

Consultation responses – On Sale Overprovision

1. None
2. N/A
3. Not sure what is meant by "on sales"
4. Better CCTV to ensure no adult buys for minors
5. 2nd paragraph "alcohol consumption was a significant factor could be provided" should probably read
"alcohol consumption was AN INSIGNIFICANT factor could be provided"
6. None
7. Staff training covers this area.
8. In paragraph 4 it is a mistake to say that a causal link is required by the regulatory framework. This is no longer the case and the latest Scottish Government Guidance makes this clear.

Here is the link to the guidance and below it I have copied the relevant section for you.
Licensing (Scotland) Act 2005 section 142: guidance for Licensing Boards - gov.scot
(www.gov.scot)

Assessing overprovision

There are a number of underlying principles that the Licensing Board should take into account as they approach the development of their statement of overprovision:

Licensing Boards should use alcohol-harm information (or potential alcohol-harm information) to identify localities and then proceed to consider the number, type and capacity of premises in those areas.

It is the potential for undesirable consequences which is intended to be addressed through overprovision assessments as a requirement within the 2005 Act. This can be thought of as the cumulative effect of more and more licences being granted in a locality and what this means in respect of the effect on life in that area. It is the cumulative effect rather than the actions of any single operator that is key.

If a Licensing Board considers there is at least potential for, or a reasonable basis for, concluding that there will be a risk of adverse impact on the objectives (should more premises licences be granted), it is entitled to come to the view that there is a state of overprovision.

Consideration should be given as to whether aggregate information and evidence from a number of sources demonstrates a link between the availability of alcohol in an area and alcohol-related harm.

To demonstrate a "dependable causal link", the proof of the link must be on a balance of probabilities. What this means in practice is that based on the evidence of harm in a locality, it is more likely than not that alcohol availability is a cause, or that increasing the availability of alcohol in that area will increase that harm.