

**SGF**

Scottish Grocers' Federation

[www.scottishshop.org.uk](http://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**

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## 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 week<sup>1</sup> and with 56%<sup>2</sup> of customers choosing to walk as a mode of travel to stores. The age range of shoppers is as follows<sup>3</sup>:
  - 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- Local shopping has, over the years, often been replaced by large destination retail parks, gone from many areas are the local butcher, baker and grocery.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.

<sup>1</sup> The Scottish Local Shop Report 2017

<sup>2</sup> The Scottish Local Shop Report 2017

<sup>3</sup> The Scottish Local Shop Report 2017

Alcohol accounts for approx. 15%<sup>4</sup> of total sales turnover. 76%<sup>5</sup> 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:

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<sup>4</sup> The Scottish Local Shop Report 2017

<sup>5</sup> 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 Scotland<sup>6</sup> and with 80% of independent retailers<sup>7</sup> 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

<sup>6</sup> The Scottish Local Shop Report 2017

<sup>7</sup> 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

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