

Public Document Pack



To: Councillor Boulton, Convener; and Councillors Cameron, Councillor Donnelly, the Depute Provost, Lesley Dunbar, Grant, Greig, McLellan, Townson and John.

Town House,
ABERDEEN 03 May 2018

LICENSING BOARD

The Members of the **LICENSING BOARD** are requested to meet in **Committee Room 2 - Town House** on **TUESDAY, 15 MAY 2018 at 10.30 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

- 1 Minute of Previous Meeting of 20 March 2018 (Pages 3 - 10)
- 2 List of Applications (Pages 11 - 14)
 - 2.1 Application for Provisional Premises Licence - W H Smith - Landside, Aberdeen Airport, Dyce, Aberdeen, AB21 7DU (Pages 15 - 36)
 - 2.2 Application for Variation of Premises Licence - Four Mile Inn, Inverurie Road, Bucksburn, Aberdeen, AB21 9BA (Pages 37 - 38)
 - 2.3 Application for Variation of a Premises Licence - Lidl, 739 King Street, Aberdeen, AB24 1XZ (Pages 39 - 40)
 - 2.4 Application for Variation of a Premises Licence - Northern Bar, 325 George Street, Aberdeen, AB25 1EE (Pages 41 - 50)

- 2.5 Application for Variation of Premises Licence - Old Blackfriars, 52 Castlegate, Aberdeen, AB11 5BB (Pages 51 - 70)
- 2.6 Application for Variation of Premises Licence - Prince of Wales, 7 St Nicholas Lane, Aberdeen, AB10 1HF (Pages 71 - 76)
- 2.7 Application for Variation of a Premises Licence - The Archibald Simpson, 5 Castle Street, Aberdeen, AB11 5BQ (Pages 77 - 78)
- 2.8 Application for Variation of Premises Licence - The Institute, 5 Bridge Place, Aberdeen, AB11 6HZ (Pages 79 - 80)
- 2.9 Application for Variation of a Premises Licence - The Lemon Tree, 5 West North Street, Aberdeen, AB24 5AT (Pages 81 - 82)
- 2.10 Application for Variation of a Premises Licence - Wild Boar, 19 Belmont Street, Aberdeen, AB10 1JR (Pages 83 - 84)
- 2.11 Application for Variation of a Premises Licence - Slains Castle, 14 -18 Belmont Street, Aberdeen, AB10 1JH (Pages 85 - 116)
- 3 Application for a Personal Licence - AC5206 (Pages 117 - 118)
- 4 Review of a Personal Licence - AC1686 (Pages 119 - 120)
- 5 Scottish Government Consultation on Licensing Procedures - Report by Licensing Solicitor (Pages 121 - 134)
- 6 Interim Overprovison Policy - Report by Licensing Solicitor (Pages 135 - 192)
- 7 Establishment of Licensing Board Sub Committee - Report by Licensing Solicitor (Pages 193 - 194)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Gillian Scott, e-mail giscott@aberdeencity.gov.uk or tel. 01224 522867

LICENSING BOARD

ABERDEEN, 20 March 2018. Minute of meeting of the LICENSING BOARD.
Present: Councillor Boulton, Convener; and Councillors Cameron, Councillor Donnelly, the Depute Provost, Lesley Dunbar, Grant, Greig, McLellan, Townson and John.

MINUTE OF PREVIOUS MEETING OF 24 JANUARY 2018

1. The Board approved the minute subject to an amendment at article 14 to read “The Board was advised that the annual fee had now been paid”.

The applicant did not appear.

The Board Resolved:-

To take no further action

LIST OF APPLICATIONS

2. The Board had before it, for its consideration, the applications as listed in 3 to 19 of this minute.

APPLICATION FOR PROVISIONAL PREMISES LICENCE-SHOP, 19-21 BALNAGASK ROAD

3. The Board had before them a letter of objection dated 21 February 2018 from the NHS. Ms Wilson spoke in support of the letter.

Thereafter, the Board heard from the applicant in support of the application.

The Board Resolved :

To grant the licence subject to the local condition in respect of CCTV policy by 5 votes to 4.

APPLICATION FOR PROVISIONAL PREMISES LICENCE- COPPA COFFEE, 40 ST SWITHIN STREET, ABERDEEN

4. The Board heard from Mr Alexander Munro, legal advisor, that there had been no objections or representations received in connection with the application.

LICENSING BOARD
20 March 2018

The Board resolved:

To grant the application subject to the local condition in respect of Drugs Policy

APPLICATION FOR PROVISIONAL PREMISES LICENCE- GREYFRIARS CHURCH, QUEEN STREET, ABERDEEN

5. Councillor Greig left the meeting.

The Board had before it a letter of representation dated 23 February 2018 from Police Scotland and a letter of objection dated 21 February 2018 from the NHS.

Sergeant Flett and Ms Wilson spoke to their letters, thereafter the agent, Mr Thompson, solicitor, and the applicant addressed the Board in support of the application.

The Board resolved:

To grant the application subject to the local conditions in respect of CCTV, Drugs Policy, radio links, door stewards and outdoor seating areas. In particular, the demarcation of outdoor areas, no amplified music in external areas and a terminal hour of 22:00hrs.

APPLICATION FOR PROVISIONAL PREMISES LICENCE- BALMORAL STADIUM, ALTENS, NIGG, ABERDEEN

6. The Board heard from Mr Alexander Munro, legal advisor, that the agent had submitted an amended operating plan and therefore, Police Scotland and the Licensing Standards officer had withdrawn their letter and memo of representation.

Sergeant Flett and Ms Gilchrist confirmed the above.

The Board resolved:

To grant the application as amended subject to the local condition in respect to drugs policy.

APPLICATION FOR PROVISIONAL PREMISES LICENCE- COCOA OOZE, NEW JASMINE HOUSE, GREENBANK PLACE, EAST TULLOS, ABERDEEN

7. The Board had before them a letter of representation dated 19 February 2018 from Police Scotland and a letter of representation dated 21 February 2018 from the NHS.

LICENSING BOARD
20 March 2018

Sergeant Flett and Ms Wilson Spoke to their letters, thereafter, Mrs Hood spoke in support of the application.

The Board resolved:

To grant the application subject to the local condition in respect of the Drugs Policy.

APPLICATION FOR VARIATION OF PREMISES LICENCE- HENRY'S BAR CAFE, 4-6 EXCHEQUER ROW, ABERDEEN

8. Councillor Greig returned to the meeting
Councillor McLellan declared an interest in the application and left the meeting.

The Board had before it a letters of representation dated 23 February 2018 from Police Scotland and dated 21 February 2018 from the NHS. They also had before them an email of representation from the Community Council and a memo of representation from the Licensing Standard Officer.

Sergeant Flett, Ms Wilson and Ms Gilchrist spoke to their letters and memo. Thereafter, Mr Fraser, Solicitor, spoke in support of the application.

The Board resolved:

To grant the application as amended with the local condition in respect of the Drugs Policy.

APPLICATION FOR VARIATION OF PREMISES LICENCE- SILVER DARLING RESTAURANT, NORTH PIER, ABERDEEN

9. Councillor McLellan returned to the meeting.

The Board had before it eight emails of objection from the public and one email of representation from the Community Council.

The three objectors in attendance spoke to their emails, thereafter, Mr Dawson, solicitor, spoke in support of the application.

The Board resolved:

To grant the application.

LICENSING BOARD

20 March 2018

**APPLICATION FOR VARIATION OF PREMISES LICENCE-
BREWDOG/UNDERDOG, 5 UNION STREET, ABERDEEN,**

10. Councillor McLellan declared an interest and left the meeting.

This application was deferred from the meeting of 24 January 2018

The Board had before it a letter of representation dated 22 November 2017 from Police Scotland. A memo of representation dated 23 November 2017 and 20 November 2017 from the Licensing Standard Officer and Environmental Health respectively, and a letter of objection from the Disability Equality Partnership.

Sergeant Flett, Ms Gilchrist, and Mr Gilchrist spoke to their letter and memos. Thereafter, Mr Cummins, Solicitor, addressed the Board in support of the application

The Board resolved:

To grant the application 5 votes to 3

APPLICATION FOR PERSONAL LICENCE- AC5206

11. Councillor McLellan returned to the meeting.

The Board had before it a letter dated 15 February 2018 from Police Scotland.

The applicant was not in attendance.

The Board resolved:

To defer the application until the next meeting

APPLICATION FOR PERSONAL LICENCE- AC5218

12. The Board had before it a letter dated 15 February 2018 from Police Scotland.

Sergeant Flett spoke the letter, thereafter; the applicant spoke in support of the application.

The Board resolved:

To grant the application

LICENSING BOARD
20 March 2018

APPLICATION FOR PERSONAL LICENCE- AC5230

13. The Board had before it a letter dated 6 January 2018 from Police Scotland.

Sergeant Flett spoke the letter, thereafter; the applicant spoke in support of the application.

The Board resolved:

To grant the application

REVIEW OF PERSONAL LICENCE-AC4220

14. The board had before it a letter dated 23 February 2018 from Police Scotland.

Mr Alexander Munro, legal advisor, informed the Board that the licence holder had now surrendered the licence.

The Board resolved:

To take no further action

REVIEW OF PERSONAL LICENCE- AC5003

15. The Board had before it a letter dated 8 March 2018 from Police Scotland.

Sergeant Flett spoke to the letter; thereafter the applicant addressed the Board in response.

The Board resolved:

To endorse the licence

REVIEW OF PERSONAL LICENCE-AC1686

16. The Board had before it a letter dated 7 March 2018 from Police Scotland

The licence holder was not in attendance.

The Board resolved:

LICENSING BOARD
20 March 2018

To defer the review until the next meeting

GAMBLING ACT 2005- APPLICATION FOR VARIATION-GAMING MACHINE PERMIT

17. Mr Cummins, Solicitor for the applicant, addressed the Board in support of the application

The Board resolved:

To grant the application

DISABILITY ACCESS AND FACILITIES STATEMENTS

18. Mr Alexander Munro, Legal advisor, addressed the Board on the Disability Access and Facilities Statement.

The Board resolved:

To note the position

STATEMENT OF POLICY DISCUSSION

19. Mr Alexander Munro, legal adviser, updated the Board on the consultation questionnaires for the Statement of Policy consultation.

The Board resolved:

To note the position.

LICENSING BOARD
20 March 2018

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ABERDEEN CITY LICENSING BOARD

Meeting 15 May 2018 at 10:30am in Town House , Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Provisional(s)

Premises

Applicant

Date Received

Comments

1	W H SMITH - LANDSIDE ABERDEEN AIRPORT DYCE ABERDEEN AB21 7DU	W H SMITH TRAVEL HOLDINGS LIMITED C/O TLT LLP 140 WEST GEORGE STREET GLASGOW G2 2HG	26 March 2018	Premises offering alcohol for consumption off the premises and offering recorded music
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ABERDEEN CITY LICENSING BOARD

Meeting 15 May 2018 at 10:30am in Town House , Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

	Premises	Applicant	Date Received	Comments
2	FOUR MILE INN INVERURIE ROAD BUCKSBURN ABERDEEN AB21 9BA	GREENE KING RETAILING LTD C/O BELHAVEN PUBS LICENSING TEAM ATRIUM HOUSE 6 BACK WALK STIRLING FK8 2QA	29 March 2018	Amendment to the commencement of onsales Monday to Sunday to 10am Amendment to offsales Monday to Sunday to 10am till 2200 Addition of bar meals outside core hours
	LIDL UK GMBH 739 KING STREET ABERDEEN AB24 1XZ	LIDL UK GMBH C/O LIDL UK GMBH LICENSING DEPARTMENT LOCKING CASTLE BUSINESS PARK WEST WICK WESTON SUPER MARE BS24 7TG	23 February 2018	Amendment to layout plans resulting in an increase in capacity during non seasonal trading to 38.63m2 and during seasonal trading (1 Dec to 2 Jan) to 48.17m2
4	NORTHERN BAR 325 GEORGE STREET ABERDEEN AB25 1EE	GREENE KING RETAILING LTD C/O	29 March 2018	Amendment to children & young person's access - children and young persons will be admitted entry until 2045 but will be permitted to stay until they have completed their meal which must be ordered by 2100

ABERDEEN CITY LICENSING BOARD

Meeting 15 May 2018 at 10:30am in Town House , Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
5 OLD BLACKFRIARS 52 CASTLEGATE ABERDEEN AB11 5BB	GREENE KING RETAILING LTD C/O BELHAVEN PUBS LICENSING TEAM ATRIUM HOUSE 6 BACK WALK STIRLING FK8 2QA	10 April 2018	The addition of outdoor drinking during and outwith core hours Amendment to children and young persons access so they will be permitted entry until 10pm Amendment to layout plans to reflect outdoor drinking Amendment to layout plan matrix to show where activities are permitted
PRINCE OF WALES 7 ST NICHOLAS LANE ABERDEEN AB10 1HF	GREENE KING RETAILING LTD C/O BELHAVEN PUBS LICENSING TEAM ATRIUM HOUSE 6 BACK WALK STIRLING FK8 2QA	5 April 2018	Amendment to children & young person's access so that they are permitted entry until 2200
7 THE ARCHIBALD SIMPSON 5 CASTLE STREET ABERDEEN AB11 5BQ	J D WETHERSPOON (SCOT) LIMITED C/O J D WETHERSPOON PLC PO BOX 616 WATFORD WD24 4QU	2 February 2018	The commencement of on and offsales on Sunday's to be amended to 10am young person's at the managers discretion be allowed entry unaccompanied for the purpose of having a meal Children and young persons to have vacated by 2100

ABERDEEN CITY LICENSING BOARD

Meeting 15 May 2018 at 10:30am in Town House , Broad Street, Aberdeen, AB10 1AB

Licensing (Scotland) Act 2005

Variation (Major)(s)

Premises	Applicant	Date Received	Comments
8 THE INSTITUTE 5 BRIDGE PLACE ABERDEEN AB11 6HZ	THE DELTIC GROUP LTD C/O POPPLESTON ALLEN LICENSING SOLICITORS 37 STONEY STREET THE LACE MARKET NOTTINGHAM NG1 1LS	5 April 2018	Amendment in layout resulting in an increase in capacity to 1540 Amendment of premises name from 'The Institute' to 'Atik'
THE LEMON TREE 5 WEST NORTH STREET ABERDEEN AB24 5AT	ABERDEEN PERFORMING ARTS TRADING CO	26 March 2018	The addition of offsales Monday to Sunday 10:00 to 22:00
WILD BOAR 19 BELMONT STREET ABERDEEN AB10 1JR	GREENE KING RETAILING LTD C/O BELHAVEN PUBS LICENSING TEAM ATRIUM HOUSE 6 BACK WALK STIRLING FK8 2QA	5 April 2018	Amendment to children & young person's access so that they are permitted entry until 2200
11 SLAINS CASTLE 14-18 BELMONT STREET ABERDEEN AB10 1JH	STONEGATE PUB COMPANY LIMITED C/O HILL BROWN LICENSING LLP RWF HOUSE 5 RENFIELD STREET GLASGOW G2 5EZ	22 August 2017	Amendment to the commencement of on and off sales on a Sunday to 11am Amendment to the onsale terminal hour Thursday to Sunday to 2am The addition of dance facilities as activities and connected layout plan amendment

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION PROVISIONAL PREMISES LICENCE

PREMISES: WH SMITH- LANDSIDE, ABERDEEN AIRPORT, ABERDEEN

DESCRIPTION

- Premises offering alcohol for consumption off the premises and offering recorded music

OBJECTIONS/REPRESENTATIONS

None

LICENSING POLICY STATEMENT

Paragraph 6.5 – Conditions Attaching to Licences

The Board has devised a number of local conditions which may be attached to premises licences.

1. The following condition will be attached to all off-consumption premises licences unless there is cause shown why this should not be the case:

CCTV

The licence holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current technical requirements of the Police Service of Scotland as detailed in Aberdeen City Licensing Board's Statement of Licensing Policy. (all off-sales are however exempt from 4.2 relating to lip sync capability at entrance and exit doors)

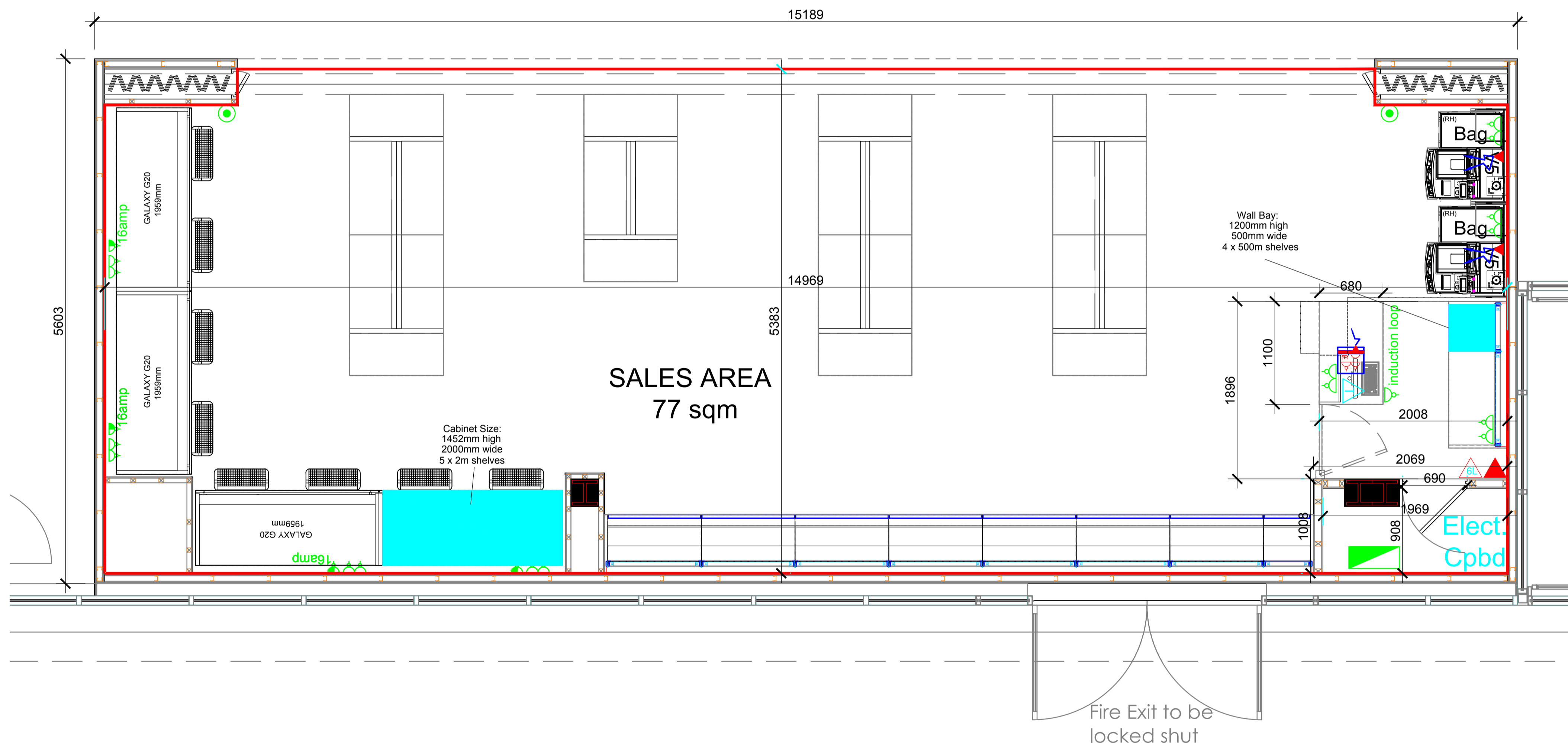
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POWER & COMMS

-  SINGLE 13amp SWITCHED SOCKET OUTLET
-  TWIN 13amp SWITCHED SOCKET OUTLET
-  COMMANDO SOCKET @ HIGH LEVEL (c/w plug)
-  SWITCHED FUSED SPUR
-  UNSWITCHED FUSED SPUR
-  SWITCHED FUSED SPUR @ 300mm AFFL
-  SWITCH - SINGLE-POLE, ONE-WAY
-  OUTLET - TELEPHONE POINT
-  RETAIL UNDER COUNTER LAYOUT, COMPRISING:
- 2No EPOS sockets
- 1No 13A 2 gang socket for 'dirty power'
- 1No twin sso (for WP machine + spare)

FIRE EQUIPMENT

-  FIRE EXTINGUISHER - 6 LITRE FOAM
-  FIRE EXTINGUISHER - 2 Kg Co2
-  FIRE ALARM - BREAK GLASS CALL POINT

GENERAL

-  AREA FOR THE SALE OF ALCOHOL
-  ALCOHOL

schedule of areas

floors	sales	stock	other areas
sub-basement			
basement			
ground	78.5 sqm		1.5 sqm
first			
second			
third			
fourth			
totals	78.5 sqm		1.5 sqm

notes

This drawing to be read in conjunction with all relevant consultants, sub-contractors and specialists drawings.

All dimensions and levels are to be checked on site before any construction begins and any discrepancies are to be reported to the relevant Project Manager.

Partial Service - Any discrepancies or any other information are to be advised to the relevant Project Manager and direction sought before the implementation of the detail.

Responsibility is not accepted for errors made by others in scaling from this drawing. The contractor should check all dimensions on site, any error or omission should be reported to CMC Projects LLP.

Rev. No	Date	Revised By	Revision

Business

WHSmith EUROPE TRAVEL

Site Address

LANDSIDE
ABERDEEN AIRPORT

Drawing Title

PROPOSED GA PLAN

Branch No	Site No	Scale	Sheet Size
		1:30	A1

Drawn by	Date	Checked by	Approved by
SM	JAN '18		

DRAWING NUMBER	Project No	Sheet No	Rev No	Status
3143		02	00	P



WHSmith PLC
PRELIMINARY
Greenbridge Road
Swindon
Wiltshire SN3 3LD
telephone (01793) 616161
facsimile (01793) 563291

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: FOUR MILE INN, INVERURIE ROAD, ABERDEEN

DESCRIPTION

- Amendment to the commencement of onsales Monday to Sunday to 10am
- Amendment to offsales Monday to Sunday to 10am till 2200
- Addition of bar meals outside core hours

OBJECTIONS/REPRESENTATIONS

None

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: LIDL, 739 KING STREET, ABERDEEN

DESCRIPTION

- Amendment to layout plans resulting in an increase in capacity during non seasonal trading to 38.63m2 and during seasonal trading (1 Dec to 2 Jan) to 48.17m2

OBJECTIONS/REPRESENTATIONS

None

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE
PREMISES: NORTHERN BAR, 325 GEORGE STREET, ABERDEEN

DESCRIPTION

- Amendment to children & young person's access – children and young persons will be admitted entry until 2045 but will be permitted to stay until they have completed their meal which must be ordered by 2100

OBJECTIONS/REPRESENTATIONS

Police Scotland

POLICY

LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

28.1 The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families. In determining any such application the risk of harm to children will be paramount.

28.2 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time as recognising that parents and other adults accompanying children also have responsibilities.

28.4 The following examples of control measures are given to assist applicants.

- effective and responsible premises management
- adoption of best practice guidance
- imitations on the hours when children may be present, in all or parts of the premises
- imitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder
- appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a

responsible person / adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE
PREMISES: OLD BLACKFRIARS, 52 CASTLEGATE, ABERDEEN

DESCRIPTION

- The addition of outdoor drinking during and outwith core hours
- Amendment to children and young persons access so they will be permitted entry until 10pm
- Amendment to layout plans to reflect outdoor drinking
- Amendment to layout plan matrix to show where activities are permitted

OBJECTIONS/REPRESENTATIONS

LSO
Police Scotland

POLICY

19 OUTSIDE SEATING AREAS

19.1 The Board recognises a growing trend for outside seating areas in licensed premises. The Act allows the consumption of alcohol off the premises in these areas. However Aberdeen City Council has a byelaw prohibiting the consumption of alcohol in designated public places. This is part of the overall strategy to make safe all the public areas within the city. The text of the byelaw is available at Appendix 1 and on Aberdeen City Council website at: www.aberdeencity.gov.uk/licensing

19.2 The Board will expect any licence holder who intends to provide outside seating, tables, or other outside facilities to hold a licence which includes the outside area and to have the necessary planning permission. Where the premises do not currently include such an outside area the Board will expect licence holders to vary the licence. Applicants, who propose to provide outdoor areas, should ensure that their use will not cause disturbance or nuisance to the occupiers of other premises in the vicinity. The Board may impose where necessary local conditions such as the provision of CCTV camera(s) to assist in the management and control of such areas and in support of the licensing objectives. These areas should be shown on the layout plan.

19.3 Aberdeen City Council operates a scheme whereby a permit may be applied for to occupy the footway with tables and chairs. This scheme is operated under the Roads (Scotland) Act 1984. The Board expects that licence holders will not only comply with any conditions attached to such a permit but will also put into place effective management controls, supervision and other measures to ensure that the use of such areas by patrons or by any other persons does not have a negative impact in the vicinity

LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

28.1 The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families. In determining any such application the risk of harm to children will be paramount.

28.2 Where applicants wish to operate such premises, the Board expects them to appreciate that this places additional responsibilities upon them at the same time as recognising that parents and other adults accompanying children also have responsibilities.

28.4 The following examples of control measures are given to assist applicants.

- effective and responsible premises management
- adoption of best practice guidance
- imitations on the hours when children may be present, in all or parts of the premises
- imitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder
- appropriate training and supervision of those employed to secure protection of children from harm.

Imposition of reasons for children to be present and/ or accompanied by a responsible person / adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function

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2 May 2018

Your Ref:

Our Ref: 317865

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



Iain Livingstone QPM
Deputy Chief Constable Designate

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
OLD BLACKFRIARS, 52 CASTLE STREET, ABERDEEN, AB11 5BB**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the following, namely;

1. Amend the operating plan at Q5 and layout plan to include the provision of an outdoor drinking area during and outwith core hours;
2. Amend the times during which Children and Young Persons are allowed entry to the premises.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

In respect of point 1, I recommend that the operating plan that accompanies the application be modified to state that the outdoor drinking area will be subject to a terminal hour of 2200 hours daily and should be demarked by a barrier or other structure. The layout plan submitted with the application appears not to sufficiently indicate the outdoor drinking area as part of the licensed area.

In respect of point 2, I have no objection to the times during which children and young persons will be allowed entry being extended from 2000 to 2200, under the

existing terms, that is: when accompanied by an adult, and when consuming a meal (with the exception of children in a pushchair or pram). I would however, recommend that the wording 'or until end of meal or family event' be removed. The latter element could perhaps be better reflected within the sections dealing with both the terms and times, i.e. for a private event/function and until the end of such a private event or function.

This representation is submitted for your attention in considering this application.

Yours faithfully

Iain Livingstone QPM
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01224 306468.

<h1 style="margin: 0;">MEMO</h1> <p style="margin: 0;">Operations and Protective Services</p> <p style="margin: 0;">Operations</p> <p style="margin: 0;">3rd Floor, Marischal College</p>			
To	Jenni Wilson, Team Leader Licensing, Legal and Democratic Services		
From	Diane Sande, Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	4 May 2018
Tel.	Ext. 2541	Our Ref.	DBS/
Fax.	01224 523887	Your Ref.	

Application for Variation of Premises Licence
Premises: Old Blackfriars, 52 Castle Street, Aberdeen

In terms of Section 22 (1) (b) (ii) I make the following representation to the Licensing Board.

With regard to the external area, if granted I recommend that there is a terminal hour of 22.00, that the area is deliniated and that no amplified music is played within the external area. The layout plan accompanying the application does not show the external area as licensed.

The application also amends the children and young persons access from 20.00 to 22.00. If the Board is minded to grant this I would recommend that the wording within Q6 (d) on the operating plan is amended by removing the reference to " or until the end of meal or family event". This will ensure that children and young children are not present within the premises after 22.00 on a regular basis - as the extension to 22.00 should provide ample time for finishing meals.

If a family event involved a private function, then this could be included within 6 (a) to cover such occasions.

Regards

Licensing Standards Officer

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE
PREMISES: PRINCE OF WALES, 7 ST NICHOLAS LANE, ABERDEEN

DESCRIPTION

- Amendment to children & young person's access so that they are permitted entry until 2200

OBJECTIONS/REPRESENTATIONS

LSO Memo
Police Scotland

POLICY

LICENSING OBJECTIVE – PROTECTING CHILDREN FROM HARM

28.1 The Board wishes to see child safe premises thriving in the city. It welcomes applications from those who wish to operate licensed premises which accommodate children and families. In determining any such application the risk of harm to children will be paramount.

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- adoption of best practice guidance
- imitations on the hours when children may be present, in all or parts of the premises
- imitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of accredited proof of age cards with photographs, or passports
- measures to ensure children do not purchase, acquire or consume alcohol
- measures to ensure children are not exposed to incidences of violence or disorder
- appropriate training and supervision of those employed to secure protection of children from harm.
- Imposition of reasons for children to be present and/ or accompanied by a responsible person / adult who shall have responsibility for, and supervise such children and young persons will normally only be admitted to licensed

premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending a pre-arranged function

2 May 2018

Your Ref:

Our Ref: 317612

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



**POLICE
SCOTLAND**

Keeping people safe

Iain Livingstone QPM
Deputy Chief Constable Designate

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
PRINCE OF WALES, 7 ST. NICHOLAS LANE, ABERDEEN, AB10 1HF**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of amending the times during which children and young persons are allowed entry by increasing the terminal time from 2000 hours to 2200 hours.

In terms of Section 29(5) of the Act this request can be considered a variation.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

The existing terms for children and young persons are, I understand, 'only when accompanied by an adult'.

Contact has been made with the applicant who advised that the increase in children and young persons' access would be to allow a degree of flexibility whilst the premises continues to serve food to families with children and young persons.

In terms of Section 22(1)(b)(ii) and (iii) of Act, I request that the variation in its current form should be amended to reflect that children and young persons will be allowed entry after 2000 and until 2200 (and whilst accompanied) for the principal purpose of a meal (with infants as an exception to this stipulation) .

This representation is submitted for your attention when considering this application.

Yours faithfully

Iain Livingstone QPM
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01224 306468

MEMO

Operations and Protective Services

Operations

3rd Floor, Marischal College



ABERDEEN
CITY COUNCIL

To	Jenni Wilson, Team Leader Licensing, Legal and Democratic Services		
From	Licensing Standards Officer		
Email	Commercial@aberdeencity.gov.uk	Date	4 th May 2018
Tel.	01224 523800	Your Ref.	
Fax.	01224 523887		

Application for Variation of Premises Licence

Address: Prince of Wales, 7 St Nicholas Lane, Aberdeen AB10 1HF

The application seeks to increase 'Children and Young Persons' access until 2200 hours.

For assessing this application and having regard for the licensing objective – 'Protecting Children from harm', I would like to refer to the 'Children' and 'young persons' access separately.

In terms of Section 22 (1) (a) I object to the part which requests 'Children' have access until 2200 hours.

The Prince of Wales describes itself as a 'pub with character' providing pub meals, as stated on their website. Currently they have children's access whilst accompanied by an adult until 2000 hours. Generally, children would have access to this type of premises (pub) in order, to consume a meal or partake in a sporting event. The application does not appear to include any reasoning as to why there is a need for children to access the premises until 2200 hours. In my view 'Children' should not be permitted on the premises after 2000 hours. Within the premises, specific areas – especially during certain times in the evening are predominately for vertical drinking, in my opinion, this would not be consistent with the licensing objective 'protecting children from harm'. The Licensing Standards Officer team recognises that during the day the premises has a different environment and is more family friendly.

I would also like to make the Licensing Board aware that during my research online, I noted that the premises apparently permits children over 5 years of age into the pub until 9pm. I refer to the section below which was taken from the Prince of Wales website;

"As well as the shoppers, it's the first port of call for families (children over five welcome until 9pm), local business people, real ale drinkers and tourists keen to experience the character and charm of a bar that's been on the go since 1850"

This may not be in operation at present; however, it is advertised on their website, contradicts their operating plan and is misleading to the public.

I have no objection to 'young persons' being granted access until 2200 hours.

This memo is submitted for your attention when considering the application.

Licensing Standards Officer

LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: THE ARCHIBALD SIMPSON, 5 CASTLE STREET, ABERDEEN

DESCRIPTION

- The commencement of on and offsales on Sunday's to be amended to 10am
- Young person's at the managers discretion be allowed entry unaccompanied for the purpose of having a meal
- Children and young persons to have vacated by 2100

OBJECTIONS/REPRESENTATIONS

None

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: THE INSTITUTE, 5 BRIDGE PLACE, ABERDEEN

DESCRIPTION

- Amendment in layout resulting in an increase in capacity to 1540
- Amendment of premises name from 'The Institute' to 'Atik'

OBJECTIONS/REPRESENTATIONS

None

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE
PREMISES: THE LEMON TREE, 5 WEST NORTH STREET, ABERDEEN

DESCRIPTION

- The addition of offsales Monday to Sunday 10:00 to 22:00

OBJECTIONS/REPRESENTATIONS

None

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: WILD BOAR, 19 BELMONT STREET, ABERDEEN

DESCRIPTION

- Amendment to children & young person's access so that they are permitted entry until 2200

OBJECTIONS/REPRESENTATIONS

None

POLICY

N/A

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LICENSING BOARD INFORMATION SHEET

TYPE OF APPLICATION: VARIATION OF PREMISES LICENCE

PREMISES: SLAINS CASTLE, BELMONT STREET, ABERDEEN

DESCRIPTION

- Amendment to the commencement of on and off sales on a Sunday to 11am
- Amendment to the onsale terminal hour Thursday to Sunday to 2am
- The addition of dance facilities as activities and connected layout plan amendment

OBJECTIONS/REPRESENTATIONS

- Police Scotland
- LSO
- Community Council

POLICY

HOURS OF TRADING- GENERAL AND EXTENDED

20.3 In determining the hours of trading, the Board will give full consideration to the Scottish Government guidance under the Act and to the provisions of the Act itself. 21 Each case will be dealt with according to its individual circumstances. The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours. The Board will not normally grant hours beyond 00:00 hours outwith the city centre. The Board will not normally grant hours beyond 02:00 hours within the city centre on weekdays and 03:00 hours on Fridays and Saturdays. Function rooms, for private functions only, wherever located, will normally have a terminal hour of 01:00 hours. Any private functions taking place after 00:00 hours may only do so in purpose built function suites. Applicants wishing to trade before 10:00 hours and beyond 01:00 hours will have to show that they have taken account of all the factors at 20.10.

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12 April 2018

Your Ref:

Our Ref: 315072

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



**POLICE
SCOTLAND**

Keeping people safe

Iain Livingstone QPM
Deputy Chief Constable Designate

North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Sir/Madam,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
SLAINS CASTLE, BELMONT STREET, ABERDEEN, AB10 1JE**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of the following:

1. Amend the core 'on sales' hours on Thursday from 1100 - 0000 hours to 1100 - 0200 hours; on Friday and Saturday from 1100 - 0100 hours to 1100 - 0200 hours and on Sunday from 1230 - 0000 to 1100 - 0200 hours;
2. Amend the commencement of 'off sales' on Sunday from 1230 to 1100;
3. Amend Q5 to include the provision of films and dance facilities during core hours;
4. Amend the layout plan to include the provision of dance facilities.

In terms of Section 29(5) of the Act this request can be considered a variation.

In respect of points 2, 3 and 4 I have no adverse comment to make.

In respect of point 1, in terms of Section 22(1)(b)(ii) and (iii) of the same Act, I make the following representation.

The requested increase in the terminal hour on Thursday to Sunday inclusive will result in 15 hours continuous trading which exceeds the guideline operating hours of a maximum of 14 hours continuous trading in any 24 hour period, as contained within 20.3 of Aberdeen City Licensing Board's Statement of Licensing Policy

2013 - 2016. The Operating Plan, at question 4, indicates that the premises would wish to take advantage of the general extensions granted by the Board. If the hours sought are granted, in terms of 20.6 of the current Policy, the premises would not be permitted to enjoy such general extensions.

The premises is situated with the Belmont Street locality which is an area of overprovision of entertainment, public house and hybrid 'on sales' licensed premises within the current Policy.

It is understood that the terminal hour of 0200 is sought for the purpose of allowing patrons to enjoy an element of entertainment within the premises and this, it is understood, will normally take the form of a DJ and dance facility.

Should the Board be satisfied that the applicant premises are offering 'significant entertainment' as defined within Appendix 4 of said Policy and in the event the premises are not considered premises to which the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007, Section 3(2) applies, I request this element of application be granted subject to the conditions specified at 6.5 of the aforementioned Policy, specifically in respect of CCTV, Door Supervisors and Radiolink and that significant entertainment, to the satisfaction of the Licensing Board, is to take place during some part of the additional hours sought, that is between 0000 and 0200 on Sunday and Thursday and 0100 to 0200 on Friday and Saturday.

This representation is submitted for your attention when considering this application.

Yours faithfully

Iain Livingstone QPM
Deputy Chief Constable Designate

For enquiries please contact the Licensing Department on 01224 306468.

Date 26th April 2018
Enquiries to 01224 557047
Our Ref 20181028
Email: grampian.phalcohollicensing@nhs.net

Ms Jennifer Wilson
Team Lead
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6, Level 1 South,
Marischal College, Broad Street
Aberdeen AB10 1AB

Dear Ms Wilson

**Licensing (Scotland) Act 2005 – Application for a Variation of Premises Licence
Slains Castle, 14 – 18 Belmont Street, Aberdeen, AB10 1JH**

I refer to the above application and in terms of Section 22(1)(a) of the Licensing (Scotland) Act 2005, I make the following objection under the licensing objective:

Protecting and Improving Public Health.

The applicant seeks to make a number of variations to the Operating Plan. The variation of concern to NHS Grampian is listed below:

- Variation to amend the on sales terminal hour Thursday – Sunday to 11:00 – 02:00

The premises are currently trading:

Monday – Thursday 11:00 – 24:00
Friday & Saturday : 11:00 – 01:00
Sunday: 12:30 – 24:00

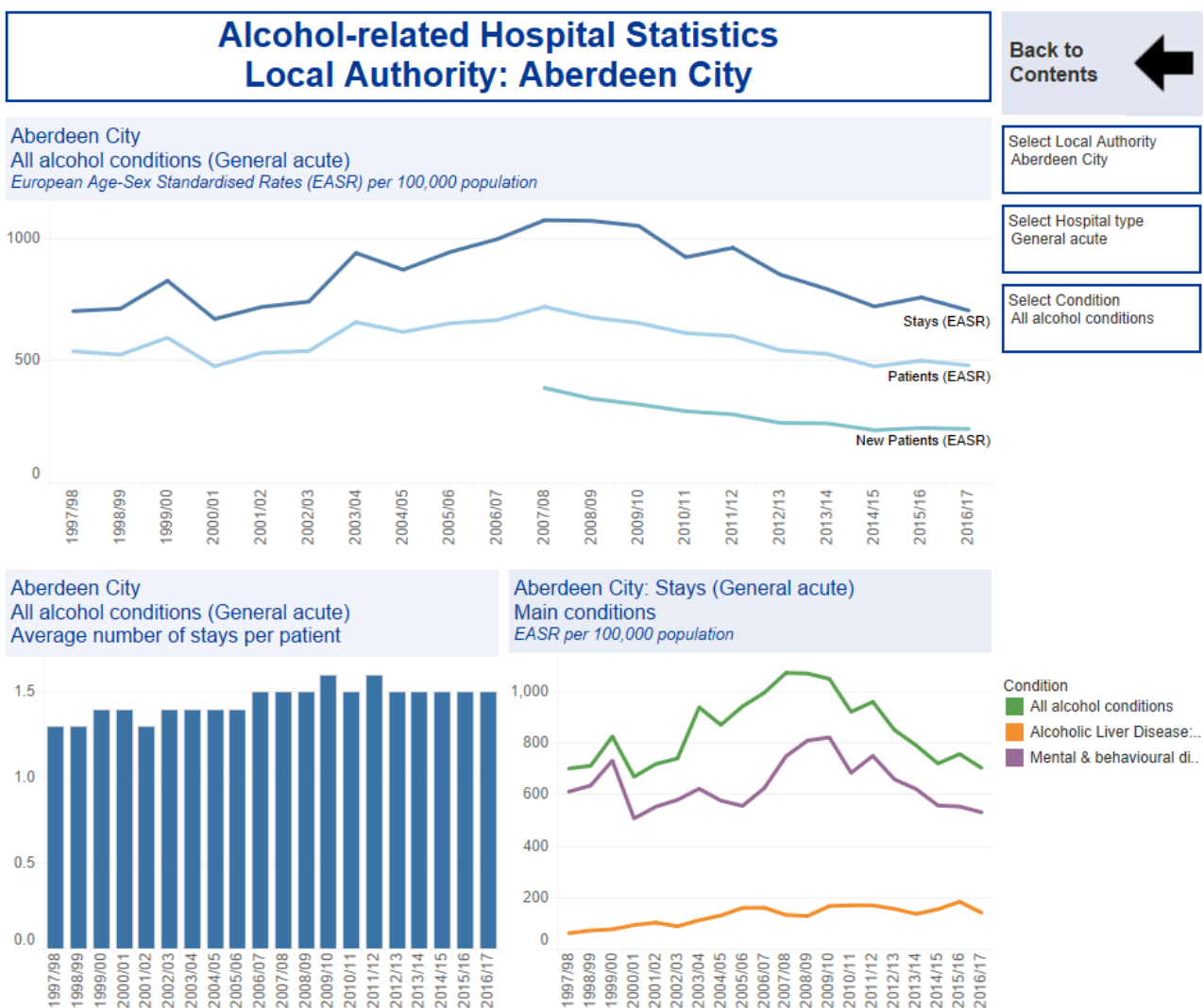
By amending the on sales terminal hour on Thursday through to Sunday to 02:00, on each of these days the premises will be exceeding the reasonable trading times recommended by the Licensing Board. The premises will be trading continuously for 15 hours on 4 days of the week.

The Aberdeen City Licensing Board Statement of Licensing policy, 2013 – 2016 states at Section 20.3, paragraph 1:

“The Board will deem up to a maximum of 14 hours continuous trading in any 24 hour period to be reasonable. This is in accordance with the aforementioned Government Guidance which further states that any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours.”

The Board has already stated that the *“14 hour maximum trading period is not exceeded in order to help reduce alcohol related crime and health harms.”*

The health harms of alcohol in Aberdeen City are both substantial and increasing. Since 1997, a five-fold increase in the rates of hospital stays as a result of the harmful use of alcohol has been recorded for Aberdeen City Council residents.



Although alcohol related hospital stays appear to be on a decreasing trend there is evidence of an increasing trend in alcoholic liver disease stays – see graph above. This figure is currently over double the rate recorded in 1997/98¹.

¹ <http://www.isdscotland.org/Health-Topics/Drugs-and-Alcohol-Misuse/Publications/2017-11-21/visualisation.asp>

Recently published data on Alcohol Related Deaths for Aberdeen suggest an upward trend in the numbers of people dying as a result of alcohol².

When consideration is given to the health harms caused by alcohol for Aberdeen City Council residents I would request that this application for trading in excess of the reasonable 14 hours is not granted.

Actions that limit the availability and access to alcohol can only assist in improving health outcomes for the Aberdeen City population.

For this reason, and in terms of Section 22(1) (a) of the Licensing (Scotland) Act 2005, the Public Health Directorate of NHS Grampian submits this letter of objection as the granting of the application would be inconsistent with one or more of the licensing objectives, namely Protecting and Improving Public Health.

Yours sincerely

Dr Tara Shivaji
Consultant in Public Health

pp Heather Wilson
Health Improvement Officer (Alcohol & Dru

² <https://www.nrscotland.gov.uk/files//statistics/alcohol-related-deaths/2016/alcohol-related-deaths-2016-tab3.pdf>

ABERDEEN CITY LICENSING BOARD
Licensing (Scotland) Act 2005, section 22
Notice of Objection or Representation

Please provide your name and postal address

Name	Leonora H Montgomery (Secretary) City Centre Community Council
Address	96 Thistle Court ABERDEEN AB10 1SE
Tel. No	
E-mail	

Name and address of premises to which the objection or representation refers

Slains Castle 14-18 Belmont Street ABERDEEN AB10 1JH

Please give details of the objection or representation below (please continue on a separate sheet if necessary)

<p>We object to this application on the grounds that the proposed changes to Sunday trading would mean that they would be trading for 15 hours which is in contradiction to point 20.3 of the Statement of Licensing which states that 14 hours in a 24 hour period would be deemed reasonable.</p>

Signature Leonora H Montgomery

Date 29/04/18

RETURN TO:
Legal and Democratic Services or e-mail to licensing@aberdeencity.gov.uk

DATA PROTECTION ACT 1988
Any person who submits an objection should be aware that it will be disclosed to the applicant and to any other relevant parties. It will be available to members of the Licensing Board, and will form part of the agenda pack which is available on the Council's website. To that extent, however, they are redacted, with e-mail addresses, telephone numbers and signatures removed from this correspondence.

Corporate Governance

Aberdeen City Council
Business Hub 6 L1S
Marischal College
Broad Street
Aberdeen AB10 1AB

DATA PROTECTION ACT 1988

Any person who submits an objection should be aware that it will be disclosed to the applicant and to any other relevant parties. It will be available to members of the Licensing Board, and will form part of the agenda pack which is available on the Council's website. To that extent, however, they are redacted, with e-mail addresses, telephone numbers and signatures removed from this correspondence.

GUIDANCE NOTE ON MAKING AN OBJECTION OR REPRESENTATION TO A PREMISES LICENCE APPLICATION OR AN APPLICATION TO VARY AN EXISTING PREMISES LICENCE

In terms of the Licensing (Scotland) Act 2005 any person may object or make representation to an application for a premises licence or a variation of an existing premises licence.

Objections must be in writing and must be received by the date specified in the licence advert and on the notice which the applicant is required to display.

If you make an objection or representation you will be invited to attend the meeting of the Licensing Board where the application will be determined and will be given an opportunity to speak to the terms of your objection or representation should you so wish.

Objecting to an application

Where objecting to an application, the objection must be on any grounds relevant to the grounds for refusal.

The grounds for refusal are –

- that the subject premises are excluded premises,
- that the application must be refused under section 25(2), [no repeat application within 1 year of refusal], 64(2), [24 hour trading] or 65(3) [outwith off-sale statutory hours 10.00-22.00]
- that the Licensing Board considers that the granting of the application would be inconsistent with one or more of the licensing objectives, which are
 - (a) preventing crime and disorder
 - (b) securing public safety
 - (c) preventing public nuisance
 - (d) protecting and improving public health
 - (e) protecting children from harm
- that, having regard to—
 - (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location, character and condition of the premises, and
 - (iii) the persons likely to frequent the premises,the Board considers that the premises are unsuitable for use for the sale of alcohol,
- that, having regard to the number and capacity of—
 - (i) licensed premises, or
 - (ii) licensed premises of the same or similar description as the subject premises,in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of that description, in the locality.

When objecting to an application please make clear on which ground(s) you are objecting and provide a clear and concise explanation why.

Making a representation

you may make representations to the Board concerning the application, including, in particular, representations—

- (i) in support of the application,
- (ii) as to modifications which the person considers should be made to the operating plan accompanying the application, or
- (iii) as to conditions which the person considers should be imposed.

If making a representation you should be clear and concise as to the nature of your representation.

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ABERDEEN CITY COUNCIL

LICENSING BOARD

DATE: 15 May 2018

CLERK TO THE LICENSING BOARD Fraser Bell

TITLE OF REPORT: Scottish Government Consultation on Licensing Procedures

1. PURPOSE OF REPORT

To highlight the consultation exercise being conducted by the Scottish Government on the Licensing (Procedures) (Scotland) Regulations 2007.

2. RECOMMENDATION(S)

That the Board

- (1) notes the contents of the consultation exercise; and
- (2) determines whether or not to instruct officers to submit a response on behalf of the Board.

3. BACKGROUND

The Scottish Government are currently conducting a consultation exercise on the above noted Regulations, in particular the sections relating to notification of applications. A copy of the consultation paper is attached as Appendix 1 and a copy of the current Regulations as Appendix 2.

4. REPORT AUTHOR DETAILS

Sandy Munro, Solicitor

AleMunro@aberdeencity.gov.uk

01224 523027

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Consultation on:

**Update of The Licensing
(Procedure) (Scotland)
Regulations 2007**



Consultation on: Update of The Licensing (Procedure) (Scotland) Regulations 2007

Background

- 1 The Scottish Government is responsible for regulating the powers of Scottish local authorities and Licensing Boards in relation to licensing the sale of alcohol.
- 2 The main piece of legislation that controls the sale of alcohol is the Licensing (Scotland) Act 2005 (the 2005 Act). The 2005 Act balances the rights of the majority of people who drink responsibly against the need to protect local communities from nuisance and crime associated with misuse of alcohol.
- 3 A Licensing Board is a quasi-judicial body and consists of locally elected councillors, with support from local authority staff. However, a Licensing Board is an entirely separate legal entity from a local authority.
4. Licensing Boards are primarily responsible for regulating the sale of alcohol to the public within their particular area. The Boards carry out a range of functions, including granting and reviewing licences to sell alcohol.
5. This consultation relates to the update of The Licensing (Procedure) (Scotland) Regulations 2007 (Procedure Regulations), which came into force on 1st February 2008. This secondary legislation sets out procedural matters. The individual elements of the Procedure Regulations are numbered, and termed regulations (lower case). For example regulation 1, is entitled *Citation and commencement*.
6. The Scottish Government continues to work towards simplifying and improving licensing law and practice, which includes updating guidance and Regulations to bring them up to date and ensure that they are fit for purpose. The Procedure Regulations have not been amended since their introduction.
7. We are committed to reviewing the Procedure Regulations, including carrying out this consultation to properly evaluate the likely costs and benefits of any potential changes, and to ensure that they are workable and proportionate. The Procedure Regulations may then be updated to best reflect modern needs and practice.
8. There are parts of the Procedure Regulations which refer to transitional arrangements around the time when the Licensing (Scotland) 2005 Act was being implemented, such as regulations 8(3) and 9(2). These are no longer relevant/accurate and can be deleted/amended, as appropriate, as part of the update.
- 9 The Scottish Government is still to bring into effect section 61 (deemed grant of application) of the Air Weapons and Licensing (Scotland) Act 2015 which will modernise and expand the requirement for Licensing Boards to deal with matters expeditiously. Failure to do so will have the result that the application will be deemed to have been authorised.

We therefore intend to review and where necessary amend the wording associated with the existing timelines that are provided within the Procedure Regulations so that they are compatible with section 61.

Community Engagement

10. Concerns have been raised about community engagement with the licensing process, for example during parliamentary consideration of the Alcohol (Licensing, Public Health and Criminal Justice) (Scotland) Bill, there were calls for more community involvement in licensing decisions.

11. In March 2016 NHS Scotland, in their report on Monitoring and Evaluating Scotland's Alcohol Strategy highlighted that, in terms of public access, there was limited involvement, and thus scrutiny, from the public in the licensing system. Although, the report did acknowledge there were isolated examples of action to improve public access that could be built on.

12. In September 2016, Alcohol Focus Scotland hosted a series of regional seminars to provide an opportunity for licensing stakeholders to come together to reflect upon and share their experiences. Attendees were invited to identify areas of ongoing challenge.

A lack of public participation in the licensing process was a concern shared by stakeholders across the four regional seminars. There was consensus that new ways to engage with the public were required, and the need to improve public notification of licensing applications was highlighted.

13. Further recent engagement with stakeholders has also identified that there is a desire to encourage better community engagement in licensing.

14. The relevant provisions on neighbour notification are included within the Procedure Regulations. It is therefore intended to seek views on whether the Procedure Regulations can be amended to improve community engagement.

15. Regulations 3,4,6,7,8,9 and 18 of the Procedure Regulations outline provisions on neighbour notification. These particular regulations respectively relate to –

- Meaning of “notifiable interest”
- Meaning of “Neighbouring land”
- Publicity to applications
- Display of notice
- Periods for Board to notify applications
- Documents to accompany notice of premises licence application
- Occasional licences

Purpose of Consultation

16. The purpose of this consultation is to invite views from stakeholders and members of the public to assist the Scottish Government in our considerations when reviewing The Licensing (Procedure) (Scotland) Regulations 2007.
17. There have been suggestions that updating public notification of licensing applications could help with encouraging people to have their say on licensing matters.
18. We would like to seek views, in particular, regarding the sections of these Regulations which relate to the public notification process. However, feedback will be accepted from respondents on other sections of these Regulations.

Questions

Neighbour notification

19. Regulations 3,4,6,7,8,9 and 18 of the Licensing (Procedure) (Scotland) Regulations 2007 outline the relevant provisions on neighbour notification that we would particularly welcome views on, in this consultation. These particular regulations respectively relate to –

- Meaning of “notifiable interest”
- Meaning of “Neighbouring land”
- Publicity to applications
- Display of notice
- Periods for Board to notify applications
- Documents to accompany notice of premises licence application
- Occasional licences

Q1 – Should the provisions in the current Licensing (Procedure) (Scotland) Regulations 2007, specifically relating to neighbour notifications, be updated?

- Yes
- No

Please explain your answer below, giving consideration to the following:

- Are the current provisions relating to neighbour notifications fit for purpose?
- In what way should parts relating to neighbour notifications be amended?
- What would be the likely impact for local communities, the trade and the public?

Other provisions

Q2 – Should any of the provisions in the current Licensing (Procedure) (Scotland) Regulations 2007, other than those specifically relating to neighbour notifications, be updated?

- Yes
- No

Please explain your answer below, giving consideration to the following:

- Are the other provisions fit for purpose?
- In what way should any of the other provisions be amended?
- What would be the likely impact for local communities, the trade and the public?

Additional concerns

Q3 – Do you have any additional concerns regarding the Licensing (Procedure) (Scotland) Regulations 2007? If yes, please provide details below.

- Yes
- No

Q4 - Are you aware of any examples of good practice relative to the Licensing (Procedure) (Scotland) Regulations 2007? If so, please provide details below.

Yes

No

Responding to this Consultation

20. We are inviting responses to this consultation by **06/06/2018**.

21. Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at <https://consult.gov.scot/criminal-law/licensing-procedure/> You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 06/06/2018.

22. If you are unable to respond online you can submit a response along with a completed Respondent Information Form (see "Handling your Response" below) to:

Licensing.Consultation@gov.scot

Handling your response

23. If you respond using Citizen Space (<http://consult.scotland.gov.uk>) you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

24. If you are unable to respond via Citizen Space please complete the Respondent Information Form attached, included in this document at **Annex A**. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

25. All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would

therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

26. Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.
27. Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

28. If you have any comments about how this consultation exercise has been conducted, please send them to Licensing.Consultation@gov.scot

Scottish Government consultation process

29. Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.
30. You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.
31. Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue. (<https://www.ideas.gov.scot>)
32. Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:
 - indicate the need for policy development or review
 - inform the development of a particular policy
 - help decisions to be made between alternative policy proposals
 - be used to finalise legislation before it is implemented.
33. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



ANNEX A - Consultation on: Update of The Licensing (Procedure) (Scotland) Regulations 2007

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

Consultation questions

Neighbour notification

Regulations 3,4,6,7,8,9 and 18 of the Licensing (Procedure) (Scotland) Regulations 2007 outline the relevant provisions on neighbour notification that we would particularly welcome views on, in this consultation. These particular regulations respectively relate to –

- Meaning of “notifiable interest”
- Meaning of “Neighbouring land”
- Publicity to applications
- Display of notice
- Periods for Board to notify applications
- Documents to accompany notice of premises licence application
- Occasional licences

Q1 – Should the provisions in the current Licensing (Procedure) (Scotland) Regulations 2007, specifically relating to neighbour notifications, be updated?

Yes

No

Please explain your answer below, giving consideration to the following:

- Are the current provisions relating to neighbour notifications fit for purpose?
- In what way should parts relating to neighbour notifications be amended?
- What would be the likely impact for local communities, the trade and the public?

Other provisions

Q2 – Should any of the provisions in the current Licensing (Procedure) (Scotland) Regulations 2007, other than those specifically relating to neighbour notifications, be updated?

Yes

No

Please explain your answer below, giving consideration to the following:

- Are the other provisions fit for purpose?
- In what way should any of the other provisions be amended?
- What would be the likely impact for local communities, the trade and the public?

Additional concerns

Q3 – Do you have any additional concerns regarding the Licensing (Procedure) (Scotland) Regulations 2007? If yes, please provide details below.

- Yes
- No

Q4 - Are you aware of any examples of good practice relative to the Licensing (Procedure) (Scotland) Regulations 2007? If so, please provide details below.

- Yes
- No



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ABERDEEN CITY COUNCIL

LICENSING BOARD

DATE: 15 May 2018

CLERK TO THE LICENSING BOARD Fraser Bell

TITLE OF REPORT: Off-Sales Overprovision Policy

1. PURPOSE OF REPORT

To provide the Board with the responses to the consultation exercise with regard to the Off-Sales Overprovision Policy

2. RECOMMENDATION(S)

That the Board

- (1) considers the evidence obtained as a result of the consultation exercise; and
- (2) determines one of the following options: -
 - (i) there is no overprovision of off-sales.
 - (ii) there is overprovision of off-sales premises in general.
 - (iii) there is overprovision of off-sales of a particular type or size on the basis of the consultation results.

3. BACKGROUND

(1) Assessing Overprovision

Under the Licensing (Scotland) Act 2005 (“the 2005 Act”) Licensing Boards have a duty to assess if there is an overprovision of licensed premises within the Board’s jurisdiction. In particular, the assessment, which will form part of the Board’s Statement of Licensing Policy, must include a statement as to the extent to which the Board considers there to be overprovision of—

- (a) licensed premises, or
 - (b) licensed premises of a particular description,
- in any locality within the Board’s area.

Members' clubs are discounted for the purpose of this overprovision assessment, as are premises which are the subject of an occasional licence.

In formulating the Statement the Board must first determine the localities (if any) within its area which might be overprovided for, and (a) have regard to the number and capacity of licensed premises in that locality, and (b) consult.

(2) Guidance

The Scottish Government has provided guidance to assist Licensing Boards in formulating their assessments. The Board is

- required to take a pro-active position on overprovision and identify those localities in which it would propose not to grant new licences or licences for premises of a particular description;
- allowed to take account of the "particular description" of premises (that is to say, their styles of operation) when assessing overprovision; and;
- directed to have regard to the number **and** the capacity of licensed premises in localities.

This approach:

- allows Licensing Boards to take account of changing market trends, such as the development of so-called "hybrid" premises;
- provides potential entrants to the market with a clear signal that they may incur abortive costs if they intend to apply for a licence in a locality which the Licensing Board has declared to be overprovided for;
- improves public and licensed trade confidence in a system by setting out clearly the grounds on which overprovision should be determined.
- recognises that halting the growth of licensed premises in localities is not intended to restrict trade but may be required to preserve public order, protect the amenity of local communities, and mitigate the adverse health effects of increased alcohol consumption resulting from growing outlet density.

The policy statement must promote the licensing objectives which are:

- preventing crime and disorder;
- securing public safety;
- preventing public nuisance;
- protecting and improving public health; and
- protecting children from harm.

(3) Determining Localities

At the meeting of 9 June 2017 the Board determined that for the purposes of off-sales overprovision the whole of the Board's area would be appropriate as a single locality. The consultation exercise was accordingly conducted on that basis.

(4) Consultation

The duty to consult is statutory and set out in Section 6(3)(b) of the Act. The Licensing Board is required to consult the Local Licensing Forum, those who appear to be representative of the interests of the holders of personal licences, persons having functions relating to health, education, education or social work, young people, and persons resident in the Forum's area.

A map of the Board's area was prepared with the location of all off-sales premises highlighted. A copy of the map can be accessed via the following link:

<http://accabdn.maps.arcgis.com/home/webmap/viewer.html?webmap=7ba881dab62146109a1cb852021dd8d1>

Clicking on the icon for any individual premises would provide additional details, including the capacity as per the relevant Premises Licence.

A questionnaire was then prepared and distributed to all relevant parties and publicised via social media and a number of websites. A copy of the questionnaire is enclosed as Appendix 1.

A total of 10 responses were received:

1. Police Scotland
2. NHS Grampian
3. Licensing Standards Officers
4. Alcohol Focus Scotland
5. Aldi
6. Scottish Beer & Pub Association
7. Scottish Grocers' Federation
8. Unight
9. Member of the public
10. Member of the public

Copies of all responses are enclosed at Appendix 2.

4. REPORT AUTHOR DETAILS

Sandy Munro, Solicitor
AleMunro@aberdeencity.gov.uk
01224 523027

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OVERPROVISION CONSULTATION – OFF-SALES PREMISES

Prior to the full consultation on the Licensing Board's Statement of Licensing Policy, the Licensing Board is keen to establish an interim overprovision policy for off-sales premises given that the Licensing Board is currently operating without a policy in this area.

The Licensing Board has recognised the inherent difficulty in establishing a causal link between the operation of premises in a small defined area and the available statistics and data from partner agencies demonstrating health and crime statistics over the population of the whole of Aberdeen over a longer period of time. The Licensing Board does however consider it a reasonable assumption that the majority of alcohol sold within the Licensing Board's overall area will be consumed within that area. Accordingly, for the purposes of off-sales overprovision only, the Licensing Board have designated the Licensing Board's whole area as one locality in order to be able to attribute meaningful weight to relevant data which may not be available at a more localised level.

A list of all currently licensed off-sales premises, together with a note of capacity for each can be found here:



Offsales
Overprovision.xlsx

The location of those premises can be viewed here:

<http://accabdn.maps.arcgis.com/home/webmap/viewer.html?webmap=7ba881dab62146109a1cb852021dd8d1>

With this in mind the Licensing Board is keen to gauge opinion on the following question. Please also provide any relevant evidence to support any submissions.

1. Do you think the current provision of off-sale premises as shown as in the map is:
 - a) Too many?
 - b) About right?
 - c) Insufficient?

2. If you feel there are too many do you think there are too many of:
 - a) Premises of a particular type?
 - b) Premises of a particular size?
 - c) Off-sales premises in general?

3. If the Licensing Board determine there is overprovision, do you think there should be any exceptions to this policy under the following licensing objectives:-
 - a) Preventing crime & disorder.
 - b) Securing public safety.
 - c) Preventing public nuisance.
 - d) Protecting and improving public health.

e) Protecting children and young persons from harm.

4. Do you have any other comments on off-sales overprovision?

Please send your comments marked "Off-sales overprovision consultation" to licensing@aberdeencity.gov.uk or alternatively to The Licensing Team, Business Hub 6, Level 1 South, Marischal College, Broad Street, Aberdeen, AB10 1AB

The Licensing Board also intend to begin the consultation on the overall Statement of Licensing Policy early in the new year. The Licensing Board's current policy can be viewed here:

<https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/Statement%20of%20Licensing%20Policy.pdf>

The Licensing Board are interested to receive suggestions on which sections of the Policy Statement that warrant particular scrutiny. Please send any comments marked "Policy Statement" to licensing@aberdeencity.gov.uk or to The Licensing Team, Business Hub 6, Level 1 South, Marischal College, Broad Street, Aberdeen, AB10 1AB

PLEASE ENSURE ALL RESPONSES ARE SUBMITTED NO LATER THAN 28 FEBRUARY 2018.

20 February 2018

Convenor
Aberdeen City Licensing Board
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College, Broad Street
Aberdeen
AB10 1AB



North East Division
Queen Street
Aberdeen
AB10 1ZA

Dear Convenor to the Licensing Board

**LICENSING (SCOTLAND) ACT 2005 - ABERDEEN CITY LICENSING BOARD
STATEMENT OF LICENSING POLICY
ASSESSMENT OF OVERPROVISION OF 'OFF SALES' PREMISES**

I refer to the abovementioned assessment in respect of overprovision of 'off sales' licensed premises within Aberdeen city. Below are our responses to the consultation document and enclosed also is a report by a Community Safety Analyst, further to our letter of 16 June 2017 and the report attached thereto. The updated report seeks to demonstrate, in relation to the offences highlighted, where the consumption of alcohol has been a feature, by providing data in relation to the assessed sobriety status of offenders.

This data excludes crimes and offences committed on 'on sales' licensed premises and unfortunately I am unable to provide a breakdown of locus type, however, I am confident that you will understand that many of the crime types highlighted occurred within both public space and private space.

RESPONSE TO CONSULTATION QUESTIONS

1. Do you think the current provision of off-sale premises as shown as in the map is:
 - a) Too many?
 - b) About right?
 - c) Insufficient?

We are of the view that there is a sufficiency of off-sales premises within Aberdeen city.

NOT PROTECTIVELY MARKED

2. If you feel there are too many do you think there are too many of:
 - a) Premises of a particular type?
 - b) Premises of a particular size?
 - c) Off-sales premises in general?

3. If the Licensing Board determine there is overprovision, do you think there should be any exceptions to this policy under the following licensing objectives:-
 - a) Preventing crime & disorder.
 - b) Securing public safety.
 - c) Preventing public nuisance.
 - d) Protecting and improving public health.
 - e) Protecting children and young persons from harm.

4. Do you have any other comments on off-sales overprovision?

North East Division of the Police Service of Scotland recognise that consumption of alcohol is a significant contributory factor in a considerable proportion of a wide variety of crimes and offences that are committed, particularly crimes of violence and disorder, to this end I include a report with crime statistics and the sobriety status of offenders, for your consideration.

We also recognise the role that the consumption of alcohol can play in instances of misadventure and individuals' experiences of personal crisis.

Setting aside statistics in relation to offences which are more readily linked to the consumption of alcohol on 'on sales' premises, Police Scotland cannot provide a body of evidence which links crimes and offences in which alcohol may have been a contributory factor to the sale of alcohol specifically from 'off sales' licensed premises in proximity of either location or time, to a crime or offence. This is however, not in any way intended to offer a position that there is no link, quite the contrary; we are of the view that the link is strong and well evidenced, and the link is that the consumption of alcohol, wherever purchased or consumed, is a significant contributory factor in the commission of many crimes and offences, and types of crimes and offences.

While it would be reasonable to assume that the majority of alcohol purchased from off sales premises within Aberdeen city is similarly consumed within the city, and most probably within private spaces, it likewise has to be acknowledged that a person who commits any offence while acting under the influence of alcohol, may have purchased that alcohol, or it may have been purchased by a third party, at a location and time with no bearing on the subsequent event.

It is therefore a question as to whether the consumption of the alcohol, rather than the regulated sale of same from an off sales premises, that connects the sale to the later criminality, adverse event or other harm.

We do not believe that there is simple numerical correlation between the number of off sales premises and the number of crimes and offences reported; it is not a

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logical position to take that had there been half the amount of off sales premises, there would be half the amount of crimes committed.

It would be reasonable to assume that had alcohol not been available in a number of locations, that it is likely that the majority of purchases of alcohol may still have been made, but from a lesser number of off sales premises.

It is also possible that if alcohol was less widely available, a number of purchases of alcohol would not have taken place however it is impossible to measure, other than a small number of instances, which specific sales of alcohol (from an off sales licensed premises) led to which adverse events.

It is however reasonable to have the view that consumption of alcohol can affect a person's behaviour to the extent that they become the perpetrator of a crime or make decisions that lead to another adversity.

Our position is to be able to provide evidence of where alcohol consumption has been a significant contributory factor in the commission of crimes or offences. The question of whether less crimes would be committed if alcohol were less available is difficult to define; perhaps more simple is the position that less consumption of alcohol may lead to less crime, disorder and other harms.

There is a national multi-agency strategy which is committed to changing the Scottish population's relationship with alcohol. Licensing Boards' Statements of Licensing Policy could be considered one such strand and if Aberdeen City Licensing Board has sought or otherwise been provided with evidence which strongly suggests that less availability of alcohol from off sales premises is likely to lead to a reduction in alcohol related crime or health harm, we are supportive of any measure the Board may then choose to take.

I hope this information is of use to the Aberdeen City Licensing Board in the overall assessment of overprovision of 'off-sales' premises.

Please do not hesitate to contact our North East Division licensing team if we can be of further assistance.

Yours sincerely

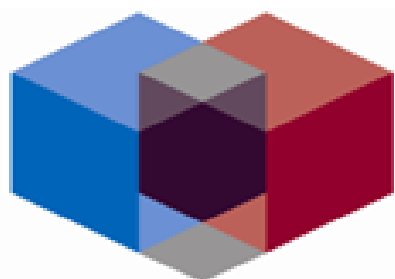
Kenneth McGeough
Inspector
North East Division Licensing Team

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Report on Crime Statistics and Sobriety Status for informing Overprovision Assessment in respect of 'Off Sales' licensed premises.



**ABERDEEN
COMMUNITY
SAFETY
PARTNERSHIP**

*Prepared by
Community Safety Analyst
Aberdeen City Council
Completed: 24th January 2018*

PROTECTED

You have a responsibility to ensure that the principles of the Data Protection Act (1998)
are adhered to in terms of disclosing information from this report.

PROTECTED

The contents of this report are

Protected

And are passed to

**Sergeant Gill Flett
North East Division
Police Scotland**

For the purposes of informing representation to Aberdeen City Licensing Board with regards to an Overprovision assessment for Off Sales premises.

This information should not be copied, circulated or passed to any other individual without the prior approval of Police Scotland.

PROTECTED

You have a responsibility to ensure that the principles of the Data Protection Act (1998) are adhered to in terms of disclosing information from this report.

Introduction

This report details Police Scotland data between 1st April 2014 and 31st December 2017. Information is segmented by fiscal year; '2017/18 YTD' relates to the period between 1st April and 31st December 2017 for the whole of Aberdeen City.

Crime and Sobriety information has been obtained from Crimefile, the Police Scotland Crime Recording system for the following offences:

- Common Assault*
- Serious Assault*
- Robbery
- Anti-Social Behaviour (ASB)*
- Sexual Offences*

This report is to inform on issues related to the provision of Off Sales premises. Offence and sobriety details from incidents that occurred within On Sales licensed premises have been discounted accordingly.

*These offences have been additionally separated in to Non Domestic and Domestic offences. Domestic offences are those which are between parties that are in, or have history of, a relationship together.

Additional Information

ASB offences are combined instances of Breach of the Peace and Threatening or Abusive Behaviour.

Selected **Sexual Offences** include:

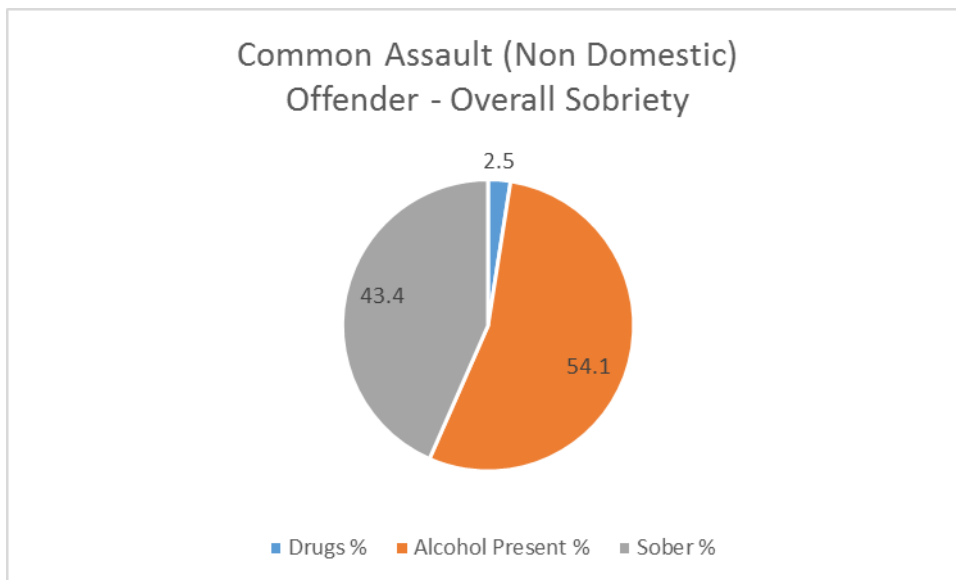
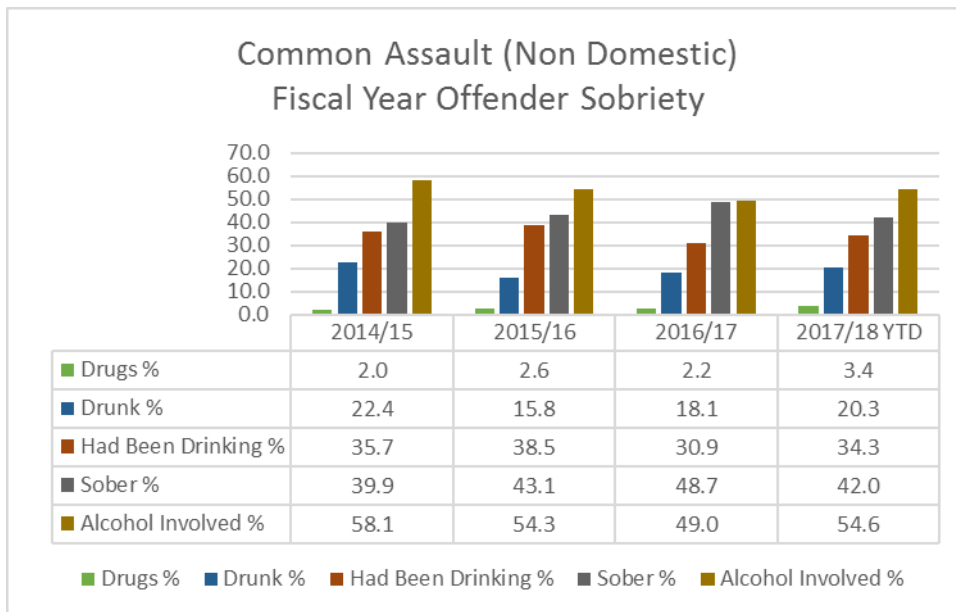
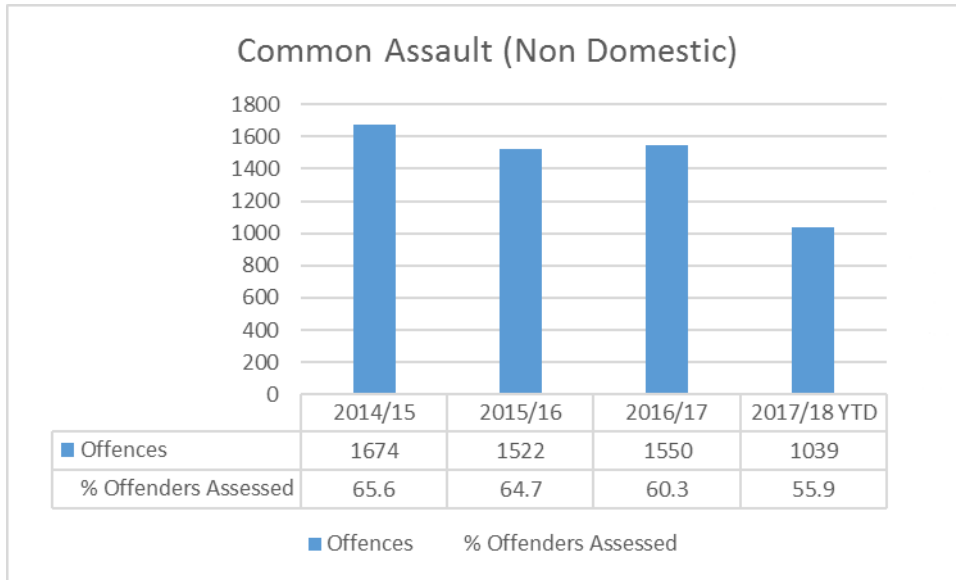
- Assault with intent to Rape Female (16+)
- Assault with intent to Rape
- Assault with intent to Rape Male (16+)
- Rape
- Rape of Female (16+)
- Rape of Male (16+)
- Sexual Assault by penetration of Female (16+)
- Sexual Assault of Female (16+)
- Sexual Assault of Male (16+)

Statistics on **Sobriety** are determined by attending Police Officers making assessments of respective parties in the immediate aftermath of a given incident, where permissible.

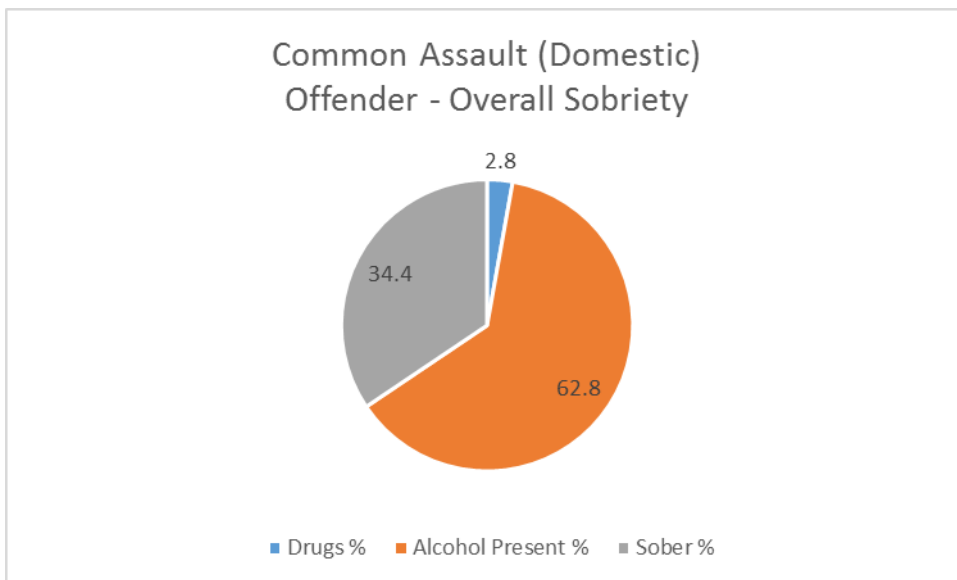
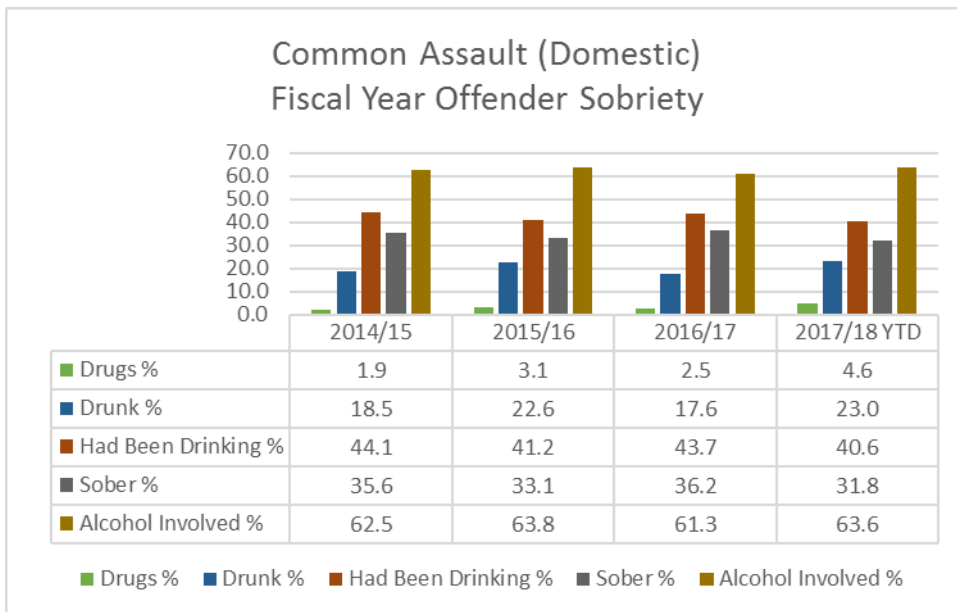
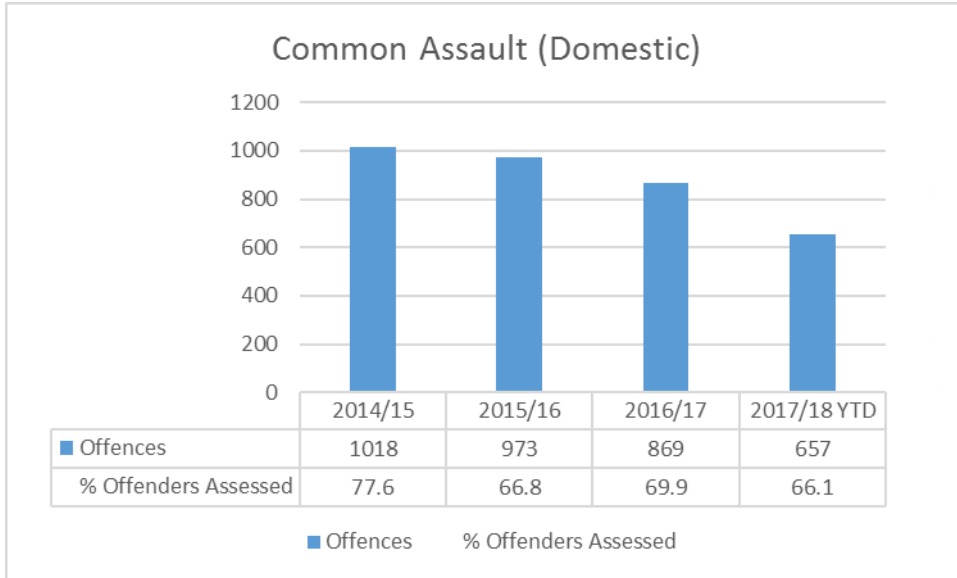
The following pages detail each offence type, distinguished between Non Domestic/Domestic as indicated, and display charts showing the number of offences in each fiscal year and the percentage of offenders with an assessed sobriety.

Additionally, fiscal year breakdowns of distinct sobriety assessments of offenders, together with cumulative proportions for the 45 months analysed split between those assessed as under the influence of drugs, alcohol or sober, are also presented.

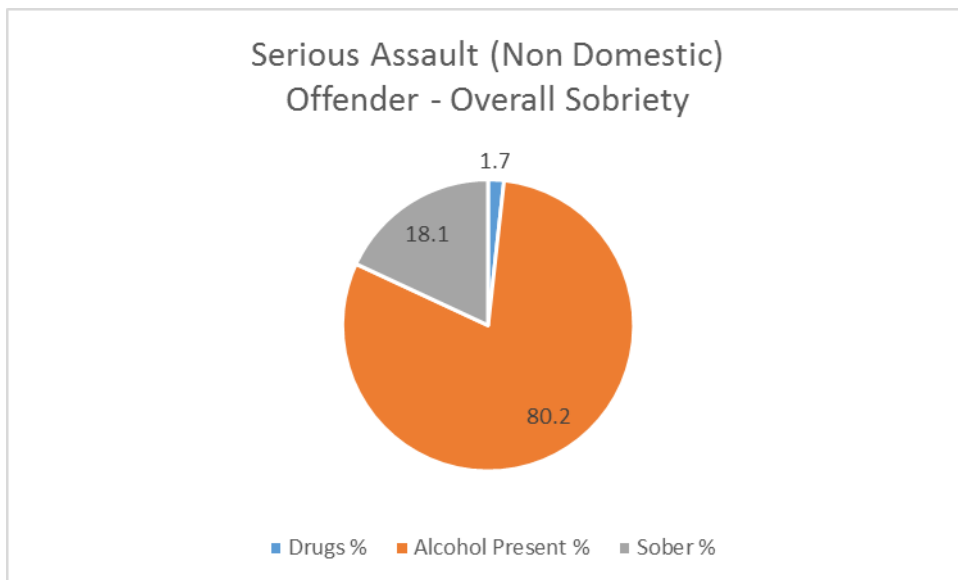
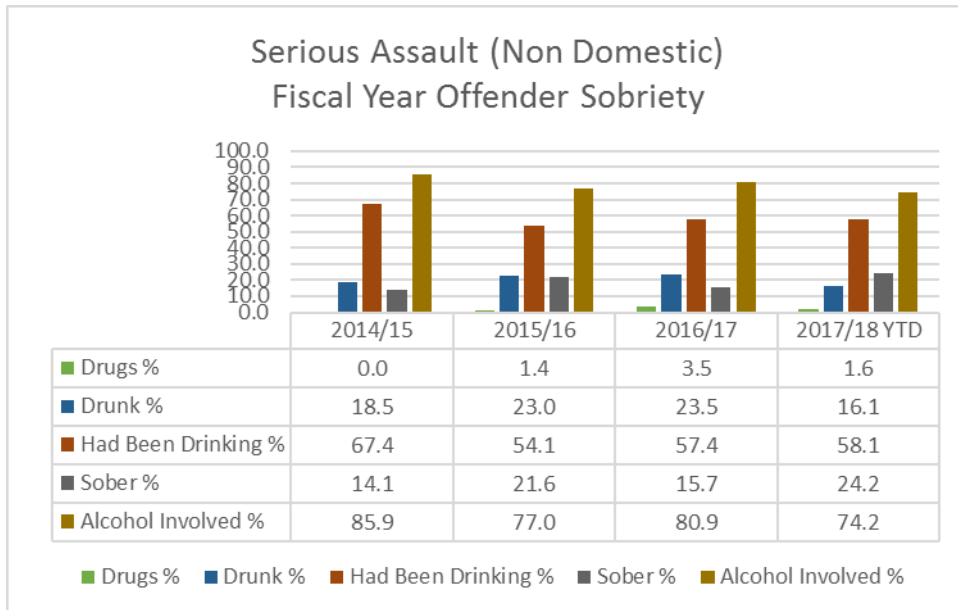
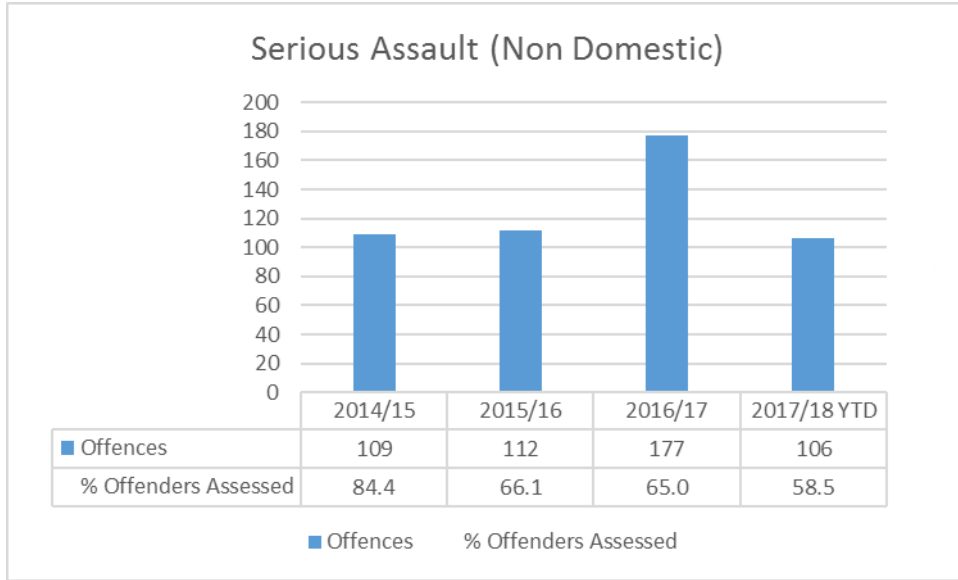
Common Assault (Non Domestic)



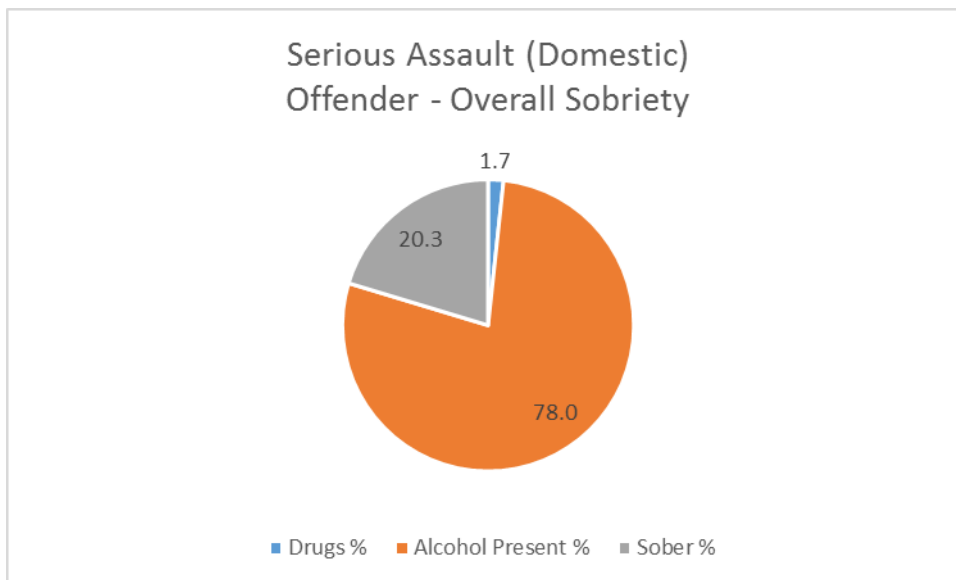
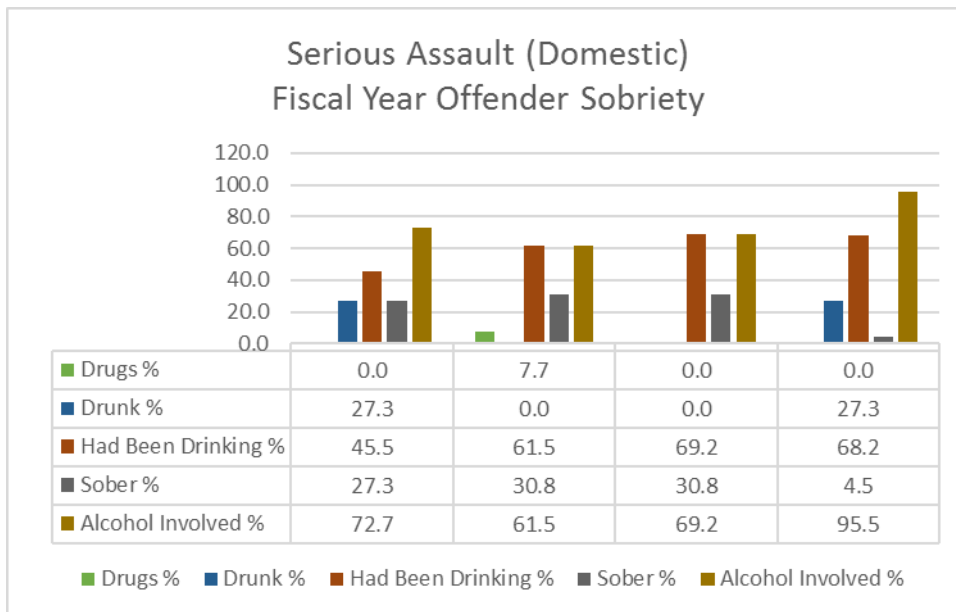
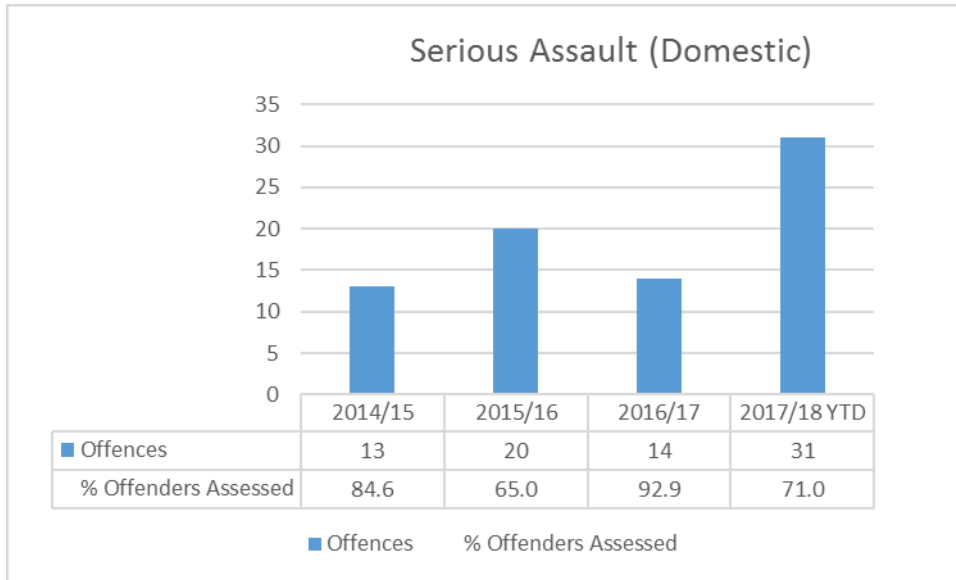
Common Assault (Domestic)



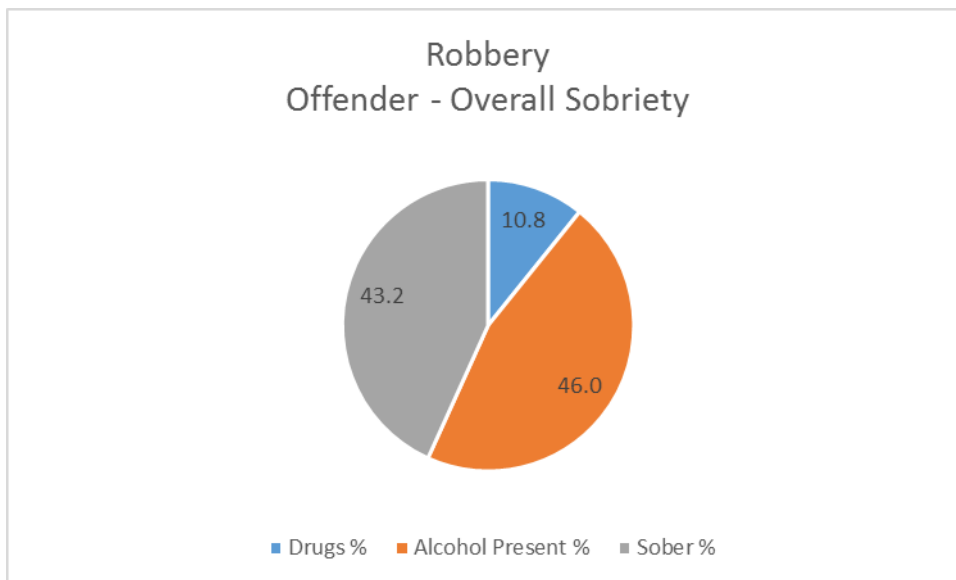
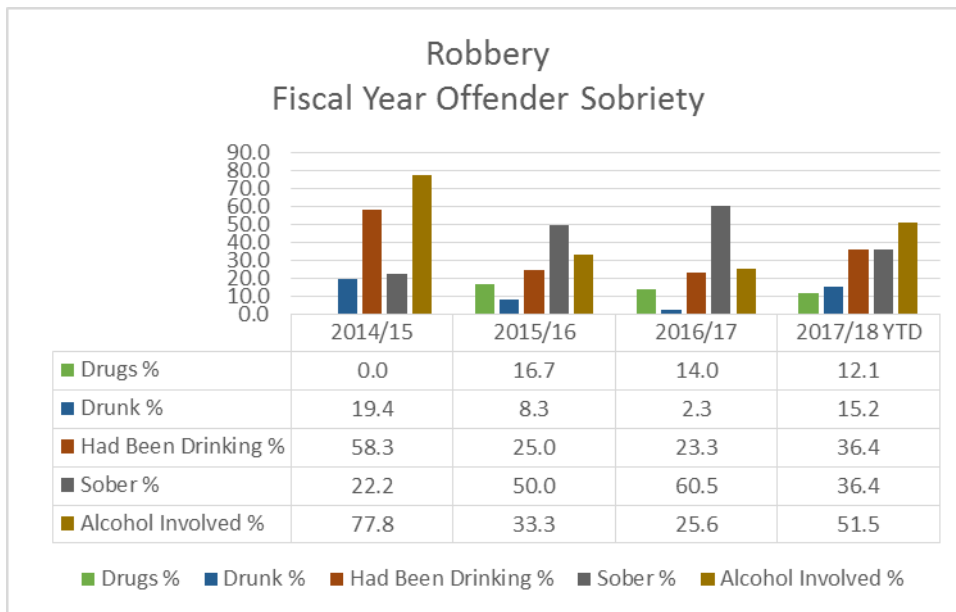
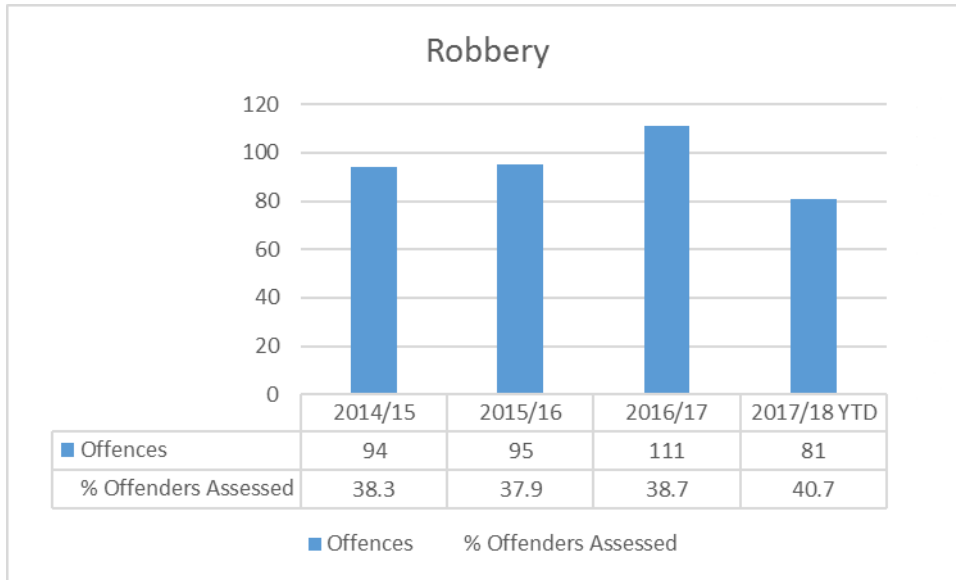
Serious Assault (Non Domestic)



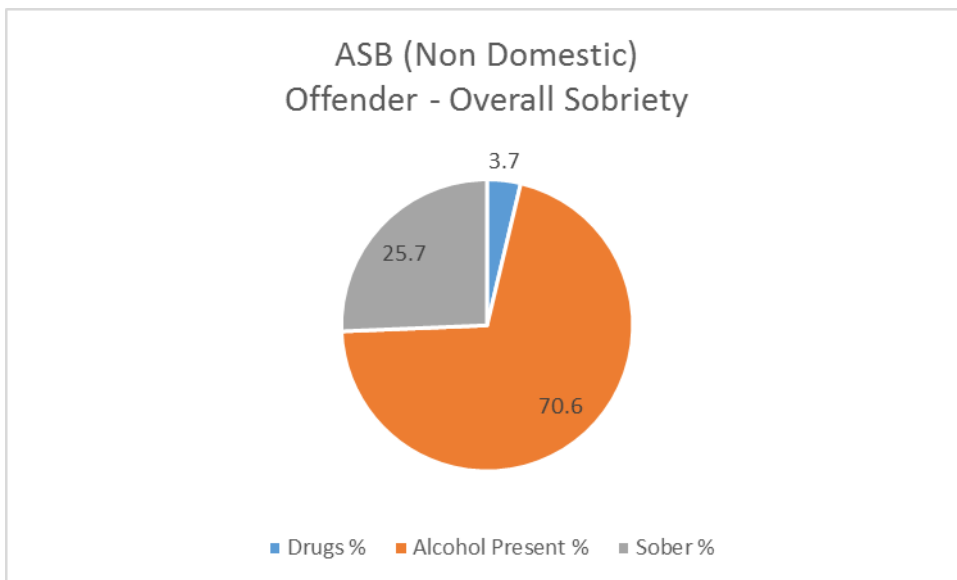
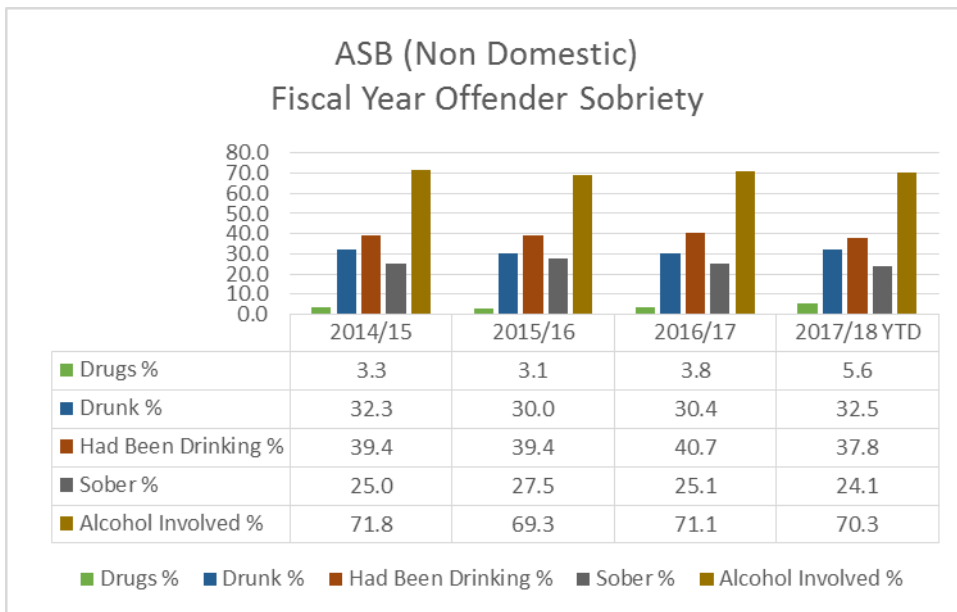
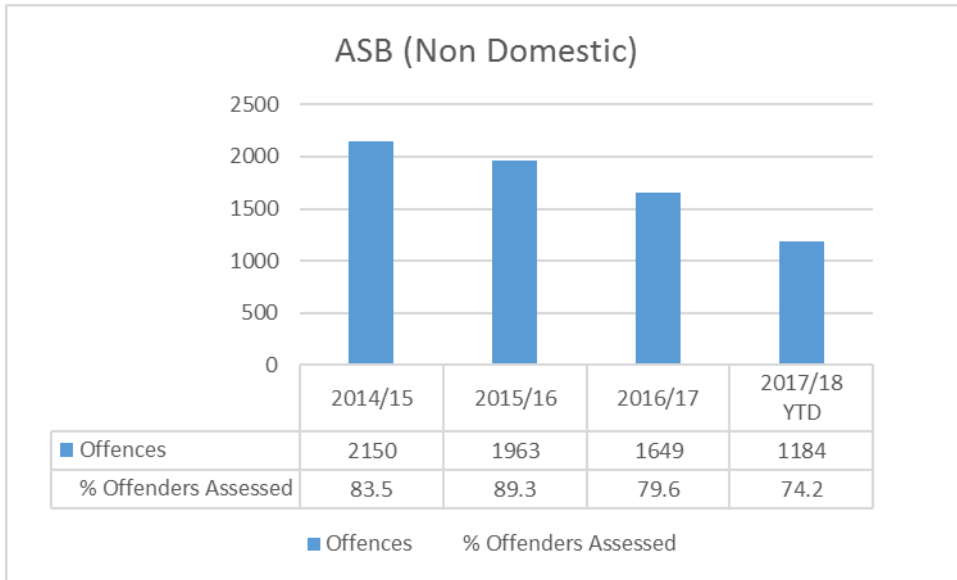
Serious Assault (Domestic)



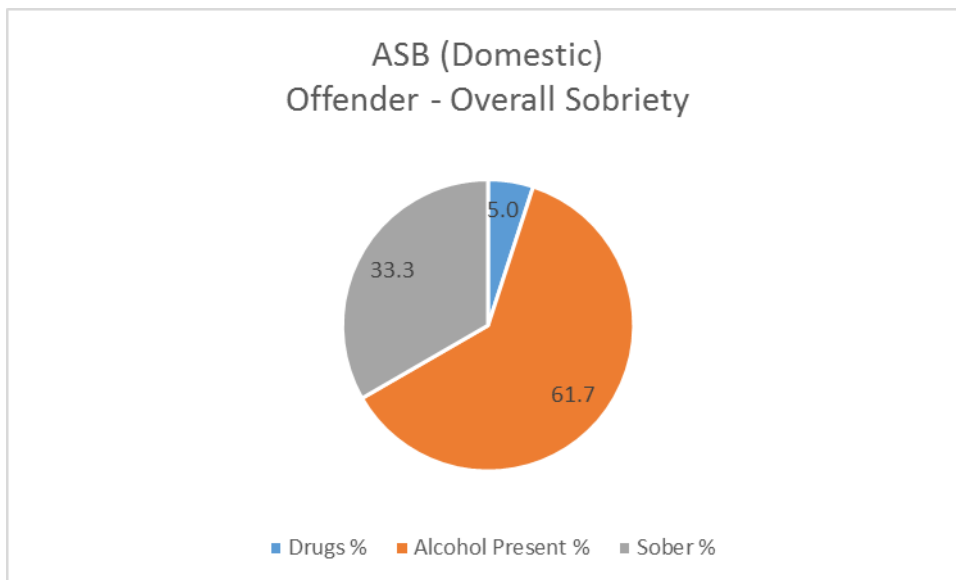
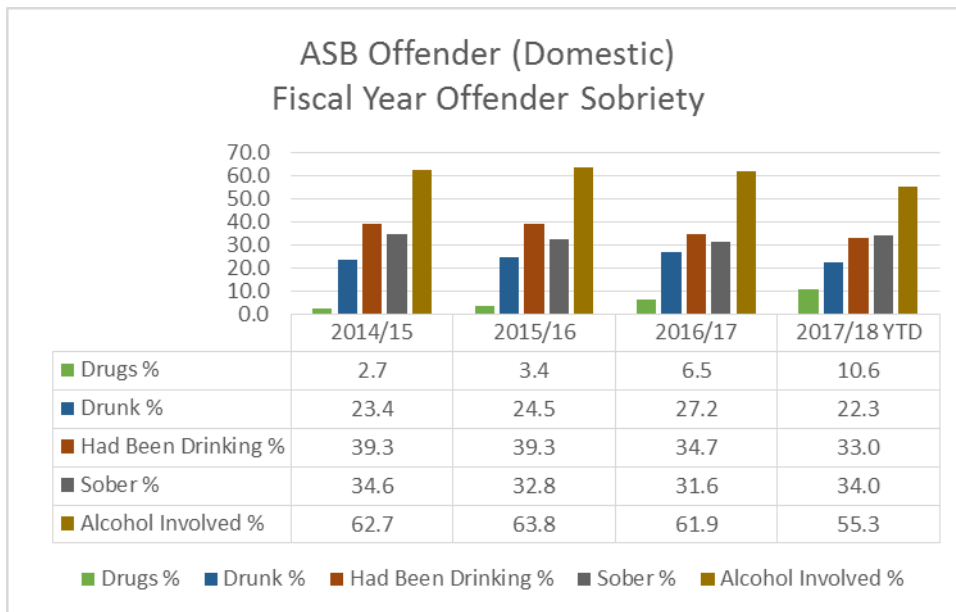
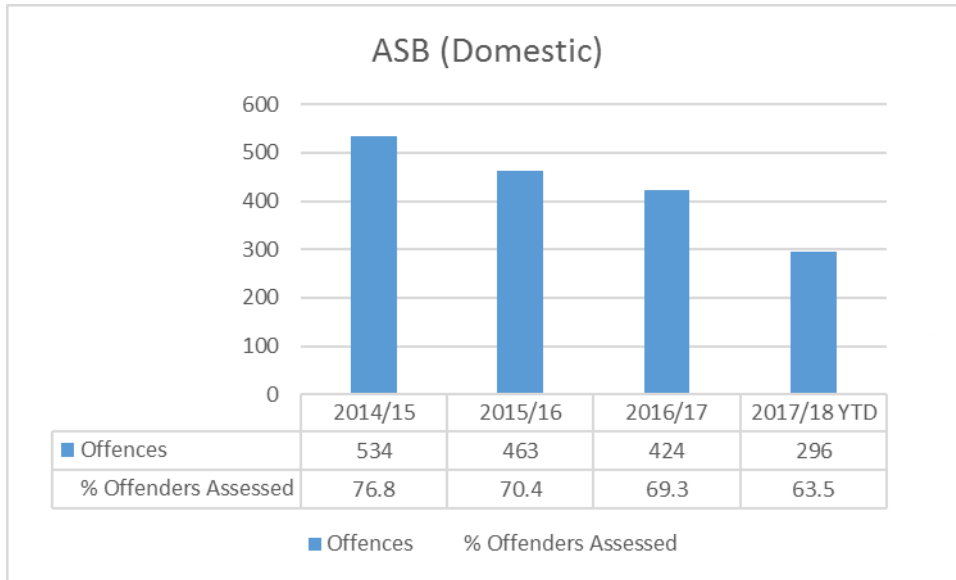
Robbery



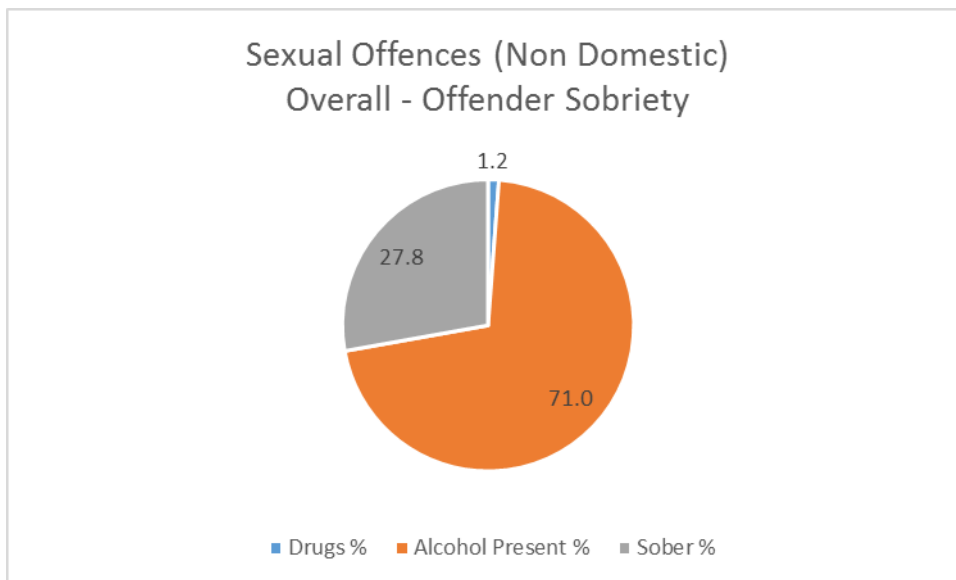
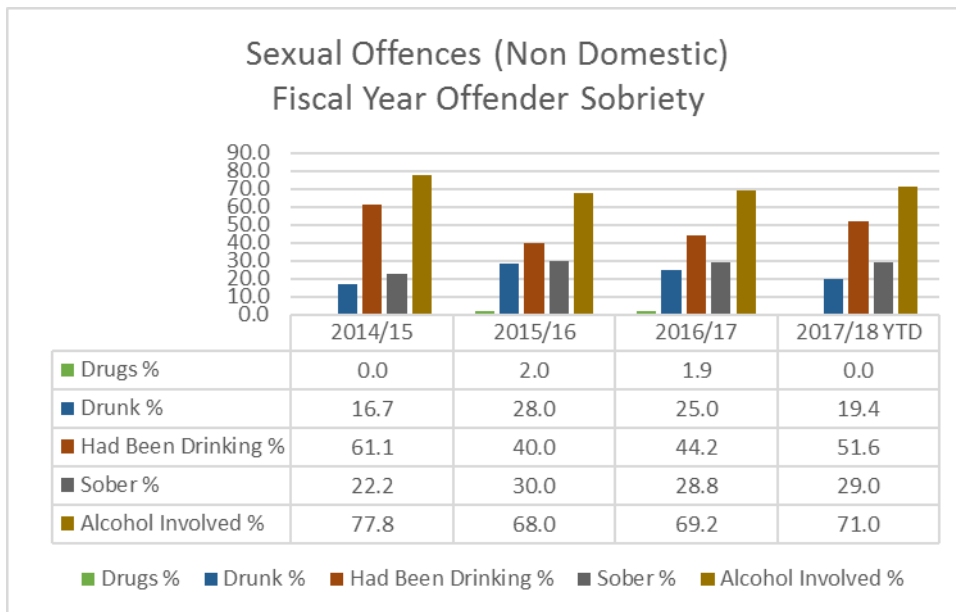
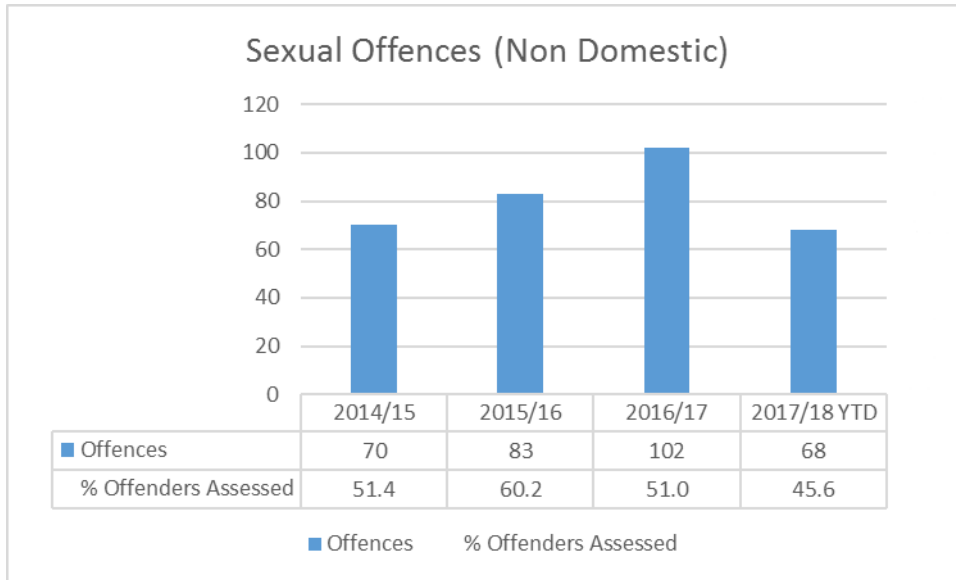
ASB (Non Domestic)



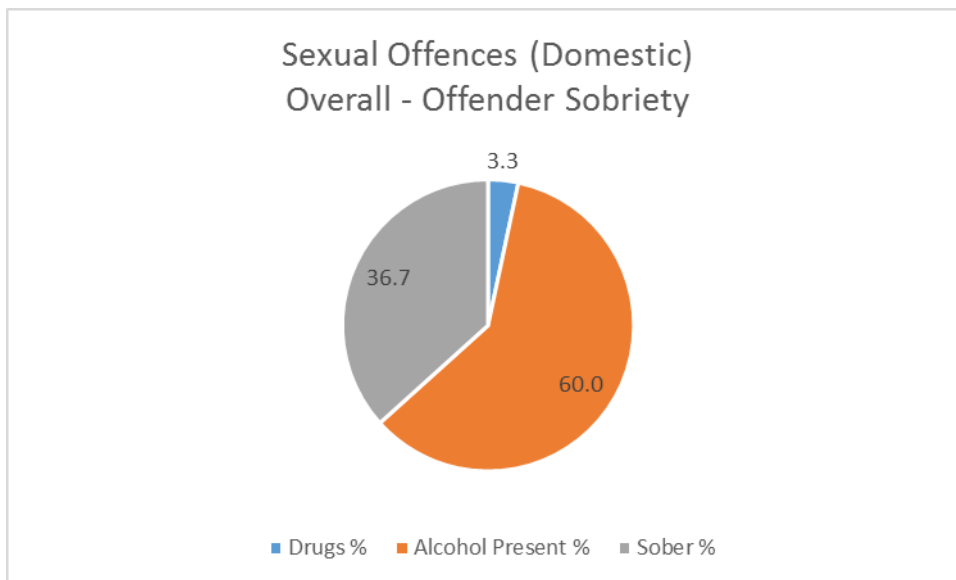
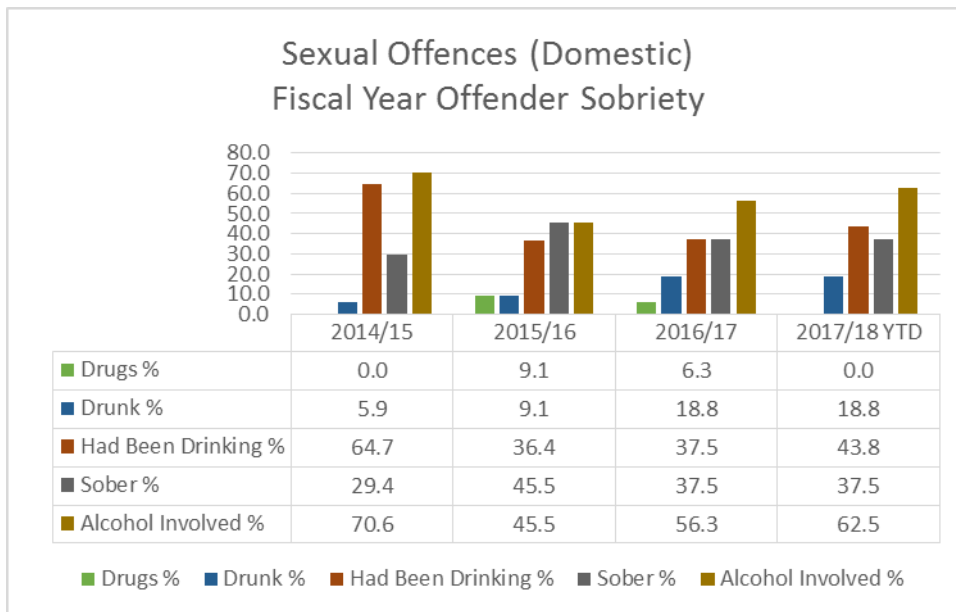
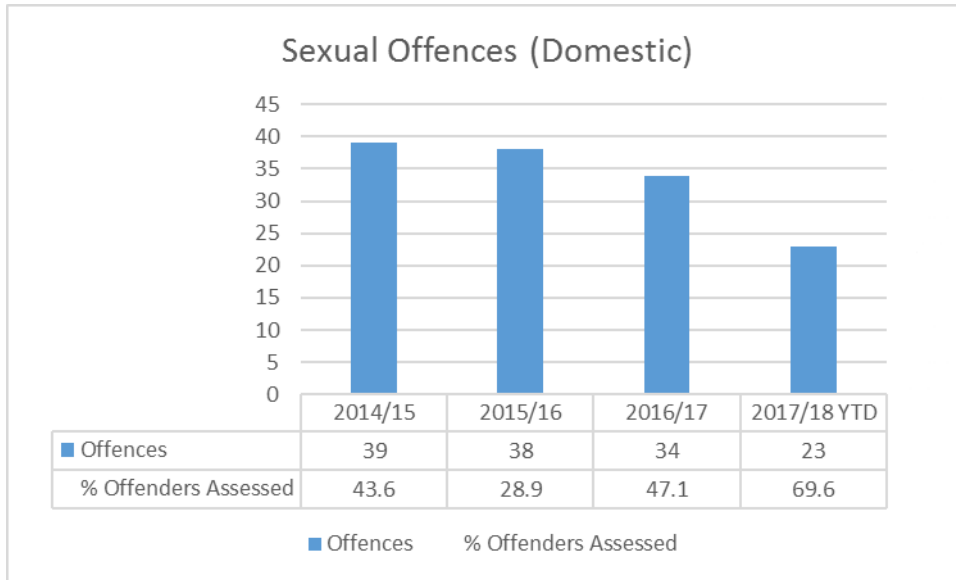
ASB (Domestic)



Sexual Offences (Non Domestic)



Sexual Offences (Domestic)





**NHS Grampian Public Health Response to Aberdeen City Council
Overprovision Consultation
Dr Tara Shivaji
Consultant in Public Health Medicine
NHS Grampian**

NHS Grampian, Public Health Directorate appreciates the opportunity to comment on the Aberdeen City Licensing Board Overprovision Policy Statement for off sales premises.

In the 35th City Voice questionnaire, respondents were asked what should influence the Aberdeen City Licensing Board in the development of the next Statement of Licensing Policy. The three most frequently selected answers were the number of existing premises, the location of proposed new premises and the proximity to existing licensed premises, suggesting that the development of an overprovision policy statement is both necessary and, must be a central part of new Statement of Licensing Policy.

We wholeheartedly support the proposal to designate the whole Licensing Board area as one locality for the purpose of assessing off-sales overprovision. The Scottish Transport Survey 2016 identified that shopping was the second most common reason making a journey in Scotland. Most journeys are made by car, the average journey distance was 9km¹. It is clear that people's lives, their shopping habits and therefore the patterns of purchasing alcohol from off sales premises can extend over large areas. Of the existing stores in operation in Aberdeen City, we have identified at least ten which offer a home delivery service accessible to the entire city population.

In Aberdeen, like the rest of Scotland, patterns of alcohol sales and consumption are changing. Three quarters of alcohol is sold in Scotland was from off sales². The 13th City Voice questionnaire identified of the City residents who drink, the place where they most regularly drink alcohol is at home. One third of 13th City Voice respondents confirmed that they pre-load alcohol prior to going out in the City. We consider that a robust overprovision policy would assist in reducing alcohol related harms and promoting the public health objective in this changing climate.

The list of off sales premises provided, as at December 2017, identifies 198 off sales premises with an overall capacity of 7,156m². The heat map illustrated at

<http://accabdn.maps.arcgis.com/home/webmap/viewer.html?webmap=7ba881dab62146109a1cb852021dd8d1> provides detail of the location of these premises but does not provide an indication of the alcohol display area or the type of premises. To aid our response to the Licensing Board questions we have categorised the licensed premises and provided similar style maps. See Appendix 1.

Do you think the current provision of off-sales premises as shown in the map is: a) Too many; b) About right; c) Insufficient.

Too many.

Whilst there is no definition or numerical threshold for judging whether there are too many or too few off sales premises. We would highlight the link between alcohol pricing, availability (in terms of number of premises), alcohol consumption and health harms. The relationship between price and availability is also described by Aberdeen City residents as factors which contributed to their own personal increased alcohol consumption in the 13th City Voice questionnaire.

The harms associated with the consumption of alcohol bought from off sales premises can be divided into short and long term harms.

The short term harms include the effects of domestic violence, child neglect and suffering. Much of these effects take place in the home environment or behind closed doors. Of the children supported by Aberdeen City Social work services during 2017, 13% involved concerns about alcohol use. This is expected to be an under estimate as parental alcohol and its impact may not be easy to identify. In the Health Impact Assessment 2017, representatives of childline told us³:

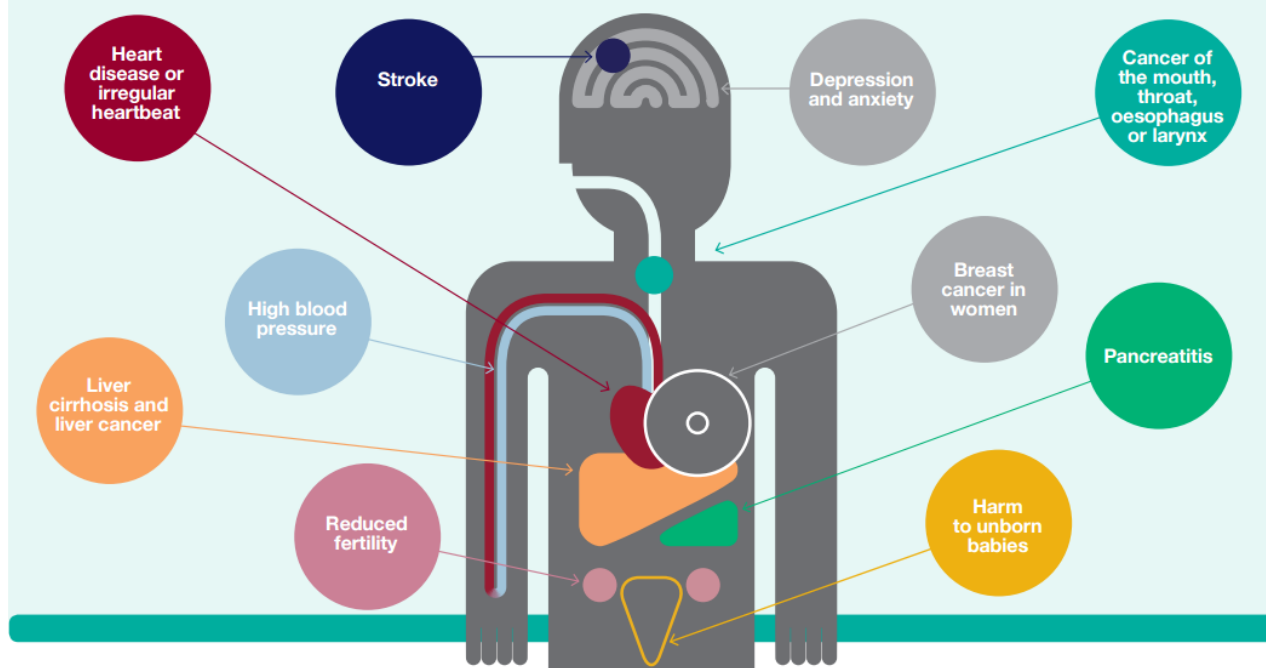
“Alcohol may not be the main presenting issue to us ...but very often alcohol is somewhere in the picture”

In the long term, regularly consuming alcohol above recommended levels increases the risk of developing physical and mental health conditions.

Specific examples the impact of alcohol on health are provided in an appendix to this document. I would like to draw the Licensing Board’s attention to the rising number of alcohol related deaths occurring in the City, most of which occur as a result of alcohol liver disease or cirrhosis. It is of particular concern that the rate of hospital admissions due to alcohol liver disease and, in particular the rate of patients newly diagnosed with alcohol liver disease has risen over the past decade in the City. Rates of hospital admissions for all alcohol related causes are above the Scottish average.

Alcohol also contributes to the development of conditions like cancer, high blood pressure, depression and anxiety⁴.

Alcohol misuse damages health



The 2017 Director of Public Health Annual Report for NHS Grampian identified that one in three adults in Aberdeen city were drinking alcohol at levels that increase their risk of experiencing health harms in the future.

Citizen's Panel 13 confirms that most the majority of people purchase alcohol from off sales premises. NHS Grampian are of the view that purchase of alcohol from off sales is a significant driver of the high levels of harm seen in the area. There is a correlation between neighbourhoods with high rates of alcohol related harm and outlet density⁵. We conclude that a compelling case for the overprovision of off sales exists.

Considering the location of the off sales premises in operation during December 2017, 96% of Aberdeen City residents live within a ten minute walk of at least one premises (appendix 2).

The 35th City Voice Questionnaire found that over three quarters of respondents felt that there were enough places to buy alcohol from in Aberdeen City. 10% of respondents reported that there were too many.

If you feel there are too many, do you think there are too many of:

- a) Premises of a particular type**
- b) Premises of a particular size**
- c) Off-sales premises in general**

NHS Grampian is of the opinion that there are too many off sales premises in general.

The 13th City Voice survey identified that the majority of respondents bought alcohol from an off sales of some description. Price and convenience have consistently been found to be the main drivers of purchase of alcohol from off sales in Aberdeen City. Over 90% of respondents to the local questionnaire buy alcohol together with other items.

In 2017, Aberdeen City Health and Social Care Partnership conducted a Health Impact Assessment on the Statement of Licensing Policy on behalf of the Local Licensing Forum. Respondents confirmed that because alcohol was available in places where they went to perform other tasks (top up electricity payments, purchase bread and milk), there was a high chance that they would spontaneously also purchase alcohol. The impulse purchasing of alcohol is not restricted or limited to premises of a particular type or premises of a particular size.

The alcohol recovery groups interviewed as part of the impact assessment identified that corner shops or small convenience stores often stocked products which appealed to people with an alcohol dependency. Appealing products are low priced and of high strength. These products are also stocked in supermarkets. When making a decision about where to purchase a drink, a person with alcohol dependency would consider price, convenience and the relationship they had with workers in the shop. Complicit relationships between individuals with alcohol dependence and shop workers were described in large supermarkets as well as corner shops. There is no evidence to suggest that the size of the shop or the business model makes any difference to the purchasing decision of a person with alcohol dependence.

If the Licensing Board determine there is overprovision, do you think there should be any exceptions to this policy under the following licensing objectives: a) Preventing crime and disorder; b) Securing public safety; c) Preventing public nuisance; d) Protecting and improving public health; e) Protecting children & young persons from harm.

A robust overprovision policy will provide grounds for refusal, however, each application still requires to be determined on its own merits and there may be exceptional cases where an applicant can demonstrate that the grant of an application or the variation of an existing licence to increase capacity would not undermine the licensing objectives. The Board should expect applicants to provide robust and reliable evidence to support their application sufficient to demonstrate that the grant of their application would outweigh the presumption against grant in terms of any Overprovision Statement.

There may be specific occurrences where an applicant is seeking to open a shop service a new housing development or another community that does not have local shopping facilities. It is NHS Grampian's view that the Licensing Board's pursuit of the public health objective must focus on the sale of alcohol rather than the public health merit of providing fresh fruit and vegetables to a community. NHS Grampian recognises that in some instances, the economic viability of a shop may depend on providing alcohol off sales. We would encourage the board to look for evidence within the proposed operating plan that limit impulse purchase of alcohol as means by which the public health objective could be pursued.

We would not view increased employment opportunities as contributing to Protecting and Improving public health. We do not agree that the revoke or surrender of a licence would automatically lead to a successful application for a new licence.

Do you have any other comments on off-sales overprovision?

The 35th Citizens Voice Panel survey identified that over three quarters of respondents were not aware of the then existing off sales overprovision policy statement. We would encourage the board to adopt an active communication strategy to inform the public of its position.

Community councils who participated in the 2017 health impact assessment would be an important stakeholder to involve. They reported a high level of interest in licensing matters and decisions. As statutory consultees, it is important that they are aware of developments in Aberdeen City Licensing Board Policy and how it impacts on their local area.

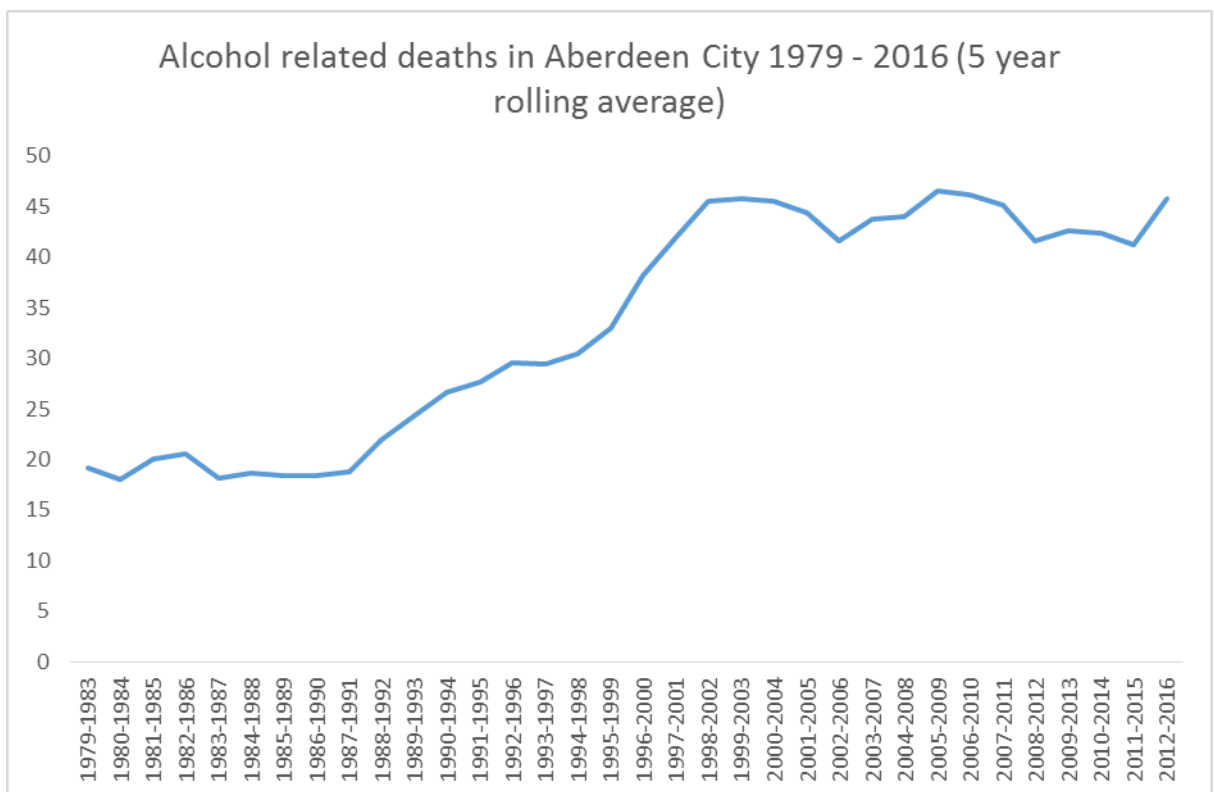
Aberdeen City Council Statement of Licensing Policy 2013 - 2016 Areas for review

1. Significant entertainment: clarification of definition. (20.8)
2. Protecting and Improving Public Health: inclusion of examples of controls/actions that contribute to this objective to maintain consistency with other sections (Section 27)
3. Home delivery of alcohol: This is not covered by the current statement of Licensing Policy so it would be good to see this included along with examples of conditions that will be applied.
4. It would be helpful to have a list of all conditions that can be applied, mandatory and non-mandatory conditions which may be considered (6.1)
5. Occasional licence applications – feel it appropriate that the section on how alcohol might be sold in educational establishments should be further developed. (11.2 & 11.5)
6. Reference to other documents that could influence the SLP, including the LOIP, The Health Impact Assessment conducted by the Local Licensing Forum and the commitment of Aberdeen City to achieve child friendly status,
7. Change in terminology regarding drinking to use the term low risk drinking
8. Hours of trading we would wish to a continuation of the 3am on terminal hour. (20.3, 20.4)

Appendix 1 Summary Health Statistics

In 2016 there were 56 alcohol-related deaths recorded in Aberdeen city, the highest number for a decade. Looking at the long term trends, it would appear that the trend is turning upwards.

Figure 1 Alcohol related deaths 5 year rolling average Aberdeen City⁶



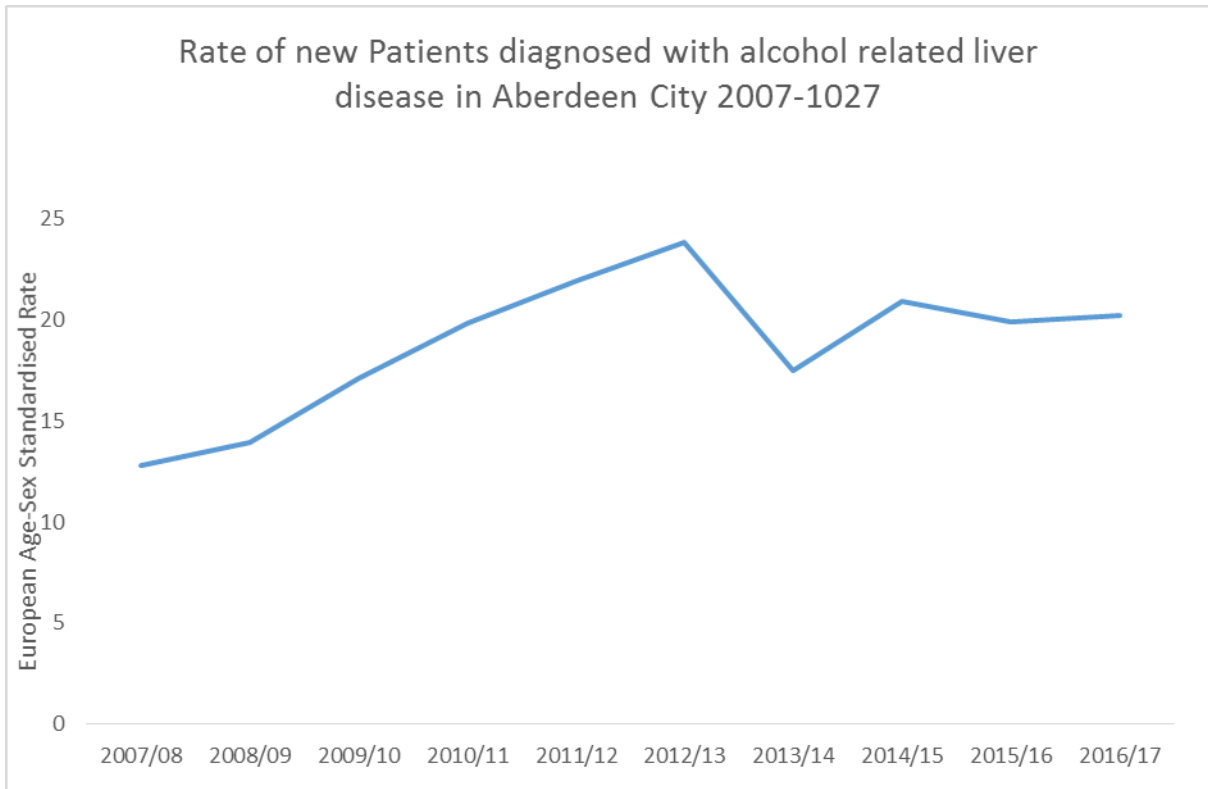
Between half and two thirds of alcohol related deaths in Aberdeen City are due to alcohol related liver disease. There has been a steady rise in the rate of hospital stays due to alcohol liver disease in Aberdeen City over the past 20 years.

Figure 2 Rate of Hospital Stays due to Alcohol Liver Disease



Of particular concern is the rise in the rate of new patients diagnosed with this condition in the City over the past 10 years.

Figure 3: Rate of patients hospitalised and newly diagnosed with alcohol related liver disease



Whilst not all of these individuals are dependent on alcohol, most will have consumed large amounts of alcohol over a long period of time.

A health impact assessment commissioned by the Aberdeen City Licensing Forum in 2017 identified that individuals with alcohol dependence and problematic drinking behaviours preferentially buy alcohol from off sales rather than on sales premises^{4a}

Referrals to the integrated alcohol service have not fallen over the last 3 years. Referrals are received from all postcode sectors of Aberdeen City. Around 700 people access help each year. There is considerable variation in the referral rates of local areas.

¹ Scottish transport Survey available at <https://www.transport.gov.scot/publications/>

² http://www.healthscotland.scot/media/1460/alcohol-sales-in-scotland-2016_english.pdf

³A Health Impact Assessment of the Aberdeen City Licensing Board Statement of Licensing Policy, November 2017 Aberdeen City Local Licensing Forum

⁴ Public Health England available at <https://publichealthmatters.blog.gov.uk/2015/06/17/alcohol-some-encouraging-trends/>

⁵ <http://www.alcohol-focus-scotland.org.uk/media/65042/Alcohol-outlet-density-and-harm-report.pdf>

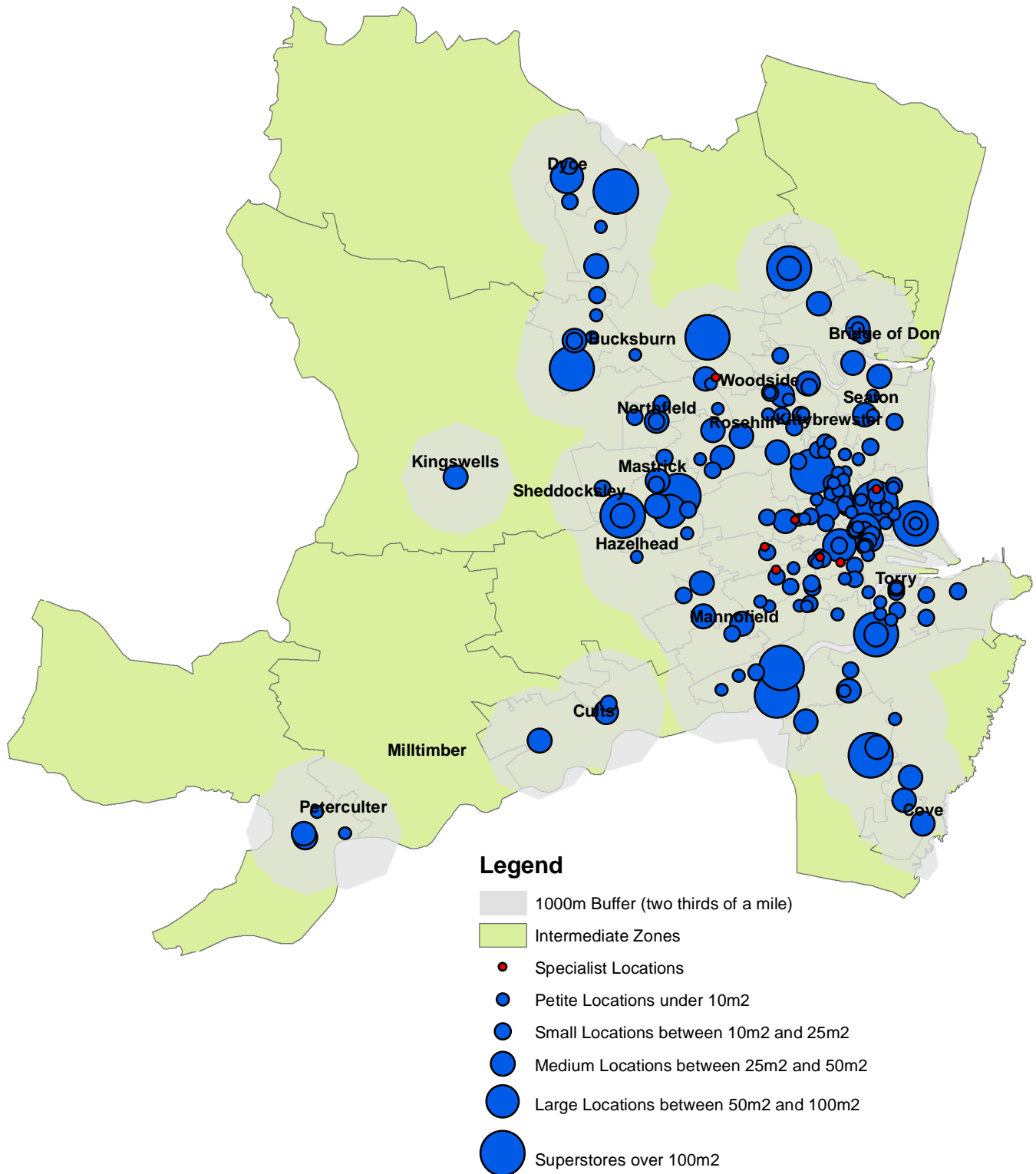
⁶ National Records of Scotland. **2017**. *Alcohol-related deaths in Scotland, 1979 to 2016*. [online] Available at: <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-related-deaths>

⁷ Information Services Division. **2016**. *Alcohol-related hospital statistics Scotland 2015/16*. NHS National Services Scotland. [online] Available at: <https://www.isdscotland.org/Health-Topics/Drugs-and-Alcohol-Misuse/Publications/2016-10-25/2016-10-25-ARHS-Report.pdf>

Aberdeen City

Alcohol Off Sales Licensed Premises (198)

as at December 2017
(1000m buffer)



Based on general practice registration of Aberdeen City residents at April 2017
 192000 = 18 years and over population
 184000 = 18 years and over live within 1000 metres of off-sales premises
 96% = percentage of residents live within 1000 metres of off-sales premises

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OVERPROVISION CONSULTATION – OFF-SALES PREMISES

Prior to the full consultation on the Licensing Board's Statement of Licensing Policy, the Licensing Board is keen to establish an interim overprovision policy for off-sales premises given that the Licensing Board is currently operating without a policy in this area.

The Licensing Board has recognised the inherent difficulty in establishing a causal link between the operation of premises in a small defined area and the available statistics and data from partner agencies demonstrating health and crime statistics over the population of the whole of Aberdeen over a longer period of time. The Licensing Board does however consider it a reasonable assumption that the majority of alcohol sold within the Licensing Board's overall area will be consumed within that area. Accordingly, for the purposes of off-sales overprovision only, the Licensing Board have designated the Licensing Board's whole area as one locality in order to be able to attribute meaningful weight to relevant data which may not be available at a more localised level.

A list of all currently licensed off-sales premises, together with a note of capacity for each can be found here:

The location of those premises can be viewed here:

<http://accabdn.maps.arcgis.com/home/webmap/viewer.html?webmap=7ba881dab62146109a1cb852021dd8d1>

With this in mind the Licensing Board is keen to gauge opinion on the following question. Please also provide any relevant evidence to support any submissions.

- Do you think the current provision of off-sale premises as shown as in the map is:
 - **Too many?**
 - About right?
 - Insufficient?

- If you feel there are too many do you think there are too many of:
 - Premises of a particular type?
 - Premises of a particular size?
 - **Off-sales premises in general?**

- If the Licensing Board determine there is overprovision, do you think there should be any exceptions to this policy under the following licensing objectives:-
 - Preventing crime & disorder.
 - Securing public safety.
 - Preventing public nuisance.
 - Protecting and improving public health.
 - Protecting children and young persons from harm. **No**

- Do you have any other comments on off-sales overprovision? **On the basis that there are too many off sales it would be beneficial to include the whole area as an area of overprovision for off sales, rather than be constricted to specific areas or localities within the whole area. In addition could variations which would enable a substantial increase in capacity areas and or core hours be included within the overprovision policy?**

Please send your comments marked “Off-sales overprovision consultation” to licensing@aberdeencity.gov.uk or alternatively to The Licensing Team, Business Hub 6, Level 1 South, Marischal College, Broad Street, Aberdeen, AB10 1AB

The Licensing Board also intend to begin the consultation on the overall Statement of Licensing Policy early in the new year. The Licensing Board’s current policy can be viewed here:

<https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/Statement%20of%20Licensing%20Policy.pdf>

The Licensing Board are interested to receive suggestions on which sections of the Policy Statement that warrant particular scrutiny. Please send any comments marked “Policy Statement” to licensing@aberdeencity.gov.uk or to The Licensing Team, Business Hub 6, Level 1 South, Marischal College, Broad Street, Aberdeen, AB10 1AB

PLEASE ENSURE ALL RESPONSES ARE SUBMITTED NO LATER THAN 28 FEBRUARY 2018.

AFS RESPONSE TO ABERDEEN CITY LICENSING BOARD OVERPROVISION CONSULTATION – OFF-SALES PREMISES (FEBRUARY 2018)

INTRODUCTION

Alcohol Focus Scotland (AFS) welcomes the opportunity to participate in the Aberdeen City Licensing Board’s consultation on overprovision for off-sales premises. The licensing system plays a key role in minimising the risks of harm to individuals and society from the sale and consumption of alcohol. AFS is therefore keen to support the development of licensing policy and practice in Scotland that works most effectively to prevent and reduce alcohol problems. As a national organisation, we do not have sufficient local knowledge of the Aberdeen City area to enable us to comment in detail on some of the specific localities and premises concerned. However, we offer our opinion on the general approach and policy direction, which we hope the Licensing Board will find useful.

GENERAL COMMENT

AFS understands that the Board is keen to establish an interim overprovision policy for off-sales premises as it is currently operating without a policy in this area. This is welcomed but it will be critical that the development of such an interim policy does not in any way undermine, subvert, or confuse the imminent development of the new Statement of Licensing Policy (and the related overprovision assessment). Although boards have flexibility in deciding how to address overprovision in their area, they must follow the process set out in the guidance to the Licensing (Scotland) Act 2005 when assessing overprovision, including with regards to consultation and the publication of policies. It will therefore be important that the Board is absolutely clear as to how this consultation, and any interim off-sales overprovision policy, is intended to relate to the subsequent development of the Statement of Licensing Policy and related overprovision assessment.

AFS fully supports the Board’s decision to designate the entire Board area as one locality in order to be able to attribute meaningful weight to data which may not be available at a more localised level. In the past, the majority of licensing boards have tended to apply an overprovision assessment to relatively small areas, which is in keeping with a traditional approach to licensing that focused on town centre disorder and on-licence premises. However, the Air Weapons and Licensing (Scotland) Act 2015 clarified that the whole of a board’s area can be treated as a locality.

Alcohol consumption and purchasing patterns have changed dramatically over the past few decades. 73%¹ of alcohol sold in Scotland is now bought from off-sales premises, people travel further to buy alcohol, and some important indicators of alcohol-related harm relevant to the promotion of the licensing objectives are only available over larger areas. Therefore, using only small localities for the purpose of assessing overprovision may not be the most appropriate approach for all types of licensed premises, or for the promotion of the licensing objectives. If licensing policy must seek to promote the licensing objectives, and if indicators of the licensing objectives can only be

¹ Giles, L., & Robinson, M. (2017). *Monitoring and Evaluating Scotland’s Alcohol Strategy: Monitoring Report 2017*. Edinburgh: NHS Health Scotland

demonstrated over a larger geographical area, then it is arguable that a licensing board should assess overprovision over the larger area to fully promote these objectives.

SPECIFIC COMMENT

1. Do you think the current provision of off-sale premises as shown as in the map is:

- a) Too many?
- b) About right?
- c) Insufficient?

A) Too many

There is no simple numerical formula for pinpointing the threshold between provision and overprovision. Determining overprovision involves the application of reason and judgement in the interests of the community. Alcohol harm statistics for Aberdeen City should therefore be considered in conjunction with density information, such as from the [CRESH alcohol outlet density map](#),² to make an informed assessment of overprovision.

Decisions on overprovision should also be informed by evidence from the police, health authorities and other agencies. AFS notes the range of evidence provided by these agencies, relevant to off-sales overprovision, cited in the Aberdeen City Licensing Board Statement of Licensing Policy for 2013-2016. This data supported the view that the whole of the Board's area had overprovision of off-sales premises, including statistical findings relating to alcohol related health harm and crime in the Aberdeen area. The most up-to-date data available for Aberdeen strongly indicates that this remains the case.

In Scotland, 1 in 4 people drink above the low-risk drinking guidelines.³ In Aberdeen City, there are more people drinking above the low-risk guidelines than in Scotland as a whole; more than 1 in 3 men (36%) and 1 in 5 women (20%) are drinking at hazardous/harmful levels.⁴ The most recent data available also shows that in Aberdeen City there were 1,658 alcohol-related hospital stays (2015/16)⁵, 56 alcohol-related deaths (2016)⁶, and 20 child protection cases where parental alcohol misuse was involved (2015/16).⁷ The Scottish liquor licensing statistics 2016/17 show that there are 658 premises licences in force in Aberdeen⁸. In fact, Aberdeen has the third highest alcohol outlet availability in Scotland, approaching two times higher than the national average.⁹ The £120.9m annual cost of alcohol harm to Aberdeen (health, social care, crime and productive capacity) is also significant, equating to £557 per person.¹⁰ Aggregated statistics such as these point compellingly to the conclusion that there exists a state of overprovision in Aberdeen.

² Available at <https://creshmap.com/shiny/alcoholtobacco/>

³ Bardsley, D. et al (2017). *The Scottish Health Survey 2016 Edition, Volume 1, Main Report*. Edinburgh: Scottish Government.

⁴ Scottish Government (2017). *Scottish Health Survey: Results for Local Areas 2013/2014/2015/2016. Local Authority Results: 2013-2016*. Edinburgh: Scottish Government.

⁵ Information Services Division (2017). *Alcohol-Related Hospital Statistics Scotland 2016/17*. NHS National Services Scotland.

⁶ National Records of Scotland (2017). *Alcohol-Related Deaths in Scotland, 1970-2016*. Edinburgh: National Records of Scotland.

⁷ Scottish Government (2017), *Children's Social Work Statistics Scotland Additional Tables 2015/16*. Edinburgh: Scottish Government.

⁸ Scottish Government (2017). *Scottish Liquor Licensing Statistics 2016/17*. Edinburgh: Scottish Government

⁹ Alcohol Focus Scotland (in press). *Alcohol Outlet Availability and Harm in Aberdeen City*. Glasgow: Alcohol Focus Scotland.

¹⁰ Alcohol Focus Scotland (2012). *The Cost of Alcohol in Aberdeen City 2010/11*. Glasgow: Alcohol Focus Scotland

2. If you feel there are too many do you think there are too many of:

- a) Premises of a particular type?
- b) Premises of a particular size?
- c) Off-sales premises in general?

AFS does not have a sufficient level of local knowledge of the Aberdeen area to provide informed comment on this.

3. If the Licensing Board determine there is overprovision, do you think there should be any exceptions to this policy under the following licensing objectives:-

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

No: Except in exceptional circumstances, applications for new premises should be refused where it has been determined that there is overprovision. Overprovision statements should be flexible as there may sometimes be legitimate reasons as to why an application would be granted in overprovision areas. AFS would therefore encourage boards to carefully set out what will and will not be considered as an exception to avoid appeals. However, we would stress that overprovision is a grounds for refusal in its own right. This means that in an overprovision case where there is no inconsistency with the objectives does not mean there is no overprovision, as this is a separate issue.

4. Do you have any other comments on off-sales overprovision?

Given recent legal challenges¹¹, AFS would emphasise the importance of ensuring that overprovision assessments and decisions demonstrate a factual basis and can be deemed reasonable and proportionate to achieving the objectives of licensing (although a licensing board exercises discretion and judgement in the performance of its duties). Taking a systematic approach to the preparation of an overprovision statement will help to ensure well-reasoned and robust licensing decision-making.

As commented above, boards must follow the process set out in the guidance to the Licensing (Scotland) Act 2005 when assessing overprovision. The formulation of the statement required by Section 7 of the Act involves the following process:

- the selection of appropriate localities based on a broad understanding of provision across the Board's area;
- the identification of the number of licensed premises or premises of a particular description in those localities and their capacities;
- consultation with the relevant persons;
- an assessment of the information gathered from those persons;
- reaching a decision as to whether it can be demonstrated that, having regard to the number and capacity of licensed premises or licensed premises of a particular description in a locality, it is undesirable to grant further licences or further licences for premises of a particular description on the ground of overprovision, and;
- producing a statement in its published policy.

¹¹ E.g. Martin McColl Ltd v Aberdeen City Licensing Board, 2015

It should also be noted that factors other than numbers and capacity can now be considered, including licensed hours. Indeed, AFS believes that temporal availability is an important factor to be taken into account when considering the overall availability of alcohol in an area. AFS has identified over 50 research studies published since 2000 that find an association between the total number of licensed premises and opening hours in a locality, and levels of alcohol harm. Localities examined include cities, states, provinces and countries and several studies have specifically investigated the links between temporal availability and alcohol harm. This includes a 2017 systematic review of literature (published between 2000-2016) studying the impact of policies regulating alcohol trading times on alcohol related harm, which found that policies regulating times of alcohol trading can contribute to reductions in injuries, alcohol-related hospitalisations/emergency department visits, homicides and crime.¹²

¹² Sanchez-Ramirez DC, Voaklander D (2018). The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review. *Injury Prevention* 2018;24: 94-100.

**Aberdeen City Licensing Board
Consultation on off-sales licensing in Aberdeen**

Aldi Stores Limited, Holly Lane, Atherstone, Warwickshire, United Kingdom, CV9 2SQ

Aldi are grateful for the opportunity to respond to the Aberdeen City Licensing Board's consultation on its proposal to establish an interim overprovision policy for off-sales premises. The Board is to be praised for its engagement with stakeholders in the development of its policy especially given licensing's very real impact on all members of the community from the citizens of Aberdeen to retailers and leisure operators.

Background:

We wish to give the Board some background about Aldi and our mode of operation given that Aldi currently two premises licences in your jurisdiction (please see undernote). Aldi is of the view that it may be helpful for the Board to understand the wider value and benefit of responsible well run retail premises both within the Board's area and across the Scottish economy as a whole. Unfortunately, it has been our experience that in some areas an overly simplistic view has been endorsed, namely, all off-sales premises have a negative effect. It is our respectful opinion that this is simply not the case.

Since opening the doors of our first store in 1913, we have established ourselves as one of the most reputable retailers in the world, as evidenced by being awarded many accolades such as being Which? Best Supermarket of the Year Award 2009, 2012, 2013 and 2015; Grocer Gold 2017 Employer of the Year; Netmums Best Supermarket of the Year 2017; Good Housekeeping Food Award 2017; Fresh Awards Multiple Retailer of the Year 2017.¹ Furthermore, Aldi has once again been named by Which? as Britain's favorite supermarket in 2018.²

Our aim remains to provide our customers with good quality products at a fair price.

Aldi has 762 stores in the UK and we believe that these stores make a positive contribution to local communities, complementing existing retailers and providing a range of benefits in the local area.

Aldi in Scotland:

In Scotland, Aldi currently operates 78 stores and we wish to expand that portfolio to have over 100 stores throughout the country by 2020. Through all of these stores, we showcase the best food and drink that Scotland has to offer.

We stock more than 350 every day Scottish products and work with over 80 Scottish core suppliers. 22 % of our sales in Scotland come from products sourced from these suppliers. All of Aldi's fresh (everyday) meat is either Scottish or British sourced. Where possible, we source Scottish fruit and vegetables and we work sustainably to build long term relationships and share expansion plans with growers. By doing so Aldi supports Scottish farmers, producers and manufacturers, and helps grow the value of Scotland's food and drink industry. We currently work with various suppliers in the Aberdeen area and these suppliers cover a range of different products from fresh and frozen meat and game, both seasonally and as a core product, to ready meals and preserved foods. We are responsible for £244 million in gross value added contribution ("GVA") to the gross domestic product ("GDP") from working with Scottish suppliers and we contribute £169 million in GVA to the GDP through selling Scottish products in our UK

¹ <https://www.aldi.co.uk/awards>

² <https://www.standard.co.uk/news/uk/aldi-crowned-uks-favourite-supermarket-after-knocking-waitrose-off-top-spot-a3764301.html>

and Irish stores.

We are a major contributor to the Scottish Economy. In 2016 we contributed over £380m to the Scottish economy by way of our retailer operations (£127m); £75m through sales of Scottish sourced products in Scottish stores; £169m through selling Scottish products in Aldi's UK and Irish stores; £9m taxes on product. Our total tax contribution was £27.4m.

In 2017, we employed 2400 people in Scotland (an increase from 242 employees in 2005). We support 9000 jobs - for every one Aldi job, 3.75 jobs are supported in the wider Scottish economy.

Limited range:

Aldi's trading philosophy is based on simplicity and maximum efficiency at every stage of the business, from supplier to customer, enabling us to sell high quality products from a limited range of exclusive own labels at competitive prices.

A key part of this approach is our "limited range" approach to the stocking of goods. We restrict the range to about 1,700 core products which allows us to create operational efficiencies that creates savings to be passed to customers.

This limited range is reflected in our alcohol range. We do not operate multiple aisles of alcohol, instead it is a relatively small area for the size of store that we typically operate.

This is evidenced by the fact that in many of our stores, we have a "seasonal" component to the alcohol display that is online between 24 November to 9 January each year. This extra space is designed to accommodate Christmas lines, including Port, Glühwein etc. we do not need this space most of the year only applying for what we need without "banking" space and we feel demonstrates our responsible approach to retailing.

Aldi in the Community:

We see ourselves as very much a part of local community. As a responsible business we want to make a positive contribution to the community by applying our skills and resources beyond just our stores. To this end we support charities and also operate our own schemes that make a positive impact on the community.

Aldi are proud to operate the Scottish Sport Fund, a Scotland-wide community-based sport programme to make it easier for children to take part in sports within their local communities by giving clubs the chance to secure up to £500 of funding.³

As Official Supermarket Sponsors of Team GB, the Scottish Sport Fund will be a lasting legacy of Aldi's commitment to help young people take part in physical activity within their local communities..⁴

The Aldi Scottish Sport Fund is open to any sporting organization in Scotland with a local, community focus and with Sport at the heart of what they do. As Aldi is growing in Scotland, our goal is to increase the positive impact we have on the local communities that have supported us. We want to help as many sports clubs as possible, so each club has the opportunity to apply for a £500 share of the total fund. In 2016, we donated £40,000 to clubs from every corner of Scotland, before increasing our budget to £50,000 for 2017. We are pleased to announce that the Aldi Scottish Sport Fund will be returning in 2018 for its third year and we expect to support 100 clubs across Scotland to invest in facilities or to help fund transport and

³ <https://www.aldi.co.uk/scottishsportfund>

⁴ <http://www.telegraph.co.uk/finance/newsbysector/retailandconsumer/11953908/>

expenses to make local sports projects possible. We hope to continue for many years to come.

Since 2012 we have donated food to vulnerable people through our work with FareShare, a registered charity that redistributes surplus food to local charities throughout the UK. This includes care shelters, women's refuges and children's breakfast clubs. Between June 2015 and June 2016, we donated the equivalent of over 216,000 meals and we also provide food to smaller charities.

From January to August 2017 we donated 50,000 meals in Scotland, with an expected 2017 total of around 100,000 meals.

We have also provided food to other smaller community charities in Scotland through programs such as 'Community Café' which donates resources to community cookery classes and 'Supermarket Sweep' which donates cash to local community foodbanks. We donate any fresh produce which is not fit for human consumption to 5 Sisters Zoo and have donated over £37,000 worth of fruit and vegetables which would otherwise have gone to waste in 2017.

Aldi also has a partnership with the RSPB to help promote the importance of safeguarding the environment. We currently charge 5p for single use carrier bags. Some of the profits generated from Aldi's single use carrier bag sales are donated to the RSPB and we are proud to support both education and wildlife. Aldi and the RSPB are working together to give children the opportunity for hands-on learning experiences and ability to connect with nature by implementing various initiatives and running competitions. We have donated £775,000 from the sale of carrier bags and the RSPB's Connecting Children with Nature project has allowed over 50,000 children to enjoy more than 25,000 hours of fun, exciting and educational nature experiences in 15 cities across Britain. The funding is expected to reach over £2m in 2018.⁵

We've also committed to removing confectionary and sugary drinks from till points, checkout aisles and areas around checkouts. As part of our "Healthier Tills" policy, we stock healthier options including dried fruit, nuts, juices and water around our checkouts.

Employment opportunities:

Each Aldi store directly employs around 30 members of staff and where possible these positions will be filled by people from the local area. These jobs range from store staff to management positions. In 2017, we set a new market leading rate of pay for employees in the UK of at least £8.85. per hour (£10.20 in London), significantly more than the Government's Living Wage.

Aldi also has an industry leading Apprenticeship Programme and apprentice scheme – a 1 year contract following NVQ and a 2 year management trainee scheme. In November 2017 we were ranked the 14th overall best employer on Rate My Apprenticeship.co.uk with no other supermarket ranking within the top 30. The programme was launched in the UK in 2011, with over 1000 apprentices taking part since then, making us one of the largest retail programmes within the UK. With apprentice hourly rates starting at £6.00 per hour and rising to £8.90 per hour, it is a very attractive career option for younger people.

In Scotland we currently have 88 apprentices, with 10% in our Northern region, 36% in East and 53% in the west. In October 2017, 17 apprentices graduated from our three-year programme. 15 went into a management position and two secured an Assistant Store Manager contract.

Alcohol:

⁵ <https://www.rspb.org.uk/our-work/rspb-news/news/401237-rspb-partner-with-supermarket-aldi-to-connect-more-than-half-a-million-children-with-nature>

Aldi is a socially responsible retailer and we take our obligations to uphold the licensing objectives, in particular promoting public health, very seriously. Our staff training in relation to alcohol sales, goes beyond legal minimum in terms of content and regularity; we abide by Portman Group's Code of Practice on naming, packaging and promotion of alcoholic drinks. We provide a wide variety of lower strength alcohol drinks and we do not sell alcopops or caffeinated tonic wines in any of our stores. Additionally, we do not stock high strength ciders or beers (above 7.5% ABV) within our core range and we are members of the Retail of Alcohol Standards Group which maintains the "Challenge 25" scheme.

We are very strong supporters of local Scottish brewers with an incredible 42 products on sale as part of our core and seasonal ranges. In addition, we have three festivals per year, which are supported by Scottish Food and Drink allowing us to showcase a wider range of Scottish beers and ales. We actively display the unit information, Drinkaware website and pregnancy warnings when advertising alcohol on our company website.

Supporting new communities:

Aldi notes that in recent years Aberdeen City has seen a high number of new build housing starts and completions.⁶ We further note that there is an overarching plan with the involvement of the City Council to support the building of 2,000 homes by 2022. It is important that these new communities have the amenities to support them such as supermarkets. We would respectfully submit that the close proximity of a supermarket will add to the attractiveness of a housing estate and help ensure its viability. It strikes Aldi that potential house buyers may shy away from an area that lacks local amenities. A retailer, such as an Aldi, may act as an "anchor" tenant that will attract local and national businesses to open around it thereby bringing additional investment and employment.

Response to questions posed in Board's consultation

Aldi is of the view that the questions posed at points 1 and 2 are very much matters for the Board to determine having considered the relevant material. Hopefully the answers submitted below for the Board's consideration are useful.

3. If the Licensing Board determine there is overprovision, do you think there should be any exceptions to this policy under the following licensing objectives...

Aldi would respectfully submit that there should be an exception to this policy with reference to the licensing objective of protecting and improving public health. Aldi respectfully submits that consideration should be given to the regeneration and other benefits that a licensed premises could bring to an area in the context of the Licensing Objective of Protecting and Improving Public Health. As noted within this submission, a new Aldi store will create approximately 30 jobs, as well as directly related construction and ancillary jobs, in the local area. These jobs include market leading terms and conditions as well as quality training.

In bringing the employment benefits to the Board's attention, Aldi notes that the Waddell and Burton report, "*Is work good for your health and well-being?*" recognises the "strong association between worklessness and poor health" as well as there being "strong evidence that unemployment is generally harmful to health".⁷

It may interest the Board that setting out an exception to an overprovision policy based on the licensing objective of protecting and improving public health is not entirely novel. West Dunbartonshire Licensing Board have had an almost Board wide overprovision policy however the policy does set out matters that the Board may consider as potential grounds to rebut the

⁶ <http://www.gov.scot/Topics/Statistics/Browse/Housing-Regeneration/HSfS/NewBuildAllSector>

⁷ <https://www.gov.uk/government/publications/is-work-good-for-your-health-and-well-being>

presumption against grant, namely, job creation.⁸ This acknowledgement, within the body of the policy, of matters which may find favour with the licensing board is a comfort to applicants and provides encouragement for potential inward investment. It is important to note that this approach by the West Dunbartonshire Licensing Board has been approved by the court in the case of *Martin McColl Limited v West Dunbartonshire Licensing Board*.

Aldi are of the view that the development of, for example, a derelict site can be beneficial to the local community. The built environment has been found to affect a range of behaviours that can have an influence on health and improvements to physical characteristics of a neighbourhood can have a positive impact on health.

4. Do you have any other comments on off-sales overprovision?

Aldi appreciates that the Board will be an early stage with the development of an updated overprovision policy. We thought it would be useful to provide the Board with some context as to the possible impact of an overprovision policy on Aldi from the retailer and, hopefully, the customer's perspective. For the avoidance of doubt, Aldi is supportive of the Government's efforts to combat alcohol misuse. Aldi consider themselves to be a responsible retailer and have a real emphasis on due diligence (e.g. 32 CCTV cameras, staff training over and above the statutory minimum, upskilling of staff through personal licence training and a risk assessed security presence) and we therefore hope that the Board interpret our comments in that context.

However, Aldi are concerned that the expansion of the Board's overprovision policy may possibly restrict its expansion and operation in Aberdeen. Aldi has identified the Aberdeen city area for potential expansion and is actively assessing the viability of new sites. The abovementioned residential development, in Aberdeen and surrounds, being a significant factor in our thinking. The effect of designating an area as one of overprovision will thereby introduce a presumption against grant which will be a material factor for us when determining whether to invest in Aberdeen. Given that planning permission is a pre-requisite for making a licence application, this requires Aldi to make a substantial investment prior to knowing whether they will secure a liquor licence. That investment can run to tens of thousands of pounds. As well as the impact on the potential of opening new stores; overprovision may adversely impact on investment for refurbishments of existing stores whereby new fixture and fittings may increase the alcohol display area thereby also activating overprovision.

Although alcohol is very much ancillary to our overall offer, our business model is predicated on being able to offer customers a full range of products. The commercial disadvantage that would be experienced by a new supermarket, unable to offer alcohol as part of a "full basket shop", cannot be underestimated. The availability of alcohol in an existing competitor store gives a prospective customer a reason to choose to shop there. The convenience element of being able to buy the "full basket" from a competitor, provides unfair commercial advantage. A new store would not therefore be viable with a restricted range.

Our position is that unlike other new entrants into the market, many of our new stores are planned for areas that would benefit from a provider of high quality fresh produce at a competitive price. Kantar World Panel stats show that across every demographic, fresh fruit and veg is the main component of the shopping basket with fresh meat following close behind it. When looking at total alcohol sales: beer accounts for 2%, spirits 2% and wine 6-7% and about 18% of the total spend.

While we appreciate that the Licensing Board considers each case on its own individual merits, the presumption against grant makes justifying initial investment for potential new stores very difficult. While Aldi appreciates that the grant of a premises licence is always within the gift of the licensing board, it cannot routinely commit extensive funds to negotiating the acquisition of

⁸ http://www.west-dunbarton.gov.uk/media/3181389/licensing_policy_statement_november_2013_2016.pdf

a site, applying for planning permission and thereafter seeking a licence in an area of overprovision, i.e. where there is a presumption against grant.

As noted above substantial investment (contracts, planning permission etc) must be made by a prospective applicant prior to lodging a licence application. Accordingly if there was a decision by the Board to designate overprovision it would be desirable if the Licensing Board narrated in their policy the positive factors that they would take into account when determining whether to overturn the presumption against grant. We would submit that this is lawful given the recent amendments to section 7 of the 2005 Act so that licensing boards "*may have regard to such other matters as the Board thinks fit...*".

We would also suggest that the Licensing Board bear in mind the technological and retail advances that have taken place since overprovision was introduced. A customer can now order alcohol to be delivered to their home via their computer or phone. This alcohol can be dispatched from anywhere in the world completely unaffected by a finding of overprovision with a geographic area. Such operations do not bring the same benefits to the local area as a retail store. Board-wide overprovision would penalise retail stores and alcohol would remain available.

Aldi notes that the Board on considering an application will – quite properly – assess overprovision on an application by application basis. This assessment involves the Board, having heard submissions from the applicant, identifying the relevant locality. The Board will then have regard to the number and capacities of the premises within the relevant locality. We respectfully suggest that this approach is set out in the revised Policy along with the factors and type of issues the Board will take account of when determining whether overprovision exists.

Conclusion:

Aldi hopes that this consultation response provides some context to its operation and highlights the benefits that retailers, such as Aldi, can bring to Aberdeen through the creation of jobs and accessibility to affordable fruit and vegetables. In short, such benefits brought about by responsible retailers may contribute towards reducing wider health inequalities in the long term.

UNDERNOTE REFERRED TO:-

1. Unit 9-10 Beach Boulevard Retail Park, Links Road, Aberdeen, AB24 5EZ (AC0136)
2. Forresterhill Road, Cornhill, AB16 5HL (AC0335)



**Aberdeen City Licensing Board
Consultation on Off-Sales Overprovision**

Scottish Beer & Pub Association,

We are grateful for the opportunity to respond to Aberdeen's consultation on an interim overprovision policy for off-sales premises.

Background:

The Scottish Beer & Pub Association (SBPA) is the leading body representing Scotland's brewers and pub companies. It is part of the British Beer & Pub Association, which is more than a century old and was originally founded as the Brewers' Society in 1904.

British Beer & Pub Association members account for some 90 per cent of beer brewed in Britain today, and around half of the nation's pubs. These members are also diverse in their activity – from international brewers, to market-leading managed pub companies, the nation's largest tenanted pub companies and historic family brewers. This diversity of membership enables us to speak for a large and diverse part of the industry.

Our Members in Scotland:

The brewing and pub industries support the employment of almost 60,000 people in Scotland. Some 72 per cent of these people are directly employed in the industry, and of these, 40 per cent are aged under 25. Individuals working in these jobs earn a combined £767 million per year.

The industry contributes £1.6 billion to the Scottish economy and generates £972 million in tax revenues, with annual investment of £69 million.

Consultation Questions

1. Do you think the current provision of off-sale premises as shown as in the map is:
Unsure.

2. If you feel there are too many do you think there are too many of:
N/A

3. If the Licensing Board determine there is overprovision, do you think there should be any exceptions to this policy under the following licensing objectives:-
 - a) **Preventing crime & disorder.**
 - b) **Securing public safety.**
 - c) **Preventing public nuisance.**
 - d) **Protecting and improving public health.**
 - e) **Protecting children and young persons from harm.**

4. Do you have any other comments on off-sales overprovision?

Overprovision as a policy is a blunt instrument which does not only does little to achieve its stated aims but also has severe unintended consequences. This would have a negative impact on our members, the wider brewing industry and the city as a whole.

A blanket declaration of overprovision would introduce a presumption against the granting of any new licenses – this disincentives investment into Aberdeen and its people at a time the City is hoping to expand its international appeal as ‘gateway to the North East’.

While this policy may be aimed at supermarkets, it would also have a negative impact on the brewing industry in Aberdeen and the wider North East area. There has been a small revolution in the brewing industry over the last five years with new breweries popping up across the country, with Aberdeen being no exception.

This estimate GVA of this activity solely in the off-trade (which the policy would impact) amounts to £83m per year in Scotland and £13m in the North-East alone. Furthermore, the brewing sector in the off-trade supports over 300 jobs and contributes almost £6m in wages annually in the North-East¹.

A policy of overprovision would be a barrier to new entrants into the market, an obstruction to growth for current local breweries and will ultimately see investors look to other areas of the country if this policy was introduced.

The policy would also unfairly discriminate against smaller and locally owned breweries – this policy would prevent them opening-up their own shop or brewery visitor services – but also through the impact to smaller retailers and bottle shops, which are often the best and only route to market for new and emerging brewers.

The SBPA believes that every licensing decision should be made on a case-by-case, community-by-community basis – what works for one part of Aberdeen, doesn’t mean it will work for another.

Furthermore, with the introduction of Minimum-Unit Pricing by the Scottish Government is a policy which will see significant increases to the price of many alcohol products. This public health measure seeks to address many of the same issues as the policy of overprovision. With MUP set to be introduced in May of this year, this in our belief is another reason for deciding against a policy of overprovision in the off-trade.

For further information, please contact:

Paul Togneri

ptogneri@beerandpub.com | 07502 159 101

¹ The Local Impact of the Beer and Pub Sector in Scotland; Oxford Economics/SBPA; 2017

SGF

Scottish Grocers' Federation

www.scottishshop.org.uk

Promoting Responsible Community Retailing Since 1918
to ensure a sustainable and prosperous convenience industry in Scotland

SGF Centenary Year



**Response from the Scottish Grocers' Federation
on
Aberdeen City Licensing Board – Offsales Overprovision
Consultation**

**Luke McGarty
Scottish Grocers' Federation**

February 2018

ABERDEEN CITY LICENSING BOARD – OFFSALES OVERPROVISION CONSULTATION

The Scottish Grocer's Federation

- The Scottish Grocers' Federation (SGF) is the trade association for the Scottish Convenience Store Sector. There are 5,286 convenience stores in Scotland, which includes all the major symbol groups, co-op and convenience multiples in Scotland. SGF promotes responsible community retailing and works with key stakeholders to encourage a greater understanding of the contribution convenience retailers make to Scotland's communities. In total, convenience stores provide over 41,000 jobs in Scotland.
- Modern local convenience stores are community assets, from providing busy families with a top up shop facility on the one hand, to allowing patrons (particularly the elderly) with an alternative to larger or out of town supermarkets. Many people rely on their local convenience store with the average shopper visiting their local store 3.47 times per week¹ and with 56%² of customers choosing to walk as a mode of travel to stores. The age range of shoppers is as follows³:
 - 14% are 16 to 24
 - 18% are 25 to 34
 - 33% are 35 to 54
 - 28% are 55 to 74
 - 7% are 75+
- Local shopping has, over the years, often been replaced by large destination retail parks, gone from many areas are the local butcher, baker and grocery. The personal interaction with your local retailer is now almost uniquely reserved for your local convenience store.
- Modern convenience stores now offer a wide range of products and services, from deli counters and coffee to Amazon collection lockers. Being able to offer a diverse range is of paramount importance. A more restrictive range simply provides the potential customer with a reason to shop at a competitor. Whilst it is ancillary to wider ranges of grocery and retail, alcohol is an important sales category for our member's stores. A typical convenience store offers a range of at least 17 kinds of different product categories.

¹ The Scottish Local Shop Report 2017

² The Scottish Local Shop Report 2017

³ The Scottish Local Shop Report 2017

Alcohol accounts for approx. 15%⁴ of total sales turnover. 76%⁵ of convenience stores have an alcohol licence.

Introduction

- SGF welcomes the opportunity to contribute to the consultation exercise. We trust that you will find our comments helpful. Our comments relate primarily to Overprovision (Section 9), Premises offering Alcohol for Consumption off the Premises (Section 17) and Hours of Trading – General & Extended (Section 20).

Overprovision (Section 9)

- We recognise the Board's duty to assess overprovision under Section 7 of the Licensing (Scotland) Act 2005 in respect of licensed premises or licensed premises of a particular description in any locality within the Board's area. We also recognise that, in determining if there is overprovision, the Board must have regard to the number and capacity of licensed premises in the locality together with any other matter the Board sees fit.
- We also recognise that groups such as the Alcohol and Drugs Partnership assert that there is a strong body of evidence to show that the availability of alcohol (i.e. the number of premises) is a significant factor in the prevalence of alcohol-related problems, particularly alcohol-related crime. However, we are not convinced that this evidence is either robust or conclusive enough. There is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall it is becoming increasingly difficult to make a link between individual premises and problems in a specific locality. Inequality continues to be the main determining factor: alcohol-related harm in Scotland is still disproportionately experienced by those from more deprived areas.
- We would argue strongly that the Board should not adopt an approach where the assessment of overprovision is based on its entire geographical area – a blanket overprovision approach would not be appropriate.
- In those localities where the Board may consider that there is an overprovision of licensed premises the overprovision assessment should create only a rebuttable presumption against the grant of an application for a premise licence or, potentially, an application for variation of a premises licence.
- Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way. This happens through the following key areas:

⁴ The Scottish Local Shop Report 2017

⁵ The Scottish Local Shop Report 2017

- Full compliance with the Challenge 25 regulations;
 - Staff training;
 - Appropriate signage;
 - In-house test purchasing;
 - Refusal books;
 - Use of CCTV;
 - Full compliance with the stores operating plan
- SGF recognise the associated benefits that come from a convenience store opening in a local area. A store opening will create jobs and also offer access to fruit and vegetables to the local community. The SGF Healthy Living Programme (HLP) has been successful in enabling customers to make healthy eating purchases in-store and now has over 2,000 stores participating. With 5,286 convenience stores in Scotland⁶ and with 80% of independent retailers⁷ engaged in some form of community activity in the last year convenience stores have an increasingly important role in their local communities. SGF would ask the Board that it outlines what, if any, factors it will take into account in removing the presumption against grant in an overprovision area.
 - Convenience stores provide a range of key services for their customers and this includes that ability to be able to offer their customers a full range of products, i.e. giving the customer the chance purchase an alcoholic beverage as an accompaniment with home dining. Therefore, a consequence of overprovision is that new entrants to the market are unable to obtain premises licences to authorise the sale of alcohol and are therefore, disadvantaged. The availability of alcohol in a pre-existing competitor store gives the prospective customer a reason to choose to shop there. The convenience element of being able to get their "full basket" from the competitor provides an unfair commercial advantage.
 - SGF believe that the entire concept of overprovision should be reviewed to consider whether it remains fit for purpose. We live in an age where customers are able to order alcohol online as part of their shop from a supermarket and have it delivered to their home. This order can be based from anywhere given the prevalence of smartphones. Given this, what does declaring a geographical area as being overprovided for actually achieve? It would seem, arguable, that overprovision has not kept up the development of modern technology and consumer shopping habits.
 - SGF would also like to highlight that capacity is an important issue for our members. Retailers frequently remerchandise and refit stores to best meet consumer needs. Most of the time these will just involve 'micro-space': keeping the existing shelving and general space splits but moving products around on the shelves. Sometimes, however, to meet

⁶ The Scottish Local Shop Report 2017

⁷ The Scottish Local Shop Report 2017

consumer demand, to fit in with new brand ideas or to roll out improved formats 'macro-space' revisions are necessary. These may involve changing old shelves for new, increasing or decreasing the splits in store space between different categories, or gutting and refitting the store entirely. Extensions to the selling area might be necessary under macro-space refits.

- SGF would therefore ask the Board to be mindful that creating a general presumption in a particular locality that no increase in alcohol capacity would be approved would almost certainly mean that existing retailers would not invest in modernising and refitting stores.

Premises offering Alcohol for Consumption Off the Premises (Section 17)

- Section 17 of the Licensing Board's Statement of Licensing Policy mentions that the board will attach the following local condition to all off consumption premises unless there is cause shown why this should not be the case:
 - The license holder shall provide sufficient internal and external CCTV coverage of the premises to meet the current technical requirements of Police Service of Scotland as detailed in Appendix 6 of Aberdeen City Licensing Board's Statement of Licensing Policy (all-off sales are however exempt from 4.2 relating to lip sync capability at entrance and exit doors).
- We recommend that this condition is maintained with no further additions.
- The Board should be also aware that SGF members participated in the recent '*You're Asking For It*' campaign in North Lanarkshire which was aimed at tackling underage drinking by targeting adults who buy alcohol for under 18's. This was organised in conjunction with the Scottish Alcohol Industry Partnership, Police Scotland and North Lanarkshire Community Safety Partnership and ran from the school holidays up to mid-September 2017 and proved to be a very successful campaign. A similar project was also undertaken in the Leith area of Edinburgh in 2016. Again, this was highly successful. It is hoped that other local authorities will consider adopting similar campaigns in due course.
- SGF has also recently produced – in conjunction with Police Scotland - a highly innovative training video for retailers on proxy purchase all of which will be available on the SGF website shortly.

Hours of Trading – General & Extended (Section 20)

- The Licensing (Scotland) Act 2005 sets out the maximum permitted hours for off sales type premises are 10am to 10pm, each day of the week. We note that the current policy statement indicates that the Licensing Board will generally grant these hours but does have

the powers to restrict these hours if it considers it to be necessary to meet the licensing objectives. On that basis, SGF support the current policy on licensed hours.

While we welcome this consultation exercise the SGF believe the licensing system should not be onerous on retailers but always the within the context of retailers selling alcohol responsibly.

Yours sincerely

Luke McGarty
Public Affairs Assistant
Scottish Grocers' Federation
222/224 Queensferry Road
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EH4 2BN
T: 0131 343 3300
E-mail: Luke@sgfscot.co.uk

28 February 2018

OFFSALES OVERPROVISION CONSULTATION RESPONSES

With regard to your overprovision consultation, please see below the response from Unight:

Q1. B

Q2. N/A as per Q1

Q3. All applicable.

Q4. With regard to Q3, if off sales were to set up a group similar to Unight whereby they are self regulating themselves and setting up safer, more responsible practices, I feel every application should be taken on its own merit for the standards that they are setting rather than just dismissing it as they are in an area of overprovision.

We don't feel that the over provision of off sales premises should prevent Aberdeen from constantly improving and growing.

Please do not hesitate to get back in touch should you have any queries or wish to discuss our points further.

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OVERPROVISION CONSULTATION – OFF-SALES PREMISES

Prior to the full consultation on the Licensing Board's Statement of Licensing Policy, the Licensing Board is keen to establish an interim overprovision policy for off-sales premises given that the Licensing Board is currently operating without a policy in this area.

The Licensing Board has recognised the inherent difficulty in establishing a causal link between the operation of premises in a small defined area and the available statistics and data from partner agencies demonstrating health and crime statistics over the population of the whole of Aberdeen over a longer period of time. The Licensing Board does however consider it a reasonable assumption that the majority of alcohol sold within the Licensing Board's overall area will be consumed within that area. Accordingly, for the purposes of off-sales overprovision only, the Licensing Board have designated the Licensing Board's whole area as one locality in order to be able to attribute meaningful weight to relevant data which may not be available at a more localised level.

A list of all currently licensed off-sales premises, together with a note of capacity for each can be found here:



Offsales
Overprovision.xlsx

The location of those premises can be viewed here:

<http://accabdn.maps.arcgis.com/home/webmap/viewer.html?webmap=7ba881dab62146109a1cb852021dd8d1>

With this in mind the Licensing Board is keen to gauge opinion on the following question. Please also provide any relevant evidence to support any submissions.

1. Do you think the current provision of off-sale premises as shown as in the map is:
 - a) Too many?
 - b) About right?
 - c) Insufficient?

2. If you feel there are too many do you think there are too many of:
 - a) Premises of a particular type?
 - b) Premises of a particular size?
 - c) Off-sales premises in general?

3. If the Licensing Board determine there is overprovision, do you think there should be any exceptions to this policy under the following licensing objectives:-
 - a) Preventing crime & disorder.
 - b) Securing public safety.
 - c) Preventing public nuisance.
 - d) Protecting and improving public health.

e) ~~Protecting children and young persons from harm.~~

4. Do you have any other comments on off-sales overprovision?

Please send your comments marked "Off-sales overprovision consultation" to licensing@aberdeencity.gov.uk or alternatively to The Licensing Team, Business Hub 6, Level 1 South, Marischal College, Broad Street, Aberdeen, AB10 1AB

The Licensing Board also intend to begin the consultation on the overall Statement of Licensing Policy early in the new year. The Licensing Board's current policy can be viewed here:

<https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/Statement%20of%20Licensing%20Policy.pdf>

The Licensing Board are interested to receive suggestions on which sections of the Policy Statement that warrant particular scrutiny. Please send any comments marked "Policy Statement" to licensing@aberdeencity.gov.uk or to The Licensing Team, Business Hub 6, Level 1 South, Marischal College, Broad Street, Aberdeen, AB10 1AB

PLEASE ENSURE ALL RESPONSES ARE SUBMITTED NO LATER THAN 28 FEBRUARY 2018.

OVERPROVISION CONSULTATION – OFF-SALES PREMISES

Prior to the full consultation on the Licensing Board's Statement of Licensing Policy, the Licensing Board is keen to establish an interim overprovision policy for off-sales premises given that the Licensing Board is currently operating without a policy in this area.

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 - a) Too many?
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 - c) Insufficient?

2. If you feel there are too many do you think there are too many of:
 - a) Premises of a particular type?
 - b) Premises of a particular size?
 - c) Off-sales premises in general? *available in almost every shop*

3. If the Licensing Board determine there is overprovision, do you think there should be any exceptions to this policy under the following licensing objectives:-
 - a) Preventing crime & disorder.
 - b) Securing public safety. *all valid reasons*
 - c) Preventing public nuisance.
 - d) Protecting and improving public health. *to reduce the availability of alcohol*

e) Protecting children and young persons from harm.

4. Do you have any other comments on off-sales overprovision?

Please send your comments marked "Off-sales overprovision consultation" to licensing@aberdeencity.gov.uk or alternatively to The Licensing Team, Business Hub 6, Level 1 South, Marischal College, Broad Street, Aberdeen, AB10 1AB

i worry that if @ over-provision if decided then the smaller local shops will lose out and places like Spar & Tesco will dominate the sale & could see smaller shops shut down.

The Licensing Board also intend to begin the consultation on the overall Statement of Licensing Policy early in the new year. The Licensing Board's current policy can be viewed here: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/Statement%20of%20Licensing%20Policy.pdf>

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PLEASE ENSURE ALL RESPONSES ARE SUBMITTED NO LATER THAN 28 FEBRUARY 2018.

ABERDEEN CITY COUNCIL

LICENSING BOARD

DATE: 15 May 2018

CLERK TO THE LICENSING BOARD Fraser Bell

TITLE OF REPORT: Licensing Board Sub-Committee

1. PURPOSE OF REPORT

To request the Board appoint a permanent Sub-Committee to deal with applications for Extended Hours or Occasional Licences which have attracted representations or are contrary to policy.

2. RECOMMENDATION(S)

That the Board

- (1) creates a permanent Sub-Committee; and
- (2) appoints a minimum of three Members to the Sub-Committee

3. BACKGROUND

In terms of the Board's Scheme of Delegation which was approved at the Board meeting of 10 October 2017 all applications for Occasional Licences or Extended Hours which have attracted representations and/or are contrary to policy are delegated to a sub-committee of the Board.

Historically this has been achieved by means of a rota whereby Members have taken turns to sit on the committee in two-week intervals. Unfortunately this has recently resulted in inconsistency of decision making which would place the Board at risk of legal challenge.

It is therefore suggested that a permanent Sub-Committee is appointed to deal with all such applications. This could operate in the same manner as presently, with the only difference being that the membership of the Committee would not change, save for the appointment of substitute Members to cover periods of holidays or other absence. Legal advice would of course be available if required.

4. REPORT AUTHOR DETAILS

Sandy Munro, Solicitor
AleMunro@aberdeencity.gov.uk
01224 523027

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