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To: Members of the Licensing Board and the Local Licensing Forum.

Town House,
ABERDEEN, 1 June 2016

JOINT MEETING - LOCAL LICENSING FORUM AND LICENSING BOARD

The Members of the **JOINT MEETING - LOCAL LICENSING FORUM AND LICENSING BOARD** are requested to meet in Committee Room 2 - Town House on **WEDNESDAY, 8 JUNE 2016 at 2.00 pm.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

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Website Address: www.aberdeencity.gov.uk

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JOINT MEETING – LOCAL LICENSING FORUM AND LICENSING BOARD

ABERDEEN, 2 July 2015. Minute of Meeting of the JOINT MEETING - LOCAL LICENSING FORUM AND LICENSING BOARD. Present:- Councillors Boulton, , Convener; and Councillor Lawrence; Peter Benton, Ruary Campbell, Ken Eddie, Sergeant Gill Flett, Tara-Erin Gilchrist, Alexander Kelman , Sergeant Jonathan Lloyd and Diane Sande. Officers in attendance:- Arlene Dunbar, Lynn May, Ruth O'Hare and Iain Robertson

WELCOME AND INTRODUCTIONS

1. Councillor Boulton took the chair and welcomed everyone to the annual joint meeting of the Licensing Board and the Local Licensing Forum.

MINUTE OF PREVIOUS MEETING

2. The Joint Meeting had before it the minute of its previous meeting of 03 July 2014

The Joint Meeting resolved:-
to approve the minute as a correct record.

MATTERS ARISING

3. With reference to article 3 of the minute of the previous meeting (matters arising), it was noted that the Board had not received the presentation from Police Scotland and the Convener requested that the presentation be arranged for a future meeting of the Board.

With reference to article 5 of the minute of the previous meeting (observations on the use of the Policy in Practice) the Convener advised that the suggested amendment to the Statement of Licensing Policy could be considered at the review of the Policy Statement.

The Joint Meeting resolved:-

- 1) to note that Police Scotland is to give a presentation to the Licensing Board at a date to be arranged and
- 2) to note the comments made in respect of the Statement of Licensing Policy.

UPDATE FROM DEPUTE CLERK TO LICENSING BOARD

4. Ruth O'Hare, Depute Clerk to Aberdeen City Licensing Board addressed

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the meeting.

Statement of Licensing Policy

Mrs O'Hare advised that the Licensing Policy requires to be reviewed every 3 years and that it was due to be reviewed and published by 30 November 2016. She advised that officers were looking at developing a timeline and putting procedures in place to work to that timeline and would welcome the Forum's input into that process.

Personal Licences

Mrs O'Hare advised that one of the greatest challenges for the Board over the past year had been the revocation of personal licences due to many licence holders failing to complete refresher training. The terms of the Licensing (Scotland) Act 2005 were rigid and provided no discretion for the Board. The Act also placed a prohibition on re-applying for a further licence for a period of five years following revocation. This would however now be resolved by an amendment made by the Air Weapons and Licensing (Scotland) Act 2015.

Air Weapons & Licensing (Scotland) Act 2014

Mrs O'Hare advised that the Air Weapon and Licensing (Scotland) Act was passed on 25 June 2005 and is another piece of licensing legislation which has an impact for the Board.

Mrs O'Hare went on to summarise the content of the new Act which related to liquor licensing. Some of the main relevant provisions are as follows: young persons are added to the objective protecting children from harm; and, a new offence of supplying alcohol to young persons is introduced, the fit and proper person test as a ground for review is reintroduced; new transfer provisions are introduced where the licence holder is absent; angostura bitters is now defined as alcohol; the Board will be under a duty to provide annual reports on its duties and finances; and the Board will have 9 months to determine applications.

The Act is not yet in force and is still to receive royal assent.

Sandy Kelman commented that the Act also allowed a Board to declare their whole area as an area of overprovision. Mrs O'Hare confirmed the position.

The Joint Meeting resolved:-

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to note the update.

ASPIRATIONAL STATEMENT

5. A copy of a draft Aspirational Statement was tabled at the meeting by officers. The Convener explained that the intention was to include a statement in the next Licensing Policy Statement. She advised that the draft Aspirational Statement was in its infancy and that the Board welcomed any feedback that the Forum may have.

Sandy Kelman commented that the issue of an aspirational statement had generated a lot of debate at the last meeting of the Forum. He added that he would place the Statement on the agendas of both the Forum and the ADP for discussion and would feedback any comments to the Board.

The Joint Meeting resolved:-

- 1) to note that it was proposed that an Aspirational statement would be included in the Board's Statement of Licensing Policy and
- 2) that the Licensing Forum and ADP would discuss the Statement at their next meetings and provide any feedback to the Licensing Board.

STATEMENT OF LICENSING POLICY 2013-2016

OBSERVATIONS ON USE OF THE POLICY IN PRACTICE

6. Sandy Kelman asked the Board if they had any comments on how the Policy operated in practice. The Convener commented that the Board had identified that there was overprovision of off-sale premises in the Board's area with the exception of two localities. Councillor Lawrence considered that the main benefit of the over provision policy was that it raised awareness of the health objective. He commented that every application was considered by the Board on its individual merits and applicants seeking new premises licences offering off-sales required to put forward their case to justify an exception to the policy.

The Convener added that the information presented by the Health Board was now much more specific and the Board was receiving area and postcode specific information which aided the Board in its decision making process.

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The Convener considered that the biggest challenge for the Board has been existing off-sale premises seeking increases to their capacity and relating that to the issue of overprovision. In such cases the Board has to carefully consider the individual circumstances of each application and the terms of its policy and whether to deviate from it.

Sandy Kelman asked whether the Board would consider providing a list of circumstances where the Board would deviate from the terms of their policy.

Mrs O'Hare considered that the Board would not wish to overly restrict itself in its decision making. The Convener commented that the Board needed to have flexibility in its decision making but that officers could look at other Board's Policies for guidance on the issue.

The Joint Meeting resolved:-
to note the position.

CHALLENGES

7. The Joint Meeting noted the challenges faced by the Board with the introduction of the new Policy which had already been discussed. Sandy Kelman noted that capacity figures are to be used for over provision purposes only. He commented that perhaps the amount of shelf space should be used as a measure for overprovision.

Sandy Kelman felt that it would be helpful if a list detailing the capacity of all the off-sale premises in the Board's area could be supplied to the NHS and the Forum

The Joint Meeting resolved:-

- 1) that Officers provide a list of off sale capacities to the NHS and Forum

GENERAL REASONS FOR ANY DECISIONS BEING MADE CONTRARY TO POLICY

8. Sandy Kelman asked if the Board felt it has had to deviate from its Licensing Policy often.

The Convener commented that the Board considers each individual application on its own merit, considers the issue in the round and fully questions the applicant. Peter Benton asked if the Board could provide figures relating to how many new off-sale

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licences had been granted since the policy had been in force and if these figures could be provided to the Forum.

Ruth O'Hare advised that she didn't have the figures at hand and would look into whether the figures could be obtained.

The Joint Meeting resolved:-

- 1) To note the position and
- 2) That Licensing Officers should determine whether figures could be provided to the Forum which indicated the number of new off-sale premises licence which had been granted since the 2013-2016 Licensing Policy Statement has been in force.

EVALUATION OF IMPACT ON POLICY

9. Sandy Kelman asked the Board how it measured the performance of the Licensing Policy in delivering the 5 licensing objectives.

The Convener commented that it is difficult to look at the objectives in isolation and while statistics can be useful they are not the only tool for measuring success. She referred to the examples including the Purple Flag accreditation Scheme, that overall the city centre is safer and interventions by the Licensing Standards Officers. Councillor Boulton commented that one question that it may be useful to pose is where would the city be without the Licensing Policy?

Peter Benton commented that just because it was difficult to measure the impact of the policy didn't mean it wasn't worthwhile attempting to do it.

Ruth O'Hare commented that the upcoming review of the Statement of Policy provided an opportunity to obtain a marker of the impact of the policy to date.

Sandy Kelman considered that it may be useful to use a red/amber/green score against each of the objectives to evaluate the impact of the policy on them.

Sergeant Flett considered that statistics had to be applied with caution, for example a 100% increase in a particular crime could be recorded but in reality this could represent an increase from 1 to 2 crimes recorded.

Ruary Campbell commented that it was interesting that statistics were produced to conclude that there was overprovision and now statistics are being quoted to say there are improvements in the city. He commented that there was a fall in footfall in the city

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centre and that the night time economy in the city was stale, with some venues only trading 1 day week.

The Convener commented that perhaps it was time to consider a change to the offering in the night time economy and to the mix of venues that was available to customers and possibly re-examine the overprovision areas with regard to on-sales.

The Joint Meeting resolved:-
to note the position

DEVELOPMENT OF STATEMENT OF LICENSING POLICY 2016-19

10. Ruth O'Hare advised that an extensive consultation process would be carried out in relation to the Statement of Licensing Policy for 2016 -2019. The Board would also be requesting evidence and statistics from various organisations and, as advised earlier, officers are developing a timeline for preparing the policy. It was hoped that a proposed timeline would be put to the Board at its meeting in August.

Sandy Kelman requested that the Forum were advised of the timeline as soon as possible. He considered that it would be useful if partners were made aware of what type of evidence and statistics was required by the Board.

Lynn May commented that it would be helpful if the Board were to receive relevant detailed information from their partner agencies such as the NHS, Police Scotland and the Forum at an early stage in the process.

The Convener added that the information needed to be area specific, up to date and relevant to alcohol. She added that Board would look to other Board's policies for guidance as part of the review.

The Joint Meeting resolved:-
To note the position

IMPACT OF NEW DRINK DRIVING LIMIT ON LICENSED TRADE

11. The Convener asked if there was anything the Board could do to assist the trade since the introduction of the new drink driving limit and enquired if premises were stocking non-alcoholic drinks such as non-alcoholic wines.

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Ken Eddie advised that the impact on Sports Clubs had led to many having to shut by 9pm most evenings. Tara-Erin Gilchrist considered that the members clubs would also benefit from the promotion of non-alcoholic products.

Ruary Campbell advised that it has had more of an impact in country pubs. He further advised that there had been a lot of work done promoting non-alcoholic drinks to the trade and that this would be further promoted through Best Bar None scheme.

The Joint Meeting resolved:-

To note the position

COMMUNITY ENGAGEMENT

12. Sandy Kelman made reference to the report from Glasgow in relation to Community Engagement which formed item 8 on the Agenda and asked the Board if it was committed to engaging with Community Councils.

Tara-Erin Gilchrist advised that the LSO had invited 10 community councils to attend a meeting with the LSO's although only 3 community councils attended. The LSOs have also attended at a number of community council meetings. It is planned to have a further meeting between the LSOs and Community Councils in the near future

Arlene Dunbar advised that the appropriate community council is consulted on individual applications and that some community councils have appointed licensing officers. Board officers liaise with the Community Council Liaison Officer to ensure that the contacts are up to date. She further advised that as well as applications being published on the Board's website, notices for application are also published on the PINs Portal. (www.tellmesotland.gov.uk is Scotland's national public information notices (PINs) portal, allowing public notices across Scotland to be published in a single online location for the first time.)

Sandy Kelman advised that the Forum had submitted a series of questions into City Voice asking for feedback on public awareness of the Board's policy. He added that the Board could consider using the City voice as a method of measuring the impact of the policy.

The Convener said that there would be a media campaign when the review of the policy is put out to consultation to make the public aware of it and where to access it and to ensure that they can feed into the process.

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2 JULY 2015**

The Joint Meeting resolved:-

To note the position

- Councillor Boulton, Convener

Agenda Item 5

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13 January 2016

Councillor Marie Boulton,
Convener of the Aberdeen City Licensing Board,
Aberdeen City Council,
Town House,
Broad Street,
Aberdeen.
AB10 1AQ

Dear Councillor Boulton,

STATEMENT OF LICENSING POLICY - RECOMMENDATIONS FROM THE ABERDEEN CITY LICENSING FORUM

As per section 10 of the Licensing (Scotland) Act 2005, the Aberdeen City Local Licensing Forum (LLF) has kept under review the operation of the Act and the exercise of the functions of the Aberdeen City Licensing Board (LB). In doing this, the LLF recognises that the LB's Statement of Licensing Policy (SLP) 2013-16 aimed to provide a solid framework around which the LB could base its decisions.

The LLF feels that the LB has an opportunity to build on this in its next version of the SLP. It therefore makes the following comments and recommendations.

Aspirational Statement

The LLF welcomes the fact that the LB has, in advance of the publication of its next SLP, circulated a draft '*aspirational statement*'. An aspirational statement provides an opportunity for the LB to describe in detail its longer term vision for licensing across Aberdeen City and could be a useful introduction to the next version of the SLP.

The LLF notes that the draft aspirational statement does use some of the key words contained within the five licensing objectives, for example: 'health'; 'protecting'; 'safeguarding'. The draft fails however to reference or include other equally important factors which are also contained within the five licensing objectives. These include: 'public nuisance'; 'children'; 'young people'; 'harm'; and 'prevention'. The LLF believes that the aspirational statement would therefore benefit by having ambitions which are more clearly aligned to all five licensing objectives.

Recommendation No 1

That the LB aspirational statement is redrafted so that it is clearer in how it aligns to all five licensing objectives.

Re drafting of the SLP

The LLF has previously noted the report produced by the Glasgow Centre for Population Health in November 2014, entitled 'Strengthening the Community Voice in Alcohol Licensing Decisions in Glasgow'. This report aimed to understand how communities could have a greater understanding of and actively contribute to the licensing process. The conclusion of this report states, '*While the issues and possible solutions are based on research in Glasgow, the key messages should be relevant to stakeholders across Scotland with an interest in alcohol licensing.*'

Key elements in the report for communities include:

- Awareness of alcohol issues and the licensing process
- Knowledge and understanding of the decision making process
- Skills and resources to engage in the process

In order to start overcoming some of these issues, the LLF believes that the SLP should describe the whole licensing application process, in plain English, so that it is abundantly clear to applicants and to other stakeholder groups, such as Community Councils (who will invariably not have access to legal representation to guide them). This would ensure greater transparency and help build confidence in the whole licensing process.

The LLF has noted that the SLP 2013-16 is essentially an updated / expanded version of the preceding SLP. LLF members have commented that it is not a user friendly document and therefore is not something which a lay person, such as a Community Council member, would necessarily find easy to use or refer to. The LLF believes that the LB should take the opportunity of the requirement to have a new document, to take a dynamic look at how its new SLP could be shaped and developed, and to draft it afresh, setting aside any previous versions.

Recommendation No 2

That the SLP is drafted afresh, in plain English so that it is easily understood by all groups, and is not an updated / expanded version of the preceding SLP.

Guidance and resource material

The LLF is aware that local Community Councils have also commented upon how they would want to improve engagement with the LB. Although Community Councils do receive information from the LB, this is quite sparse and is not delivered via e-mail, in a timely fashion. It is therefore clear, that in addition to having a SLP which is easily understood, and written in plain English, local communities would benefit from improved communication channels and having bespoke guidance material and resources which are easily accessed. This could be achieved through enhancing the current LB website, improving accessibility, providing a community guidance document, and having greater on-line details for each licensing application. This would help ensure that Community Councils are better informed and aware at the earliest opportunity of any new applications in their area.

Recommendation No 3

That the LB enhances its website for Community Councils so that it is more easily accessed, includes a guidance document and provides more details on each licensing application.

Baseline data

The LLF believes that it is essential that the LB aims to measure the effectiveness of its SLP. A regular discussion at LLF meetings is around the question - *How can the LB measure how successful its SLP has been in helping to deliver on the five Licensing Objectives?*

There are numerous metrics that could be used in relation to this. It is however imperative that the LB has some baseline positions which it can benchmark itself against over the lifespan of the SLP. This task should not be onerous as some basic data is already collated by the LB. This could be measured at the commencement of the year and reviewed on a regular basis. This baseline data could include, for example data on: number of on-sales premises; number of off-sales premises; alcohol shelf space across all off-sales; occasional licences; percentage of adults living in Aberdeen city in close proximity to on-sales and off-sales.

Recommendation No 4

That the LB ensures that the SLP gives a baseline position in relation to key metrics, e.g.:

- a) Number of on-sales licences
- b) Number of off-sales licences
- c) Total off-sales shelf space
- d) Total number of occasional licences applied for over a year broken down into the following categories -
 - Number withdrawn and reason
 - Number granted along with any conditions imposed
 - Number of extended hours applications
 - Number of applications involving school premises
- e) Percentage of residents, aged 18 years and over who live within 500 metres / 1000 metres of an on-sales
- f) Percentage of residents, aged 18 years and over who live within 500 metres / 1000 metres of an off-sales.

Updates on baseline data

Updates on the baseline data would need to be regularly reviewed. It would also be beneficial to other stakeholders if the LB gave written comment on its own interpretation of any changes across the baseline data. This commentary could be done on an annual basis and included in the LB's published annual report.

Recommendation No 5

- a) The LB reviews its baseline data
- b) The LB reviews are carried out on an annual basis
- c) The LB gives commentary in its annual report on its interpretation of any changes across the baseline data.

Accurate recording of LB decisions

The SLP, including the five Licensing Objectives, should always be the main reference point in relation to any decisions that the LB makes. It should also be the guidance document for mandatory or additional conditions that the LB may make when a decision is made to grant a licence.

The LLF is aware that there have been various applications for off-sales premises, where applicants have indicated that they only intend to stock certain types of goods. Examples include applicants suggesting that they will only stock 'high end' products, or that they will not sell 'super strength' alcohol. The inference is that they will sell the 'high end' products at an increased price in relation to other goods as they are of premium quality, and that they will not attract patrons who may purchase goods because they have an alcohol problem and who are only interested in the alcohol strength. The LLF understands that in approving the application, it is not always recorded as an explicit condition of the licence. As such it does not allow for any follow up monitoring to ensure that the applicant is adhering to their stated intention. This type of situation needs to be articulated clearly within the SLP, to show that there is a process to ensure that, if approved, it is recorded as part of the conditions of granting the licence.

Recommendation No 6

The LB ensures that its SLP gives greater detail of how it processes decisions, so that on occasions where a licence is granted under specific conditions, these are accurately recorded as a condition of the licence being granted.

Setting minimum distances for consideration of any new licensed premises

Research¹ which investigated whether alcohol-related illnesses and deaths across Scotland were related to the local availability of alcohol outlets, showed that alcohol-related hospitalisations and deaths were greater in areas with higher alcohol outlet availability.

It is known that the LB sometimes receives applications for licences in locations where similar premises currently exist. Other than when it is implied in the overprovision section of the current SLP, there is nothing to suggest that the LB feels that there should be a minimum distance between existing and proposed new licensed premises. The LLF feels that the LB should have a section in its SLP which states that there is a presumption that no new licences will be granted for a new premises within set minimum distance(s). The option would be open for the LB in its SLP to detail a range of distances, depending upon factors such as:

- whether it is in the city centre or in the suburbs
- what type of premises it is, e.g. on-sales, off-sales, restaurant, etc

The LLF is aware that in the context of overprovided localities, the City of Glasgow Licensing Board has included information on determining localities and suggested distance boundaries within their Statement of Licensing Policy 2013-2016.²

Recommendation No 7

¹ Alcohol-related illness and death in Scottish neighbourhoods: is there a relationship with the number of alcohol outlets – Centre for Research on Environment, Society and Health (CRESH), Universities of Edinburgh & Glasgow. <http://www.alcohol-focus-scotland.org.uk/media/65042/Alcohol-outlet-density-and-harm-report.pdf>

² <https://www.glasgow.gov.uk/CHttpHandler.ashx?id=17578&p=0>

The LB includes set minimum distance(s) in its SLP in which there is a presumption that an application for a new licence will not be granted.

Shelf space

With the exception of a few off-sales premises that exist in Aberdeen City, which specialise in alcohol sales, most off-sales primarily sell other goods, such as groceries, etc, with alcohol being an ancillary product.

The best available evidence for tackling alcohol misuse indicates that the biggest impact is achieved through control of price and availability. Although availability generally relates to access to premises which sell alcohol, general exposure to alcohol also plays a significant role. An extract from 'the Grocer' (which is a British market magazine, devoted to grocery sales) in October 2014, illustrates this point, when it published an article on alcohol which said that 'merchandising matters', and then gave examples of ten ways for retailers to make their alcohol products stand out.³

One cannot therefore be surprised that alcohol problems have increased over the last decades, when there is greater visible access to the product. The LLF therefore suggests that the LB consider a section within its SLP which gives a maximum shelf space that it will permit in a supermarket / grocer for off-sales purposes in comparison to the overall shelf space in the premises. This would help manage the exposure to alcohol and reiterate the message that alcohol is no ordinary commodity.

Recommendation No 8

The LB sets a maximum percentage of shelf space that a non specialist off-sales premises can use in relation to its total shelf space within its premises within its SLP.

Surveys

The LLF understands that some licensing applicants attempt to strengthen the justification for their application by including information of a survey that they have carried out amongst local residents which aims to show that they (the local residents) generally welcome the proposal. The LLF supports the fact that communities should have a voice in the licensing process. It does however believe that this should be done in an open and transparent way. It therefore suggests that the SLP should contain a section in which it informs potential applicants that if they intend to carry out any survey, it will generally only be considered if it has been done well in advance of the application and that it has been carried out in consultation with the Community Council or other similar independent body for the relevant area. If the applicant does not do this, the onus should be on them to explain why this was not done.

Recommendation No 9

The LB has a section in the SLP outlining the detail of the circumstances in which a survey will, or will not be considered. This section should place an onus on the applicant, if they choose to carry out a local survey, to do this well in advance of the application and in consultation with the relevant community council or other similar independent body.

³ <http://www.thegrocer.co.uk/reports/digital-features/alcohol-report-2014/10-things-you-need-to-know-about-alcohol/373013.article>

I would be obliged if the LB could consider these recommendations in developing its new SLP and respond back to the LLF at its earliest convenience.

Yours sincerely,

Alexander Kelman,
Chair of the Aberdeen City Local Licensing Forum



Alcohol licensing in your community

How you can get involved



About this toolkit

This toolkit is designed to help anyone who would like to have a say on how alcohol impacts on their community.

It explains how the licensing process works in Scotland, and provides some practical tips to help people who want to get involved.

SECTION

1

Introduction to alcohol licensing.

SECTION

2

Raising concerns about alcohol in your community.

SECTION

3

Raising concerns about an existing alcohol licence.

SECTION

4

Commenting on an alcohol licence application.

SECTION

5

Attending a licensing board hearing.

SECTION

6

Alcohol licensing explained.

Using this toolkit:

To find out which section of the toolkit is relevant to you, use the chart below:



Introduction to alcohol licensing

Why is alcohol licensed?

- Alcohol is not an ordinary product, it is a legal drug that causes a range of harms.
- Alcohol plays a part in many health and social problems - not just to the drinker but also to those around them, including families, neighbours and the wider community.
- Evidence shows that the easier it is to buy alcohol, the more people will drink.
- That is why controls are needed on how, where and when alcohol is sold.

What is licensed and why?

- Places (for example supermarkets, convenience stores, pubs, restaurants) that sell or serve alcohol must be licensed. These are either permanent licences (premises licences) or temporary licences for specific events (occasional licences).
- People (for example managers or supervisors in licensed premises) that manage the sale of alcohol must have a personal licence.

What are the licensing objectives?

- There are five licensing objectives, set out in law, that underpin the licensing system in Scotland. These are:
 - Preventing crime and disorder
 - Securing public safety
 - Preventing public nuisance
 - Protecting and improving public health
 - Protecting children from harm

Who decides who can sell alcohol?

- The local licensing board decides who can sell alcohol, and where and when it can be sold. There are 40 licensing boards across Scotland. Only elected councillors can be members of a licensing board.

Who else is involved?

Other people who get involved in licensing include:

- Licensing Standards Officers (LSOs)
- Police
- Health board
- Community councils
- Local licensing forum
- Members of the community

What can I do?

There are a number of things you can do if you have concerns about alcohol in your community.

See “Raising concerns about alcohol in your community” on [page 4](#).

Other sections you may find useful:

SECTION 2 **Page 4**
Raising concerns about alcohol in your community.

SECTION 3 **Page 8**
Raising concerns about an existing alcohol licence.

SECTION 4 **Page 9**
Commenting on an alcohol licence application.

SECTION 5 **Page 14**
Attending a licensing board hearing.

Raising concerns about alcohol in your community

There are a number of ways you can have a say on the impact of alcohol in your local community.

Get in touch with your local councillors

If you have concerns, for example about alcohol-fuelled noisy house parties or litter or vandalism, then speak to your local councillors. They may be on the licensing board, or can speak to other councillors who are. They can also report the problems in your community to the appropriate departments in the council.

You will be able to get the contact details for your local councillor from the council.

TOP TIP

If your neighbours also have concerns, suggest they contact their local councillors too. It will be important for councillors to know the scale of concern about problems in the community.

TOP TIP

If a councillor is a member of the licensing board they are unlikely to be able to talk to you about specific licence applications. However there may be other councillors for that local area that you could speak to.

Report any problems with a licensed premises to the police and Licensing Standards Officer

If you are concerned about the way a licensed premises is running, the police and Licensing Standards Officer (LSO) may be able to take action to sort out these problems. If things don't get better, you can ask the licensing board to review the licence.

The LSO works for the local council and you will be find their contact details on the council's website or by phoning them.

For more information on action that can be taken if you have concerns about a particular business, see "Raising concerns about an existing alcohol licence" on [page 8](#).

Comment on alcohol licence applications

When a business is applying for a new alcohol licence, a change to an existing licence, or for an occasional licence, any person has the opportunity to object to this application. You don't have to live nearby to raise concerns about the application.

For more information on objecting to alcohol licence applications, see "Commenting on an alcohol licence application" on [page 9](#) and Top Tips on [page 11](#).

TOP TIP

An application can only be refused on specific grounds. Your comments should therefore relate to these grounds for objection. The most common grounds for objection are:

- inconsistency with the licensing objectives
- the premises being unsuitable for the sale of alcohol; and
- there being too many premises in that area (overprovision).

Input to the planning process

New licensed premises that are being built, or that are converting a building that was used for a different purpose, will normally have to apply for planning permission. This will usually happen before it applies for its alcohol licence.

If you have concerns about such a new business opening, you could submit an objection to its planning application.

Your council's website should have information on new planning applications and how to object.

Contact your local community council

Many areas have a local community council, which represents the views of residents in that community. Community councils must be consulted if a business wants to start selling alcohol, and representatives are sometimes involved in the local licensing forum. Community councils often get involved in other local decisions such as planning or development of local government policies. You might want to highlight your concerns to the community council, or even become a member.

You can find out if your area has a local community council by going to www.communitycouncils.org.uk

Get involved with the local licensing forum

In every licensing board area there is a local licensing forum. The forum monitors licensing in the local area and can offer advice and recommendations to the licensing board. The licensing forum is made up of different people with an interest in licensing, including community members.

You can take concerns about alcohol in your area to the local licensing forum. The forum cannot comment on individual licensed premises, but they can highlight to the board community issues or concerns, such as the number of licensed premises in the area.

TOP TIP

Anyone can attend a forum meeting, but check in advance what the rules are for members of the public speaking or raising issues at the meeting.

TOP TIP

Find out if there is a community representative on your local forum that you can contact to express opinions on your behalf.

TOP TIP

If you have a particular interest in licensing issues you can apply to join the licensing forum. Forum members are appointed by the local council.

TOP TIP

Contact your local licensing forum through the council's website or via the LSO.

Respond to alcohol licensing consultations

Each local licensing board has to develop a statement of licensing policy. This policy sets out how the licensing board will carry out its work including how it will promote the five licensing objectives, how it will make decisions and also if the board thinks there are enough, or too many, licensed premises in any areas.

Currently all licensing boards must update their statement of licensing policy every three years. Under new legislation they will be required to produce these policies every 5 years, within 18 months of local government elections.

A licensing board must consult various groups when it is developing its policy, including the local licensing forum and the local health board. Some will send it to community councils or organisations representing the interests of the licensed trade.

Most licensing boards also put the consultation on the council's website and anyone can respond. Most consultations will begin around six to nine months before the statement is due to be produced.

TOP TIP

You can contact your local licensing board to find out when it will be updating its policy and how you can give your views.

TOP TIP

If you are contributing your opinion it can help to speak to your neighbours - the feelings of a large group of people often carry more weight in policy consultations.

TOP TIP

It helps if contributions reflect the views of the wider community. Think about how you could gather the views of people living in your local area, such as surveys or public meetings. Alternatively, other local groups such as community councils might be gathering evidence and you might be able to take part in their work.

TOP TIP

Try to include evidence to support your opinions, such as times you've reported noise disturbances to the police or environmental health noise teams. Reporting such problems also means that these incidents will be included in official statistics.

Other sections you may find useful:

SECTION 3 Page 8

Raising concerns about an existing alcohol licence.

SECTION 4 Page 9

Commenting on an alcohol licence application.

SECTION 5 Page 14

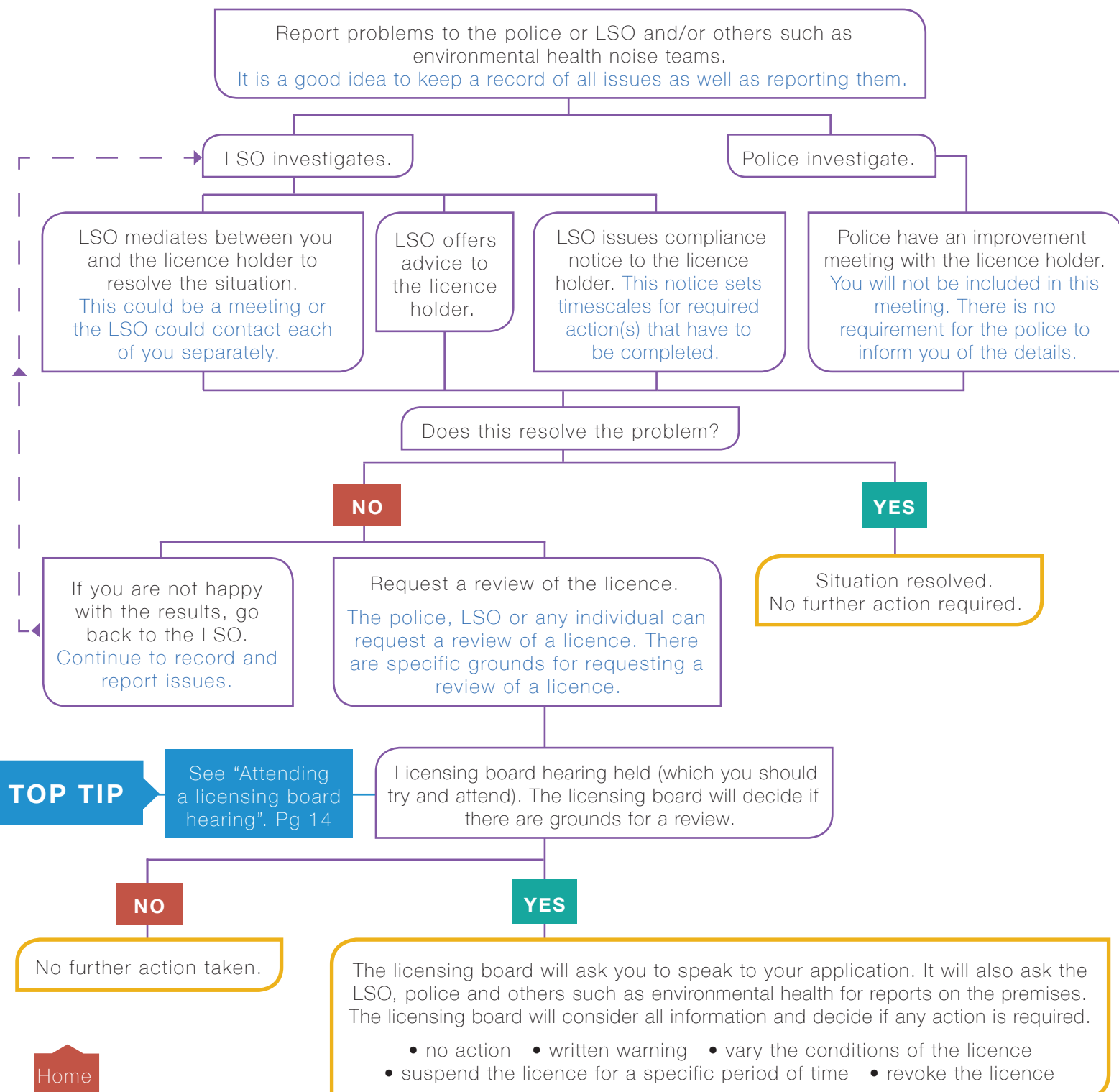
Attending a licensing board hearing.

SECTION 6 Page 16

Alcohol licensing explained.

Raising concerns about an existing alcohol licence

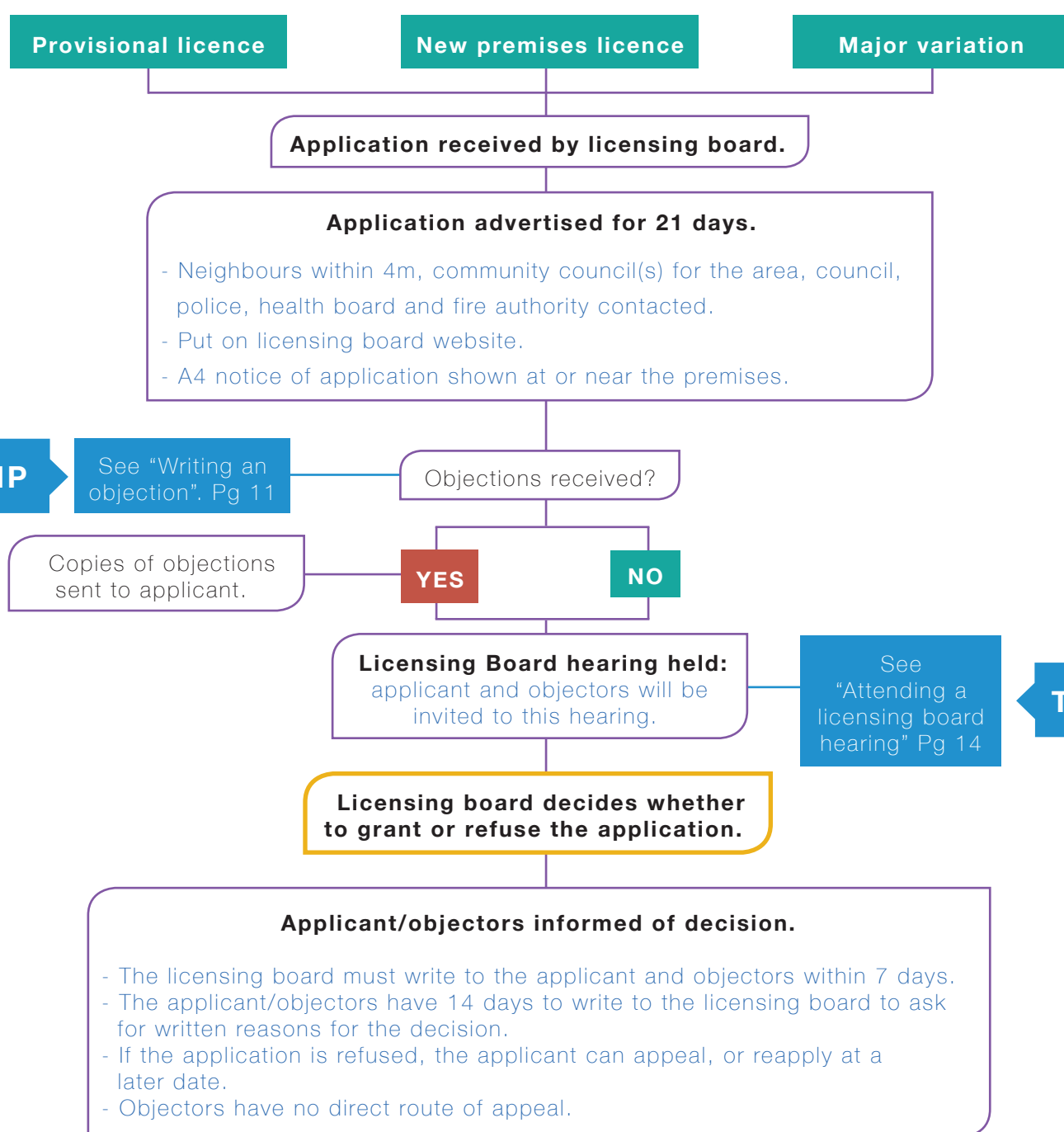
If you are concerned about how a place that sells alcohol is operating, there are processes you can use to address this (see below). The police or LSO may be able to resolve any problems or the licensing board can review the licence. The licensing board is unlikely to uphold a licence review unless the police or LSO also have concerns so you should contact them as a first step.



Commenting on an alcohol licence application

Licensing boards have to follow strict procedures when considering alcohol licence applications. These procedures are different depending on the type of licence application.

The applications that people will most commonly encounter are for provisional licences, new premises licences or major variations of existing licences. The process for these applications is set out below:



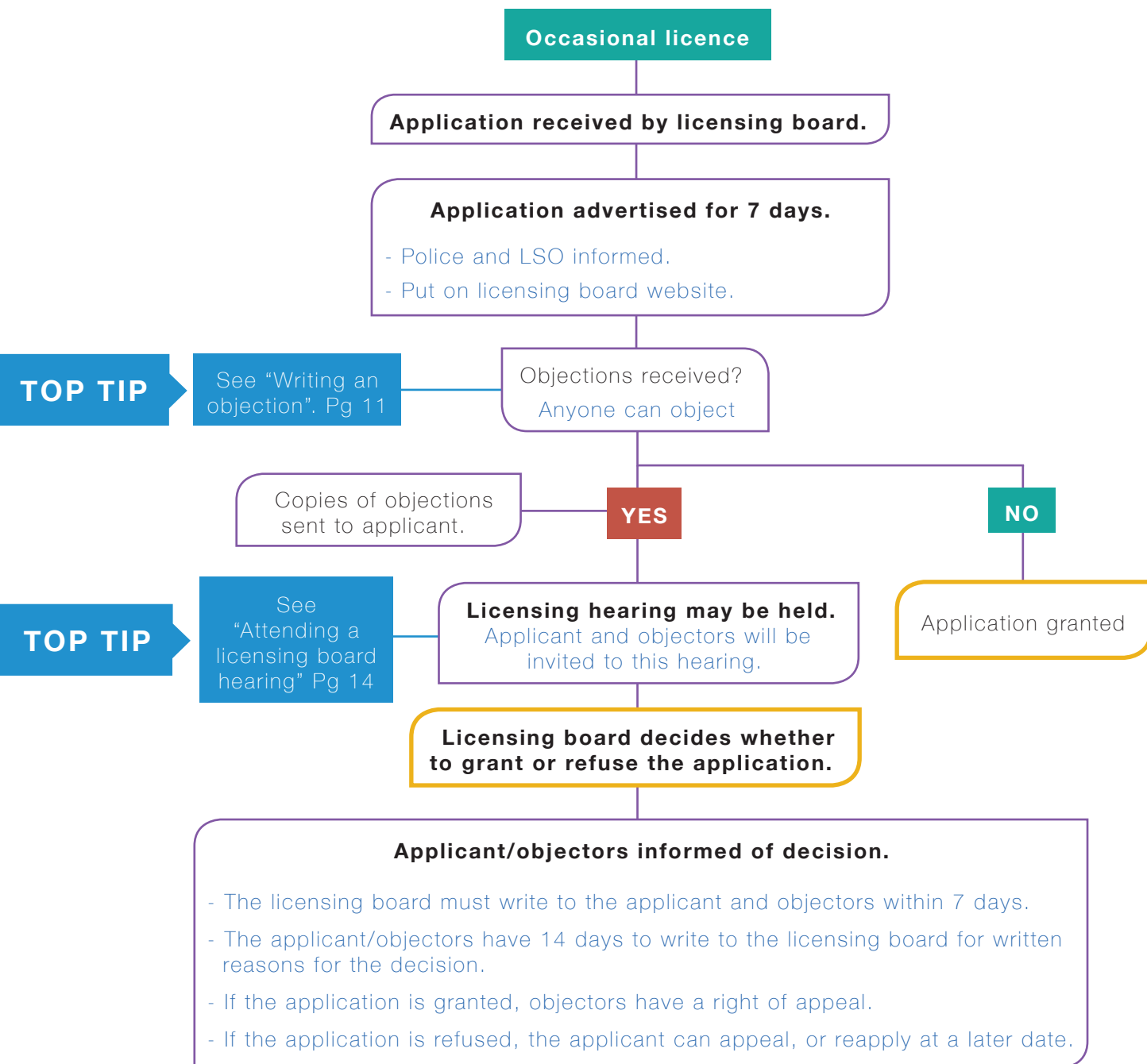
TOP TIP

See "Writing an objection", Pg 11

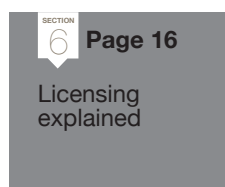
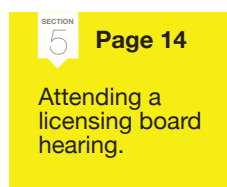
See
"Attending a
licensing board
hearing" Pg 14

TOP TIP

There are also opportunities for communities to comment on occasional licence applications. The application procedure is slightly different, with a more limited opportunity for the public to be notified and comment.



Other sections you may find useful:



Writing an objection

Here are some practical tips for commenting on alcohol licence applications. These tips might also be helpful if you are requesting a review of a licence.



Look at your licensing board's statement of licensing policy.

This policy sets out what the licensing board is likely to allow premises to do and what standards they expect. It will also show any areas of concern - such as overprovision - the licensing board has. It can be helpful to refer to what the policy says in your objection / representation.



Look at the layout plan and operating plan for the application.

These plans detail how the premises will be laid out and how it will be run. You will need to contact the licensing board to get copies of these. Some licensing boards will only let you see the plans at their offices. Others may allow you to take copies or might email them to you.



Look at useful sources of information.

The licensing board has a register of all licensed premises in its area and you may be able to access this online or by going to the licensing office. You can also access information about local areas by looking at www.cresh.org.uk/webmap.



Refer to the grounds for objecting in your submission.

A licence can only be refused, or conditions attached, on specific grounds. It is important that your comments make clear:

- a) on what ground you are objecting/making a representation;
- b) how the grounds apply to the specific application/premises.

If you are objecting on more than one ground, then address these separately.



Check how you should submit your objection.

Objections must be in writing. Some licensing boards may accept objections by email but you should check this with them. Some licensing boards have a form for objectors to use to help them stick to the relevant grounds for objection. This will usually be on the licensing board's website, so look there or phone and ask whether there is a form for you to use.



Be specific with your comments.

Try and focus your comments on how the application impacts on you, or how the premises impacts on the grounds for objections. Try and avoid making general statements in case they are considered to be irrelevant to the application.

Writing an objection (continued)



Provide any evidence you have.

If you have evidence to support the points you are making, for example records of phone calls to the police or LSO, you should give details to the licensing board. Evidence will have more weight than speculation. If you report incidents to the police you should ask for an incident number and include this in your objection.



Submit the objection in the name of an individual.

The law states that “any person” may object. To avoid any problems, if you are submitting comments on behalf of an organisation such as a community council, it is better for any letter to be signed by an individual. However, you should make clear that the comments represent the views of the organisation. It is also possible for individual members of an organisation to submit their own comments.



Make sure you submit your comments on time.

The notice of the application will give the deadline for submitting comments to the licensing board. It is important that you send your comments to the licensing board by this date, because late objections may not be taken into account. If you miss the deadline, include reasons why this has happened. Depending on the reason, the licensing board might consider your comments.



Include photos if they would add to your point.

Not all licensing board members will know your particular area. Photographs can help to make your point. (Applicants will bring photographs and other information to a licensing board hearing to illustrate what they are aiming to offer.)



Ask the Licensing Standards Officer (LSO) for advice.

Part of the LSO’s job is to give advice. They can give general guidance about what you need to do to object or make a representation, and explain what happens at the licensing board hearing. Your local council will be able to give you information about how to contact the LSO.



Would you support the application if changes were made to it?

In your written comments you can make suggestions for changes you would like the applicant to make to address your concerns. This gives them the opportunity to consider your ideas in advance of the hearing. Commonly suggested changes are things like a smaller alcohol display area, shorter licensed hours, CCTV to be installed, or restrictions on noise levels.

Writing an objection: Things to watch out for



The licensing board cannot consider any information about the application that doesn't relate to alcohol licensing (for example traffic, planning.)

- Stick to alcohol licensing.
- Make sure you clearly state which ground for objection you are using.



In an application to change how a business is run, the licensing board does not have the ability to remove the licence, only to agree or refuse the proposed licence variation.

- Your objections must be about the changes proposed in the application.



Some licensing boards may treat identical/similar letters as one objection rather than different objections.

- It would be better for each person to write their own letter of objection, and these should try to avoid being too similar.
- If you object regularly to applications, tailor each objection to the specific application/premises rather than sending in the same letter.



Petitions opposing licences are often not accepted by the licensing board because of basic mistakes. Some common problems with petitions are names not being readable, names or signatures looking like they were written by the same person, problems with the wording of the petition, and it not being clear whether people have meant to sign to each of the relevant points.

- Make sure that all signatories can see exactly what points they are agreeing to - for example, list the points on each page.
- Avoid multiple points in a phrase, for example "it would be a public nuisance and affect vulnerable people." List the points separately and ask people to tick which ones they agree with.
- Ensure each person only puts their own name and that they sign it.



Objections from members of the licensed trade can be given less weight because they are seen as protecting their own business.

- The licensing board has the discretion to attach whatever importance they think appropriate to each piece of information before them.



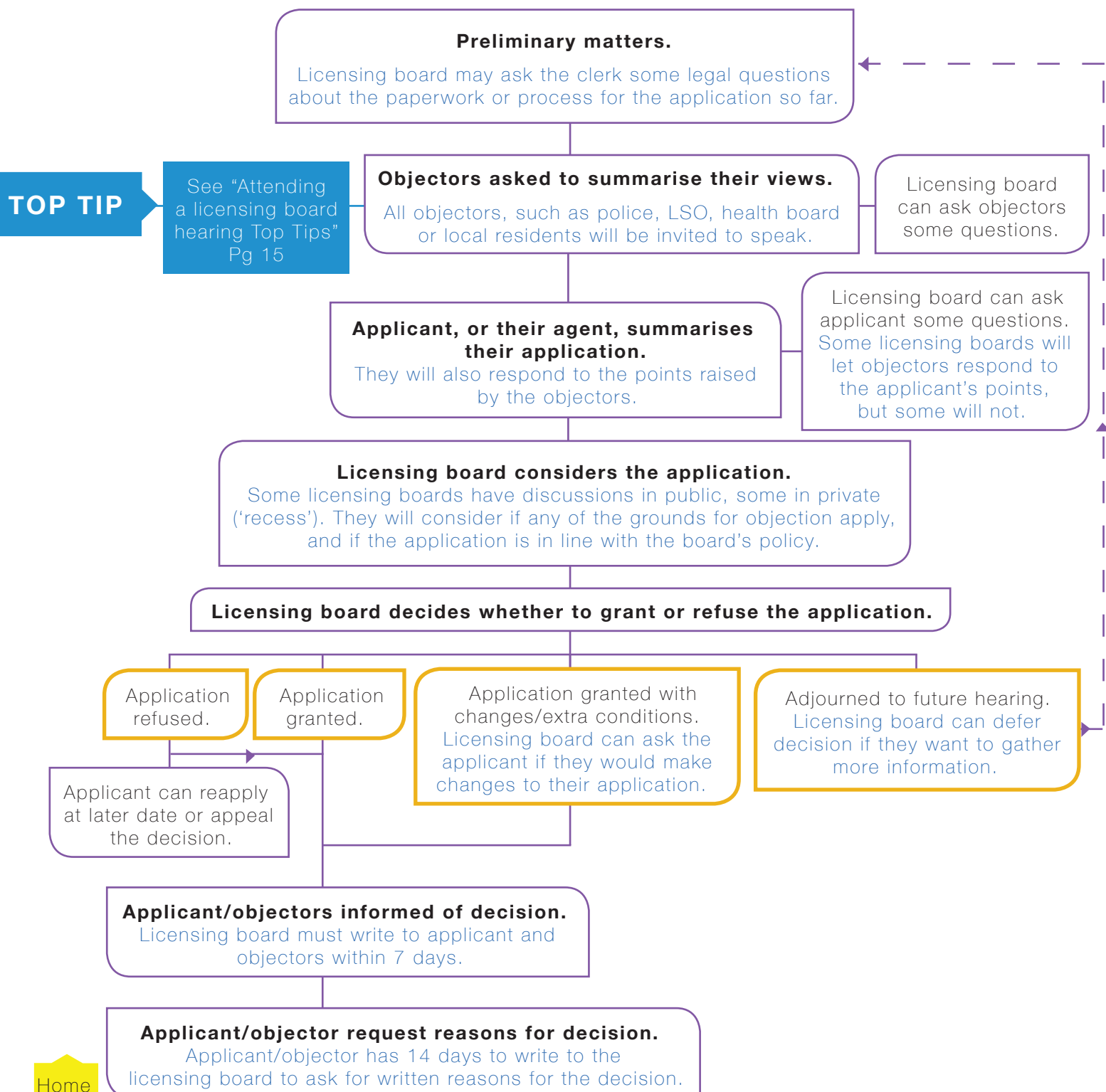
The onus is on objectors to say why the licence should be refused, rather than on applicants to provide evidence for why their application should be granted.

- Think about what the applicant might say about their application. Raise your concerns about the applicant's likely arguments as questions in your submission.
- If you have evidence to back up your concerns - for example from a similar situation somewhere else - then include this in your written objection.

Attending a licensing board hearing

If you have put in an objection or made representations on an application, the licensing board will invite you to attend the hearing where they will be considering the application.

The diagram below shows the process the hearing is likely to follow. A similar process will be followed in licence review hearings.



Attending a licensing board hearing



Check the website in advance for the agenda.

Some licensing boards make the papers available up to one week in advance of the hearing. (Many do not, but if you ask a member of council staff on the day, they should be able to give you a copy.) It is difficult to say how long each case will take or when yours will be heard but the agenda will give you an idea of the running order for the hearing.



Try and see a licensing board hearing in advance.

It might help to go along to a licensing board hearing before the one you'll be speaking at. This will let you see the layout of the room, and how the hearings are run.



Give another person written authorisation to speak on your behalf if you can't attend.

If you go to the hearing, licensing boards usually welcome the chance to ask you some questions about your written comments. If you don't go to the hearing, they may give less weight to your objections.

If you are unable to make the hearing, ask someone else to attend on your behalf. You must give them written permission to speak for you, and they should show this to the clerk.



Know what you want to say and prepare.

It is helpful to think about what you want to say - bring notes. At the hearing, you might only get one chance to speak. You may not be given the opportunity to respond to comments made by the applicant, or to raise any new points.

- Try and address your points the first time you are invited to speak.
- If there are points you want to raise outwith the grounds for objection, word them as questions.
- Try and avoid repeating yourself.



Ask for any 'promises' made by the applicant to be added as conditions of the licence.

Applicants often give assurances to the licensing board that they will or will not do certain things, for example that all staff will be trained to personal licence holder level. To make sure this happens you could ask the licensing board to include the applicant's commitments as conditions of the licence.



If you are having problems hearing, let council staff know.

If you are struggling to hear the discussions, let a member of council staff at the hearing know. They might be able to tell you where you can sit that will help you hear better, or they may be able to ask the licensing board to speak up.

This section gives a more detailed explanation of some of the words and phrases you will find in the toolkit.

Who's who in alcohol licensing

Agent

- It is common for a person applying for a premises licence to have someone present their application and respond to any objections. This person is referred to as the applicant's agent. This is normally a solicitor.

Applicant

- This is the person or business applying for a licence.

Clerk of the licensing board

- The job of the clerk of the board, or deputy clerk, is to give legal advice to the licensing board. They are employed by the council and are legally qualified. During hearings, they often sit in front of the licensing board, or beside the convener.

Community councils

- Community councils are voluntary organisations made up of local residents that represent the interests of people living in their community. Community councils must be notified of new licence applications in their local area. The licensing board will often seek their views during the development of the statement of licensing policy. Representatives from community councils are often members of local licensing forums.

Convener (or 'Chair') of licensing board

- The convener of the licensing board is a councillor. He/she is often referred to as the chair of the licensing board as he/she chairs its hearings. He/she will have the casting vote if there is a split decision of the licensing board.

Health board

- The local health board for the area is sent all applications for new premises licences and licence variations, and has the right to object to applications.
- It must be part of the local licensing forum.
- The health board must provide the licensing board with information for the statement of licensing policy. The licensing board must consult them when the licensing board is developing its overprovision policy.

Licensing board

- Licensing boards decide all applications for licences to sell and serve alcohol in their area.
- There is one licensing board in each local authority. (Exceptions: South Lanarkshire, Dumfries and Galloway and Aberdeenshire have more than one, known as divisional licensing boards.)
- Licensing boards must publish a statement of licensing policy every three years, and must assess overprovision in the area they cover.
- Each licensing board will have between 5 and 10 members. Members are local councillors and must complete a course and exam before sitting on the board.
- Despite being made up of local councillors, the licensing board is separate from the council.

Licensing Standards Officers (LSOs)

- Licensing Standards Officers (LSOs) are council employees. Each council decides how many LSOs are needed in its area. LSOs have three roles:
 - Guidance – provide guidance on alcohol licensing to the public and licensed trade.
 - Mediation – mediate in low level disputes between the public and the licensed trade.
 - Compliance – check that licensed premises are complying with the law. If problems are not resolved, the LSO can ask the licensing board to review the premises licence.

Local licensing forum

- The local licensing forum reviews or scrutinises the operation of the Licensing (Scotland) Act 2005 in its area and gives advice and makes recommendations to the licensing board. The licensing board must have regard to this advice and recommendations.
- The licensing forum cannot comment on individual cases.
- There are between 5 and 21 members of each forum. It must include at least one LSO for the area and a representative of the health board. Other members commonly include licence holders; police; health, education or social work; young people; and residents.
- The licensing forum has at least one meeting with the licensing board every year.

Police

- The police are sent all applications for new licences and licence variations, and have the right to object to applications.
- They enforce the law, have the power of entry to licensed premises and authorise test purchasing of alcohol.
- If the police have concerns about a premises or a personal licence holder, they can ask the licensing board to review the licence.
- The police must provide the licensing board with information for the statement of licensing policy. The licensing board must consult the police when developing its overprovision policy.

Premises manager

- The premises manager is responsible for the day-to-day running of a licensed premises. They can only be the premises manager for one premises.
- The premises manager must be a personal licence holder.

Other organisations that might get involved:

Alcohol and Drug Partnerships (ADPs)

- An ADP includes members of the local health board, local authority, police, prison service and voluntary sector. ADPs are responsible for drawing up joint strategies for tackling alcohol and drug use in their communities.

Community Planning Partnerships (CPPs)

- CPPs are hosted by the local authority and are made up of representatives from health, police, education, fire, councillors and sometimes council departments. A CPP coordinates services for a particular area.

Community Safety Partnerships (CSPs)

- CSPs are local authority-led partnerships that bring together representatives from the local authority, police service and fire and rescue services. Health, education and other public sector interests may also be represented. CSPs work to reduce anti-social behaviour and fear of crime and to promote safer, more inclusive and healthier communities.

Health and Social Care Partnerships (HSCPs)

- A HSCP is a partnership managed by the health board and local authority, and includes voluntary sector and independent sector organisations. It plans the local delivery of integrated health and social care services.

Types of licences

Occasional licence

- If a premises is not licensed but wishes to sell alcohol for a particular event, an application can be made to the licensing board for an occasional licence.
- Similar national mandatory conditions to those applying to premises licences also apply to occasional licences.
- Premises and personal licence holders can apply for an occasional licence. Voluntary organisations can also apply if the event is linked to their activities. Members clubs need an occasional licence to allow the general public to buy and consume alcohol on their premises.
- There are rules about the number of occasional licences voluntary organisations and members clubs can have in a 12 month period.

Personal licence

- A personal licence allows a person to authorise or supervise the sale of alcohol, and to train staff to the required minimum.
- Personal licence holders must complete a course and exam, and then apply to the licensing board for their licence. They must complete refresher training within five years of gaining their licence.
- Every premises (with the exception of members clubs) must have at least one personal licence holder – the premises manager – but in practice most premises have several. It is common for managers and supervisors to hold personal licences.

Premises licence

- For a place to be allowed to sell alcohol, it must have a premises or occasional licence, or be an exempt premises.
- A premises licence allows alcohol to be sold. Any premises selling alcohol, whether on-sale or off-sale, must have a premises licence. A premises licence is granted by the licensing board of the area where the premises is situated.
- The premises licence includes an operating plan and layout plan and has various conditions attached to it. Breach of a condition will lead to a review of the premises licence.
- Premises licences last indefinitely but can be reviewed in certain circumstances.

Provisional licence

- A provisional licence will allow a business to be granted a premises licence once the premises are built or converted. It lasts for up to four years. It is counted for the purposes of overprovision, even though the premises is not trading.

Types of premises

Exempt premises

- Some premises do not need to have a licence to sell alcohol.
- Exempt premises are international airports, international ports, and trains, aeroplanes, ships, boats and ferries on journeys.

Licensed premises

- Any place selling alcohol to the general public must have a premises licence and is called a licensed premises. This could be a supermarket, convenience store, pub, club, restaurant, café etc.

Members clubs

- Members clubs are premises that are not open to the general public and can only be used by their members and their members' guests, such as a bowling club. Their business must not be conducted to make a profit.
- Because they do not sell alcohol to the general public, special rules apply to members clubs. While they need to have a premises licence, they do not need to have a premises manager nor for the sale of alcohol to be supervised by a personal licence holder.
- If a members club wanted to sell alcohol to the general public, it must apply for an occasional licence.
- The number of members clubs is not included when a licensing board assesses whether there is overprovision in an area.

Off-sales premises (also known as off-licence)

- This is a shop selling alcohol to be taken away and drunk off the premises. Examples are supermarkets, convenience stores, specialist off-licences and gift shops.

On-sales premises (also known as on-licence)

- These are premises selling alcohol to be drunk within the premises. Examples include pubs, clubs, and restaurants.

Licensing terms

Alcohol display area

- Off-sales are only allowed to display alcohol in one or two areas, known as the alcohol display areas. One of these areas must be 'alcohol only.'
- The alcohol display area is shown in the layout plan.

Conditions

- Certain rules about how alcohol can be sold and how businesses must be run are attached to all premises and occasional licences. These are called 'national mandatory conditions.'
- A licensing board can also attach 'local conditions' to some or all of the premises and occasional licences in their area. These local conditions will usually be listed in the board's statement of licensing policy.

Delegated powers

- Decision-making powers for certain applications can be delegated to a sub-committee of the licensing board, the convener, the clerk of the board and/or the clerk's staff, rather than being considered by the full licensing board.
- Examples of the types of applications that might be dealt with under delegated powers are the granting of occasional and personal licences and minor variations where there are no concerns or objections.

Grounds for objections

- An application for a new premises licence or licence variation can only be refused for specific reasons set out in law. These are:
 - Granting the licence/ variation would be inconsistent with one of the five licensing objectives.
 - The premises is 'excluded' in terms of the Licensing (Scotland) Act 2005 (a motorway service station or garage).
 - An application for the same premises was refused within one year.
 - Given the nature of the proposed activities, the likely customers and the premises themselves, the premises are unsuitable for the sale of alcohol.
 - If the application were to be granted it would result in overprovision (too many premises of a particular type in that area).

Hearing

- A hearing is the licensing board meeting where it undertakes its business, such as deciding on licence applications or reviewing licences.

Irresponsible promotions

- It is a condition of all premises and occasional licences that businesses must not run irresponsible promotions. Any premises running an irresponsible promotion could have its licence reviewed.
- Examples of irresponsible promotions are given in the Licensing (Scotland) Act 2005. These include deals that encourage, or seek to encourage, a person to buy or drink more alcohol than they had intended, for example 'buy one get one free' offers or 3 bottles for £10.
- In addition to the specific examples given in the 2005 Act, the licensing board may judge a particular promotion to be irresponsible.

Layout plan

- The layout plan shows how the premises is laid out. For off-sales, this will include the alcohol display area, and for on-sales this includes the bar and seating areas.
- The layout plan must be provided as part of a licence application. It forms part of the premises licence.
- If a licence holder wishes to make changes to the layout plan, they must apply for a 'licence variation.'

Licence review (premises licence review)

- If there are concerns about how a business is operating, the police, the LSO, the licensing board and any person can apply for a review of a premises licence. There are specified grounds for a review: breach of a licence condition, or something relevant to the licensing objectives.
- If the licensing board decides there are grounds for a review, they must hold a hearing. If the review is upheld, the board has the option of issuing a written warning, varying the licence, suspending the licence or revoking it.

Licence review (personal licence review)

- The licensing board can review a personal licence under certain circumstances: if the licence holder has acted inconsistently with the licensing objectives or has convictions.
- The licensing board can decide to revoke, suspend or endorse the licence.

Licence variations: minor and non-minor ('major')

- A variation is where an existing premises applies to the licensing board to change how it operates.
- Certain small changes, as detailed in legislation, are 'minor' variations. Minor variations would include things like reducing opening hours. These are granted automatically, often under delegated powers.
- Non-minor variations are commonly called 'major variations'. An example would be a business wanting to change from a restaurant to an off-sales. The process is very similar to an application for a new licence. The licence already exists and it cannot be taken away, but people can object to the changes.

Licensed hours

- These are the hours that alcohol can be sold and, for on-sales, when customers can drink it on the premises. The licensing board's approach to licensed hours are detailed in its statement of licensing policy.
- By law, off-sales premises cannot sell alcohol before 10am and after 10pm.
- There are no specific rules for on-sales, but there is a presumption against granting 24 hour licences.

Licensing objectives

- The Licensing (Scotland) Act 2005 is based on five licensing objectives. All licensing decisions must be made with reference to these five objectives. All five objectives are of equal importance. They are:
 - preventing crime and disorder,
 - securing public safety,
 - preventing public nuisance,
 - protecting and improving public health, and
 - protecting children from harm.
- If an application is felt to be inconsistent with any of the five objectives, the licensing board can refuse the application.
- The licensing board must seek to promote the licensing objectives in its statement of licensing policy.
- If a premises or personal licence holder acts inconsistently with the licensing objectives, they could have their licence reviewed.

Licensing (Scotland) Act 2005 (the '2005 Act')

- This is the main legislation setting out the rules for the alcohol licensing system in Scotland.

Notice of application

- An application for a new premises licence must be advertised for 21 days, to give people the opportunity to send comments to the licensing board.
- The premises must display a notice advising that an application has been made. While these notices can be in legal language, they should provide the following information:
 - the name and address of the applicant
 - the date by which objections/representations must be received by the licensing board.
 - information on the nature of the business and proposed licensed hours (in the case of new premises licence applications.)
 - a brief overview of the proposed changes to the licence (in the case of licence variation applications.)
- The licensing board must also contact the following people with details of the application:
 - neighbours living within 4 metres of the premises;
 - the local community council(s) for the area;
 - the council;
 - the health board;
 - the police;
 - the fire authority.

Objections

- Anybody is able to object to applications for new premises or occasional licences, and to 'major' variations of existing licences. They do not need to live nearby the premises.
- There are strict requirements about timescales and the grounds for objections (see 'grounds for objections.'). Objections must be made in writing to the licensing board.
- Objectors can request a statement of reasons from the licensing board for its decision. Objectors have 14 days to write to the licensing boards to ask for written reasons for the decision. The licensing board should provide these reasons within 14 days.
- Objectors can only appeal against the granting of an occasional licence. They have no direct right of appeal against the granting of new premises licences, provisional licences or major variations, though there is the possibility of judicial review. Anyone considering this route may wish to seek independent legal advice.

Offences

- Licensing law creates a number of offences. Some of these apply to individuals, such as buying or drinking alcohol when drunk in licensed premises or buying alcohol for someone under the age of 18 (there is a small exception with meals). Other offences apply to licence holders, including selling alcohol to a drunk person or an underage person or failing to display certain important notices.

Operating plan

- The operating plan details how the premises will run. This includes things like licensed hours; whether it's on- or off-sales; if under 18s are allowed; and activities the premises will run, for example karaoke, functions, adult entertainment.
- The operating plan must be provided as part of a licence application and forms part of the premises licence. If a licence holder wishes to make changes to the operating plan, they must apply for a 'licence variation.'

Overprovision

- Overprovision is where the licensing board determines there are enough/too many premises in a particular locality.
- As part of its statement of licensing policy, a licensing board has to include an assessment of whether there is any overprovision in its area.
- It is for the licensing board to decide what a locality is. Localities can range from small areas such as a street, to larger areas such as towns or the whole local authority area.
- The licensing board can also specify the types of premises it considers to be overprovided in an area. For example, it could decide there are enough supermarkets or pubs in a particular area but that there is not overprovision of other types of premises such as restaurants or hotels.

Representations

- A representation can be made to the licensing board to either support an application or to ask the licensing board to modify it in some way, for example limit its opening hours. Anybody is able to make a representation to the licensing board.
- Making a representation is the same process as making an objection.

Statement of licensing policy (also known as licensing policy statement, licensing policy, board policy)

- The statement of licensing policy sets out the licensing board's general approach to making licensing decisions and how it will promote the five licensing objectives. Licensing board decisions should be in line with this policy, although they can make exceptions.
- As part of the statement of licensing policy, the licensing board must include a statement of overprovision and should also include the hours that licensed premises will be allowed to sell alcohol.
- The licensing board must gather sufficient information to ensure its policy is well considered. The police, health board and relevant council must provide information and it can be requested from anyone else. Ideally the statement of licensing policy should take account of other local strategies where alcohol is a factor, including crime prevention, community safety and health.
- Currently all licensing boards must update their statement of licensing policy every three years. Under new legislation they will be required to produce these policies every 5 years, within 18 months of local government elections.

Useful contacts

You should find details of the licensing board, local licensing forum and Licensing Standards Officer on your local council's website. It would be helpful to search using the terms such as 'alcohol licensing,' 'liquor licensing,' 'licensing board,' 'Licensing Standards Officer,' and 'licensing forum'.

Alternatively, a list of licensing contacts can be found on Alcohol Focus Scotland's website www.alcohol-focus-scotland.org.uk



Alcohol Focus Scotland, 166 Buchanan Street, Glasgow G1 2LW

Tel: 0141 572 6700

email: enquiries@alcohol-focus-scotland.org.uk

www.alcohol-focus-scotland.org.uk



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Monitoring and Evaluating Scotland's Alcohol Strategy

Final Annual Report

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This report was signed off by Dr Andrew Fraser (NHS Health Scotland), and Dr Colin Fischbacher (NHS National Services Scotland)

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Monitoring and Evaluating Scotland's Alcohol Strategy March 2016 - Executive summary

After a period of rapidly increasing rates of alcohol-related harm in Scotland and with alcohol-related harm in Scotland at historically high levels, a comprehensive strategic approach to alcohol was put in place from 2008/2009. The strategy was evidence-based and contained the main components advocated by the World Health Organisation (WHO). It aimed to reduce alcohol consumption and related harm through a wide range of interventions implemented through new policy and legislation. This evaluation was put in place to assess the success or otherwise of the strategy.

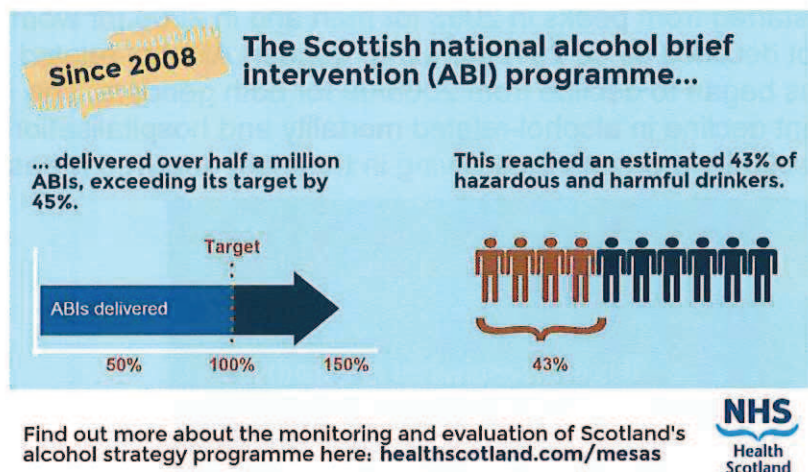
- Monitoring trends in alcohol consumption shows that population consumption of alcohol has declined in recent years, although that decline may now be flattening. A downward trend in self-reported consumption appears to be driven by declining consumption and increased abstinence in young adults, and decreased consumption amongst the heaviest drinkers, especially men.
- The most reliable and robust indicators of alcohol related harm are alcohol related-related mortality and hospitalisation rates. In general, both of these have been declining in recent years. The decline in the alcohol-related mortality rate started from peaks in 2003 for men and in 2006 for women. Rates have not declined since 2012 for either gender. Alcohol-related hospitalisations began to decline from 2008/09 for both genders. The increase and subsequent decline in alcohol-related mortality and hospitalisations was driven in particular by men and those living in the most deprived areas.



- Within the context of declining overall crime, there was little evidence of a consistent trend across the indicators of alcohol related crime.
- Adverse consequences, from their own alcohol consumption, reported by 13 and 15 year olds have been declining, and are now at the lowest recorded level. Hospitalisation rates for those aged under 15 years have also declined by approximately 80% since their peak in 1995/96.

This evaluation studied the implementation and intermediate outcomes of selected components of the strategy:

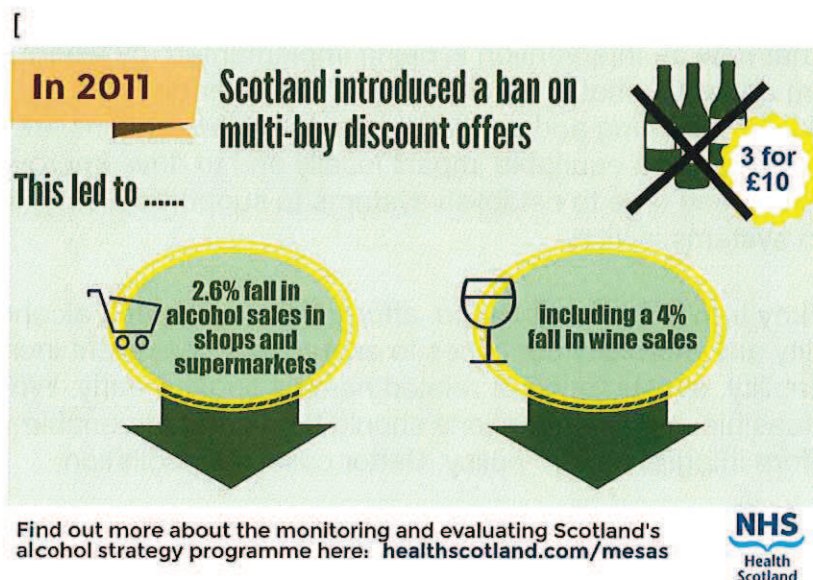
- The Licensing Act has changed licensing practice. There was compliance with regulations concerning promotions in the on-trade and display of alcohol in the off-trade. Licensing standards officers, staff training and test purchasing were well received. The overprovision assessments and public health objective had influenced statements of policy, but were proving difficult to operationalise. Limitations of licensing data meant it was not possible to determine if such policy-based changes are influencing either licensing decisions or alcohol availability.
- There was evidence that the performance target, national co-ordination and increased investment for a programme of alcohol brief interventions (ABIs) successfully scaled up delivery from 2008. ABIs have since been embedded into routine NHS practice in Scotland, particularly in primary care, and the performance target was exceeded. It was estimated that ABIs have been delivered to 43% of harmful and hazardous drinkers over the seven years of the programme. There were insufficient data collected within the ABI programme with which to assess the characteristics of those reached, uptake or impact on alcohol consumption.



- There was a tripling of investment in specialist treatment and care services. Staff perceived the increased investment, reformed planning arrangements and guidelines, to ensure quality and consistency in alcohol treatment and care services, from 2008 had improved the availability and quality of services in Scotland. Waiting times for specialist services reduced. In 2012 the ratio of prevalence of alcohol dependence to service users (the PSUR) estimated that 1 in 4 individuals in need had accessed a specialist service. This is a high level of service access by international standards. However, it is sensitive to changes in the estimate of prevalence of alcohol dependency (and the definition of need) and, given the limitations of the estimate used, is likely to be an overestimate. It was not possible to estimate the PSUR before the increase in investment, or to compare with service access in England or England & Wales.



- The Alcohol Act, which included the ban on multi-buy discounts, was introduced in October 2011 and was associated with a modest reduction in alcohol sales in the off-trade, driven by a reduction in off-trade wine sales. This does not appear to have had a measurable, short-term impact on deaths or hospitalisations entirely caused by alcohol. Its effect on wider alcohol attributable conditions was not examined.



- Evidence of knowledge and attitude change was mixed. There was evidence that there had been no consistent change in knowledge about units or attitudes to drunkenness or the social role of drinking. However, there was evidence that harm caused by alcohol in Scotland was increasingly recognised. There was a lack of evidence on whether or not the media discourse, or the de-normalisation of alcohol implicit in many of the interventions had changed attitudes not measured in the study.
- Minimum Unit Pricing (MUP) is subject to a legal challenge and has not yet been implemented. Other than the removal of the financial incentive to buy more alcohol than intended through the ban on multi-buy promotions any change to the affordability of alcohol was due to factors external to the strategy.

Given the timing of the declines it is clear that factors external to the strategy are likely to have contributed to changes in alcohol-related mortality and hospitalisation, especially male mortality. It is likely that rising and then falling incomes, especially for the poorest groups, over the 1990s and 2000s, explain part of the rise and fall in alcohol consumption and harms in Scotland over that time period. There is some evidence that a 'vulnerable cohort', adversely affected by socio-economic policies in the 1980s, was responsible for a wave of alcohol-related mortality that increased in the 1990s and decreased from the mid-2000s as the cohort aged and died.

The report recommends that:

- The current refresh of the alcohol strategy continues to be informed by the evidence that the most effective (and cost effective) interventions to reduce alcohol consumption and related harm involve action to reduce alcohol price, availability and exposure to marketing. Consideration should be given as to how alcohol consumption and related harm can be addressed within the context of the wider socioeconomic determinants of health.
- Effort is made to improve implementation of existing components of the strategy, particularly those with the potential to reduce the availability of alcohol and to incorporate the learning on implementation facilitators when developing new interventions. Notably, the lack of implementation of MUP due to on-going legal challenge has constrained the impact of the strategy. There is a need to improve the completeness and consistency of local data collection so that how an intervention is being implemented, by whom, reaching whom and with what immediate impact is better understood. Such data are crucial for informing and assessing whether interventions are likely to be having the desired and equitable impact locally and to drive improvement. Allowing sufficient lead time to establish systems to support delivery, including data collection systems is vital.
- Monitoring of key trends in alcohol price, affordability, sales and alcohol related mortality and morbidity continues to ensure any consistent increase in alcohol affordability, consumption or related harm is spotted early. Where possible and feasible, new interventions should be planned to enable robust evaluation before integration into policy. Better collection, collation,

accessibility and use of national and local data on delivery could improve implementation.

- There are recommendations for future research. These include: strengthening the use of natural experiment designs to evaluate policy; better understanding of the differences in drinking between Scotland and England & Wales and the relationship with harm; understanding the linkages between policy intent, legislation, social attitudes and changing social norms; understanding the mechanisms underpinning a 'vulnerable cohort'; understanding the factors that facilitate initiation and continued engagement with specialist alcohol treatment and care services; and; examining the relationship between alcohol price, consumption and harm within Scotland and the rest of the UK..

Recommendations

- 1** The review and refresh of Scotland's alcohol strategy should draw on the current evidence base.
- 2** Continue to improve implementation of the strategy (including implementation of minimum unit pricing).
- 3** Monitor alcohol-related harm and consumption. Where possible evaluate new interventions.
- 4** A number of potentially useful areas of future research were identified which should be explored.

Find out more about the monitoring and evaluating Scotland's alcohol strategy programme here: healthscotland.com/mesas

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Conclusion

Alcohol-related harm in Scotland has declined in recent years. There was evidence that the evidence-based interventions studied were implemented, although there were difficulties operationalising some aspects. There was evidence of impact on several of the intermediate outcomes, although lack of data and/or data limitations meant impact was not assessable for others.

Two factors external to the strategy were considered to have made a contribution to the mortality trends: falling disposable income (and hence alcohol affordability) for people living in the most deprived areas, and a vulnerable cohort responsible for a wave of alcohol-related mortality, that increased in the 1990s and decreased from the mid-2000s as the cohort aged and died.

It was impossible to quantify precisely the impact of these external factors, nor determine the relative contribution of the external factors and the strategy to the declines. The declines in both mortality rates and hospitalisation rates have been much steeper in Scotland than England/England & Wales and, given the evidence base, the strategy may be contributing to these improvements.

Despite these recent improvements, rates of alcohol-related mortality and morbidity in Scotland continues to be higher than in the 1980s and higher than England & Wales. Inequalities in alcohol-related harm persist, with those living in the most deprived areas, especially men, having the highest rates. There is, therefore, a

continued need for action to further reduce alcohol-related harm in Scotland and to address these health inequalities. Minimum unit pricing has not been implemented and this is likely to have constrained the strategy's contribution to declining alcohol consumption and related harm. There is some evidence that the downward trends in both alcohol consumption (sales) and alcohol-related mortality may have stalled, with no decreases in 2013 and 2014. To say whether this marks the start of a longer-term change in trend requires continued monitoring.

The full annual report of the Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS) can be accessed at

http://www.healthscotland.com/uploads/documents/26884-MESAS_Final%20annual%20report.pdf



Monitoring and Evaluating Scotland's Alcohol Strategy: The Strategy

Excessive alcohol consumption causes harm across Scottish society, impacting on:



Communities



Families



Public services



The economy



Individual health

Scotland's alcohol strategy aimed to address these harms. It was comprehensive, evidence based, and included four key components.

Licensing (Scotland) Act (2005)

Includes reform of licensing process and restrictions on licence-holders, for example:



Restrictions on displays in the off-trade



Reducing underage selling



Restrictions on happy hour in the on-trade

Implemented 2009

Changing Scotland's Relationship with Alcohol: The Framework for Action (2009)

Includes 41 actions aimed at:



Reducing consumption



Supporting families and communities



Promoting positive attitudes and positive choices



Improved treatment and support services

Implemented 2009

Alcohol etc. (Scotland) Act (2010)

Contains a number of measures designed to reduce alcohol consumption, including:



Challenge 25 age verification



Multi-buy discount ban (e.g. 3 for 10) in off-trade

Implemented 2011

Alcohol (Minimum Pricing) (Scotland) Act (2012)

Establishes a price per unit of alcohol below which alcohol cannot be sold. This Act has not yet been implemented.



Currently set at 50 pence per unit

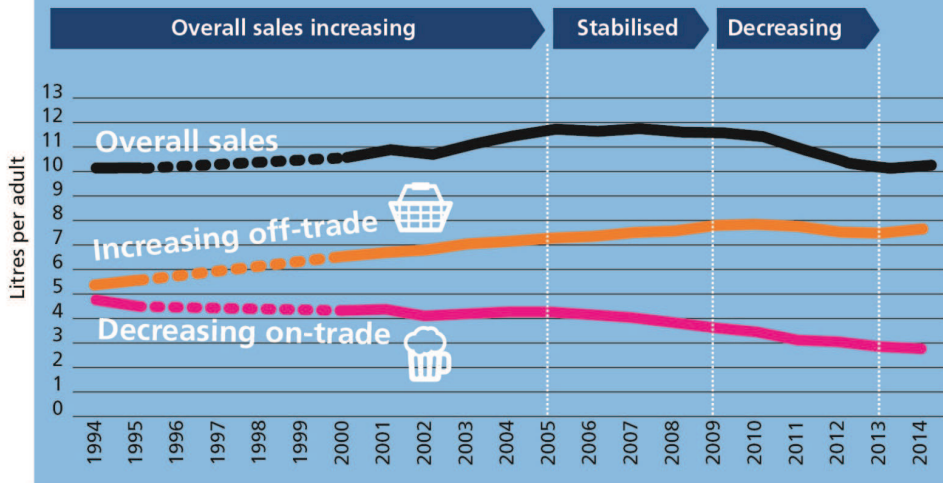
This Act has not yet been implemented

Monitoring and Evaluating Scotland's Alcohol Strategy:

Key trends

Consumption

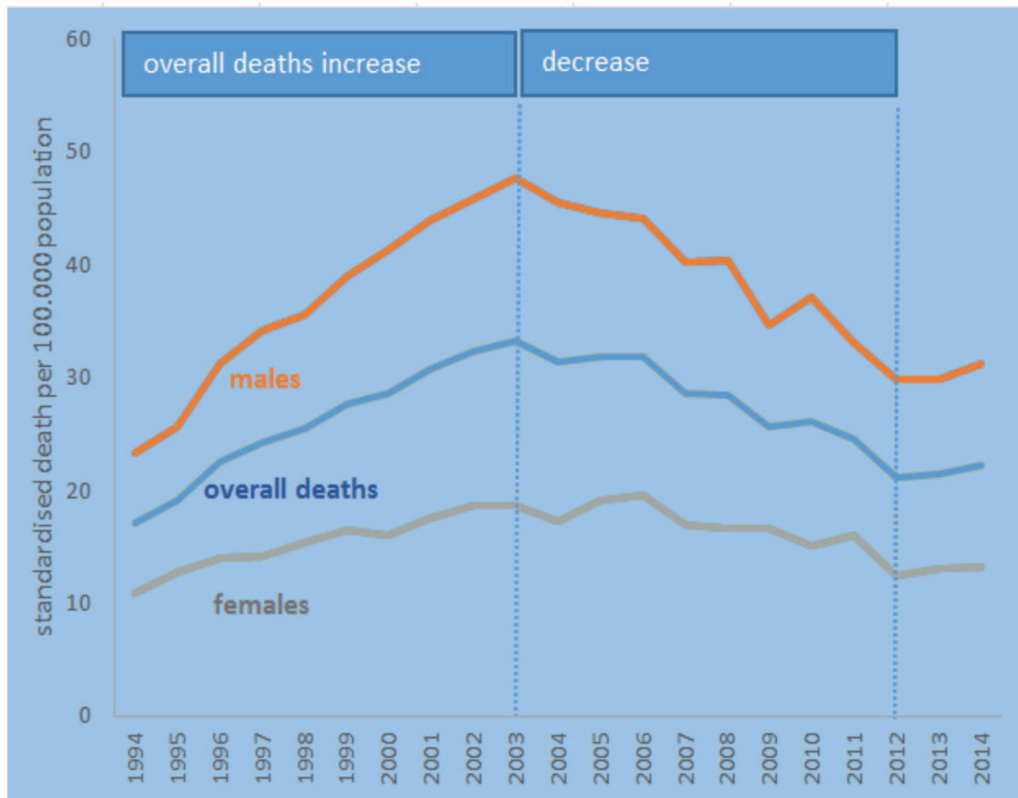
Sales of pure alcohol, Scotland, 1994-2014



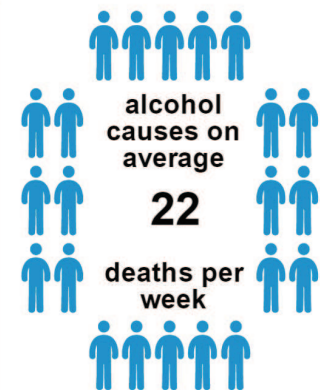
In 2014,
of alcohol consumed



Harm



In 2014 in Scotland



Since 2003
alcohol-related harm
has declined by

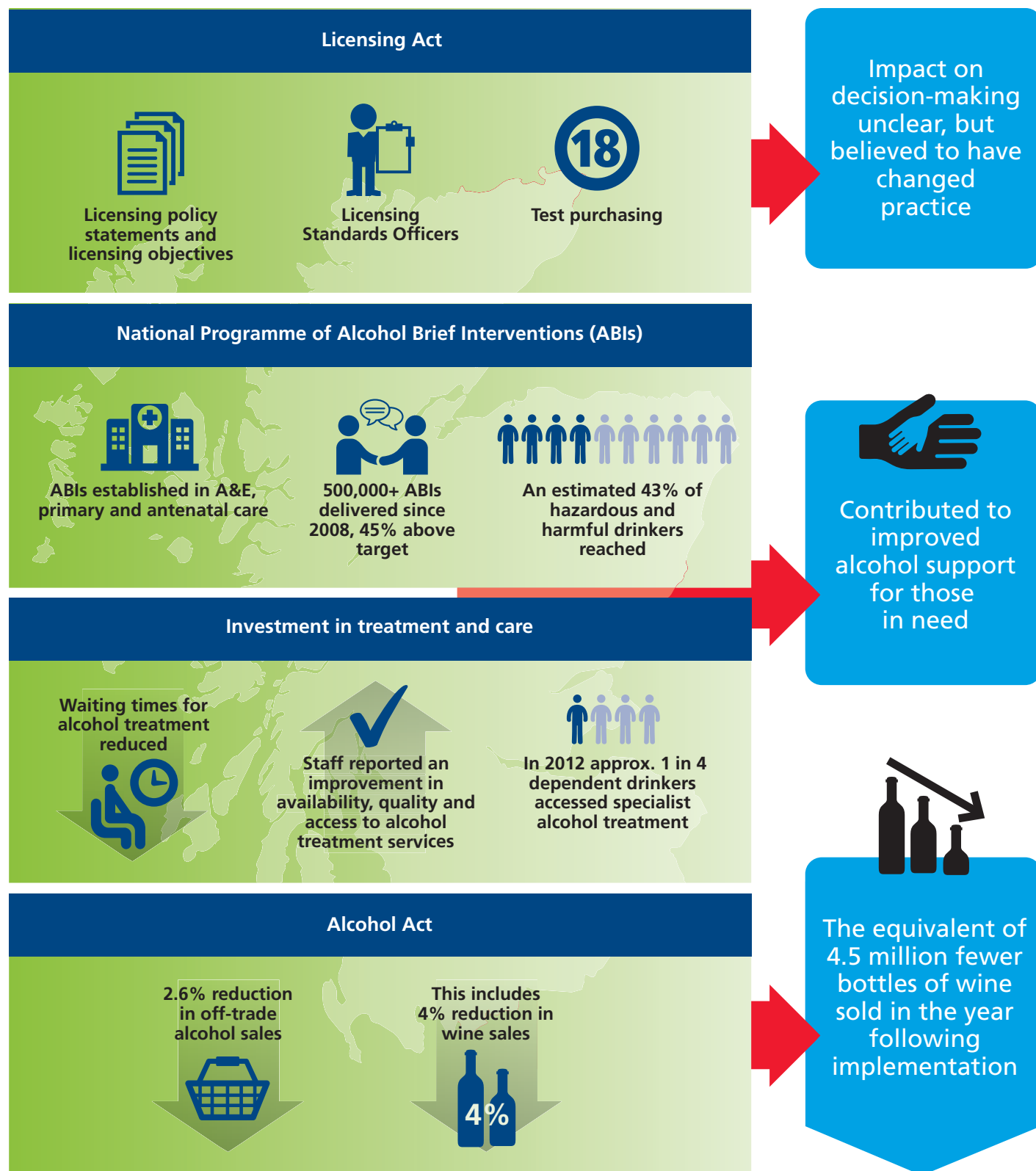
- 35% for men
- 29% for women

The full report can be found at www.healthscotland.com/MESAS
For more information contact: nhs.healthscotland-MESAS@nhs.net
Alcohol sales data are copyrighted to Nielsen and CGA Strategy

Monitoring and Evaluating Scotland's Alcohol Strategy:

Impact of the strategy

The evaluation found that some elements of the strategy have been successfully implemented and are likely to have had a positive impact.



Monitoring and Evaluating Scotland's Alcohol Strategy: Recommendations

1

Review and refresh the alcohol strategy



The Scottish Government has already announced a refresh of the alcohol strategy. This should continue to be informed by evidence of effectiveness and cost-effectiveness as well as evidence of gaps in policy to determine the priority for further action. Consideration should be given to how alcohol consumption and related harm can be addressed within the context of the wider socio-economic determinants of health.

2

Improve implementation

Minimum Unit Pricing (MUP) has not yet been implemented, constraining the impact of the strategy. MUP should be implemented. Implementation difficulties and local variation means that impact of interventions may vary. Improved consistency and completeness of local data would help identify areas for improved implementation.

3

Future monitoring and evaluation



Monitoring of alcohol price, affordability, consumption and alcohol-related deaths and hospital admissions should continue. Bringing these together in an annual overview will facilitate early identification and exploration of emerging issues.

4

Research

For example:

Understanding the mechanisms underpinning a 'vulnerable generation' and why their risk of alcohol-related harm appears elevated.

The factors that facilitate initiation and continued engagement with specialist alcohol treatment and care services in Scotland, including early identification of those with alcohol problems.

In conclusion

The strategy has had a positive impact on alcohol consumption and alcohol-related harm to date. However, on average 22 Scots die of an alcohol-related illness every week. There is a need for continued action to reduce alcohol-related harm.

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Equality Outcomes – Licensing Board – 30 April 2013 to 29 April 2017

- 1. People with protected characteristics are able to participate in meetings and other statutory processes of the Licensing Board. The lead service will be Corporate Governance.**

Publicity - raise awareness among staff and Licensing Board Members.

The elements of the General Duty addressed will be:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations.

The protected characteristics covered are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 2. An increased proportion of Licensing Board communication adheres to Corporate Accessible Information Guidelines. The lead service will be Corporate Governance.**

Publicity - raise awareness among staff and Licensing Board Members.

The elements of the General Duty addressed will be:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations.

The protected characteristics covered are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Mainstreaming Report - Licensing Board – 30 April 2013

The Licensing Board has taken steps to ensure the mainstreaming of the general equality duty as an integral part of the exercise of its functions. The Board's statutory Statement of Licensing Policy sets out the policies that assist in the exercise of its functions under the Licensing (Scotland) Act 2005. During the formulation of this document an Equalities and Human Rights Impact Assessment was carried out. The Board considered the EHRIA and the licensing policy document before its introduction in November 2010.

Prior to the Specific Scottish Equalities Duties coming into force the Board made the general equality duty part of its procedures by following best practice to use impact assessments in the exercise of its functions. In a report in June 2011 the Board also emphasised its commitment to ensure it had due regard to the general equality duty during the intervening period between the expiry of the earlier equality (disability, gender, and race) duties and the introduction of the specific duties.

The Board's Statement of Licensing Policy is currently under review pending republication in November 2013 and will be considered by the Board with a full Equalities and Human Rights Impact Assessment before implementation. Equality impact assessment has been made integral to the development and consideration of the Board's policies and reports. The practical functions of the Board, for example accessibility of publications and meetings, will be monitored and promoted through actions linked to the equality outcomes.