

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

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