a written policy, of the signs that a person is too far under the influence of alcohol and when service should be refused e.g. the first signs are loss of inhibition, impairment of judgment and emotional effects, followed by impairment of speech and movement and loss of memory followed by acute alcohol poisoning evidenced by impairment of automatic functions like breathing and heart rate. Applicants are encouraged to keep refusals books and make the same available for inspection.					
1.15	Applicants should consider the adoption of a dispersal policy in respect of the premises. This would set out the steps the venue will take at the end of the trading sessions to minimize the potential for disorder and disturbance as customers leave the premises. If such a policy is adopted by the venue it may be agreed with Strathclyde Police and steps should be taken to ensure that all staff (including door staff) are familiar with the policy. Examples of steps to take might include: only serving single measures at last orders; turning music down or off and turning lighting up in the run up to closure; providing adequate signage and or warnings of closure times; ensuring that no opened bottles, glasses or drinks are removed from the premises and consideration of provisions in respect of transport away from the premises.					
1.16	Applicants should consider the risk of the premises or services offered by them discriminating on the basis of race, religion, gender or otherwise and detail steps to deal with such risk. Applicants should consider whether they require to introduce policies to deal with sectarian or other discriminatory					

incidents or abuse at the premises					
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	Proof of Age				
1.17	<p>It is strongly recommended that all applicants adopt and adhere to a policy on requesting proof of age for all persons who appear under the age of 21, and adopt a policy of 'no proof no sale'. Such policies should include procedures for requesting proof, checking that the proof is valid, checking that the proof of ID belongs to the person producing it and it has no obvious signs of tampering. It is recommended that such policies include procedures for retaining any proof of age cards that appear to be forged or have been tampered with. It is also recommended that procedures are introduced to question persons buying an unusual amount of alcohol of the type favoured by young people or where other circumstances (such as purchase with small change) indicate that the person may be purchasing on behalf of young people. In such circumstances policies should be designed to ensure that the purchaser satisfies the seller that the items are not being purchased for a person or persons who are under age prior to permitting the sale to proceed.</p> <p>The Retail of Alcohol Standards Group (RASG) has useful downloads that are free to all the trade at the Wine and Spirit Trade Association's website at: http://www.wsta.co.uk/index.php?option=com_content&task=view&is=61&Itemid=69</p>				
1.18	<p>It would be good practice for licensees to include the prominent display of details of North Ayrshire Council Trading Standards Service initiative whereby proof of age for all those under 26 can be obtained, for free, in the form of a North Ayrshire Young Persons Card. For verification purposes the card has the young person's photograph and the date of birth. This card displays the "PASS" logo/hologram.</p>				
1.19	Applicants are encouraged to keep a refusals book and make the same				

	available for inspection.					
1.20	Applicants for off sales licenses should consider a policy of supplying carrier bags for the use of patrons which can identify the premises and consider adoption of a policy of participating in police 'bottle marking' or similar schemes designed to cut down on under-age drinking.					
	Glass and Bottles					
1.21	Glasses and bottles may on occasion be used as weapons in and near licensed premises and can cause serious injury. Applicants should note that glass and bottles can impact upon public safety and cause a public nuisance in addition to crime and disorder implications.					
1.22	Applicants are expected to take reasonable steps to prevent the removal of glasses and opened bottles from premises (including authorized pavement seating areas). This may already form part of a dispersal policy as detailed in para 1.15.					
1.23	Applicants should also consider policies which provide that, on appropriate occasions when significant numbers of people are on premises there is exclusive use of toughened glass wear or plastic containers including dispensing all bottled drinks into such vessels. Applicants should assess the potential risk of crime. In relation to late night entertainment premises, are measures in place to ensure that alcohol can only be sold in plastic glasses during late hours?					
1.24	Applicants should have consider adopting written procedures for a system of regular glass/bottle/container collection and cleaning as tidy areas that are regularly cleaned and monitored benefit customers and encourage better behaviour.					

1.25	Byelaws on Alcohol in Designated Places - Where such orders are in force applicants will be expected to take reasonable steps to inform customers of the existence and effect of such an order. These may include the display of a notice to that effect at exit points from the building.					
1.26	CCTV – Having regard to the issues detailed in paragraph 5.10 of the Licensing policy Statement, applicants should consider the use of CCTV systems both within and outwit the premises					
1.27	What arrangements need to be put in place to ensure the proper management of premises and of activities taking place therein? What arrangements need to be put in place to ensure that the premises manager or other personal license holder is present at all times when alcohol is sold					
1.28	Should all staff be provided with ongoing training in conflict management and crime scene management and the role of the police.					
2.	Licensing Objective Securing Public Safety					
2.1	Is there an effective fire management strategy and health and safety risk assessment in place. An effective fire strategy should include issues relating to the capacity of the premises, staff training, and emergency action plans, the adequacy and effectiveness of means of escape and the adequacy and effectiveness of fire fighting equipment. If there is in place an adequate fire risk strategy or health and safety risk assessment, a separate strategy or risk assessment will not be required by the Board.					

2.2	Applicants should demonstrate how they intend to control and maintain the agreed occupancy levels within the venue.					
2.3	Are there adopted procedures for evacuation procedures.					
2.4	Are there adopted procedures for accident/incident reporting.					
2.5	Applicants should consider adopting procedures for routine maintenance of the venue and daily inspections, with a record log.					
2.6	Applicants should consider adopting procedures for checking of all exit routes and signage.					
2.7	Applicants must adopt procedures for removal of obstructions to exit routes and doors prior to the occupation of the building. Applicants must ensure that no unauthorised security devices are fitted to exit routes and doors and that any such security device meets with the requirements of the Building Regulations.					
2.8	Applicants must consider policies for the installation, testing, maintenance and certification of fire and alarm systems, electrical equipment including emergency lighting, music and music cut out systems, fire retardant systems. Record logs should also be maintained.					
2.9	Applicants should consider the regular inspection and maintenance of the building structure, both internal and external.					

2.10	Applicants should consider adopting written procedures for the inspection and maintenance of furnishings and fabrics, guarding to stairs, balconies, landings and ramps, general condition of floor surfaces (e.g. trip hazards, non-slip surfaces), provision of safety glazing in critical locations, suspended decorations, lights, and amplification systems, guarding to fires, candles and open flames.					
2.11	Applicants should consider safety measures when hot food and drink is prepared in close proximity to the public, to save any risk of burns and scalding. They should have in place a Food Safety management system which adequately covers the safe and hygienic production of food on the premises.					
2.12	Applicants should provide details of the first aid facilities and the treatment available on the premises, including details of the numbers of trained first aid staff. Consideration should also be given to the treatment of any person who appears unwell, including those affected by drugs or alcohol.					
2.13	Applicants should demonstrate the safety measures to be implemented during the use of any special effects (like strobe lighting or smoke machines) on the premises, including the arrangements for prior notification to customers. The proposed use of pyrotechnics should be advised to the Fire Authority.					
2.14	The North Ayrshire Licensing Board expects that there should normally be reasonable facilities and access for people with disabilities. The North Ayrshire Licensing Board will, therefore, expect the needs of disabled people to be addressed in the operating plan. The operating plan should normally include physical and managerial methods for the safe evacuation of disabled persons. This should clearly identify trained members of staff to implement emergency egress plans and clarify whether equipment such as lifts are safe to be used.					

2.16	Is there a regular and agreed cleaning schedule for the premises					
2.17	Where entertainment involves the participation of patrons in games, physical activities or their exposure to substances e.g. bar bounce, bucking bronco hypnosis and foam parties, a risk assessment is needed for these occasions along with adopt adequate controls to avoid the risk of injury to participants.					

3.	Licensing Objective Prevention of Public Nuisance					
3.1	<p>Applicants should consider the introduction of policies to prevent noise, vibration, smells or other nuisances escaping both from sources within the premises and from external sources under the control of the applicant such as: amplified and non-amplified music levels, singing and speech, disposal to waste and bottle bins, plant and machinery (including extraction systems), food preparation, the cleaning of premises and equipment.</p> <p>Such policies should include provision that external doors should also be kept closed, except where necessary for access and egress i.e. doors should not be secured open and will be fitted with self closers if necessary.</p>					
3.2	Litter and Waste – Applicants are expected to have a suitable litter and waste management program in place to ensure that the area outside the premises is kept free of waste and litter to the standard set out in the Code of Practice on Litter and Refuse issued under section 89 of the Environmental Protection Act 1990. This must also deal with the issue of cigarette butts immediately outside the premises. Are litter bins required outside the premises or in any outside drinking area?. As any litter bins provided by the licensee will be the responsibility of the licensee (including responsibility for emptying of such bins) there should be procedures in place for the					

	<p>emptying, cleaning and maintenance of such bins.</p> <p>Applicants should also attempt to maximise recycling of waste.</p>					
3.3	<p>Noise –Are measures and/or policies needed to deal with the impact on neighbours, staff, patrons and performers of noise from the premises. Steps to be taken may include: the installation/adoption of sound proofing, air conditioning to allow windows to be kept closed, sound limitation devices, use of lobby doors, cooling down period with reduced music levels at the end of the night, adopting hours of operation appropriate to the activities in question and the location, adopting a schedule for the disposal and collection of waste at times appropriate for the locality.</p>					
3.4	<p>In considering applications from pubs, clubs and similar premises and activities the North Ayrshire Licensing Board expects licensees to have regards to any guidance published such as the Good Practice Guide on the control of noise from pubs and clubs published by the Institute of Acoustics (available at:http://www.ioa.org.uk/publications.asp)</p>					
3.5	<p>Outside drinking areas – In relation to outside drinking areas applicants are required to assess the risk of nuisance or annoyance to neighbours. If such areas are to be used as a smoking area prior to 11am or after 10pm applicants should detail suitable measures to deal with any such risk. Particular care must be taken where the noise source is in the open air, e.g. smoking area, beer garden, play area, car park, access road, temporary structure or queue. Smokers should be discouraged from taking drinks out to smoking areas particularly in areas close to residential properties where increased noise levels from continued outdoor socialisation promotes public nuisance. Speakers, TV or other amplified sound should not be positioned outside at any time.</p> <p>Where there are outdoor drinking areas, license holders should implement procedures for washing these down. Licensees should consider an agreed cleaning schedule in respect of litter in and around the premises.</p>					

3.6	Applicants should consider any special measures that should be adopted in premises located near sensitive premises such as nursing homes, hospitals or places of worship.					
3.7	Applicants should determine and implement steps to prevent excessive or ill designed external lighting to premises, outdoors areas and car parks (including lighting intended specifically for public safety and security) intruding upon the comfort and amenity of nearby residents to such an extent as to be a nuisance.					
3.8	Nuisance by smell is commonly attributable to the commercial preparation of hot food in kitchens with no or inadequate or poorly maintained filtration and extraction equipment. Applicants should determine and implement steps to prevent smells causing a nuisance to local residents and businesses.					
3.9	Outside Smoking – Applicants should assess the risks from outside smoking such as litter, obstruction of entrances or exits, smoke drift into neighbouring properties etc and detail measures to deal with such risks					
3.10	License holders should take steps to prevent any fly posting and the irresponsible distribution of advertising flyers or other materials such as stickers. Therefore the Board expects applicants to determine and implement best practicable means to prevent fly posting and other unauthorised advertising and to consider measures necessary to control the litter that can be produced by the irresponsible distribution of flyers and other advertising materials.					
3.11	Applicants should consider the steps to be taken to prevent disturbance by customers arriving or leaving the premises, including the considerations that have been given to the cumulative effect of this in areas with other licensed premises in the immediate vicinity. This will be more important between 11					

	p.m. and 7 a.m. than at other times. This may form part of the dispersal policy listed in paragraph 1.15					
3.11	Applicants should consider the steps to be taken to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be formed away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction, for example, making provision for queuing inside the premises.					
3.12	Applicants should consider the steps to be taken to ensure staff leave the premises safely and quietly. This will be of greater importance between 11 p.m. and 7 a.m. than at other times of the day.					
3.13	Applicants should consider the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents including the slamming of vehicle doors, vehicle horns, vehicle stereos, noise from engines idling, and vehicle exhaust fumes.					
3.14	Applicants should consider whether there is sufficient provision for public transport with regard to the proposed opening hours (including taxis and private hire vehicles) for patrons. Will lack of sufficient transport have potential to result in crime, disorder and nuisance in the locality?.					
3.15	Applicants should consider whether the service of the premises by licensed taxi or private hire vehicles is likely to disturb local residents and take reasonable steps to prevent disturbance from this source. Examples of actions that can be taken include the provision of an indoor waiting area, arrangements for door staff to advise customers that their transport has arrived (rather than taxis beeping) and phones in entrance lobbies perhaps linked directly to a private hire company.					

3.16	Off sale applicants should consider the extent to which their premises or the area adjacent thereto are a gathering point for youths and others to congregate, and any risks or history of crime, disorder or nuisance that has arisen in connection therewith. Applicants should consider how they can minimize such problems, whether through the use of better lighting, external CCTV etc					
4.	Licensing Objective Protecting and Improving Public Health					
4.1	The North Ayrshire Licensing Board expects licensees to have regard to the Wine and Spirit Trade Association Social Responsibility Standards for the production and Sale of Alcoholic Drinks in the UK available at: http://www.wsta.co.uk/index.php?option=com_content&task=view&id=Itemid=104					

4.2	Applicants should consider whether the provision made for the alternatives to alcohol drinks adequately protects and promotes public health, particularly in terms of reasonably priced alternatives to alcohol i.e. soft drinks, tea and coffee, food and non-alcoholic substitutes (with an ABV below 0.5%). This is especially important for drivers.					
4.3	Applicants should consider security arrangements to prevent tampering with unattended drinks.					
4.4	Where food is prepared on the premises (which includes reheating of food by microwave) is there a suitable food safety management system operating within the premises to ensure it is produced and served in a safe and hygienic manner and do staff have suitable food hygiene training commensurate with their work activity.					
4.4	Applicants should consider promoting public health by educating customers through the display of information (a) on the number of units of alcohol for different types of alcoholic drinks available, (b) on sensible drinking, (c) on the effects of alcohol consumption on health and (d) identifying contact points where assistance can be obtained for problem drinking . This might be through the use of leaflets, posters, simple signage or free unit calculators etc. Information may also be displayed about the effects of alcohol on the body which may be beneficial as well as detrimental.					
4.5	Are policies in place to ensure that the premises are maintained in a good, clean and tidy condition at all times?					
5.	Licensing Objective Protection of Children from Harm					
5.1	Where premises or entertainment is specifically targeted towards children will checks be made to ensure all persons employed or involved with the supervision or management are deemed appropriate persons to be engaged in the activity. An example of such a check would be the completion of a					

	Disclosure Scotland check to the appropriate standard.					
5.2	<p>The North Ayrshire Licensing Board commends the Portman Group Code of Practice on the naming packaging and promotion of alcoholic drinks. Where applicants intend children to be present on licensed premises or where the sale of alcohol takes place what steps are to be put in place regarding the packaging and promotion of alcoholic drinks. Is the Code of Practice to be given due regard and addressed in this assessment. The code can be found at:</p> <p>http://www.portmangroup.co.uk/?pid=1&level=1</p>					
5.3	In the case of 'children only' events, for example, an under 18 disco, production of play, a pantomime or similar event will applicants require an acceptable ratio of adult supervisors to children on the premises for the activity. If so, what ratio?					
5.4	In the case of premises giving film exhibitions do applicants have policies and procedures in place to restrict children from viewing age restricted films, classified according to the recommendation of the British Board of Film Classification or the licensing authority itself.					
5.5	Where children are to be allowed onto licensed premises Applicants should consider the arrangements made for children including: the siting of the toilets and whether children will have to pass through what might be unsuitable areas to reach a toilet, siting games and gaming including machines, pool tables, darts etc away from areas where children will be present, and procedures to stop children from playing electronic games and accessing TV, DVD and video machines in the premises					

5.6	Applicants should consider appropriate signage where children are to be allowed onto licenses premises. The Licensing (Scotland) Act 2005 introduces mandatory requirements for signage. Applicants should also bring to the attention of parents any conditions under which children will be allowed access including the supervisory requirements.					
5.7	Applicants should consider controlling stock to promote the objective of protecting children from harm. This will include keeping stocks of alcohol away from areas where there may be other products attractive to children e.g. placing alcopops near ordinary fizzy drinks. It will also include assessing the likelihood of children attempting to buy alcohol and where the risk is high, removing those products and most attractive to children and young persons, like alcopops and cider.					
5.8	Generally whether appropriate and effective measures are in place to check the age of persons in order to prevent alcohol being sold to those under 18 (except insofar as permitted under section 105(5) of the Act). This should include consideration of whether there is evidence of problems arising through under age drinking at the premises or of off sale of alcohol to children. –see also paragraph 1.17					
5.9	Are the premises laid out in ensure that children can at all times be within sight of an accompanying adult					
5.10	Are heating appliances and electrical sockets adequately protected					
5.11	Can drinks to children under 12 be served in non-glass containers?					
5.12	Where children are allowed on the premises are there policies in place to deal with the protection of children who are with parents who are incapable of					

	looking after children in their care or who physically abuse, neglect or expose them to danger in the premises. Policies must be designed to promote the best interests and welfare of the child.					
5.13	Where children are allowed on the premises Is a children's menu available, or does the menu show that half size portions are available for children? Has provision been made for heating children's food at no extra cost					
5.14	Where children are allowed on the premises has provision been made for having at least two high chairs and for a separate container for dealing with soiled nappies?					