

# Public Document Pack



## ABERDEEN CITY COUNCIL

To: Councillor Jaffrey (Convener); and Councillors Boulton, Collie, Cormie, Donnelly, Hunter, Penny and Robertson; Eric Anderson and Alyson Mollison.

And: Allan McIntosh, Convener; George Wyatt, Vice-Convener; Craig Adams and Gerard Rattray (Representatives of Holders of Premises Licences/Personal Licences); Inspector John Soutar (Grampian Police); Sandy Kelman (Alcohol and Drugs Partnership); David Wright (Education); Tom Cowan (Social Care); Linda Smith (Health); Gordon Riddel, Michelle Wall and Bob Westland (Community Safety); Mary Crawford, Ken Eddie, Councillors Martin Greig and John West (Representatives of Residents within the Forum's Area); Barry Black (Representative of Youth) and Diane Sande (Licensing Standards Officer).

Town House,  
ABERDEEN 16 June 2011

### JOINT MEETING OF ABERDEEN CITY LICENSING BOARD AND ABERDEEN LOCAL LICENSING FORUM

The Members of the **LOCAL LICENSING FORUM** are requested to meet in Committee Room 5 – Town House on **THURSDAY, 23 JUNE 2011 at 1.30 pm.**

RODERICK MACBEATH  
ACTING SENIOR DEMOCRATIC SERVICES MANAGER

#### **B U S I N E S S**

1 Apologies

2 Welcome and Appointment of Chairperson

Please note that at the joint meeting of the Board and the Forum on 17 June, 2008 it was agreed to have a rotating Chair at Joint Meetings. The meeting in December 2010 was chaired by Sandy Kelman, Aberdeen Local Licensing Forum. Therefore today's meeting should be chaired by Councillor Jaffrey, Convener of the Licensing Board.

- 3 Update from Depute Clerk to Licensing Board
- 4 Forum Workplan (Pages 1 - 6)
- 5 Review of Statement of Licensing Policy - Response from Licensing Board (Pages 7 - 12)
- 6 Addressing the 5 Licensing Objectives (Pages 13 - 20)
  - (1) Preventing Crime and Disorder
  - (2) Securing Public Safety
  - (3) Preventing Public Nuisance
  - (4) Protecting and Improving Public Health, and
  - (5) Protecting Children from Harm
- 7 Any Other Competent Business
- 8 Consideration of date of the next meeting

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Grant Webster on 01224 522607 or email [gwebster@aberdeencity.gov.uk](mailto:gwebster@aberdeencity.gov.uk)

## ABERDEEN LOCAL LICENSING FORUM

### WORKPLAN AS AT DECEMBER, 2010

#### Licensing Objectives (for reference) –

- (1) Preventing Crime and Disorder,
- (2) Securing Public Safety,
- (3) Preventing Public Nuisance,
- (4) Protecting and Improving Public Health, and
- (5) Protecting Children from Harm.

Remit of Local Licensing Forums as set out in the Licensing (Scotland) Act 2005 – keeping under review the operation of the Act in the Forum's area and in particular the exercise by the Licensing Board of their functions including giving advice and making recommendations to the Board in relation to those matters where the Forum considers it appropriate. The Act does not enable a Forum to review or give advice or make recommendations in relation to the exercise by a Board of their function in relation to a particular case. "Case" is taken to mean an application before a Board and in the interests of natural justice is also taken to mean individual licensed premises. The preferred route for consideration of complaints about the running of licensed premises is to write directly to the Clerk or Depute Clerk to the Licensing Board.

The Licensing (Scotland) Act 2005 requires Licensing Boards in exercising any of their functions to have regard to any advice given or recommendations made to them by a Local Licensing Forum and where the Board decides not to follow the advice or recommendation to give the Forum reasons for that decision, the Board must provide copies of relevant statistical information to the Forum as it may reasonably require for the purposes of its general functions.

Licensing Standards Officers have a general function of providing to interested persons information and guidance concerning the operation of the Act, supervising compliance with the Act and the conditions of their licences by holders of Premises Licences and Occasional Licences and mediate between communities and the trade or between any two parties where there is a need to resolve a local problem and develop a local solution. LSOs do not act as "policemen" with regard to licensing but they will liaise with the police and other relevant officials such as Environmental Health Officers in pursuit of the objectives of the Act.

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
(1)	Find out from communities what are their areas of concern	Issues raised by Community Councils, etc have been considered by the Forum and where appropriate action has been taken to make further enquiries. The Forum will await any further referrals from Community Councils or individuals.		
(2)	Improve intelligence in relation to statutory bodies.	The Forum is gaining experience as it considers topics and input from Forum members who are representatives of relevant agencies. The Forum has been represented at conferences and training events and will continue to do so.		
(3)	To receive reports from the Licensing Board containing relevant statistical information.	031110 – In discussion with Clerk to Licensing Board, sections 12 and 6(5) were cited as grounds to refuse statistical information being provided to the Forum.		
(4)	To request an outline from the Licensing Board on measures it will employ to ensure compliance with the five	An assurance has been given by the Board at the second joint meeting with the Forum that the current Licensing Policy makes		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
	<p>licensing objectives.</p> <p>This is being addressed as part of the review of the Statement of Licensing Policy.</p>	<p>appropriate references to the objectives. At the joint meeting with the Board on 23/4/10 it was confirmed that it will continue to monitor statistical trends in relation to crime and if possible health and other indicators in order to evaluate contributions to the achievement of the licensing objectives.</p>		
(5)	Late Night Bus Services	A paper will be presented to Enterprise, Planning and Infrastructure on 9/11/10. An update has been provided.		
(6)	<p>Staffing Levels – the Forum and the Sub-Committee noted that Aberdeen is the only city in Scotland to employ only one Licensing Standards Officer. Although information on staffing levels elsewhere in Scotland may be out-of-date there is no doubt the majority of local authority areas employ more than one Licensing Standards Officer.</p> <p>The Forum at its meeting on 25/2/10 noted the response set out in this Plan but agreed to</p>	<p>A response to the issues raised was received on behalf of the relevant Head of Service (Housing and Environment) in the City Council. The views of the Clerk to the Licensing Board were also sought. It was agreed it would be premature to formally request the Forum to write to the Chief Executive of the City Council requesting an increase in the number of Licensing Standards Officers employed by the City Council. The professional opinion is that as the Licensing (Scotland) Act</p>		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
	<p>write to the Chief Executive of the City Council now seeking her views on increasing the establishment of Licensing Standard Officers.</p> <p>The Chief Executive has asked the Director of Housing and Environment to reply to the Forum and thanked the Forum for drawing this matter to her attention.</p>	<p>2005 has only been operational since 1/9/09, it is too soon to accurately assess workload. It is anticipated that demand for advice will decline and from experience in dealing with the trade there is evidence of a high level of co-operation and willingness to comply. The officers concerned have given a commitment to review the position to decide whether or not to prepare a business case to support a request for additional staff resources. Meantime the Forum is asked to note that in addition to the Licensing Standards Officer one other officer has been trained in the Licensing Act duties. During 2010 more of his time will be freed up to undertake some of the duties. Other staff have also received elements of LSO training and this should facilitate a more proactive approach in relation to visiting licensed premises. The LSO's Line Manager will continue to monitor her workload which is standard Council practice. Raised with the Board at the joint meeting</p>		

No	Action/Decision agreed by Forum or Sub-Committee	Update/Outcome/Response	Referral to Licensing Board or Clerk (Yes/No) Reply (Yes/No)	Issue requires discussion at next Joint Meeting with Licensing Board (Yes/No)
		of 011210, who advised that the appropriate action would be for them to raise concerns with Council.		

ACTIONS FOR LICENSING FORUM INALCOHOL STRATEGY 2009 – 2019 AND IN ALCOHOL RELATED DISORDER IN THE CITY CENTRE ACTION PLAN

- (1) Reducing Consumption – The Licensing Board will consult widely on specific measures to deliver and enhance their policy including receiving advice from the Licensing Forum.
- (2) Prevention (a) – Encouraging developments to increase access to food and non-alcoholic drinks in clubs and the licensed premises at night in liaison with Unight, the Licensing Board and City Centre/Safer Aberdeen Forum.
- (3) Prevention (b) – Review to establish how a more preventative approach to over-consumption of alcohol can be devised in partnership between the Licensing Board and the trade.
- (4) Prevention (c) – Attract different types of premises to offer family orientated entertainment such as late night coffee shops, cafes, etc. in liaison with the Licensing Board, Unight, Safer Aberdeen Forum and Economic Development staff.

committees/aberdeen local licensing forum/Notes/workplan may 2010



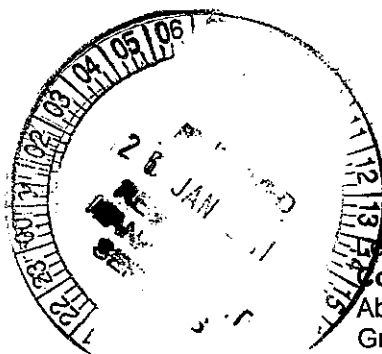


## ABERDEEN CITY COUNCIL

Legal and Democratic Services  
**Corporate Governance**  
Aberdeen City Council  
Ground Floor  
Town House  
Broad Street  
Aberdeen AB10 1AQ

Tel 01224 522000  
Minicom 01224 522381  
DX 529450, Aberdeen 9  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Our Ref. bf/bf3340 9/30/21(c)  
Your Ref.  
Contact Brenda Flaherty  
Email [licensing@aberdeencity.gov.uk](mailto:licensing@aberdeencity.gov.uk)  
Direct Dial 01224 522624  
Direct Fax 01224 522491



24<sup>th</sup> January 2011

Local Licensing Forum  
Democratic Services  
Town House

FOA Grant Wiseman

*not licensing*

Dear Sirs

### Licensing (Scotland) Act 2005 Review of Statement of Licensing Policy

I refer to the Forum's response to the consultation on the Licensing Board's review of its Statement of Licensing Policy. In terms of section 12 of the 2005 Act, where the Board decides not to follow advice or recommendations given to it by the Forum, it must give reasons for not doing so. Where the Forum makes recommendations it would be helpful if it also explained its reasoning as to why the recommendation has been made. This would assist the Board in its assessment of the recommendation.

The Forum provided two responses. The Board, for a variety of reasons, may elect not to adopt recommendations from the LLF. Failure to adopt advice or recommendations does not mean that the advice or recommendation was without merit.

#### Response received Summer 2010

The first response from the Forum primarily consists of a series of statements. With regard to the few specific comments raised by the Forum, the response from the Board is as follows:

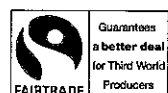
In respect of the report 'Licensing Law and the Public Health Objective' produced in August 2008:

1. Page 28 states that only a small number of Boards link within their public health section an encouragement to provide food on the premises:

**Response:** See para 27.8 of the Policy Statement which provides that 'applicants are encouraged to provide food on the premises, so that patrons may eat at the same time as consuming alcohol if they wish'.

2. Page 28 states that only a small number of Boards link within their public health section a requirement for adequate ventilation and sanitary provision.

**Response:** These matters are dealt with under other legislation and therefore are outwith the Board's remit.



3. A small number of Boards request the provision of free tap water for drinking.

**Response:** The provision of free tap water fit for drinking is a mandatory condition of a premises licence therefore there is no need to make reference to this in the Policy Statement.

4. The same report suggests that Boards undertake Health Impact Assessments. It is noted that Glasgow Licensing Board has undertaken such an assessment.

**Response:** at the present time Aberdeen City Licensing Board is not in a position to undertake such an assessment. There are however many initiatives which the Board is taking forward in partnership with other organisations and the licensed trade which contribute to the licensing objectives and which in turn should have a domino effect on public health.

5. With regard to the letter from Gary Cox (Scottish Government) dated 4 April 2007: Paragraph 102 of that letter states the legal position in relation to review of premises licences.

**Response:** Paragraph 10 of the Policy Statement covers the review of premises licences.

6. It is noted that paragraph 193 of the Guidance makes reference to Closure Orders and that the Policy Statement makes no reference to them.

**Response:** The Board's view is that there is no need to make reference to these Orders in its Policy Statement. The issue of Closure Orders is clearly provided for in the 2005 Act and is a legislative rather than a policy issue.

7. The Forum asks the Board to take the opportunity to canvass views from economic development bodies and tourism bodies as well as the trade if it has not already done so.

**Response:** The consultation process undertaken by the Board was very wide. This recommendation is noted for future reference.

8. The Forum suggests that the Board might like to reflect in the Policy Statement its position with regard to the decision of the Glasgow Board refusing variation applications from large supermarkets to increase capacity of alcohol displays.

**Response:** Any decisions taken by other Licensing Boards must be treated with caution as such decisions may reflect the position in an area which may be quite different to Aberdeen. In any event Glasgow Licensing Board has since changed its position on this issue.

9. With regard to the publication 'Licensing for Public Health' and page 11 'Developing a Licensing Strategy to Promote and Protect Public Health' the Forum recommends that the Board considers producing such a strategy.

**Response:** This issue cannot be considered in terms of the current review of the Statement of Licensing Policy as it requires further discussion. Perhaps the Forum would wish to consider this matter in greater depth and advise the Board how it should proceed and what should be considered in terms of such a strategy?

10. Re the 'Licensing Toolkit' produced by Alcohol Concern and the recommendation that the Board accesses statistical data from the Alcohol and Drugs Partnership:

**Response:** This issue cannot be considered in terms of the current review of the Statement of Licensing Policy as it requires further discussion. Perhaps the Forum could explain in greater detail how such information could be used in practice and what benefit it thinks can be derived from the outcome?

11. The Forum suggests that the Board lists the tasks/actions that it has endorsed in relation to the Aberdeen Alcohol Strategy 2009-2019

**Response:** the Board has endorsed the strategy and the policy states this.

### **Response received 12<sup>th</sup> October 2010**

1) layout of statement

**Response:** we consider that the layout does refer to the licensing objectives.

2) place licensing objectives earlier in statement

**Response:** This is a matter of style. Ours follows that adopted by other Licensing Boards

3) specific reference should be made to Aberdeen Alcohol Strategy, Licensing for Public Health (June 2009 and considered by LB 15/12/09), Community Safety Partnership Action Plan, Single Outcome Agreement, and input from Social Care and Wellbeing. Also Council Transportation Strategy and Single Equalities Scheme.

**Response:** The Board does not yet have a single equalities plan to refer to although this is under consideration. Social Care and Wellbeing are consulted on various matters pertaining to the Licensing Board and we would include relevant material as appropriate. Section 2 of the Policy makes reference to this.

4) Misleading to call Section 13 Enforcement & Licensing Standards Officers. Should have separate section on role of Licensing Standards Officers as their role is more than enforcement.

**Response:** Again this is a matter of style. In practice the Licensing Standards Officer's role is mainly enforcement.

5) Add a contacts section.

**Response:** there has always been a contacts section at the beginning of the document. It is contained in the preamble and has been updated.

6) add glossary of terms or a briefing paper explaining different remits and functions of Licensing Board, Committee and Local Licensing Forum

**Response:** We do not consider this to be necessary. The Licensing Committee is not involved in liquor licensing matters. Applicants to the Board, by definition should understand the role of the Board. We can add a section of the role of the Local Licensing Forum at a future review if Board Members think it desirable.

7) Use publicity about the Policy to have an alcohol awareness campaign

**Response:** the Board has no resources of any kind to launch a public awareness campaign (presumably on the misuse of alcohol). It is not part of the Board's judicial function to do this.

8) Add procedures to assist the public to make objections/representations. Add complaints procedure eg what triggers a licence review.

**Response:** The neighbour notification and display notices give details of how to object or make representation to the Board. The Board is not in a position to say what triggers a review of a licence. "Any person" can complain to the Board and trigger a review on any relevant issue. In these circumstances the complainer should be taking independent legal advice. The Board has an independent judicial role in review hearings and it would be inappropriate for it to give advice to a party on an issue it would later be adjudicating on.

9) add section on monitoring and evaluation of policy itself and Licensing Board's contribution to other strategies.

**Response:** the Board reviews the policy as necessary and issues supplementary policies as appropriate.

10) 10.4 & 25.7 of the policy regarding Door Supervisors should have their role expanded and discussed in context of risk assessment on employee safety and ratio to occupancy capacity

**Response:** Occupancy capacity is for the purpose of calculating overprovision only and the policy states this. The Board has discussed this issue and is of the opinion that it is too complex and variable to be enforceable as a policy decision. The Board has no power to insist upon risk assessments from licence holders with regard to their employees in licensed premises.

11) Section 11 review of premises licence - state what triggers a review and relevant grounds.

**Response:** the relevant grounds for review are contained in the Act and therefore need not be replicated in the Policy. See also Response 8.

12) Section 2.6 mentions Aberdeen Alcohol Strategy and Alcohol and Drugs Partnership + community safety

**Response** This has been included in the Policy.

13) Section 2.8 expand. Licensing Board to offer advice/ make recommendations to other bodies and invite them to take action or explain why they have not done so.

**Response:** We do not fully understand this point. The Board relies on other experts to give it advice eg building standards, environmental health. These bodies have their own enforcement regimes and will make their own decisions as to what actions are appropriate or otherwise in terms of their own remits. If the Board has concerns it will always draw these to the attention of its advisers. We consider that section 2.8 deals adequately with this point.

14) Section 2.10 delete ref to planning permission.

**Response** We are unsure what is meant here. We consider that section 2.10 is giving procedural advice to an applicant.

15) Section 6.3 reword to confirm model conditions adopted and state they are to have equivalent of statutory status. Attach conditions to policy.

**Response** local conditions are now spelt out in Policy. We do not have any model conditions.

16) Section 8.1 Licensing Board assessing application against licensing objectives should be more positive. Test should be does application promotes licensing objectives.

**Response** the Board do test applications against the licensing objectives when they call before it, and have refused applications as not promoting the objectives when Members consider it necessary.

17) Section 9.6 explain what evidenced complaints are and not just regarding overprovision. Clarify if a member of the public can trigger a complaint.

**Response** See response 8.

18) Section 22.5 – add a recommended template for risk assessments.

**Response:** the Board has no power to do this.

19) Section 25.3 – what are relevant representations? Add assurance re monitoring/review of compliance with licence conditions and operating plan.

**Response** Monitoring is an ongoing joint role undertaken by the police, the Licensing Standards Officer and the Licensing Team.

20) Section 20.10 – change heading as refers to more than hours of trading. Working Group for dispersal

**Response:** headings have been changed. There have been numerous attempts over the years to devise a strategy for dispersal of patrons from licensed premises and many initiatives have been instigated eg night time taxi ranks, taxi marshals, police operations, street pastors. The Council is constantly striving to address this which in any case is a corporate issue and not just one for the Board to solve. We do not see what yet another group will achieve in this area.

21) Adopt similar to Edinburgh's policy condition re ATMs.

**Response** This has not been brought to the attention of the Board hitherto. We are not aware of any licensed premises (apart from supermarkets) which have ATMs and we do not consider this to be an issue which requires a policy to be formulated.

22) Licensing Board to consider its position regarding food & non alcoholic drinks if Dundee wins its case.

**Response** The Board will take cognisance of any relevant legal precedent.

23) Establish a working group to devise a comprehensive solution to crowd dispersal in city centre at weekends.

**Response** See response 20.

24) Include conditions on pavement cafes and the Board's own position on irresponsible drinks promotions as per Dundee.

**Response** Pavement cafes, if licensed, may have conditions attached by the Licensing Board on a case by case basis. However, most are unlicensed, the permit being granted by the Council (Roads) and consumption of alcohol being allowed on an off sale basis only. Irresponsible Alcohol promotions – these are set out in the Act. Guidance is required from the Government where new types of promotion challenge the provisions. The Dundee Licensing Board has now lost its court case on irresponsible promotions.

25) Expand the policy to reflect Dumfries and Galloway policy

**Response** It is presumed that Dumfries and Galloway have specific issues they wish to address and have included these in their policy as a result. Should any

issues be drawn to our attention as problems specific to Aberdeen, they will be addressed in future statements.

26) address multiple audiences including citizens who want reassurance the licensing objectives are given prominence in decision making. Add Dumfries & Galloway statement of intent. See response doc.


**Response** (a) this matter may be better addressed when considering the terms of the Social Responsibility Levy which will be introduced later this year in the Alcohol etc Act 2010, following an extensive consultation by the Scottish Government.

(b) we consider this to be out with the remit of the Board.

(c) This appears to be a statement rather than a recommendation. The Board already takes a multi agency approach to matters within its remit.

Thank you for responding to the consultation.

Yours faithfully



**Brenda Flaherty**  
**Legal Manager**  
**Licensing Team**

## Alcohol Focus Scotland Response regarding the Licensing Board's Draft Licensing Policy Statement



Alcohol Focus Scotland is pleased to have the opportunity to offer comments on the Licensing Board's Licensing Policy Statement. We recognise the statement is an important overarching document which clearly sets out the Board's overall approach to licensing issues. It also presents an opportunity for the Board to indicate the process and type of evidence that will be collected and considered.

As Scotland's national alcohol charity, we have focussed our comments on the "protecting and improving public health" licensing objective. However, as actions taken under the other four objectives can also impact on public health, we have commented on these as appropriate.

We are aware that the public health objective has proved to be a challenge for many Licensing Boards. It is the view of Alcohol Focus Scotland that more work could usefully be done to collect appropriate evidence for this objective and also to find ways to link in with the bodies already collecting such data. We recognise there are also issues in interpreting this data and relating it to localities and our organisation is keen to work with Licensing Boards to provide further assistance in this area. The Scottish Government has indicated that it will revise the guidance accompanying the Licensing Act and this presents an important opportunity to increase the efficacy of the public health objective. Alcohol Focus Scotland will engage with the Scottish Government on the process of rewriting the guidance and will also seek to develop further information and support for Licensing Boards as required.

### 1. Background

The purpose of liquor licensing has always been to protect the public and shape social behaviour.

*"The roots of the licensing legislation lie in the desire of governments to impose a social control on the drinking habits of the population..."<sup>1</sup>*

This aim is now included within the stated objectives of the Licensing (Scotland) Act 2005. When liquor licensing fails in meeting these objectives, it risks becoming nothing more than a bureaucratic process.

Health concerns underpinned the development of the Licensing (Scotland) Act 2005. When the Nicholson Committee was set-up to review the 1976 Licensing Act, its remit was:

*"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".<sup>2</sup>*

The policy memorandum accompanying the Licensing (Scotland) Bill states that one of the Bill's aims is "to promote an environment for social drinking that was safe and welcoming for all"<sup>3</sup>. Alcohol Focus Scotland recognises the work Licensing Boards throughout the country have done to progress this, particularly in the on-trade. We would encourage Licensing Boards to continue this good work but we would also like to suggest that Boards broaden their focus to consider the increasing impact of off-sales on public health.

The 2005 Act is strongly on-trade focussed and reflects the alcohol policy at that time which focussed predominantly on binge drinking and harmful drinking by children and young people. However, over

the last few years, the Scottish Government's alcohol policy has moved away from focussing on specific sections of the population to consider the levels of alcohol-related harm across the whole population as can be evidenced in the alcohol policy document "*Changing Scotland's Relationship with Alcohol: A Framework for Action*" (2009).

*"Alcohol misuse is no longer a marginal problem with up to 50% of men and up to 30% of women across Scotland exceeding recommended weekly guidelines. That's why we are aiming, consciously, to adopt a total population approach....Our approach is targeted at everyone including 'ordinary people' who may never get drunk but are nevertheless harming themselves by regularly drinking more than the recommended guidelines. If we can reduce the overall amount that we drink in Scotland...then we will all reap the benefits."*

In addition to a change in the policy focus, there has been a significant shift in alcohol consumption patterns. NHS Health Scotland's analysis of alcohol sales data (2005-2009)<sup>4</sup> reveals that 68% of alcohol is purchased through off-sales.

The shift in drinking behaviour requires policy action which reflects these changes and the Alcohol Etc. Bill includes a range of measures specifically designed to address some of the irresponsible practices in off sales including implementation of minimum unit pricing. The policy memorandum accompanying the Bill makes it clear that the purpose of the measures is to reduce overall alcohol consumption in the population in an effort to reduce the harm caused by alcohol. Licensing Boards will similarly want to widen their focus to address the problems associated with off sales, in particular the volume of alcohol sold and the irresponsible practices of the large supermarkets.

Alcohol Focus Scotland recognises that Licensing Boards have to consider economic and business needs in their area. However, Boards must also be concerned with the health and well-being of the people they serve. Boards must think carefully about whether or not granting new licences or longer licensed hours will compromise public health.

## **2. Overprovision**

Any overprovision assessment should take into consideration the effects of all of the different types of licensed premises in an area. It is up to the Board to decide which size of area to consider the effects across – whether this is in small localities such a street or neighbourhood, or larger areas such as a district or region.

We recognise the good work that most Boards have undertaken work with the police to consider the impact of crime, public nuisance and public safety, particularly in relation to on-licence premises. We suggest that a different approach needs to be taken with regards to off-sales, as people often travel significant distances to purchase cheap alcohol, especially to larger supermarkets. Research carried out in West Dunbartonshire indicated that people will travel up to 2 miles to purchase alcohol from a large supermarket. Clearly, the impact of large supermarket purchases will affect a much wider radius than Licensing Boards have traditionally considered.

It is also the case that people are mobile so may do their drinking in more than one premises, in addition to purchasing alcohol for consumption at home or in other places. This presents considerable difficulties for Boards who may be seeking to link problem issues to individual premises. Alcohol Focus Scotland recommends that Licensing Boards take a wider approach in considering overprovision and consider data across larger localities. We also strongly recommend that the Licensing Board investigate the full range of useful data available and work with Health Boards, Police and Environmental Services and others to identify what information would be useful and could reasonably be collected for future consideration.



### **3. The 5 Objectives and Sources of Useful Data**

Having looked at the breadth of data that Licensing Boards across Scotland are considering in order to inform their licensing policy statements, we suggest the following types of data be examined:

#### **3.1 Preventing crime and disorder**

Commonly available statistics are:

- Breach of the Peace incidences
- Common Assault incidences
- Consumption of alcohol in designated places incidences
- Drunk and Incapable incidences
- Vandalism/ Fire raising etc incidences

In the licensing process, only incidents within a certain radius of licensed premises are considered, often this is in the region of 50m. Given that alcohol purchased in off-sales or supermarkets is frequently transported a much greater distance before it is consumed, we recommend that this radius is made much wider for off-sales premises. In addition we recommend that more attention is paid to the alcohol-related offences that take place in public spaces and in the home. This will help to provide evidence of the link between off-sales and crime and disorder.

#### **3.2 Securing public safety**

Public safety includes crime and also the fear of crime. Alcohol Focus Scotland suggests that information from community surveys, such as "The Ripple Effect"<sup>5</sup> should be considered. This will give a reasonable indication of the fear of crime in relation to alcohol. Calls to the police about alcohol-related incidents should also be included.

Many Licensing Boards recognise the impact that environment has on behaviour and a number of suggestions are made about the importance of the layout of on-licence premises, eg the seating arrangements and tables. Alcohol Focus Scotland supports this approach. There is a considerable body of research, including a study conducted in Glasgow<sup>6</sup> that shows that the drinking environment affects behaviour and the amount of alcohol consumed. The layout and standards in off-licensed premises also impacts on the behaviour of customers. This is particularly important when you consider that staff working in off-sales have a heightened risk of becoming victims of aggression and violence often linked to refusal of service or prevention of shoplifting. For off-sales, we suggest that the following could be added to the Licensing Policy Statement's examples of good practice:

- Controlling access to alcohol to prevent underagers and drunks attempting to buy them. This also reduces shoplifting and impulse purchasing. Bottles and cans can be used as weapons so controlling access to them will reduce this possibility.
- Precautions should be taken to ensure the safety of staff, especially lone workers and those working late at night. This could include panic buttons.
- Ensuring that prices are clear to customers in order to avoid potential sources of dispute.
- High standards, both in the physical standard of the premises (cleanliness, attractiveness etc.) and in the standard of the service demonstrate that good management is being applied and that reasonable standards of behaviour are expected. This helps to deter underage persons, agents, and those intending to shoplift etc. The exterior and interior should be clean, uncluttered and well-lit.

- Use of a refusals book or incident book to log everyone who has been refused service and to ensure all staff know of any problems that have been experienced.
- Use of external security lights to ensure that the area around the shop is well lit to discourage nuisance people from congregating outside.
- Refusing to sell to under 21s. In general, youth groups congregate near to their source of alcohol. Raising the purchase age required for alcohol will prevent group members aged 18 to 20 years old acting as agents for the younger group members.

### **3.3 Preventing public nuisance**

Public nuisance includes litter, noise and light pollution. Alcohol Focus Scotland accepts that off-sales premises do not have the same influence over the behaviour of their customers when consuming alcohol as on-licence premises. However, alcohol is not an ordinary commodity and all licensed premises must take some responsibility for the negative consequences of excessive drinking.

Many Boards include some excellent examples of 'public nuisance' relating to on-licence premises within their Licensing Policy Statements. Alcohol Focus Scotland would like to see further examples added that relate more specifically to off-licence premises and we suggest the following:

- Examining litter from outside drinking (eg. in parks). This can often be a considerable distance from the place of purchase. Statistics could be gathered from Litter Teams and Community Wardens about the amount of bottles, cans and plastic bags, etc in public places. This could give an indication of alcohol-related problems and which premises they are linked to.
- Taking into account instances of young people congregating nearby licensed premises, since this may be an indication of agent purchase activity eg. they may be asking members of the public to purchase alcohol for them.

### **3.4 Protecting and improving public health**

Alcohol Focus Scotland acknowledges that "protecting and improving public health" requires a new way of thinking which is challenging. We are also aware that there has been some difficulty in collecting useful health statistics. We are committed to working with Licensing Boards and Health Boards on this issue over the next few years in order to identify any gaps and data collection methods. Some suggested sources of data are:

- The overall health problems in the area as evidenced in the documents produced by each of the Community Health and Care Partnerships and the Alcohol and Drug Partnerships.
- The results of community surveys.
- The number of alcohol related deaths.
- The number of people accessing services (both NHS and voluntary sector services) for alcohol issues.
- The number of arrests for selling alcohol to a drunk person.
- The number of ambulance calls related to alcohol.
- The number of hospital admissions related to alcohol.
- General acute inpatient and day case discharges with alcohol related diagnosis.
- Total alcohol related discharges, emergency admissions and emergency admissions by day of admission.

We suggest that the following may be examples of how public health could be promoted, particularly in off-sales settings:

- Health information prominently displayed beside alcohol products.

- Controlling access to alcohol.
- Limiting licensed hours.
- Displaying alcohol away from tills to discourage impulse alcohol purchases.
- No promotions that include alcohol, such as a 'meal for two with bottle of wine'.
- Alcoholic products and offers for alcohol should not be displayed in the window (with an exception for specialist off-sales).

The Board may also wish to consider the environment in off-sales premises. For example:

- Where premises offer groceries for sale, there could be a limit set on the amount of shelf space allowed. Grocery stores and supermarkets are often granted licences on the basis of the grocery services they provide, therefore limiting the space available for alcohol is reasonable.
- Limit the amount of alcohol that can be purchased in one sale.
- Large premises should ensure that alcohol is situated away from the door in order to deter theft, and also not placed at the tills prompting impulse purchases.

### **3.5 Protecting children from harm**

There has been much work over the last few years to encourage on-licence premises to create family friendly environments which allow families to socialise safely together and this is to be applauded. Alcohol Focus Scotland would like to encourage Licensing Boards to progress further in this area. 'Protecting children from harm' must also include the impact of adults' drinking on children and young people. In on-licence premises, policies should be in place to prevent excess alcohol consumption by adults who are accompanied by children. It should also be recognised that reducing access to alcohol for adults will benefit children as estimates indicate that 65,000 children in Scotland live with a problem drinker<sup>7</sup>. Untold Damage, a recent report from Childline in Scotland and Scottish Health Action on Alcohol Problems<sup>8</sup>, shows that children calling the helpline are frequently worried by a parent's drinking and sometimes seriously affected by their parents' resulting behaviour.

In larger grocery stores, especially supermarkets where families do the weekly shopping, extra information should be included on the effects of parental drinking on children in appropriate places (eg. beside nappies, baby food, children's clothes and toys). This would help raise awareness amongst parents of the effects their drinking can have on their children and the need for at least one parent to remain fully competent when responsible for a child.

Licensing Boards have taken a strong line on premises that have been found to sell alcohol to underage persons, which is also to be applauded. However, we know that underagers will also try to access alcohol through other means. Some further statistics that may be of use in identifying the size of the problem are:

- Number of Social Work cases involving alcohol consumption and young people.
- Number of domestic abuse cases involving alcohol.
- Number of successful and unsuccessful test purchases.
- Number of exclusions from school involving alcohol.
- Number of offences related to agent purchasing.

## For More Information

Please contact

Mary Ellmers  
Head of Training  
Alcohol Focus Scotland  
166 Buchanan Street  
Glasgow. G1 2LW

Direct Dial: 0141 572 6594

Email: [mary.ellmers@alcohol-focus-scotland.org.uk](mailto:mary.ellmers@alcohol-focus-scotland.org.uk)

## References

- 1 *The Licensing (Scotland) Act 1976*, Allen and Chapman. Fourth Edition
- 2 *Review of liquor licensing law in Scotland*, The Nicholson Committee, Scottish Executive 2003
- 3 *The Licensing (Scotland) Bill Policy Memorandum*, Scottish Executive, February 2005
- 4 *Analysis of alcohol sales data, 2005-2009*, Monitoring and Evaluating Scotland's Alcohol Strategy, NHS Health Scotland 2010
- 5 *The Ripple Effect*, commissioned by the Communities Sub-group of the Glasgow City Addictions Planning and Implementation Group and co-funded by the Communities Sub-group and the Greater Glasgow and Clyde Alcohol Action Team, 2008
- 6 *Factors associated with alcohol-related problems within licensed premises*, NHS Greater Glasgow, February 2005
- 7 *Changing Scotland's relationship with alcohol: a discussion paper on our strategic approach*, Scottish Government, 2008
- 8 *Untold Damage: children's accounts of living with harmful parental drinking*, Childline in Scotland and SHAAP, 2010

Date

Dear

I am writing to inform you of some of the work being carried out by Alcohol Focus Scotland at a national level to further progress the links between licensing and public health.

We are aware that since the implementation of the Licensing (Scotland) Act 2005, many Licensing Boards have indicated that they wish more guidance on what is meant by the objective, "protecting and improving public health" and how this can be applied in a practical manner. Equally we are that many health professionals are becoming involved in liquor licensing for the first time and are still working to understand both the potential and the limitations of licensing in terms of public health. One area that has taken a bold approach to these issues is West Dunbartonshire, however there are also some excellent examples of good practice from other Boards. It is our intention to include these on the licensing section of our website <http://www.alcohol-focus-scotland.org.uk/licensing>.

- We are aware that there is some debate over the level of statistical evidence and 'causal link' required to influence statements of licensing policy, and we can see this reflected in the various approaches to overprovision statements. We are working with a small group to produce a good practice guide on making over provision assessments which we will then make available to all Boards and Forums (hopefully before June).
- Again with the support of a small working group, we have made recommendations to the Scottish Government on changes that we think should be made to the Licensing Guidance to better support the public health objective and which also touches on these issues of data collection, causal link, etc.
- Alcohol Focus Scotland and SHAAP (Scottish Health Action on Alcohol Problems) have commissioned a QC to give a legal opinion on these issues and to what extent licensing and public health can work together.
- We are convening a 'high-level expert group' at the Royal College of Physicians in June to agree a robust scientific, academic and legal evidence base for assessment of overprovision and the public health objective.

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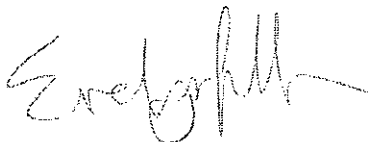
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Date

It is our intention to work with Licensing Boards to produce accessible resources. I look forward to sharing the results of these with Licensing Boards, Local Licensing Forums and Alcohol and Drug Partnerships throughout Scotland to further inform their future work. In the meantime we are aware that there is work being done in different localities in Scotland, touching on some of these issues and we are keen to have open channels of communication to share good practice and offer support. We would appreciate if you have experiences or examples that you think would be of use to others, if you could email them to [licensing@alcohol-focus-scotland.org.uk](mailto:licensing@alcohol-focus-scotland.org.uk).

It is also our intention to discuss these issues in more detail at The National Licensing Conference, hosted by Alcohol Focus Scotland. It will be held on Thursday 15<sup>th</sup> of September at the Grand Central Hotel in Glasgow. Although it has not yet been announced, we have received confirmation from Sir Crispin Agnew that he will speak, and we will of course be inviting the Justice Minister after the election. The Conference theme will be 'From Principles to Practice'. A booking form can be downloaded from our website at <http://www.alcohol-focus-scotland.org.uk/national-licensing-conference>.

Yours sincerely



**Dr Evelyn Gillan**  
Chief Executive