

**REPORT TO: LICENSING BOARD – 23RD OCTOBER 2003**

**REPORT ON: POLICIES AND NICHOLSON REPORT**

**REPORT BY: CLERK TO THE LICENSING BOARD**

**REPORT NO: 695-2003**

## **1.0 PURPOSE OF REPORT**

1.1 To advise members as to changes in policy and to report on the Nicholson Committee.

## **2.0 RECOMMENDATIONS**

2.1 That the Board remit to an ad hoc Sub-Committee to consider the terms of the Nicholson Report and to report back to the Board prior to 19th December, 2003.

2.2 That the undernoted condition be attached to regular extensions in respect of licensed premises:-

"It is a condition of the grant of this regular extension that the attached Code of Conduct be complied with. This condition will take effect from 1st July, 2004."

2.3 That the Board's previous instruction to carry out a consultation exercise regarding regular extensions be deferred meantime.

2.4 That the undernoted condition be attached to Children's Certificates:-

"During the hours when this Certificate is in force, smoking shall be prohibited in all parts of the licensed premises of which the premises specified in the application for the Certificate forms part."

## **3.0 FINANCIAL IMPLICATIONS**

3.1 None.

## **4.0 LOCAL AGENDA 21 IMPLICATIONS**

4.1 None.

## **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

5.1 None.

## **6.0 BACKGROUND**

6.1 The Nicholson Committee was appointed in June, 2001 to review all aspects of liquor licensing law and practice in Scotland, with particular reference to the implications for Health and Public Order; to recommend changes in the public interest; and to report accordingly.

6.2 The report has now been published and contains 90 recommendations.

6.3 The Board is asked to appoint a sub-committee to consider the recommendations and report back to the Board prior to the close of the consultation period on 19th December. It is anticipated that a Special Meeting of the Board will likely be required for this purpose.

6.4 Following lengthy discussion with the licensed trade via the Consultative Forum, it is intended that compliance with the Code of Conduct outlined in Appendix I be attached as a condition of grant of regular extension.

- 6.5 Conditions can only be attached to extensions as they fall to be considered and accordingly it is further intended that the condition will take effect on the same day for all licensees, namely 1st July, 2004.
- 6.6 To allow initiatives being undertaken by the Licensing Committee of Dundee City Council involving late hours catering entertainment to be implemented and monitored, it is intended that the proposed public consultation exercise regarding regular extensions be deferred meantime.
- 6.7 In the interim period the status quo as regards extensions would prevail.
- 6.8 The Board may grant a Children's Certificate if it is satisfied that the premises or as the case may be, the part of the premises constitutes an environment in which it is suitable for children to be present and that food is available.
- 6.9 The Board members have inspected several premises over the last year and have in some cases expressed concern as to the amount of smoke to which children are being subjected to.
- 6.10 Having regard to the above and to public health initiatives involving smoking in public places generally, it is intended that the Board's policy as regards Children's Certificates be reviewed to the extent that the following condition be attached:-
- "During the hours when this Certificate is in force, smoking shall be prohibited in all parts of the licensed premises of which the premises specified in the application for the Certificate forms part."
- 6.11 If any particular application relates exclusively to an area which is set apart from the remainder of the licensed premises of which it forms part, eg, a separate room, the prohibition may at the discretion of the Board be restricted to that area.

## **7.0 CONSULTATION**

The Liquor Licensing Consultative Forum have been consulted on the contents of this report.

## **8.0 BACKGROUND PAPERS**

None.

PATRICIA McILQUHAM  
Clerk to the Licensing Board

15th October 2003