

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: THE FOUNDRY, 43 HOLBURN STREET

DESCRIPTION

- Variation to on consumption hours to Sunday to Thursday 10:00 to 01:00 and Friday and Saturdays to 10:00 to 02:00.
- Variation to off consumption Monday to Sunday 10:00 to 10:00.

OBJECTIONS/REPRESENTATIONS

- NHS
- Environmental Health

POLICY

Supplementary Policy – Licensed Hours

Whilst all applications will be dealt with on their own merits the Board considers it necessary for the promotion of the licensing objectives to set parameters with respect to licensed hours. Any application seeking hours outwith those detailed below will be expected to satisfy the Board that there are legitimate grounds for departing from policy and demonstrate that the granting of such hours would not be contrary to the licensing objectives.

Off-Sale Premises

Maximum trading hours for off-sale premises are set by statute. The Board have no power to grant off-sales hours prior to 1000 or after 2200 hours. It should be noted that these are the maximum permitted hours and the Board may restrict these hours if it can be shown to be necessary for the promotion of the licensing objectives.

	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
All off-sales premises	1000	2200

On-Sale Premises

The Board considers it appropriate to distinguish hours within the city centre from outlying areas. The city centre area is that shown delineated on the undernoted map.

The hours stated below are the earliest acceptable opening hour and latest acceptable terminal hour, and not the maximum permissible hours. The terminal hours stated below are the latest permissible and will not be appropriate for all premises. It will be the responsibility of the licence holder or applicant to

demonstrate that the premises is suitable for the hours sought. Additional conditions will normally be added to all premises seeking licensed hours after 1am including but not limited to CCTV, door stewards and radiolink. A link to examples of the standard local conditions can be found in the Supplementary Policy on General Licensing Matters.

The Board considers 15 hours continuous trading to be reasonable within any 24-hour period and so the opening or terminal hour should be adjusted accordingly to comply with this requirement.

The opening hours for casinos remains in line with the statutory hours in terms of the Gambling Act 2005, namely 1200 – 0600 daily.

<u>Outwith City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0000
Friday & Saturday	1000	0100

<u>City Centre</u>	<u>Earliest Opening Hour</u>	<u>Latest Terminal Hour</u>
Sunday to Thursday	1000	0200
Friday & Saturday	1000	0300

Preventing Public Nuisance

The Board believes that licensed premises have the potential to have a significant impact on communities. It wishes to maintain and protect the amenity of the surrounding neighbourhoods whilst recognising the valuable cultural and social aspects of such premises.

Whilst licensing powers are not the main statutory mechanism for dealing with public nuisance in general the Board will interpret public nuisance in a wider sense where it relates to the operation of licensed premises, and in particular issues such as noise and litter.

Again, a number of factors should be considered including, but not limited to:

- Location of premises. In particular the proximity to residential or noise sensitive premises such as medical facilities, sheltered housing, schools, places of worship, nurseries and suchlike.
- Hours of operation. Closely related to the location of the premises, the hours of operation should reflect what is appropriate for the surrounding neighbourhood. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Nature of activities. Any activities carried on in the licensed premises should not be detrimental to the ambience of the locality.
- Outdoor areas. The Board will include a Supplementary Policy on this issue, but applicants will require to ensure that the inclusion of an outdoor licensed area in any premises is appropriate and will not contravene the licensing objective of preventing public nuisance.

- Smoking areas. These should be designed to minimise public nuisance and regularly monitored to cut down on noise and litter.
- Noise from patrons entering and exiting the premises.

What the Board Will Do:

- Consider the proximity of proposed licensed premises to noise sensitive premises when considering applications.
- Ensure that licensed hours and activities are appropriate for the type of premises and locality. The terminal hours indicated in the Supplementary Policy on Licensed Hours are the maximum available and will not be suitable for all premises.
- Improve communication between the trade, partners and local communities.
- Impose additional licence conditions where appropriate to prevent public nuisance.
- Highlight best practice where available and increase awareness and education on potential areas of risk.

What the Board Will Expect of Licence Holders/Applicants:

- Take a proactive approach to public nuisance with a risk-based approach.
- Be mindful of the location of the premises, hours of operation and activities.
- Comply with all conditions of the premises licence.
- Ensure appropriate control measures are in place and staff training is up to date and relevant.
- Consider public nuisance when establishing the design and layout of the premises.
- Adequate supervision of any outdoor area, smoking area and patrons entering/exiting the premises.
- Sharing of best practice via trade groups.
- Participation in communication to resolve any issues that may arise.
- Co-operation with Police Scotland and Licensing Standards Officers including access to all relevant policies and procedures such as dispersal policies and incident management.