

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

Tel 01224 522000
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

13 January 2016

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

Dear Councillor Boulton,

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

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

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

Aspirational Statement

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

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

Recommendation No 1

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

Re drafting of the SLP

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

Key elements in the report for communities include:

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

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

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

Recommendation No 2

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

Guidance and resource material

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

Recommendation No 3

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

Baseline data

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

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

Recommendation No 4

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

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

Updates on baseline data

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

Recommendation No 5

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

Accurate recording of LB decisions

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

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

Recommendation No 6

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

Setting minimum distances for consideration of any new licensed premises

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

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

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

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

Recommendation No 7

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

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

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

Shelf space

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

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

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

Recommendation No 8

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

Surveys

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

Recommendation No 9

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

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

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

Yours sincerely,

Alexander Kelman,
Chair of the Aberdeen City Local Licensing Forum