

APPENDIX 2 TO REPORT LB42/18
SPECIAL ANGUS LICENSING BOARD – 11 JUNE 2018

- 2.1 Guidance issued by the Scottish Government – “The Overprovision Assessment”
- 2.2 Information received from Police Scotland
- 2.3 Information received from Angus Alcohol and Drugs Partnership (1)
- 2.4 Information received from Angus Alcohol and Drugs Partnership (2)
- 2.5 Representation from Mark Gillespie, Licensing Standards Officer
- 2.6 Representation from Janet Hood, Janet Hood Training & Consulting Limited
- 2.7 Representation from Alcohol Focus Scotland
- 2.8 Representation from Angus Local Licensing Forum



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Our ref:
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Dear Licensing Board,

Under the terms of the Licensing (Scotland) Act 2005 Ministers may issue guidance to Licensing Boards as to the exercise of their functions under the Act. I am issuing two updated chapters for the guidance. As a temporary measure these are being issued on a non-statutory basis.

You may be aware that Scottish Government officials have been working on updating the current liquor licensing guidance, assisted by stakeholders. As Boards will already be working on updating licensing policy statements, work on the parts of the guidance relating to licensing policy statements, and overprovision assessments has been prioritised.

We considered that it would be of assistance to issue drafts of the chapters that we have updated so far, as emerging guidance at this stage. i.e. the original chapters 2 and 3, which relate to licensing policy statements and overprovision assessments respectively. These have been amended to take into consideration the further Acts that have impacted upon the licensing regime since the original guidance was issued. The intention has been to work with the grain of the existing guidance, so that updated guidance does not undermine work that is already in progress.

I would like to stress that a non-prescriptive approach has been taken to drafting the revised guidance, which affords Boards the flexibility to operate and take decisions in light of their particular circumstances. The guidance does not seek to instruct boards exactly how to make the Act work. It is simply intended to assist boards as they carry out their responsibilities under the Act. Ministers wish boards and their clerks to be creative and innovative and to implement the Act in a way that best meets local needs and circumstances.

Ongoing work will continue on the remainder of the guidance, so over the next few months, we would hope to complete an update of the overall guidance, and then move to issue it on a statutory basis.

Yours sincerely

Alex Kelly, Alcohol Licensing Policy Project Manager

Statements of Licensing Policy Background

6.1 This chapter provides guidance on the development and preparation of statements of licensing policy (referred to as a 'licensing policy statement'), which Section 6 of this Act requires every Licensing Board to publish, before the beginning of each 'licensing policy period'.

6.2 A licensing policy statement should provide the policy on which Licensing Boards would base their decisions in implementing their functions under this Act. It may set out a general approach to the making of licensing decisions, but must not ignore, or be inconsistent with, provisions in the Act.

6.3 The 'licensing policy period' is the period between each relevant date.

6.4 The 'relevant date' means the date occurring 18 months after an ordinary election of councillors for local government areas takes place under Section 5 of the Local Government etc. (Scotland) Act 1994.

6.5 A licensing policy statement will generally have effect from 18 months after a local government election until 18 months after the next local government election. For example, in the case of a local government election in May 2017, followed by the next election scheduled for May 2022, the licensing policy statement would, in the usual case, last from November 2018 until November 2023.

Licensing Boards may decide that the licensing policy period to which the statement relates is to begin on an earlier date than it normally would. If they do so, they must publicise the date on which they have decided the licensing policy period is to begin.

6.6 Newly appointed Licensing Boards can use the policy inherited from their previous Licensing Board during the interim period. The alignment of licensing policy statements to local elections allows the Licensing Board to take stock, take the views of others into consideration, gather evidence and set policy statements that reflect their views and aspirations.

6.7 In exercising their functions under this Act a Licensing Board must have regard to the current licensing policy statement and any relevant supplementary licensing policy statement, published by the Licensing Board. Licensing Boards may wish to consider keeping the effectiveness and rationale of the licensing policy statement under review and to make revisions as and when appropriate.

6.8 A Licensing Board may also issue supplementary licensing policy statements. This may be due to unanticipated or emerging issues. If it decides to do so, it must publish the statement (referred to under this Act as a 'supplementary licensing policy statement').

6.9 The supplementary licensing policy statement will be with respect to the exercise of their functions during the remainder of that licensing policy period or until it is superseded by another supplementary licensing policy statement or licensing policy statement i.e. until 18 months after the next local government election.

6.10 There is no limit to the number of supplementary licensing statements which can be published during the licensing policy period.

6.11 Licensing Boards cannot delegate responsibility for determining their licensing policy statement or supplementary licensing policy statements.

Licensing Objectives

6.12 In preparing a licensing policy statement or a supplementary licensing policy statement, a Licensing Board must ensure that the policy stated seeks to promote the 5 licensing objectives set out in this Act, which for the purposes of this Act are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health; and
- Protecting children and young persons from harm

Licensing Boards must also have regard to these 5 objectives when carrying out their functions under this Act. The 5 objectives carry equal weight and importance.

Inconsistency with one or more of the objectives could provide a basis for refusal of an application.

A policy must also be consistent with the principles of what constitutes a lawful policy in general administrative law terms. In particular –

“ ...such a declared policy may be objectionable if certain conditions are not fulfilled. A policy must be based on grounds which relate to and are not inconsistent with or destructive of the purposes of the statutory provisions under which the discretion is operated. Moreover, the policy must not be so rigidly formulated so that, if applied, the statutory body is thereby disabled from exercising the discretion entrusted to it. Finally, the individual circumstances of each application must be considered in each case whatever the policy may be. It is not permissible for a body exercising a statutory discretion to refuse to apply its mind to that application on account of an apparent conflict with policy.”

See **Calderwood v Renfrewshire Council**, 2004 SC 691

To have a licensing policy statement is a statutory requirement. It is bolstered by statutory consultation procedure. It has weight in 2 ways when a Licensing Board carries out its functions under the Act. First, a Licensing Board must ensure that it seeks to promote the licensing objectives in making policy. Second, the Licensing Board must have regard to the Policy in the exercise of their functions.

As the licensing policy must seek to promote the licensing objectives, it must not be inconsistent with the licensing objectives. If the licensing objectives pull in one direction and policy in the opposite, then the objectives rule. If both tend to the same view then policy simply reflects the licensing objectives.

Where an application comes before a Licensing Board which is contrary to the licensing policy, this does not necessarily mean that the application should be refused. It would only be to refuse the application if it was inconsistent with the licensing objectives. Policy is an expression of how those objectives can be met. Inconsistency with policy can therefore be an important factor in deciding whether there is an inconsistency with the licensing objectives.

Licensing policy is an important part of an assessment of the wider considerations at play within the Licensing Board area. **As licensing policy has a substantial role to play in promoting how the licensing objectives might be met, inconsistency with policy may be an indicator that the refusal of the application should follow. Equally, consistency with policy maybe an indicator that an application is consistent with objectives.** The licensing policy is entitled to be given considerable weight. It is not merely a guideline. The Licensing Board is entitled to expect conformity unless there is a positive or specific reason to justify departure from it. It is for the Licensing Board to determine whether what is proposed is inconsistent with the policy and whether the grant of the application would impact upon the rationale for the policy.

Preparation of policy statements

6.13 In preparing a licensing policy statement or a supplementary licensing policy statement, a Licensing Board must consult on the proposed policy statement(s) with:-

- the Local Licensing Forum for the Licensing Board's area;
- if the membership of the Forum is not representative of the interests of all of the persons specified in paragraph 2(6) of schedule 2 of this Act. (i.e. holders of premises licences and personal licences, the Chief Constable, persons having functions relating to health, education or social work, young people, person's resident within the Forum's area); then the Licensing Board must consult such person or persons as appear to it to be representative of those interests of which the membership is not representative;
- the relevant health board; and
- such other persons as the Licensing Board thinks appropriate.

6.14 Licensing Boards must make reasonable efforts to identify and engage with the persons or bodies concerned and have regard to their views. The terms of the Act do not prevent them from consulting other bodies or persons before determining their policies. The Licensing Board may wish to consider consulting widely on their proposed policies. There are a variety of methods of seeking views and gathering evidence to enable Licensing Boards to develop a formal consultation document, such as pre-consultation exercises, evidence sessions and making use of the existing policy as a basis for review. It is important that Licensing Boards consider

and evaluate any evidence gathered to ensure there is a reliable and credible basis on which to develop their policies. Licensing Boards should give appropriate weight to the views and responses obtained.

6.15 After the initial evidence gathering process Licensing Boards may wish to consider publishing their draft policy for comment and take cognisance of responses.

6.16 Licensing Boards may wish to consider clarifying the reasons for their decision making in arriving at their licensing policy statement.

6.17 The licensing policy statement must be published before the beginning of the licensing policy period. Once published the Licensing Boards must make copies of a licensing policy statement or a supplementary licensing policy statement available for public inspection free of charge. Licensing Boards must also publish the fact that the statement has been published and publicise details of the arrangements for making copies available for public inspection.

What the Licensing Board may require:

6.18 For the purpose of preparing a licensing policy statement or supplementary licensing policy statement, the Licensing Board may require statistical or other information from:-

- the chief constable;
- the relevant health board, or
- the relevant council

This must be provided to the Licensing Board on request, provided it is a reasonable request for the purposes of preparing such a statement.

What must be included:

6.19 Having carried out their duty to assess overprovision under Section 7 of this Act, Licensing Boards must, in particular, include a statement in their licensing policy statement as to the extent to which the Board considers there to be overprovision of licensed premises, or licensed premises of a particular description, in any locality within the Licensing Board's area. If a Licensing Board decides that there is no overprovision, they must include a statement to this effect. (see Chapter 7 for further information).

Contents which Licensing Boards may consider:

6.20 Considerations may include:-

- providing a clear indication of the Licensing Board's policy and may set out a general approach to the licensing process and the making of licensing decisions.
- stating clearly that licensing is about regulating the sale of alcohol and premises on which alcohol is sold, and for connected purposes within the terms of the Act.
- bearing in mind that no statement of policy should override the right of any person to make representations on an application or to seek a review of a licence where such provision has been made in the Act.
- including a general statement on the role and remit of Licensing Standards Officers.
- Including, in accordance with section 46(6) and (7) of the Act, a note which states that where an application is made for the confirmation of a provisional premises licence, that the Licensing Board may make a variation to the conditions for the purposes of "ensuring consistency with any licensing policy statement since the licence was issued". This may be relevant if a supplementary licensing policy statement is subsequently issued after a provisional licence was issued.

Licensed Hours

- state that Licensed hours will be those agreed following the Licensing Board's consideration of the operating plan and any mandatory and local licence conditions applied. Particular attention should be drawn to those premises wishing to open after 0100 hours since mandatory licence conditions will apply. (The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007). In developing its policy on licensed hours the Licensing Board may wish to take account of the views of those represented by the Local Licensing Forum.
- provide a clear indication of the Board's policy in relation to licensed hours in general and outline any specific areas of the policy which may differ from that general policy e.g. where different policies may apply in different localities according to local circumstances, if appropriate. Evidence for the policy approach should be included.
- state that each application will be considered on its individual merits, but the licensing policy statement should provide information on the Licensing Board's policy on licensed hours. Licensing policy statements should recognise that licensed hours are important not only to individual licensed premises but can have a wider impact for an area. For example, consideration should be given as to ways in which large numbers of customers leaving premises simultaneously can be appropriately managed. This might be necessary to reduce friction outside establishments, at taxi ranks and other transport sources, which can lead to disorder and

disturbance. Licensing hours should not unnecessarily inhibit the development of local licensing economies.

- observe the requirement set out in section 64 of the Act which provides a presumption against routine 24 hour opening of licensed premises. In terms of Section 64 (2) of the Act, the Licensing Board must refuse the application unless the Board is satisfied that there are exceptional circumstances which justify allowing the sale of alcohol on the premises during such a period.
- Licensing Boards should be willing to consider “exceptional circumstances” for a special event or occasion to be catered for on the premises or a special event of local or national significance.

In such circumstances, the Licensing Board may extend the licensed hours in respect of the premises by such period as is specified in the extended hours application or such other period as the Licensing Board consider appropriate. Such an extension of licensed hours has effect for such period as is specified in the application or such other period as the Licensing Board consider appropriate; but in either case the period must not exceed one month.

It is unlikely that “exceptional circumstances” would be justified in the case of premises where there were routine requests to sell alcohol for 24 hour periods. In considering applications for licensed hours Licensing Boards may wish to consider applications for up to 14 hours as being reasonable but local circumstances and views of those represented by Local Licensing Forums should always be considered. Any application for licensed hours for more than 14 hours should require further consideration of the effect of granting extra operating hours.

Relationship with other strategies

- Provide clear indications of how the Licensing Boards will take into account other matters or strategies relating to alcohol when developing policy statements.

Transport

- describe any arrangements agreed between the police and Licensing Standards Officers for reporting views or concerns to the local authority transport committee (or other bodies with responsibility for transport in their area).
- The police are best placed to advise on the need to disperse people from town and city centres quickly and safely to avoid high concentrations of people in particular vicinities which may lead to disorder, disturbance and pressures on public transport facilities.

Tourism, planning and building control

- indicate that arrangements have been made for Licensing Boards to receive, when appropriate, reports on the local tourist economy for the area to ensure that these are reflected in their considerations.
- indicate that planning, building control and licensing regimes have separate processes and applications which have to be considered on their merits under the relevant regime. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee, nor should they seek to challenge decisions taken by that committee. Similarly, the granting by the Licensing Board of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building warrants /completion certificates where appropriate. Licensing Boards may wish to give consideration to relevant processes and communication arrangements between the regimes to avoid duplication and inefficiency'

Duplication

- include a firm commitment to avoid duplication with other regulatory regimes so far as possible. For example, legislation covering health and safety at work and fire safety will place a range of duties on the self-employed, employers and operators of venues. Such obligations should not be repeated in the licensing regime.

What should not be included:

6.21 Licensing Boards may not, in their licensing policy statement, or supplementary policy statement, indicate an intention to introduce a restriction on the sale of alcohol for consumption off the premises to those over 18 but under 21, whether in relation to some or all premises in its area. However, this does not prevent them from imposing licence conditions restricting off-sales of alcohol to people under 21 on a case by case basis.



The Overprovision Assessment

Approach to licensing and overprovision

7.1 This chapter provides guidance to assist Licensing Boards to discharge their duty to assess overprovision of licensed premises in their area, which Section 7 of this Act requires every Licensing Board to include in their Licensing Policy Statement, a statement as to the extent to which the Licensing Board considers there to be an overprovision of:

- licensed premises, or
- licensed premises of a particular description, in any locality within the Board's area.

Licensing Boards may reach the conclusion that there is no overprovision. If so, they must include a statement to this effect in their Licensing Policy Statement.

A statement regarding overprovision within a licensing policy statement has an important role. Inconsistency with policy is a powerful indicator that the refusal of the application should follow.

7.2 In Section 7 of this Act, references to "licensed premises" do not include references to any premises in respect of which an occasional licence has effect, therefore these should be left out of the assessment of overprovision.

7.3 Members' clubs should also be discounted for the purposes of overprovision assessments carried out by Licensing Boards provided they meet the criteria in terms of regulations made under Section 125 of this Act.

7.4 Consultation is required to be carried out by the Licensing Board. This may disclose that communities are placed under stress only by licensed premises sharing certain characteristics: for example, a concentration of off-sales in a residential area. Therefore proper regard should be given to the contrasting styles of operation of different licensed operations and the differing impact they are likely to have on the promotion of the licensing objectives.

7.5 Licensed premises of a particular description may be determined in terms of their styles of operation. Information may be gleaned from operating plans for this purpose. The Licensing Board should decide how it wishes to categorise premises by description. For example: they may consider utilising the definition of categories contained in the Town and Country Planning (Use Classes) (Scotland) Order 1997 or other types of classification.

7.6 The overprovision assessment should be evidence based, with the Licensing Boards having the flexibility to decide whether there was overprovision generally in relation to licensed premises, only overprovision in relation to a particular identifiable sector or that there was no overprovision, in any locality.

7.7 It is for the Licensing Board to determine what the overprovision policy will be and how the evidence will be interpreted and weighted. When doing so, they must seek to promote the licensing objectives.

7.8 This approach:

- allows Licensing Boards to take account of changes since the last licensing policy statement;
- 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.
- 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 have reached overprovision.

Determining Localities

7.9 It is for the Licensing Board to determine the “localities” within the Licensing Board’s area for the purposes of this Act. Licensing Boards can determine that the whole of the Licensing Board’s area is a single locality. The choice of locality is flexible to reflect the different circumstances in different geographical areas throughout the country.

The choice of locality must, however it is done, be rational and capable of justification in the event of a legal challenge.

7.10 The process by which the selection exercise to determine the “localities” is carried out is largely a matter for the Licensing Board. The selection of appropriate localities is based on having a broad understanding of provision across the Board’s area. Licensing Boards may wish to make use of their own local knowledge/understanding of areas. They may wish to carry out informal consultation with interested parties and/or make use of their existing licensing policy statement in order to assist them to come to a view as to which localities may be appropriate to include in their licensing policy statement.

Information may be obtained from a number of stakeholders, such as the relevant health and/or social care body who may be able to provide, amongst other things, data on alcohol related mortality and hospital admissions. The chief constable may be able to identify problematic areas where it can be demonstrated that crime, disorder and nuisance are caused by customers of a particular concentration of licensed premises and/or suggest areas in which the number of licensed premises or premises of a particular description are potentially approaching overprovision.

7.11 It is not necessary to divide the whole of the Licensing Board's area into separate localities. A locality could, for example, consist of a particular town, a city centre, a street, a collection of streets, a council ward, datazone(s) – (Scottish Index of Multiple Deprivation) or the whole of the Licensing Board's area.

The Licensing Board may wish to consider making an initial assessment by closely scrutinising the premises across the whole of their area, then proceed to determine those localities it proposes to examine. After carrying out the initial assessment, the number of premises, or premises of a particular description in those localities should be identified, then the Licensing Board should determine the capacities and have regard to other matters it thinks fit and fulfil its duty to consult.

Matters for the Licensing Board to have regard to

7.12 In considering their policy on overprovision and whether there is overprovision in any locality, the Licensing Board –

- must have regard to the number and capacity of licensed premises in the locality/localities;
- may have regard to such other matters as the Licensing Board thinks fit including, in particular, the licensed hours of licensed premises in the locality/localities; and
- must consult the persons specified in Section 7(4) of this Act. Those persons are: the chief constable, the relevant health board, such persons as appear to the Licensing Board to be representative of the interests of – (i) holders of premises licences in respect of premises within the locality, (ii) persons resident in the locality, and such other persons as the Board thinks fit.

Capacity of licensed premises

For the purposes of the overprovision assessment, the operating capacity of premises licensed to sell for on-sale consumption should be taken from the operating plan. The definition of capacity for on-sales and off - sales is set out in section 147 of the Act.

"Capacity", in relation to licensed premises, means –

(a) in relation to licensed premises (or any part of such premises) on which alcohol is sold for consumption on the premises (or, as the case may be, that part), the maximum number of customers which can be accommodated in the premises (or, as the case may be, that part) at any one time, and

(b) in relation to licensed premises (or any part of such premises) on which alcohol is sold for consumption off the premises (or, as the case may be, that part), the amount of space in the premises (or, as the case may be, that part) given over to the display of alcohol for sale.

Based on these definitions the proposed methodology for calculating capacity for on-sales and off-sales is set out below:

On-sales

The Buildings (Scotland) Regulations 2004 assessment methods set out in the Technical Handbooks issued in support of these regulations.

Off-sales

The maximum linear measurement, in metres, of the frontage used to display alcohol, including the areas utilised for off-shelf seasonal or any other promotional displays.

Licensing Boards should be consistent when using terminology for measurement.

Other matters as the Licensing Board thinks fit

- Licensing Boards may have regard to such matters as they think fit including, in particular, the licensed hours of licensed premises in a locality. Other considerations may include the relevant circumstances in the area or the proximity of specific types of premises, such as facilities for vulnerable adults with alcohol addiction issues.

The Licensing Board may not delegate certain functions

7.13 Although Licensing Boards may authorise certain others to exercise some of their functions on their behalf. In accordance with Schedule 1 paragraph 10(2), they may not delegate, amongst other things, the following functions:

- determining the Board's policy for the purposes of a licensing policy statement or supplementary licensing policy statement.
- determining for the purposes of any such statement, whether there is overprovision of licensed premises, or premises of any particular description, in any locality.

Duty to consult and gather evidence

Licensing Policy Statement

7.14 In preparing a licensing policy statement or a supplementary licensing policy statement, a Licensing Board must consult -

- the Local Licensing Forum for the Licensing Board's area;
- if the membership of the Forum is not representative of the interests of all of the persons specified in paragraph 2(6) of schedule 2 of this Act. (i.e. holders of premises licences and personal licences, the chief constable, persons having functions relating to health, education or social work, young people, person's resident within the Forum's area); then the Licensing Board must

consult such person or persons as appear to it to be representative of those interests of which the membership is not representative;

- the relevant health board; and
- such other persons as the Licensing Board thinks appropriate.

Overprovision Assessment

In considering whether there is overprovision in any locality, for the purpose of the statement, the Licensing Board must consult -

- the chief constable,
- the relevant health board,
- such persons as appear to the Licensing Board to be representative of the interests of –
 - holders of premises licenses in respect of premises within the locality,
 - persons resident in the locality, and
- such other persons as the Licensing Board thinks fit.

7.15 The duty of the Licensing Board to consult prior to the formulation of overprovision assessments illustrates the importance of partnership working in the achievement of the licensing objectives.

7.16 As well as consultation with representative bodies and organisations, Boards may wish to hold well-publicised 'open meetings' in particular localities, at which members of the community can be afforded an opportunity to express their views on the formulation of policy.

7.17 The results of all consultation should be evaluated to identify robust and reliable evidence which suggests that a saturation point has been reached or is close to being reached, always provided that a dependable causal link can be forged between that evidence and the operation of licensed premises in a locality.

Factors which the Licensing Board may take into account include:

- the information provided by the chief constable;
- subject to the constraints of data protection legislation, CCTV footage supplied by the chief constable or another source which illustrates disorder associated with the dispersal of customers in any locations;
- evidence gathered from local residents of anti-social behaviour associated with licensed premises;
- information from the local authority's Environmental Health Department about noise complaints which can be attributed to the operation of licensed premises in a locality;
- data supplied by the relevant health and/or social care body, for example, alcohol related mortality or morbidity.

It has long been Scots licensing law that for a Licensing Board to make a finding that a harm will arise because of or in consequence of the sale of alcohol, there must exist a causal link between the alleged cause and the alleged harm.

The dependability of the 'causal link' is based on the quality and nature of the evidence used.

Causation must be per caselaw on a more than "but for" basis as licensing is a civil law matter, the proof of the link must be on a balance of probabilities, that is "more likely than not". Once you show that link and develop the licensing policy statement (and overprovision assessment) based on it, these documents will inform the future consideration of licence applications, and will carry considerable weight.

The onus then falls on the applicant to show that their application should still be an exception.

7.18 The overprovision assessment must be based on credible evidence of a causal link between the engagement of one or more of the licensing objectives and a concentration of licensed premises or of licensed premises of a particular description in a locality.

7.19 Licensing Boards, on gathering information and evidence, must consider the fine detail and the local issues, applying appropriate weight to their findings during their decision-making process.

7.20 Consideration should be given as to whether aggregated information and evidence from a number of sources points towards a particular conclusion.

7.21 In considering their policy on overprovision and whether there is overprovision in any locality, the Licensing Board should not take into account:

- the manner in which individual premises in a locality are managed, since it is possible that well-managed premises may act as a magnet for anti-social behaviour, or may eject a substantial number of customers who collectively produce disorder and nuisance to a degree which is unacceptable;
- any concerns as to the quality of management of individual premises, which should be addressed separately through other statutory mechanisms.
- The need or demand for licensed premises in a locality. Commercial considerations are irrelevant.

7.22 If a Licensing Board comes to a conclusion that there is a causal link between the alleged cause and the alleged alcohol related harm in a locality to such an extent that it would be clearly inconsistent with any of the licensing objectives, the Licensing Board should include details of this in their licensing policy statement, which incorporates the overprovision assessment. A Licensing Board may wish to express this in such a way that interested parties are left in no doubt as to the reasons for

adoption of the policy, specifying the relevant locality, and including information on the evidence upon which the Licensing Board relied and the material considerations which were taken into account.

7.23 The licensing policy statement or supplementary licensing policy statement (see Chapter 6 for an explanation of these terms) should identify the factors taken into account in the overprovision assessment and it should make it clear however that each application will be decided on its merits.

The effect of the overprovision assessment

7.24 When determining premises licence applications and applications for major variations, Licensing Boards should amongst other things, take into consideration the provisions under Section 23(5)(e) and 30(5)(d) of this Act respectively. These specifically relate to grounds for refusal, in the context of overprovision. Licensing Boards can refuse an application if they consider that there would be overprovision in the locality as a result of the application being granted.

7.25 The application need not be the subject of an objection for the application to be refused.

7.26 The effect of an overprovision policy, included in a licensing policy statement, is to create a rebuttable presumption against a grant of an application.

There may be exceptional cases in which an applicant is able to demonstrate that the grant of the application would not undermine the licensing objectives, or the objectives would not be undermined if the applicant's operating plan were to be modified or the grant of the licence was made subject to appropriate conditions.

If overprovision is established, Licensing Boards may (but are not obliged to) identify the matters that they consider specific and relevant to rebutting the presumption against grant. Licensing Boards may expect that applicants seeking a licence in such circumstances should provide robust and reliable evidence as to why the benefit to the licensing objectives, through the grant of their application, outweighs any detriment to the licensing objectives and the overprovision policy. In such circumstances, Licensing Boards may have grounds not to follow their own policy.

It is important to note that upholding the objectives is not something which, in itself, rebuts the presumption against grant created by overprovision. Every application granted by the Licensing Board is tested against the licensing objectives. If the Licensing Board considers that any application is inconsistent with one or more of the licensing objectives (regardless of overprovision) it is a ground for refusal and the application would fail.

7.27 As the application of the policy must leave room for exceptions, the policy statement should not set a numerical quota of licensed premises or premises of a particular description for any locality.

7.28 If a Licensing Board has determined that there is no overprovision in any locality, it is still entitled to refuse an application based on overprovision.

Summary

7.29 The formulation of the statement on overprovision 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, including their capacities and may have regard to any such matters the Board thinks fit, including, in particular, licensed hours;
- consultation with the relevant persons;
- an assessment of the information gathered from those persons, taking into account only relevant considerations and material which has a proper evidential base to consider if there is a dependable causal link between the operation of licensed premises in a locality or localities and relevant harms; and
- 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 and other matters, it is undesirable to grant further licences or further licences for premises of a particular description, in any locality within the Licensing Board's area.
- including a statement on overprovision in the Licensing Board's published licensing policy statement.

It is important to identify and agree the proposed locality or localities before lawfully and rationally carrying out a consultation to allow consideration to be given to issues/concerns that may be raised and any assessment of overprovision.

Licensing Boards may review an overprovision statement at any time. For example, when new developments or new evidence comes to their attention. If they decide to amend it, they should publish a supplementary licensing policy statement and publicise the date on which it is to begin.

When Licensing Boards subsequently consider applications, they must consider the most recent licensing policy statement and act lawfully with regard to the legal principles underpinning the right to appeal and observe the correct legal tests in their decision making. Each application is to be considered on its own merits.

Licensing (Scotland) Act 2005 – Section 142
Draft Revised Guidance for Licensing Boards

Licensing Boards, in the context of carrying out an overprovision assessment, should therefore be mindful of the five grounds of appeal under this Act:

- that the Licensing Board erred in law;
- that the Licensing Board based its decision on an incorrect material fact;
- that the Licensing Board acted contrary to natural justice;
- that the Licensing Board exercised its discretion in an unreasonable manner; and
- in the case of review hearing, that the decision was disproportionate.



		Vandalism	Breach of the Peace	Section 38 CJ&L(S)A 2010	Serious Assault	Minor Assault	Domestic Assault*	Total Crime**
Forfar	2016/17	10	5	29	2	70	34	215
	2017/18	7	0	39	7	56	18	196
Kirriemuir	2016/17	6	0	12	1	22	13	58
	2017/18	8	0	18	2	27	12	77
Brechin	2016/17	13	6	40	1	30	35	150
	2017/18	10	0	19	3	28	9	108
Montrose	2016/17	16	5	57	3	115	40	321
	2017/18	15	0	23	5	61	20	172
Arbroath	2016/17	23	9	196	18	137	47	445
	2017/18	17	0	83	13	119	52	364
Carnoustie	2016/17	1	1	10	1	17	8	46
	2017/18	2	0	0	0	11	2	22
Monifieth	2016/17	1	0	5	1	4	2	10
	2017/18	0	0	4	0	2	1	18
Others	2016/17	1	1	8	1	16	7	59
	2017/18	4	2	10	5	14	14	67
Angus Total	2016/17	71	27	257	28	411	156	1304
	2017/18	63	2	196	35	318	128	1002

* Includes both serious and minor assaults

** this includes ALL recorded crimes – not only those specific crime types included in the table.

The figures above indicate there has been a significant fall in recorded crime in Angus where alcohol has been identified as a contributing factor. This is true across five of the six categories asked for – vandalism, BOP, CJ&L(S)A 2010, Assault (Minor), Domestic assault and crime total. The only increases being in serious Assault

This pattern is generally followed for all burghs with Kirriemuir and Monifieth showing an increase in overall aggravated crime.



The Public Health and Social Impact of Alcohol Availability in Angus

March 2018

1. Executive Summary

The Licensing (Scotland) Act 2005 places a direct obligation on local licensing boards to consider the protection and improvement of public health when granting or reviewing licences.

This report collates and presents the current data with regards to the public health and social impact of alcohol consumption and provision in Angus to inform an evidence-based policy statement for Angus Licensing Board.

In Tayside, approximately 29% of men and 14% of women drink alcohol at levels that are considered hazardous or harmful (over 14 units per week). However, there is evidence of changing attitudes towards alcohol in 13-15 year olds, with more young people less accepting of trying alcohol and getting drunk.

Angus has an alcohol-related mortality rate that is lower than the Scottish average but higher than elsewhere in the United Kingdom.

Alcohol-related harm disproportionately affects those living in the most disadvantaged areas and therefore widens health inequalities.

In 2016, there were 445 alcohol-related A&E attendances by Angus residents. Individuals from the most deprived areas in Angus accounted for over three times the rate of presentations to A&E compared with those in the least deprived areas.

The drinking of alcohol has a significant impact on health care and policing resource in Angus. Alcohol was a recorded factor in 74% of serious assault offences. The estimated financial burden from all alcohol-related harm to Angus is approximately £33.46 million.

Since 1994, off-trade sales of alcohol have increased markedly in Scotland whereas on-sales trade has decreased. Almost three-quarters of alcohol currently sold in Scotland is purchased from off-sales trade. The contribution made to alcohol-related harm from off-sales outlets is greater than that from on-sales outlets.

Neighbourhoods with higher numbers of alcohol outlets have significantly higher alcohol-related hospitalisation and death rates. Overall Angus has an alcohol outlet availability that is lower than Scotland as a whole but within Angus there are areas of high alcohol availability.

Alcohol-related harm in a population is directly associated with alcohol consumption levels which, in turn, are directly associated with alcohol availability.

Alcohol availability (e.g. outlet density and opening hours), alcohol affordability (price) and marketing are the main factors influencing how much alcohol is consumed in Scotland.

Given the evidence of alcohol-related harm in Angus, the impact on health inequalities and the impact of drinking in private settings where friends and families are also exposed and affected, Angus Alcohol and Drugs Partnership would recommend Angus Licensing Board seeks to adopt an overprovision policy statement which would restrict the issuing of new off-sales licences in the area.

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3. Introduction

In response to rapidly increasing rates of alcohol-related harm in Scotland, the Scottish Government implemented a co-ordinated strategic approach in the mid-2000s to tackle the availability and affordability of alcohol. A Framework for Action was produced, in addition to the passing of three Parliamentary Acts. The approach was evidence-based and contains the main strategic elements advocated by WHO.¹

One of the pieces of legislation to be enacted was the Licensing (Scotland) Act 2005. This was implemented in September 2009 and required licensing boards to promote the following five objectives in their work:

1. Preventing crime and disorder
2. Securing public safety
3. Preventing public nuisance
4. Protecting children from harm
5. Protecting and improving public health.

In addition, licensing boards are required to publish a statement of their licensing policy every three years, which must seek to promote the five licensing objectives. The Licensing (Scotland) Act 2005, therefore, places a direct obligation on local licensing boards to consider the protection and improvement of public health when granting or reviewing licences.

The policy statement must also include a statement on overprovision of licensed premises within its area and the licensing board must subsequently pay regard to the content of the policy statement when making licensing decisions. The purpose of the policy statement is to enable a licensing board to take a strategic approach to managing alcohol provision in its area.

To date, some elements of Scotland's alcohol strategy have been successfully implemented and rates of alcohol-related hospitalisations and deaths have been declining in recent years. However the rates are still much higher than they were in the 1980s and significantly higher than in England and Wales. What is more, the decline in rates previously seen now appears to be stalling.² Also, there are persisting and significant inequalities arising from alcohol-related harm so much still needs to be done.

Increasing price, reducing availability and controlling the marketing of alcohol are the most effective and cost-effective measures to prevent and reduce alcohol-related harm.³ To support the work of Angus Licensing Board this report collates and presents the current data with regards to the public health and social impact of alcohol consumption and provision in Angus.

¹ World Health Organization. Global strategy to reduce the harmful use of alcohol. Available from: www.who.int/substance_abuse/activities/gsrhua/en/ [Accessed February 2018]

² Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

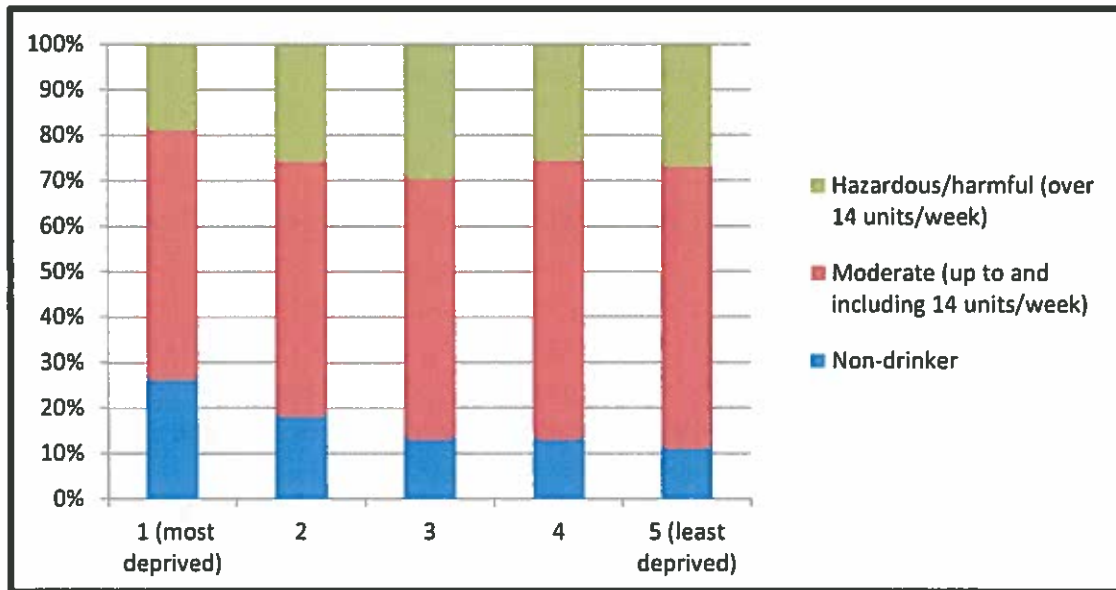
³ Chisholm D, Rehm J, Van Ommeren M, Monteiro M. Reducing the global burden of hazardous alcohol use: a comparative cost-effectiveness analysis. *Journal of studies on alcohol*. 2004;65(6):782-93.

4. Current trends in alcohol consumption

A considerable proportion of adults in Tayside drink alcohol in excess of safe government guidelines. The Scottish Health Survey showed that for Tayside, during the period 2013-2016, 29% of men and 14% of women were drinking alcohol at levels that are considered hazardous or harmful (over 14 units per week).⁴

Alcohol consumption varies with socioeconomic deprivation, with a greater proportion of adults in the least deprived areas drinking at moderate to harmful levels (Chart 1).

Chart 1. Weekly drinking category, by SIMD 2016 quintiles (age-standardised), Scotland 2016



Source: Scottish Government / National Statistics, The Scottish Health Survey 2016

However, it appears that attitudes towards alcohol are changing, particular in younger people. The Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) 2015 showed that in Scotland⁵:

- 68% of 15 year old boys and 63% of 15 year old girls reported having ever had a drink (compared to 82% and 86% respectively in 1990).
- 71% of 15 year old boys and 65% of 15 year old girls who have tried alcohol previously reported being drunk at least once (compared to 79% and 76% respectively in 2002).

The survey also showed that young people were most likely to get alcohol from their home, a friend or a relative (with or without permission). Direct purchase of alcohol from a business was rare.

⁴ Scottish Government / National Statistics. The Scottish Health Survey 2016 Edition. Available from: www.gov.scot/Topics/Statistics/Browse/Health/scottish-health-survey [Accessed February 2018]

⁵ Scottish Government / National Statistics. Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS): Alcohol Report (2015). Available from: www.gov.scot/Resource/0050/00508470.pdf [Accessed February 2018]

5. Alcohol related harm

Excessive consumption of alcohol can result in a wide range of health problems for an individual. Some adverse health effects may occur after drinking over a relatively short period, such as acute intoxication (drunkenness) or poisoning (toxic effect). Others develop more gradually, only becoming evident after long-term heavy drinking, such as damage to the liver and brain. In addition to causing physical problems, excessive alcohol consumption can lead to mental health problems such as alcohol dependency.

However, the harm that arises from alcohol use does not only impact on individuals but significantly affects friends, families and the broader community.

In this section, data concerning the impact of alcohol on health, crime and disorder, social and economic activity within a local and national context will be considered.

3.1 Health

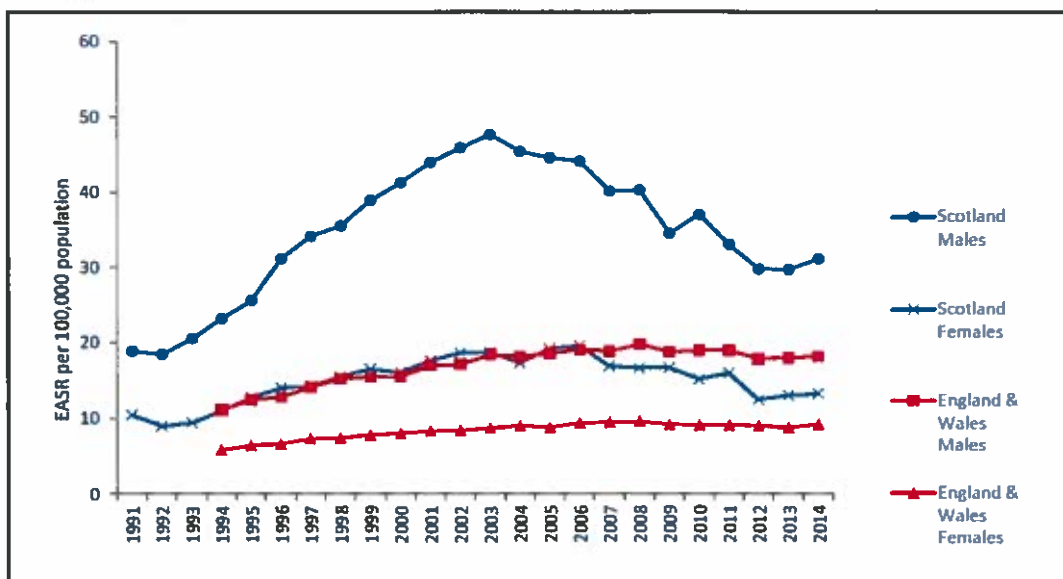
The most reliable and robust indicators of alcohol-related harm are alcohol-related death and hospitalisation rates.⁶

3.1.1 Alcohol-related deaths

Alcohol-related mortality rates in Scotland increased markedly during the 1990s and early 2000s, reaching a peak in 2003 (Chart 2). Since then alcohol-related mortality rates started to decline but the rates in Scotland continue to be much higher than those seen in the 1990s and significantly higher than England and Wales.⁶ Furthermore, the decline in alcohol-related mortality rates shows evidence of stalling.

⁶ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

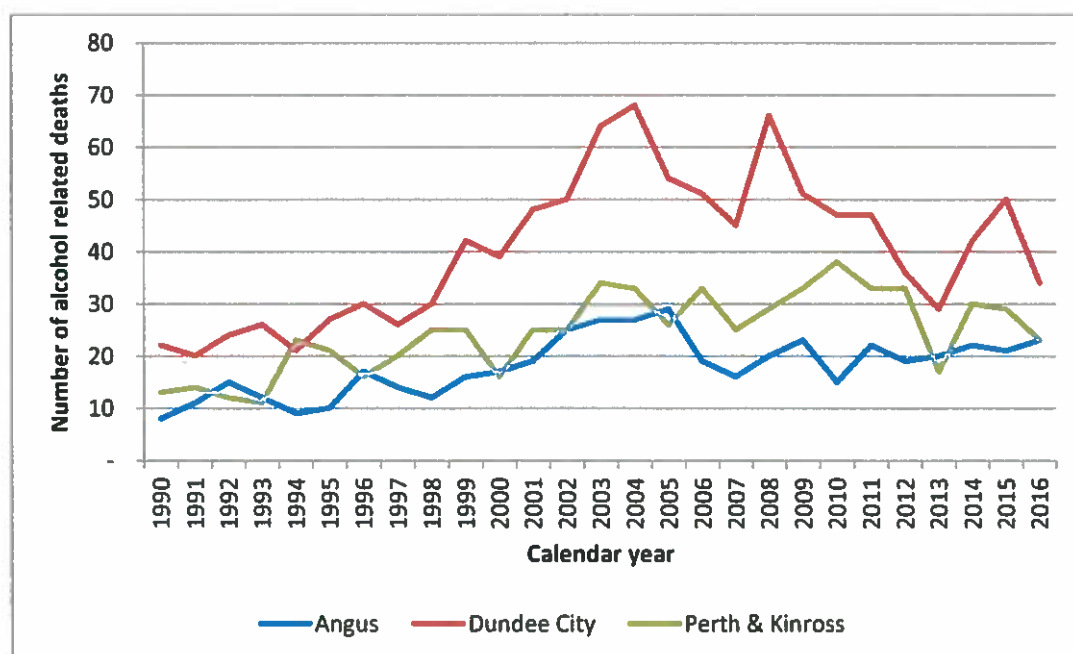
Chart 2. Alcohol-related mortality, by gender, for Scotland and England and Wales, 1991-2014



Source: Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016. (EASR = European Age Standardised Rate)

In Angus, the number of alcohol-related deaths increased from 8 in 1990 to 29 in 2005. Since then numbers have fluctuated but remain considerably higher than those recorded in 1990 (Chart 3).

Chart 3. Alcohol-related death rates in the local authority areas of Tayside, 1990-2016



Source: National Records of Scotland Alcohol Related Deaths Report 2016

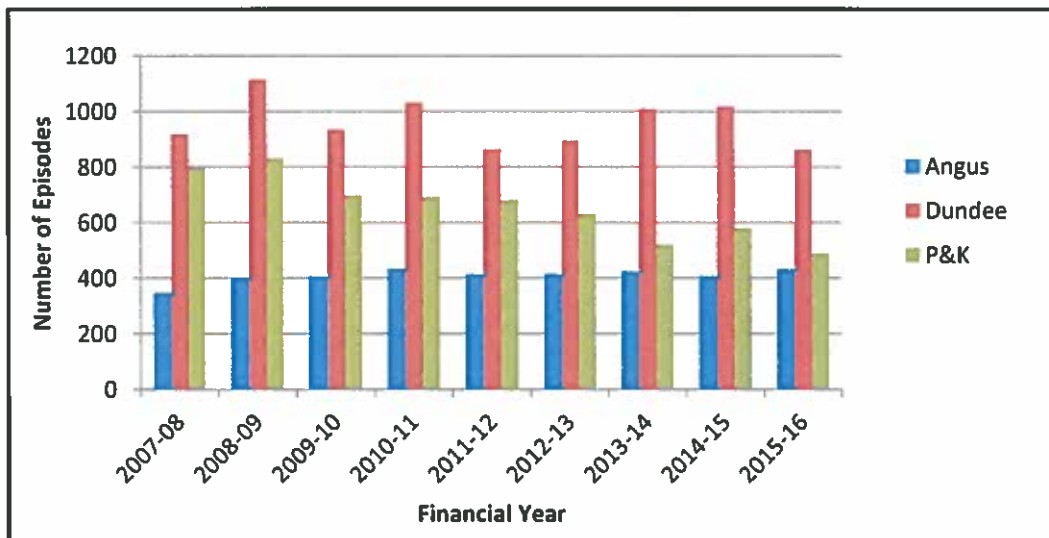
3.1.2 Alcohol-related hospital admissions

The harmful use of alcohol is known to be a *causal* factor in over 200 diseases and injury conditions.¹⁴

In 2015/16 there were 432 alcohol related hospital discharges by Angus residents.

The number of alcohol-related discharges in Angus has broadly remained constant (with some fluctuation) over the past ten years (Chart 4). This is in contrast to Perth and Kinross where the trend for alcohol-related hospital discharges has been decreasing.

Chart 4. Alcohol-related hospital discharges in Tayside

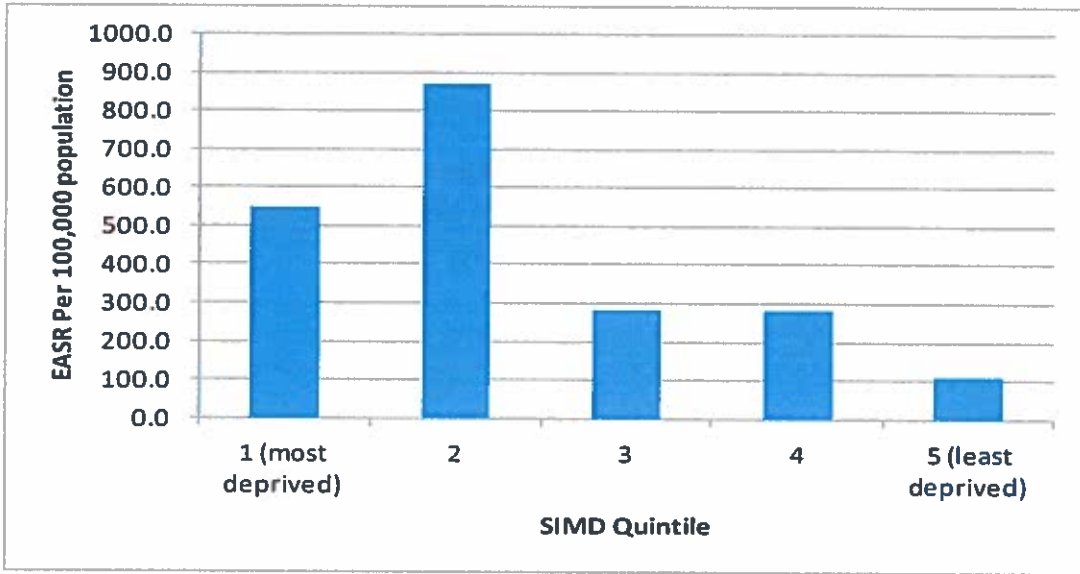


Source: SMR01 Discharges by financial year 2007/08 to 2015/16 (Extracted 11/01/2017)

Alcohol-related hospital discharges in Angus residents show an inequality gradient (Chart 5) with admissions to hospital much more common in people living in socio-economically deprived areas.

¹⁴ World Health Organization. Global status report on alcohol and health 2014. Available from: http://www.who.int/substance_abuse/publications/global_alcohol_report/en/ [Accessed May 2017]

Chart 5. Angus alcohol-related acute hospital standardised discharge rates (2015/16) by SIMD 2016 quintile



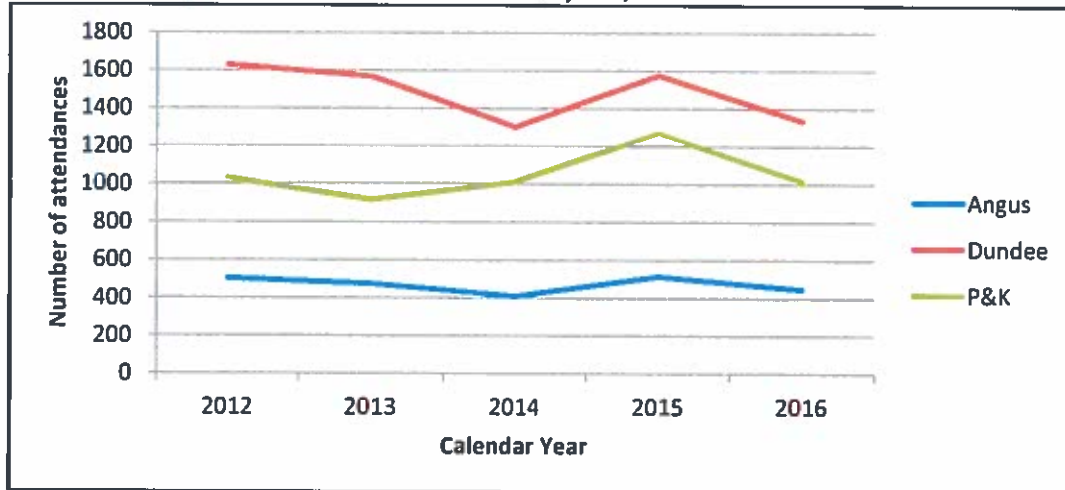
Source: SMR01 & NRS Midyear population estimates

3.1.3 Alcohol-related A&E attendances

Across Scotland, alcohol is a contributory factor in approximately 11% of attendances to A&E departments.¹⁵

In 2016, there were 445 alcohol-related A&E attendances by Angus residents and this number has remained relatively constant over the past five years (Chart 6).

Chart 6. Alcohol Related A&E Attendances in Tayside, 2012 -2016



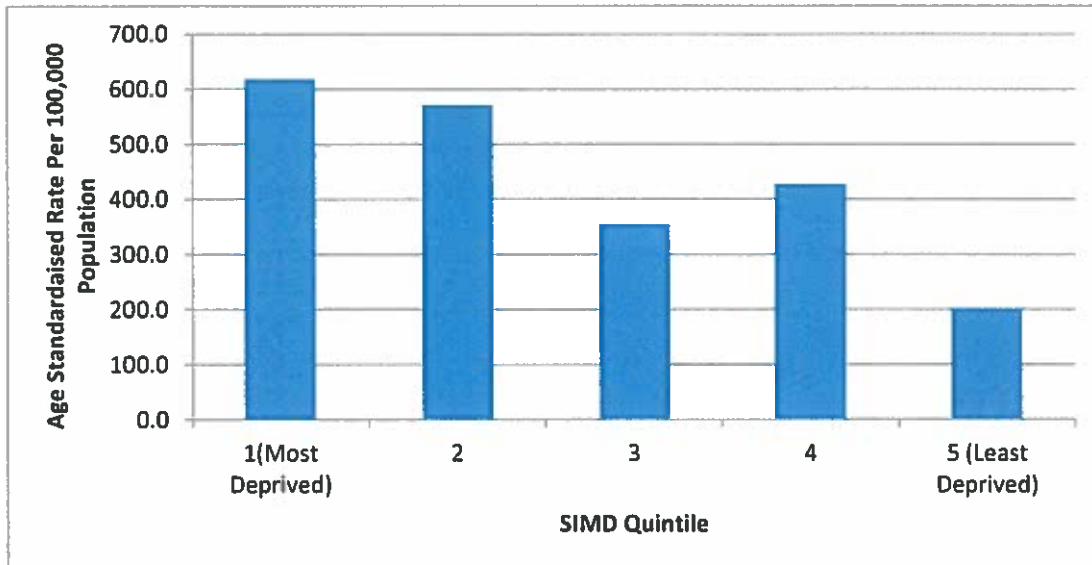
Source: NHS Tayside Business Unit Symphony (January 2016)

¹⁵ Audit Scotland. Drug and Alcohol Services in Scotland. 2009. Available from: http://www.audit-scotland.gov.uk/docs/health/2009/nr_090326_drugs_alcohol.pdf [Accessed May 2017]

In keeping with the findings in alcohol-related hospital discharges and alcohol-related mortality, there is a marked inequality gradient present in alcohol-related A&E attendances. Individuals from the most deprived areas in Angus account for over three times the rate of presentations to A&E compared with those the least deprived areas (Chart 7).

People living in socioeconomically deprived areas are disproportionately affected by alcohol-related harm.

Chart 7. Alcohol Related A&E attendance rate (2016) in Angus residents by SIMD 2016 quintile



Source: A&E systems accessed by NHS Tayside Business Unit

3.2 Crime and Disorder

Alcohol is known to be an aggravator in a significant proportion of incidents attended to by police, in particular petty assault and serious assault (Table 2). The Scottish Crime and Justice Survey for 2014/15 reported that in just over half (54%) of violent crimes the victim thought that the offender was under the influence of alcohol.¹⁶

Table 2: Offences recorded in Angus and their relationship with alcohol 2013/14

Offence Type	Total number of incidents	Incidents where alcohol is involved	
		Number	Percentage
Total Offences	6376	1051	16%
Domestic Related Crimes (Aggravator)	1136	352	31%
Serious Assaults	39	29	74%
Domestic Serious Assaults*	5	5	100%
Petty Assaults	1175	498	42%
Domestic Petty Assaults*	361	192	53%
Breach of Peace (BOP) (Including Threatening Behaviour)	836	199	24%
Domestic BOP (Inc Threatening Behaviour)*	209	103	49%
Vandalism	828	87	11%
Drugs Offences	410	38	9%
Sexual Offences	251	34	14%

Source: Police Scotland data

*Domestic crimes are included in the total for the broad crime type i.e. there were 39 serious assaults of which 5 were domestic serious assaults.

¹⁶ Scottish Government / National Statistics. Scottish Crime and Justice Survey 2014/15: Main Findings. Available from: www.gov.scot/Topics/Statistics/Browse/Crime-Justice/crime-and-justice-survey/publications [Accessed February 2018]

3.3 Social impact of alcohol

Alcohol is considered the drug that causes the greatest harm in Scotland.¹⁷

Work done nationally to ascertain the wider impact of alcohol beyond the harm caused to the drinker found that 1 in 2 people reported having experienced harm as a result of someone else's drinking and reported lower life satisfaction compared to others.¹⁸ 1 in 3 people in Scotland reported having being exposed to heavy drinkers in their lives and people who know heavy drinkers were more likely to report experiencing harm from others' drinking in private places such as the home or private parties (from off-sales alcohol trade).

Living with a problem drinker can result in relationship problems, tensions within the household, arguments and chaotic lifestyles. This can have a direct impact on children for whom there is worry, fear and uncertainty, the potential for neglect and an impact on school attendance.¹⁹

In Angus, the number of registrations of children on the Child Protection Register due to parental alcohol misuse has decreased in recent years to <5 over the academic year 2016/17.

Table 3. Child Protection Registrations in Angus, 2013/14– 2016/17

Academic year	Registrations	Number due to parental alcohol misuse	Percentage due to parental alcohol misuse (%)
2013/14	117	24	20.5
2014/15	88	12	13.6
2015/16	96	18	18.7
2016/17	52	<5	<10.0

Source: Angus Council

¹⁷ Sharp C, Marcinkiewicz A, Rutherford L. Attitudes towards alcohol in Scotland: results from the 2013 Scottish Social Attitudes Survey. NHS Health Scotland; 2014

¹⁸ Hope A, Curran J, Bell G, Platts A. Unrecognised and under-reported: the impact of alcohol on people other than the drinker in Scotland. Glasgow: Alcohol Focus Scotland; 2013.

¹⁹ Hope A, Curran J, Bell G, Platts A. Unrecognised and under-reported: the impact of alcohol on people other than the drinker in Scotland. Glasgow: Alcohol Focus Scotland; 2013.

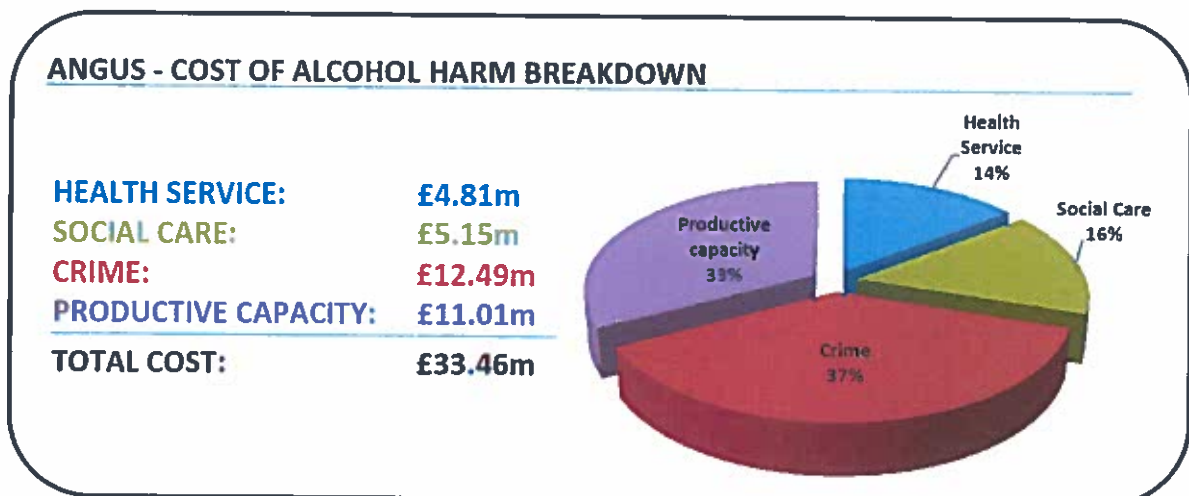
3.4 Economic impact of alcohol

Alcohol can result in direct economic costs, indirect costs and intangible costs as outlined in the examples below:

- **Direct costs:** cost to health, police, social and justice services incurred when managing alcohol-related impact on individuals
- **Indirect costs:** costs incurred due from lost productivity (due to e.g. absenteeism, unemployment), reduced earning potential and lost working years due to premature morbidity or death
- **Intangible costs:** costs assigned to pain and suffering and more generally to a diminished quality of life. These are costs borne not only by the person consuming hazardous or harmful quantities of alcohol, but frequently families and others linked to the individual.

There is substantial evidence that alcohol imposes major costs to the Scottish economy. Quantifying these costs is tricky but the total cost of alcohol harm in Angus each year is estimated to be in the region of £33 million.²⁰ This figure takes into account the impact of alcohol on health, social, crime and productive capacity (chart 8) but not the intangible costs.

Chart 8. Estimated cost of alcohol harm in Angus in 2010/11



Source: The cost of alcohol in Angus 2010/11, Alcohol Focus Scotland

²⁰ Alcohol Focus Scotland. The cost of alcohol in Angus 2010/11. Available from: www.alcohol-focus-scotland.org.uk/media/61408/The-Cost-of-Alcohol-Angus.pdf [Accessed February 2018]

3.5 Summary

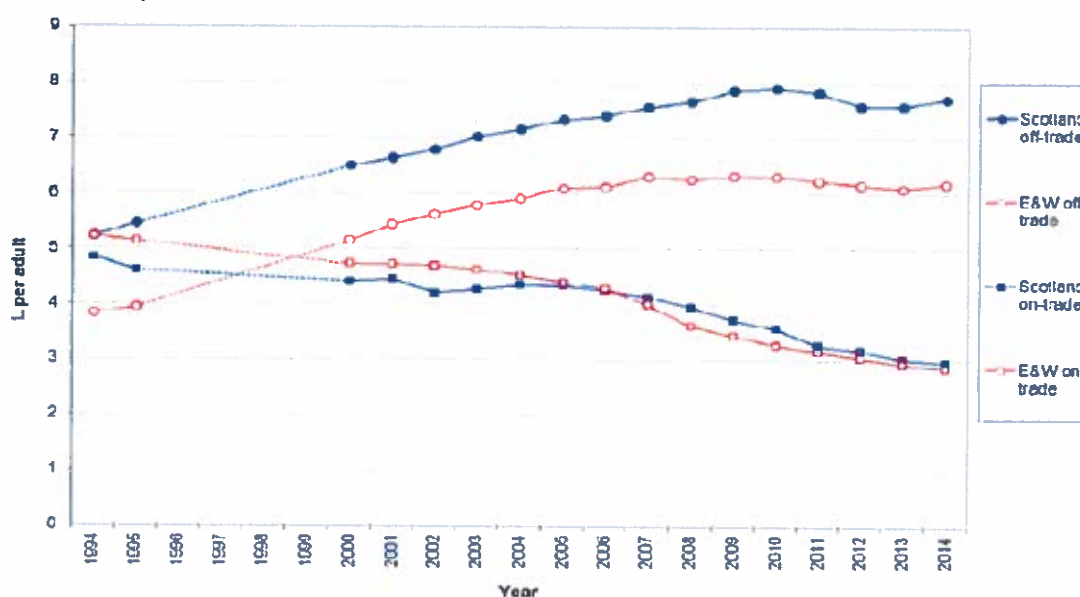
- Scotland has high levels of alcohol-related mortality and morbidity – much higher than in the early 1990s and also compared to other United Kingdom and Western European countries.
- Angus has an alcohol-related mortality rate that is slightly lower than the Scottish average but higher than elsewhere in the United Kingdom.
- The consumption of alcohol has a significant impact on individuals, families and communities in Angus. It also increases the demand on healthcare, policing resource, community safety provision and other social care services.
- The estimated financial burden to Angus is approximately £33.46 million.
- Although individuals in the least socioeconomically deprived areas on average drink more alcohol, individuals living in the most socioeconomically deprived areas experience greater alcohol-related harm.
- Much of the data presented in the section relies on the recording of the contribution of alcohol in, for example, police and healthcare summaries. Therefore the figures presented are likely to be an under-estimation of the true picture of the impact of alcohol-related harm in Angus.

6. Current trends in alcohol sales

Alcohol consumption levels in a population are best estimated using alcohol sales data. Although surveys provide a useful indicator to alcohol consumption trends, it has been estimated that surveys of population consumption only account for approximately 50% of sales based data and therefore alcohol sales data are preferred as the more accurate measure of alcohol consumption.^{21,22}

In 2014, 10.7 litres of pure alcohol were sold per adult in Scotland.²³ In recent years there has been a marked divergent trend in off-trade sales versus on-trade sales. Between 1994 and 2010, on-trade sales decreased by 28% whereas off-trade sales increased markedly by 52% (Chart 9).

Chart 9. Litres of pure alcohol sold per adult (aged ≥16 years) in Scotland and England & Wales, by market sector, 1994-2014



Source: Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

In 2015, 20% more alcohol was sold per adult in Scotland than in England and Wales, and almost all of this (97%) was because of higher sales in supermarkets and off-licences.²⁴ Almost three-quarters of alcohol currently sold in Scotland is purchased from off-sales trade.

²¹ Beeston C, Geddes R, Craig N, Gordon R, Graham L, McAuley A, McCartney G, Reid G, Robinson M, Van Heelsum A (on behalf of the MESAS project team). Monitoring and Evaluating Scotland's Alcohol Strategy. Fourth Annual Report. Edinburgh: NHS Health Scotland; 2014

²² World Health Organization. International guide for monitoring alcohol consumption and related harm. 2000 Available from: <http://apps.who.int/iris/handle/10665/66529> [Accessed February 2018]

²³ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

²⁴ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

The reason for this is thought to be principally due to the differences in average price of a unit of alcohol between off-sales and on-sales trade. The average price of a unit of alcohol sold in supermarkets and off-licences has remained approximately the same since 2000, whereas the average price of a unit of alcohol has consistently increased in pubs and clubs. The average price per unit of alcohol in Scotland in 2015 in pubs, clubs and restaurants was £1.74, compared to only 52p in supermarkets and off-licences.²⁵

²⁵ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

7. Alcohol Outlet Density

As part of the policy statement, Licensing Boards are required to make a statement with regards to overprovision of licensed premises within its area.

How many or what density of licensed premises that constitutes overprovision is a matter for a licensing board to decide, based on the assessment of the evidence. National guidance does not stipulate what constitutes 'overprovision'. Whether an area is overprovided in alcohol is, ultimately, a value judgement. However, the law empowers the licensing board to consider (as part of the five licensing objectives) the welfare of the community it serves, the health, social and economic consequences of over consumption and the overall best interests of society. Determining overprovision, therefore, involves the application of reason and judgement in the interests of the community.

In the case of *Tesco Stores Limited v City of Glasgow Licensing Board, 2012* the sheriff commented, when rebutting the appeal of *Tesco Stores Limited* against a licence which had been declined "The pursuer demands a standard appropriate to a court not a licensing board. Unlike a court judgement, it is sufficient for a board to make a value judgement."

The extent to which alcohol is available is strongly associated with alcohol consumption²⁶ and, in turn, alcohol-related harm.^{27,28,29,30,31} Greater density of alcohol outlets leads to increased physical availability to consumers and lower alcohol pricing (due to greater competition between retail outlets for sales).

In Scotland research has shown that neighbourhoods with higher numbers of alcohol outlets have significantly higher alcohol-related death rates and alcohol-related hospitalisation rates.³² Residents of neighbourhoods with the highest availability are more than twice as likely to die from an alcohol-

²⁶ Bryden A, Roberts B, McKee M, Petticrew M. A systematic review of the influence on alcohol use of community level availability and marketing of alcohol. *Health & place*. 2012;18(2):349-57.

²⁷ Gruenewald PJ, Freisthler B, Remer L, LaScala EA, Treno A. Ecological models of alcohol outlets and violent assaults: crime potentials and geospatial analysis. *Addiction*. 2006;101(5):666-77.

²⁸ LaScala EA, Johnson FW, Gruenewald PJ. Neighborhood characteristics of alcohol-related pedestrian injury collisions: a geostatistical analysis. *Prevention Science*. 2001 Jun 1;2(2):123-34.

²⁹ Pereira G, Wood L, Foster S, Haggart F. Access to alcohol outlets, alcohol consumption and mental health. *PLoS One*. 2013 Jan 16;8(1):e53461.

³⁰ Theall KP, Scribner R, Cohen D, Bluthenthal RN, Schonlau M, Lynch S, Farley TA. The neighborhood alcohol environment and alcohol-related morbidity. *Alcohol and alcoholism*. 2009 Sep 1;44(5):491-9.

³¹ Treno AJ, Johnson FW, Remer LG, Gruenewald PJ. The impact of outlet densities on alcohol-related crashes: a spatial panel approach. *Accident Analysis & Prevention*. 2007 Sep 30;39(5):894-901.

³² Richardson EA, Shortt NK, Pearce J, Mitchell R. Alcohol-related illness and deaths in Scottish neighbourhoods: is there a relationship with the number of alcohol outlets. Edinburgh: Centre for Research on Environment, Society and Health and Alcohol Focus Scotland. 2014.

related death than those with the fewest outlets.³³ Furthermore, higher densities of off-sales alcohol outlets are largely found in the most deprived areas of Scotland.³⁴

When considering the impact of off-sales outlets versus on-sales outlets, the contribution made to alcohol-related harm from off-sales outlets is notably greater than that of on-sales outlets.³⁵ Reasons for this are thought to include: the alcohol available to buy from off-sales outlets is generally cheaper than from on-sales outlets; large volumes of alcohol are obtainable from off-sales outlets and there is a lack of supervision of alcohol consumption when alcohol is purchased from an off-sales outlet.³⁶

Angus has an alcohol outlet availability that is lower than Scotland as a whole but there are areas of high alcohol availability. One quarter of neighbourhoods in Angus have an outlet density greater than the Scottish average (measured by number of outlets within 800m radius).³⁷

The density of off-sales, on/off-sales and on-sales outlets in Angus is shown in Charts 10, 11 and 12 respectively. Areas with overall higher densities of on- and off-sales outlets include Arbroath, Montrose and Forfar.

³³ Richardson EA, Shortt NK, Pearce J, Mitchell R. Alcohol-related illness and deaths in Scottish neighbourhoods: is there a relationship with the number of alcohol outlets. Edinburgh: Centre for Research on Environment, Society and Health and Alcohol Focus Scotland. 2014.

³⁴ Shortt NK, Tisch C, Pearce J, Mitchell R, Richardson EA, Hill S, Collin J. A cross-sectional analysis of the relationship between tobacco and alcohol outlet density and neighbourhood deprivation. *BMC public health*. 2015;15(1):1014.

³⁵ Richardson EA, Hill SE, Mitchell R, Pearce J, Shortt NK. Is local alcohol outlet density related to alcohol-related morbidity and mortality in Scottish cities?. *Health & place*. 2015;33:172-80.

³⁶ Forsyth AJ, Davidson N. Community off-sales provision and the presence of alcohol-related detritus in residential neighbourhoods. *Health & place*. 2010;16(2):349-58.

³⁷ CRESH and Alcohol Focus Scotland. Relationship between alcohol outlet density and alcohol-related harm. Angus. 2014. Available from: www.alcohol-focus-scotland.org.uk/media/61741/Outlet-density-and-harm-Angus.pdf [Accessed February 2018]

Chart 10. Density of off-sales outlets in Angus by 2011 datazone

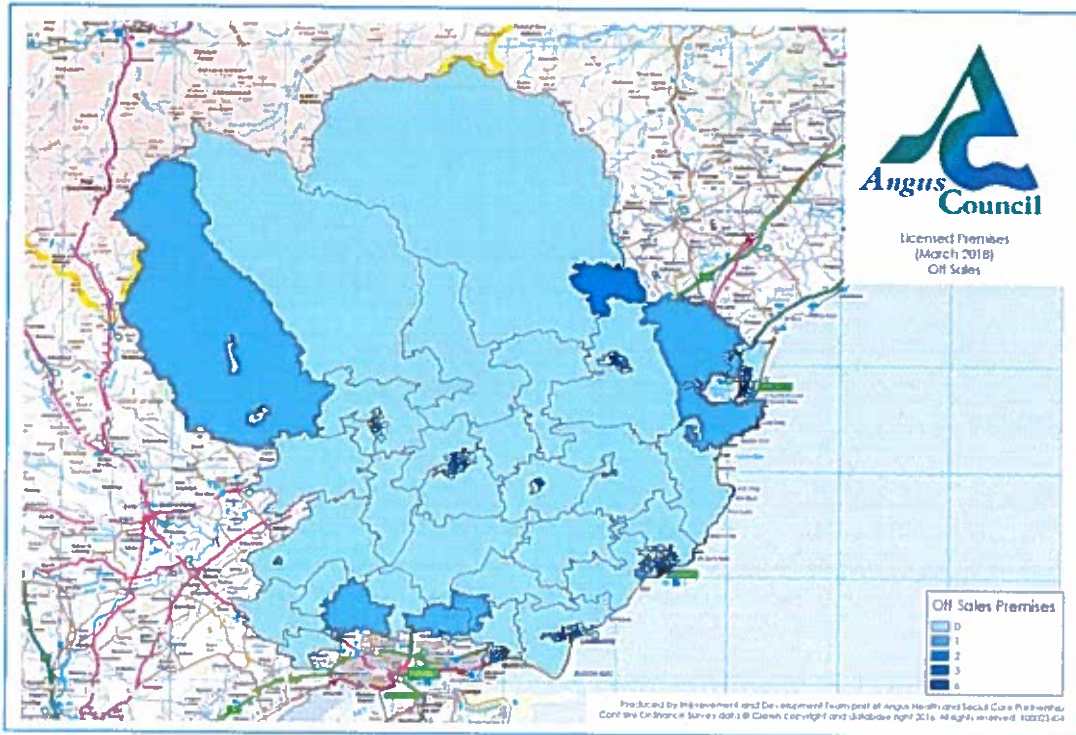


Chart 11. Density of on/off-sales outlets in Angus by 2011 datazone

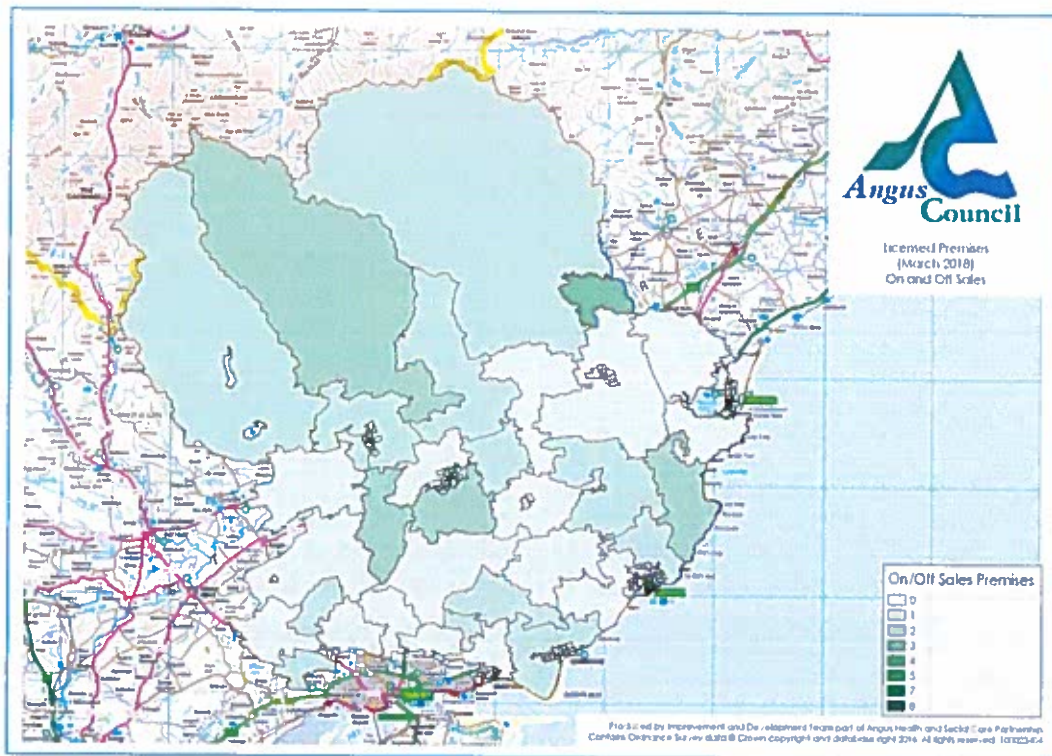
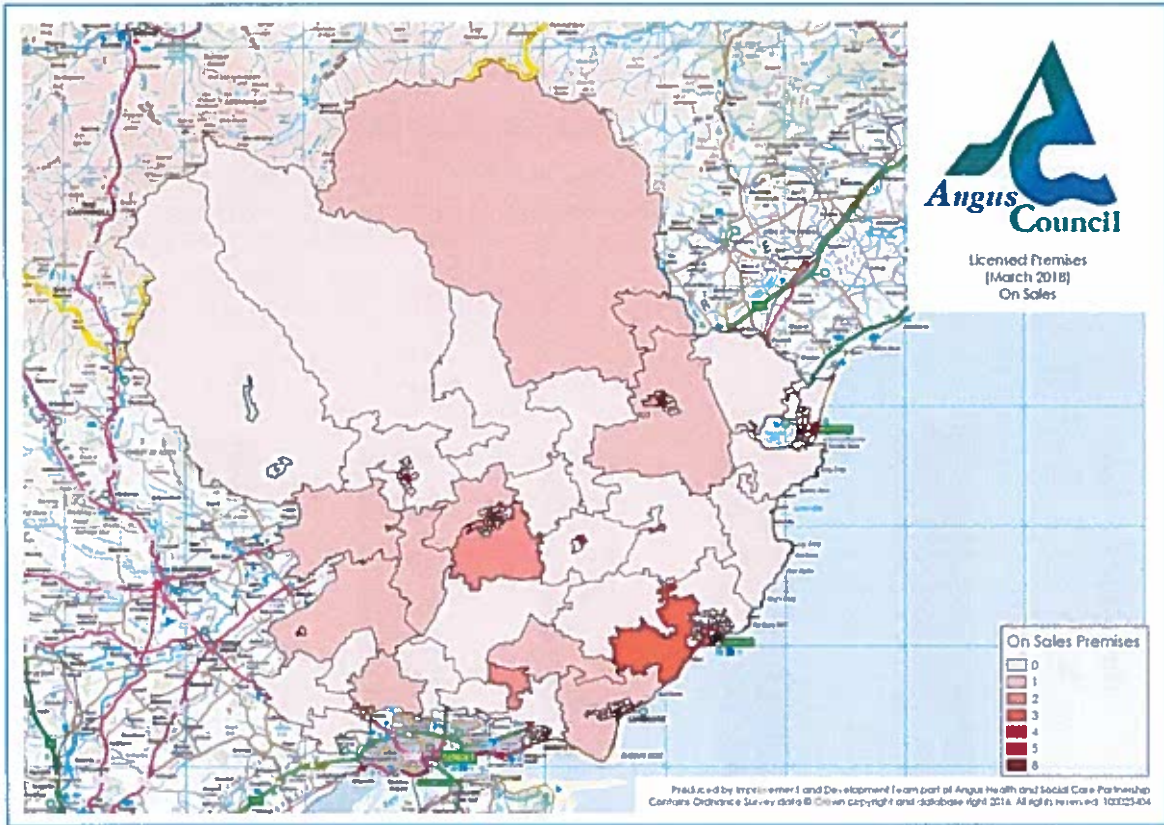


Chart 12. Density of on-sales outlets in Angus by 2011 datazone

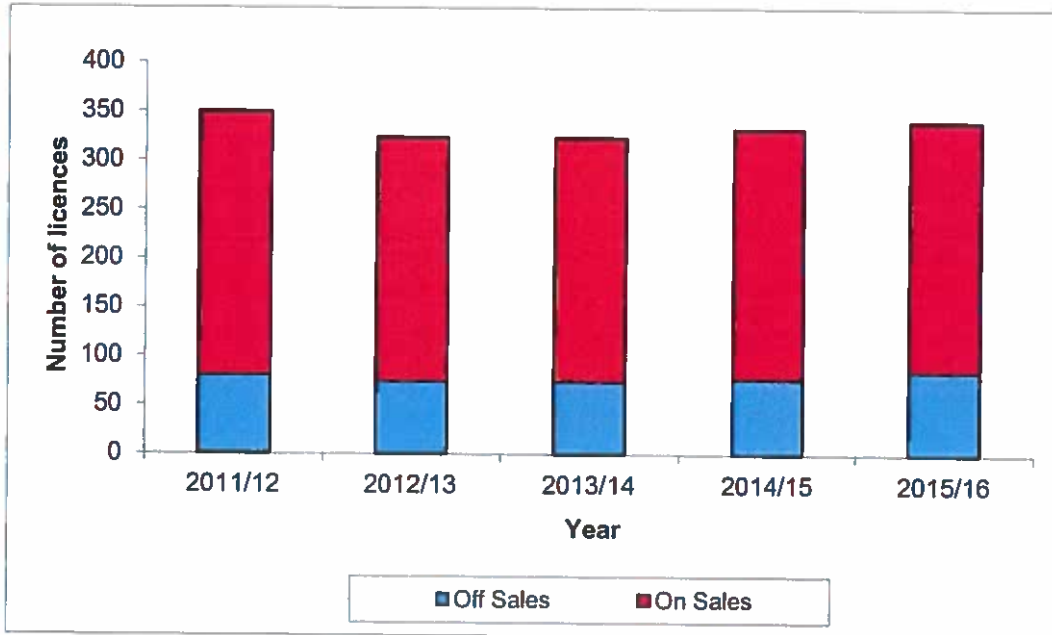


8. Alcohol licensing

8.1 Licenses for on- and off-sales of alcohol

The overall number of premises licences operational in Angus has decreased in the past 5 years (Chart 13) and as of 31st March 2017, the total stood at 338. However, over the same period the number of off sales licences has increased by 6% (from 80 in 2011/12 to 85 in 2015/16).

Chart 13. Licensed premises figures in Angus, 2010/11 – 2016/17



Source: <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/PubLiquor>

The number of personal licences issued by Angus has also increased. In the period 2010/11, 764 individuals were issued with a personal licence. In 2016/17 it was 885, representing a relative increase of 15.8%.

9. Benefits of reducing alcohol availability

Alcohol-related harm in a population is directly associated with alcohol consumption levels.³⁸ The increased availability of alcohol in the commercial and public setting results in an increased availability of alcohol in the social setting and vice versa, therefore contributing to changing the social and cultural norms that promote harmful use of alcohol.

Alcohol-related harm disproportionately affects those living in the most disadvantaged areas and therefore widens health inequalities. Addressing health inequalities is a major public health challenge for Angus and therefore action to reduce health inequalities by mitigating the effects of alcohol-related harm through the restriction of alcohol licensing should be a key public health objective for Angus Licensing Board.

Population-based policy options – such as the use of taxation to regulate the demand for alcoholic beverages, restricting alcohol availability and implementing bans on alcohol advertising – have been shown to be the most effective strategies to reduce the harmful use of alcohol. These strategies have been shown to be not only greatly effective but also highly cost-effective in reducing alcohol-attributable deaths and disabilities at a population level.^{39,40} Examples of evidence-based strategies to reduce the availability of alcohol include regulating the density of alcohol outlets.⁴¹

³⁸ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

³⁹ Chisholm D, Rehm J, Van Ommeren M, Monteiro M. Reducing the global burden of hazardous alcohol use: a comparative cost-effectiveness analysis. *Journal of studies on alcohol*. 2004;65(6):782-93.

⁴⁰ Anderson P, Chisholm D, Fuhr DC. Effectiveness and cost-effectiveness of policies and programmes to reduce the harm caused by alcohol. *The Lancet*. 2009 Jul 3;373(9682):2234-46.

⁴¹ Campbell CA, Hahn RA, Elder R, Brewer R, Chattopadhyay S, Fielding J, Naimi TS, Toomey T, Lawrence B, Middleton JC, Task Force on Community Preventive Services. The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms. *American journal of preventive medicine*. 2009 Dec 31;37(6):556-69.

10. Recommendations

“Preventing and reducing harmful use of alcohol is often given a low priority among decision-makers despite compelling evidence of its serious public health effects.”

WHO Global strategy to reduce the harmful use of alcohol

Alcohol availability (e.g. outlet density and opening hours), alcohol affordability (price) and marketing are the main factors affecting how much alcohol is drunk in Scotland.

Given the evidence of alcohol-related harm in Angus, the impact on health inequalities and the impact of drinking in private settings where friends and families are also exposed and affected, Angus Alcohol and Drugs Partnership (ADP) would strongly recommend that the Angus Licensing Board seeks to adopt an overprovision policy statement which would restrict the issuing of new off-sales licences in the area.

Given that the overall alcohol-related harm in Angus is higher than seen elsewhere in the United Kingdom the policy could arguably apply to the whole local authority area. However, given that alcohol-related harm affects people living in socioeconomically deprived areas disproportionately and there are pockets of high densities of alcohol outlets within the Angus area it may be that the Licensing Board would wish to consider a policy statement that covers only these areas in the first instance.

The development of a robust overprovision policy statement will enable an effective strategic approach to managing alcohol overprovision. This will have the effect of enhancing community life, improving health and well-being, reducing health inequalities, and boosting local productivity and economic performance. Reducing harmful alcohol consumption will lower the financial burden of alcohol-related problems, with the potential for some of the cost-savings to be redirected towards more sustainable economic development in Angus.

Angus Alcohol and
Drugs Partnership

Alcohol Related Crime Analysis
2015-2017



Produced by Alan McKay – Partnership Intelligence Analyst
Version 1.0 March 2018

INTRODUCTION

Police Forces around the world have long been aware of the relationship between excessive alcohol consumption and crime – particularly violence and related disorder. Wider society has also recognised the detrimental consequences of this relationship. An extensive body of academic research now exists that demonstrates the correlation between alcohol abuse and criminal behaviour. This research typically explains this in terms of a range of contributory factors. These included the effects of alcohol on the individual, prevailing cultural attitudes and the general availability of alcohol. Traditionally, the policing of alcohol related crime and violence can be classified into distinct yet overlapping strategies –

- General overt police tactics such as high profile patrols in town centres
- Enforcement of existing licensing and other alcohol related legislation
- Joint working with other interested partner stakeholders

Again, research exists to measure the effectiveness of these approaches. Studies indicate that interventions are more effective when targeted towards identified problems over a sustained period, rather than when initiated as a short-term reactive response to a specific local issue.

Within Angus, the Angus Alcohol and Drugs Partnership (ADP) is a multi-agency partnership that works to encourage and promote safe and responsible attitudes to alcohol in the county. It aims to address the negative impact of alcohol misuse within our communities and reduce related harms.

This profile has been requested as part of ongoing work into the possible overprovision of alcohol retail outlets. It examines alcohol related crime for the last three calendar years – 2015, 2016 and 2017. It looks at crime numbers and trends, geographical hotspot areas (with particular focus on the four Angus localities), and alcohol related violence. All crime data has been extracted from UniFi.

RECORDED ALCOHOL RELATED CRIME LEVELS

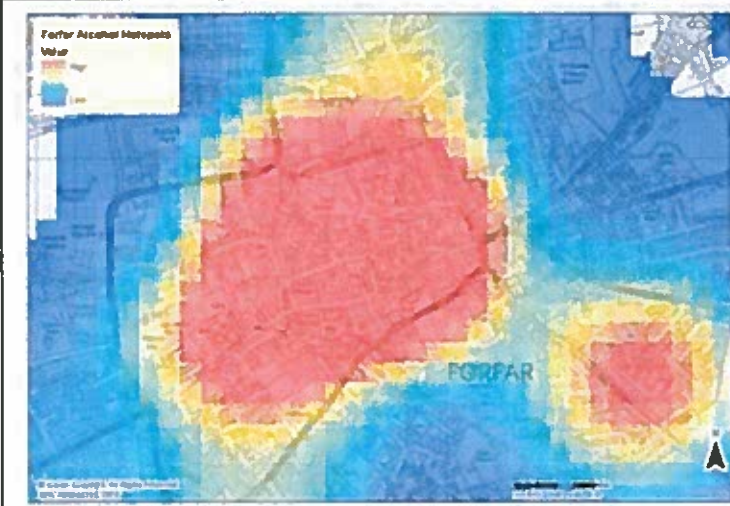


The graph above left shows the number of recorded crimes with an alcohol marker for each of the last three calendar years. Recorded alcohol related crime has fallen in each of the last years – by 6% between 2015 and 2016 and a further 19% between 2016 and 2017. Despite these falls, there are still over 20 crimes recorded every week with an alcohol marker. The chart above right illustrates the crime group split of all recorded alcohol related crime over the last three years. The majority of crimes (62%) are group six. In addition, there are also significant numbers of group seven offences (11%), group five crimes (10%) and group four crimes (6%). Much less common are group one violence (4%), group two sexual crimes (3%) and negligible numbers of group eight offences

PROTECT

ALCOHOL RELATED CRIME HOTSPOTS

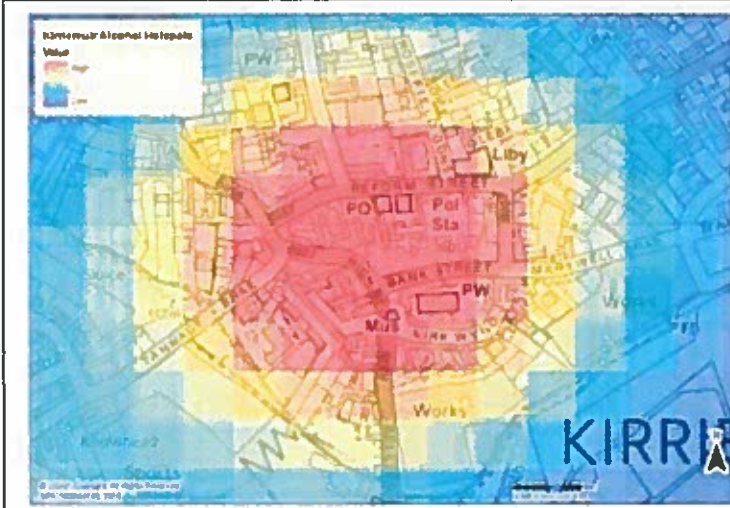
FORFAR HOTSPOTS



As illustrated in the map opposite, the primary 'hotspot' location for alcohol related crime in Forfar corresponds to the main town centre area where many of the town's bars and other entertainment venues are located. This is consistent with previous analysis suggesting links between alcohol related crime and the night-time economy.

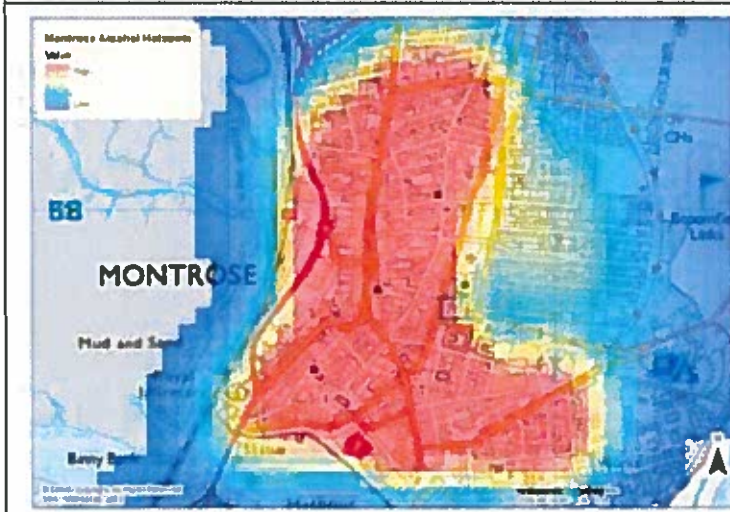
There is also a smaller 'hotspot' evident in the more residential area around Lordburn and Restenneth. This related to alcohol related domestic offences.

KIRRIEMUIR HOTSPOTS



The 'hotspot' for alcohol related crime within Kirriemuir is focussed within a very small area of the town centre around the High Street, Bank Street and Reform Street. A number of bars and pubs are located within this small area.

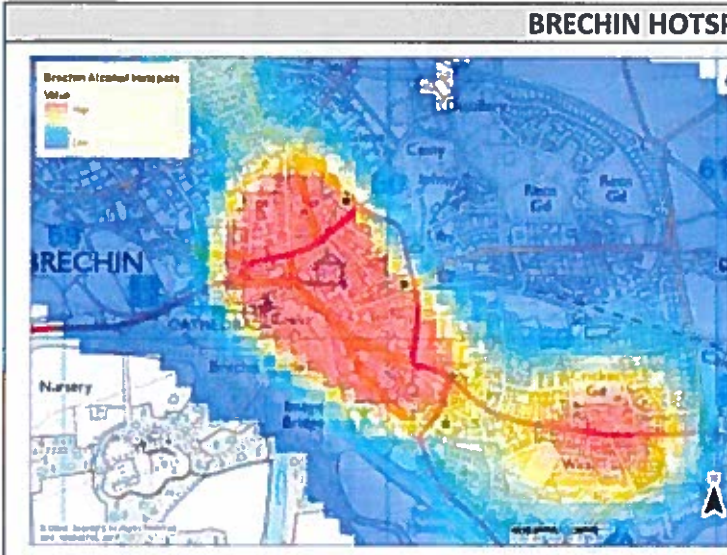
MONTROSE HOTSPOTS



The 'hotspot' area for violent crime within Montrose take in large parts of the town centre. This area is a mixture of both residential and commercial areas – the commercial areas include many of the town's bars, pubs and clubs. This reflects previous analysis of alcohol related crime which suggests a mixture of incidents linked to the night-time economy and domestic offences taking place in private addresses.

PROTECT

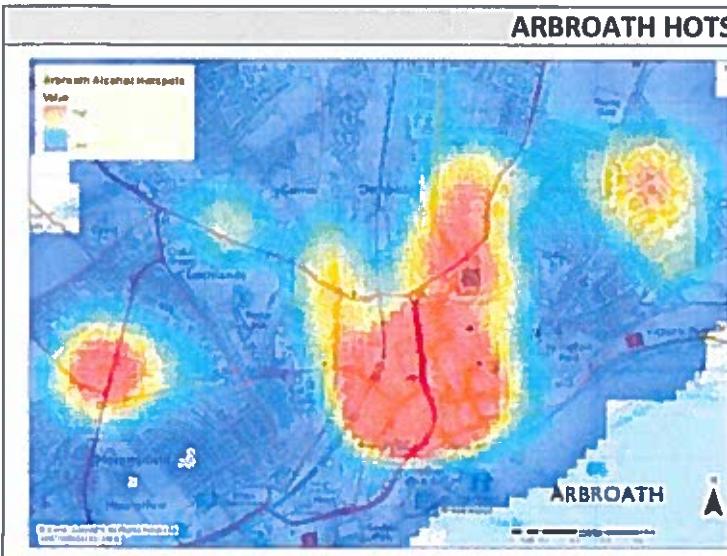
BRECHIN HOTSPOTS



Within Brechin, the primary 'hotspot' for alcohol related crime corresponds to the area of the town centre where many of the bars and clubs are located.

There is also a smaller 'hotspot' evident in the more residential area towards the bottom end of Montrose Street. While there are also some bars and clubs located within this area, there are also other alcohol related crimes linked to more domestic situations.

ARBROATH HOTSPOTS



The primary 'hotspot' area in Arbroath incorporates the main entertainment area of the town centre where many bars, pubs and clubs are located, extending northwards past the Abbey area into the more residential areas of Demondale. These crimes are linked to the night-time economy.

There are also smaller 'hotspots' evident in the more residential area around Hayshead and Lochlands. These are more likely related to alcohol related domestic offences.

PROTECT

ALCOHOL RELATED CRIME BY BEAT

FORFAR & KIRRIEMUIR LOCALITY



Within the Forfar & Kirriemuir locality, the graph and map above illustrates the split of alcohol related offending by Police beat area. Beat E12 has the highest number of recorded alcohol related crimes – 38% of all the crimes recorded within the locality come from this beat. Beat E12 corresponds to the central area of Forfar – the main ‘hotspot’ area highlighted previously in this report. There are also significant numbers of reported crimes within Beat E13 which includes the more residential areas of Forfar – including the secondary ‘hotspot’ area of Restenneth/Lordburn. Beat E17 also has a significant level of crime – this beat takes in most of Kirriemuir.

MONTROSE & BRECHIN LOCALITY



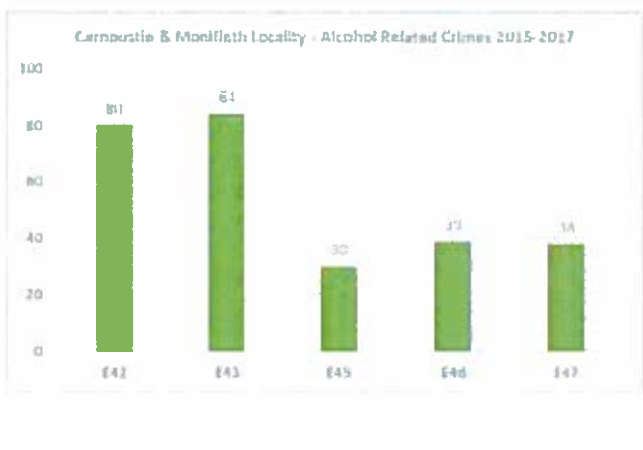
Within the Montrose & Brechin locality, the graph and map above illustrates the split of alcohol related offending by Police beat area. Beat E23 has the highest number of recorded alcohol related crimes – 44% of all the crimes recorded within the locality come from this beat. In addition, another 21% of all crimes from the locality are in Beat E22. Beats E23 and E22 corresponds to the Montrose area – including the main ‘hotspot’ area highlighted earlier in the report. There are also significant numbers of reported crimes within Beat E27 which takes in much of Brechin – including the main ‘hotspot’ areas.

PROTECT
ARBROATH LOCALITY



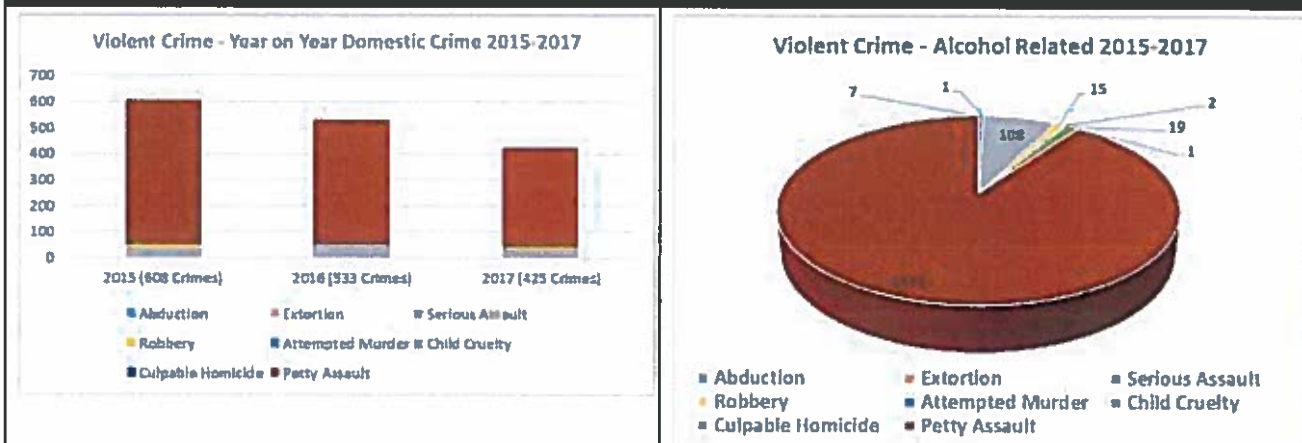
Within the Arbroath locality, the graph and map above illustrates the split of alcohol related offending by Police beat area. As can be easily shown, the spread of alcohol related crime is more evenly spread between Beat E32 (20%), Beat E33 (26%), Beat E36 (30%) and Beat E37 (19%). The main town centre 'hotspot' area identified earlier corresponds to Beats E32 and E36, while the more residential 'hotspot' areas are to be found in Beats E33 and E37.

CARNOUSTIE & MONIFIETH LOCALITY



Within the Carnoustie & Monifieth locality, the graph and map above illustrates the split of alcohol related offending by Police beat area. As is shown, alcohol related crime is more primarily concentrated between Beat E42 (30%) and Beat E43 (31%). These two beats represent Carnoustie. And surrounding area.

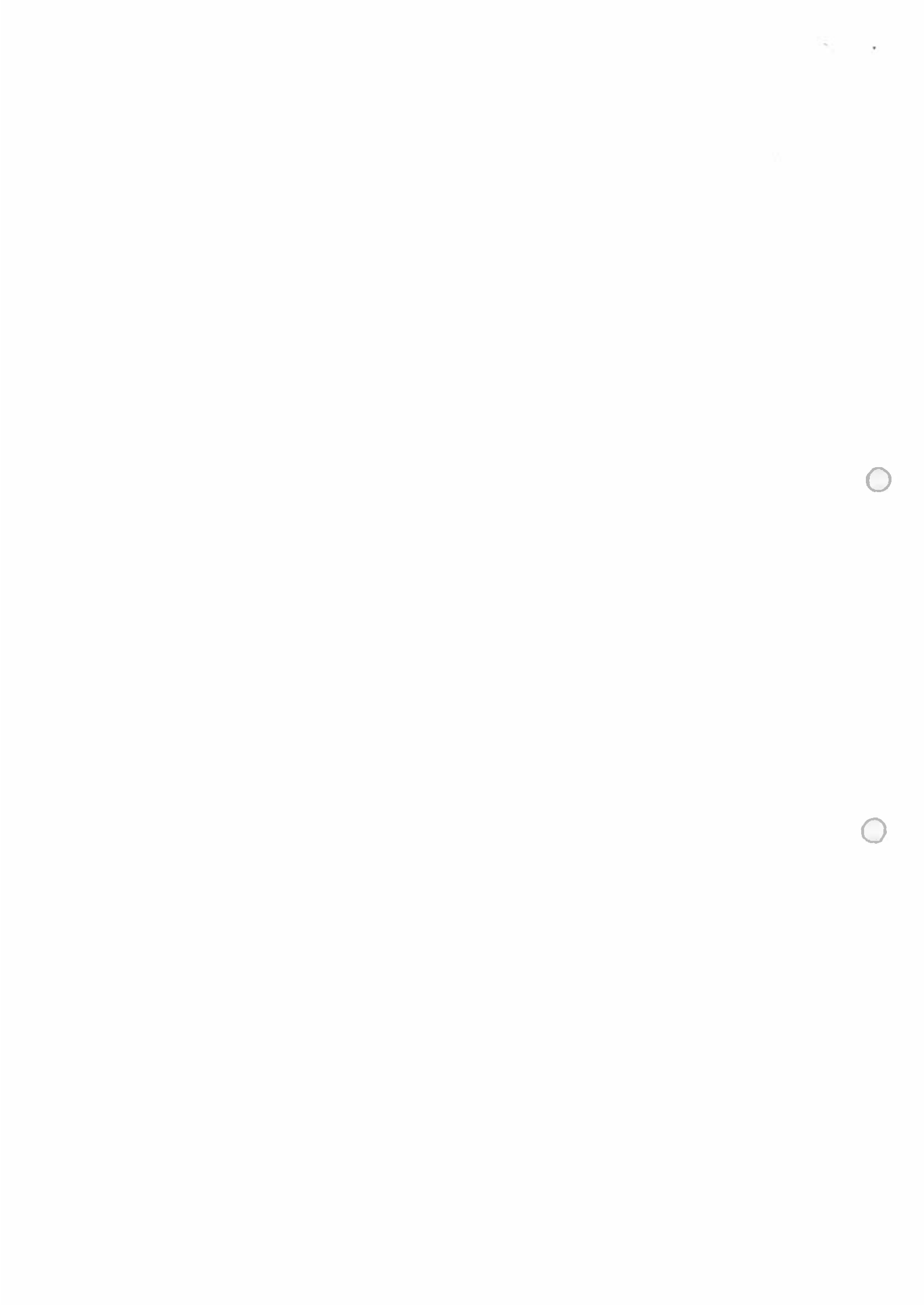
ALCOHOL RELATED CRIMES OF VIOLENCE



The graph above left illustrates that there has been a steady decline in alcohol related violent crime in Angus between 2015 and 2016 (12%) and between 2016 and 2017 (20%). While this is encouraging, it still means that there is – on average – more than one alcohol related violent crime recorded in Angus every day. From the pie chart above right, it is clear that the majority of alcohol related violent crime is towards the lower end of the scale – over 90% of all such crime recorded between 2015 and 2017 were minor assaults. Of the remaining crimes, most are serious assaults.

CONCLUSIONS

- Alcohol related crime is a problem throughout Scotland and reflects long standing issues around the relationship between alcohol and society.
- While fluctuating from one year to another, there remains significant levels of recorded alcohol related crimes within Angus – over 20 recorded crimes per week.
- The majority of alcohol related crimes are within the Police Group 6 – crimes of disorder. Serious violent crime is relatively rare.
- Geographical 'hotspot' areas for alcohol related crime correspond to the main Angus towns – in particular areas of Forfar, Kirriemuir, Brechin, Montrose and Arbroath associated with the night-time economies of these towns.
- Geographical links to alcohol related offending are further confirmed by high concentrations of offences recorded within town centre beats within each of the four Angus localities.
- A significant proportion of alcohol related crimes involve violence – particularly Petty Assaults within the Group 6 category. As previously stated, serious violence remains rare with most Group 1 crimes recorded as Serious Assaults.



I respectfully request Licensing Board members consider the following:

Licensing Objectives

- Para 3.1.2 of the Statement of Licensing Policy sets out the measures that the Board consider reasonably necessary to meet the Crime and Disorder objective. I would ask Board members to consider adding a line for applicants to have sufficient policies in place to ensure open drink containers and empty glasses are not removed from the premises.
- The Air Weapons and Licensing (Scotland) Act 2015 changed the licensing objective of protecting children from harm to protecting children and young persons from harm. I would ask Board members to include the term "young persons" when children are mentioned.

Licensing Hours

- Para 6.4 of the Statement of Licensing Policy sets out the policies in relation to considering the licensed hours in applications for premises licences, or for variations of premises licences within the meaning of Section 62(1)(a) of the Licensing (Scotland) Act 2005. The general licensed hours are then set out at para 6.4 LH/1 & LH/2; LH/1 also sets out the general hours for occasional licence hours.

I would ask the Board members to include Occasional Licences within the text at para 6.4 and to refer to para 62 (1)(b) of the act.

Premises Licence Applications

- Para 7.4 of the Statement of Licensing Policy requires applications for a premises licence to be accompanied by six additional copies of the layout plan. With the increased use of electronic communications there is no longer a need for these additional copies and I would ask Board members to consider removing para 7.4 from the Statement of Licensing Policy.

Occasional Licences

- Section 13 of the Licensing (Procedure) (Scotland) Regulations 2007 provide that a hearing is to be held no later than 42 days after the Board receives an occasional licence application. Para 4.4.4 of the Statement of Licensing Policy currently delegates authority to the Convenor, Vice Convenor and local members to determine applications where objections or representations have been received and the date(s) of the event is before the date of the next meeting but the current policy does not delegate authority for applications that require to be decided upon by Board members within 42 days when this would fall before the next meeting.

To meet the deadline set out in legislation, I would ask Board members to include this occurrence within the Statement of Licensing policy.

- An occasional licence had been issued for off-sales at a local Christmas Market but the licence holder sold alcohol in open containers and allowed customers to consume alcohol around the market site. 'Off-sales' are not defined within the legislation nor the Statement of Licensing Policy; I would ask Board members to consider adding a general condition to all occasional licences which defines Off-

sales as being alcohol sold in sealed containers for consumption off the premises only.

- Para 4.4.3 of the current Statement of Licensing Policy prescribes that "Where an applicant for an Occasional Licence seeks to sell alcohol for consumption both on and off the premises, then sales of alcohol for consumption off the premises cannot commence prior to the commencement of the sale of alcohol for consumption on the premises." However, when alcohol is to be sold for consumption both on and off the premises, Section 56(9) of the Licensing (Scotland) Act 2005 permits different times for on and off-sales. I would ask the Board to consider removing para 4.4.3 to bring the Statement of Licensing Policy in line with legislation.
- Appendix 2 of the current Statement of Licensing Policy sets out conditions that are generally attached to all occasional licences. Para D of these conditions relates to events held in marquees and provides that "Except in the case of weddings, plastic glasses must be used instead of glass ones, and drinks will be poured from beer bottles etc. into plastic glasses."

Generally, when considering an application for any outdoor event I would ask the applicant to agree to the condition "all drinks to be decanted into plastic containers at the point of sale"; to help satisfy the licensing objectives, in particular securing public safety, I would ask Board members to consider including this condition within Appendix 2 of the Statement of Licensing Policy for any outdoor event not just those within marquees.

Festive Hours

- The Supplementary Statement of Licensing Policy published on 3 November 2016 sets out the extended hours on sale premises can trade for during the festive period and requires premises to have seasonal variations within their Operating Plan. The Supplementary Statement of Licensing Policy does not extend to Occasional Licences and I would ask Board members to include Occasional Licences within the festive period extensions.

Mark Gillespie
Licensing Standards Officer

Licensing Standards Officer

Para 3.1.2 of the Statement of Licensing Policy sets out the measures that the Board consider reasonably necessary to meet the Crime and Disorder objective. I would ask Board members to consider adding a line for applicants to have sufficient policies in place to ensure open drink containers, bottles and empty glasses are not removed from the premises.

The current policy is:

3.1.2 The Applicant should also address the following issues and be prepared to introduce such measures as are considered reasonably necessary to meet the Crime and Disorder objective;

- effective and responsible management of premises;
- training and supervision of staff;
- policies on proof of age requirements;
- pricing/promotions policies and advertising;
- CCTV provision/external lighting;
- use of SIA licensed door supervisors;
- membership of local pub/shop-watch schemes and involvement in responsible business award schemes;
- training staff in managing patrons who are already intoxicated;
- measures applicants may take to reduce violence through environmental measures, such as, cleanliness and quality of fittings, choice and volume of music, cleanliness of toilet facilities and ventilation; and
- a requirement to have a refusals book where staff can record all episodes where they have refused to serve someone.

Suggested wording for implementing LSO's suggestion:

3.1.2 The Applicant should also address the following issues and be prepared to introduce such measures as are considered reasonably necessary to meet the Crime and Disorder objective;

- effective and responsible management of premises;
- training and supervision of staff;
- policies on proof of age requirements;
- pricing/promotions policies and advertising;
- CCTV provision/external lighting;
- use of SIA licensed door supervisors;
- membership of local pub/shop-watch schemes and involvement in responsible business award schemes;
- training staff in managing patrons who are already intoxicated;
- measures applicants may take to reduce violence through environmental measures, such as, cleanliness and quality of fittings, choice and volume of music, cleanliness of toilet facilities and ventilation; and
- a requirement to have a refusals book where staff can record all episodes where they have refused to serve someone.
- **a requirement to adopt efficient policies and procedures to ensure open drink containers, bottles and empty glasses are not removed from the premises.**

Para 6.4 of the Statement of Licensing Policy sets out the policies in relation to considering the licensed hours in applications for premises licences, or for variations of premises licences within

the meaning of Section 62(1)(a) of the Licensing (Scotland) Act 2005. The general licensed hours are then set out at para 6.4 LH/1 & LH/2; LH/1 also sets out the general hours for occasional licence hours.

I would ask the Board members to include Occasional Licences within the text at para 6.4 and to refer to para 62 (1) (b) of the Act.

Current policy:

- 6.4 Having regard to the above, the Board adopts the following policies in relation to considering the licensed hours in applications for premises licences, or for variations of premises licences, within the meaning of Section 62(1)(a) of Act:

Suggested wording:

- 6.4 Having regard to the above, the Board adopts the following policies in relation to considering the licensed hours in applications for premises licences, or for variations of premises licences, within the meaning of Section 62(1)(a) of Act **and for occasional licences within the meaning of Section 62(1)(b) of the Act:**

Para 7.4 of the Statement of Licensing Policy requires applications for a premises licence to be accompanied by six additional copies of the layout plan. With the increased use of electronic communications there is no longer a need for this amount of additional copies and I would ask Board members to consider amending para 7.4 of the Statement of Licensing Policy.

Licensing (Procedure) (Scotland) Regulations 2007 - Regulation 5

✔ Law In Force

5. Documents to accompany premises licence application

A premises licence application must be accompanied by 6 additional copies of the layout plan required under section 20(2)(b)(ii) or such lesser number of copies as the Board may specify.

Current policy:

- 7.4 Except as provided for in 7.3 above, an application for a premises licence must be accompanied by six additional copies of the layout plan.

Suggested wording:

- 7.4 Except as provided for in 7.3 above, an application for a premises licence must be accompanied by **one additional copy** of the layout plan.

Section 13 of the Licensing (Procedure) (Scotland) Regulations 2007 provide that a hearing is to be held no later than 42 days after the Board receives an occasional licence application. Para 4.4.4 of the Statement of Licensing Policy currently delegates authority to the Convenor, Vice Convenor and local members to determine applications where objections or representations have been received and the date(s) of the event is before the date of the next meeting but the current policy does not delegate authority for applications that require to be decided upon by Board members within 42 days when this would fall before the next meeting.

To meet the deadline set out in legislation, I would ask Board members to include this occurrence within the Statement of Licensing policy.

Current policy:

4.4.4 The Board has delegated powers to the Convener and Vice Convener of the Board, together with the local Members, to determine applications for Occasional Licences in the following circumstances:

- where objections or representations have been received, the Chief Constable or the Licensing Standards Officer have recommended refusal, or the hours or activities proposed are outwith Board Policy; and
- the date(s) of the event in respect of which the application for the Occasional Licences relates is before the date of the next meeting of the Board.

In the event of a tied vote, the Convener would have the casting vote.

Suggested wording:

4.4.4 The Board has delegated powers to the Convener and Vice Convener of the Board, together with the local Members, to determine applications for Occasional Licences in the following circumstances:

- where objections or representations have been received, the Chief Constable or the Licensing Standards Officer have recommended refusal, or the hours or activities proposed are outwith Board Policy; and
- the date(s) of the event in respect of which the application for the Occasional Licences relates is before the date of the next meeting of the Board.
- the date of the next meeting of the Board is more than 42 days after receipt of the application for the Occasional Licence.

In the event of a tied vote, the Convener would have the casting vote.

An occasional licence had been issued for off-sales at a local Christmas Market but the licence holder sold alcohol in open containers and allowed customers to consume alcohol around the market site. 'Off-sales' are not defined within the legislation nor the Statement of Licensing Policy; I would ask Board members to consider adding a general condition to all occasional licences at Appendix 2 of the Statement of Licensing Policy which defines Off-sales as being alcohol sold in sealed containers for consumption off the premises only.

Suggested wording:

- E. Off-sales are to be sold in sealed containers for consumption off the premises**

Para 4.4.3 of the current Statement of Licensing Policy prescribes that "Where an applicant for an Occasional Licence seeks to sell alcohol for consumption both on and off the premises, then sales of alcohol for consumption off the premises cannot commence prior to the commencement of the sale of alcohol for consumption on the premises." However, when alcohol is to be sold for consumption both on and off the premises, Section 56(9) of the Licensing (Scotland) Act 2005 permits different times for on and off-sales. I would ask the Board to consider removing para 4.4.3 to bring the Statement of Licensing Policy in line with legislation.

Current policy:

4.4.3 Where an applicant for an Occasional Licence seeks to sell alcohol for consumption both on and off the premises, then sales of alcohol for consumption off the premises cannot commence prior to the commencement of the sale of alcohol for consumption on the premises.

S56(9) Licensing (Scotland) Act 2005:

(9) Where alcohol is to be sold both for consumption on and for consumption off the premises, the occasional licence for the premises may, under subsection (8)(e), state different times for—

- (a) the sale of alcohol for consumption on the premises, and
- (b) the sale of alcohol for consumption off the premises.

Appendix 2 of the current Statement of Licensing Policy sets out conditions that are generally attached to all occasional licences. Para D of these conditions relates to events held in marquees and provides that “Except in the case of weddings, plastic glasses must be used instead of glass ones, and drinks will be poured from beer bottles etc. into plastic glasses.”

Generally, when considering an application for any outdoor event I would ask the applicant to agree to the condition “all drinks to be decanted into non-glass containers at the point of sale”; to help satisfy the licensing objectives, in particular securing public safety, I would ask Board members to consider including this condition within Appendix 2 of the Statement of Licensing Policy for any outdoor event not just those within marquees.

Current policy:

D. Marquees

- i. Where the premises operating under an occasional licence include a marquee, any area adjacent to the marquee where patrons are permitted to consume drinks outside, must be clearly defined by suitable fencing.
- ii. Except in the case of weddings, plastic glasses must be used instead of glass ones, and drinks will be poured from beer bottles etc. into plastic glasses.

Suggested wording:

D. Marquees

- ii. Where the premises operating under an occasional licence include a marquee, any area adjacent to the marquee where patrons are permitted to consume drinks outside, must be clearly defined by suitable fencing.
- iii. Except in the case of weddings, **non-glass containers** must be used , and drinks will be poured from beer bottles etc. into **non-glass containers at the point of sale**.

E. Outdoor Events

Where a premises operating under an occasional licence includes an outdoor area, non-glass containers must be used, and drinks will be poured from bottles etc into non-glass containers at the point of sale.

The Supplementary Statement of Licensing Policy published on 3 November 2016 sets out the extended hours on sale premises can trade for during the festive period and requires premises to have seasonal variations within their Operating Plan. The Supplementary Statement of Licensing Policy does not extend to Occasional Licences and I would ask Board members to include Occasional Licences within the festive period extensions.

Current policy:

2.2 The Board's Supplementary Licensing Policy Statement in respect of extended hours over Christmas and New Year supersedes the Policy referred to above and provides that:-

- (i) If Christmas Eve, Christmas Day, Hogmanay and New Years Day fall on a Sunday, Monday, Tuesday, Wednesday or Thursday then, on that day, the Board will permit on sale premises to trade for the hours provided to them in their Operating Plan for a Friday and Saturday night,
- (ii) If Christmas Eve, Christmas Day, Hogmanay and New Years Day fall on a Friday or a Saturday then, on that day, the Board will permit on sale premises one additional hour at the end of trading. However, the Board will not permit this extension of hours if it would result in premises trading beyond 2am.
- (iii) If applicants wish to take advantage of this relaxation, they should include provision for it in their Operating Plan, or apply for an extension of hours in terms of Sections 67 to 70 of the Act.

Suggested wording:

2.2 The Board's Supplementary Licensing Policy Statement in respect of extended hours over Christmas and New Year supersedes the Policy referred to above and provides that:-

- (i) If Christmas Eve, Christmas Day, Hogmanay and New Year's Day fall on a Sunday, Monday, Tuesday, Wednesday or Thursday then, on that day, the Board will permit on sale premises to trade for the hours provided to them in their Operating Plan for a Friday and Saturday night, **for premises operating under an occasional licence the Board will permit the premises to trade until 1am.**
- (ii) If Christmas Eve, Christmas Day, Hogmanay and New Year's Day fall on a Friday or a Saturday then, on that day, the Board will permit on sale premises one additional hour at the end of trading. However, the Board will not permit this extension of hours if it would result in premises trading beyond 2am, **for premises operating under an occasional licence the Board will permit the premises to trade until 2am.**
- (iii) If applicants wish to take advantage of this relaxation, they should include provision for it in their Operating Plan, or apply for an extension of hours in terms of Sections 67 to 70 of the Act.

JANET HOOD

Paragraph 3

Current Policy:

3.1.2 The Applicant should also address the following issues and be prepared to introduce such measures as are considered reasonably necessary to meet the Crime and Disorder objective;

- effective and responsible management of premises;
- training and supervision of staff;
- policies on proof of age requirements;
- pricing/promotions policies and advertising;
- CCTV provision/external lighting;
- use of SIA licensed door supervisors;
- membership of local pub/shop-watch schemes and involvement in responsible business award schemes;
- training staff in managing patrons who are already intoxicated;
- measures applicants may take to reduce violence through environmental measures, such as, cleanliness and quality of fittings, choice and volume of music, cleanliness of toilet facilities and ventilation; and
- a requirement to have a refusals book where staff can record all episodes where they have refused to serve someone.

3.2.1 When addressing the issue of public safety, applicants should consider the following:-

- the occupancy capacity of their premises (broken down into areas if relevant);
- the internal lay-out including means of escape in an emergency;
- the minimum number of staff to be employed (broken down into areas if relevant and times of employment);
- the nature, times and location of the activities to be provided;
- any differentiation between the hours of opening and the hours when alcohol will be sold;
- customer profile/target market eg. age/type of customer;
- provision of facilities for the hygienic service of food and alcohol; and
- any other matters which the applicant considers relevant.

The detailed information gathered by the applicants as aforesaid will depend on the type of premise being run but applicants should ensure that sufficient information is available to enable the Board to assess the service being offered and condition the licence appropriately.

3.4.4 Applicants will also require to demonstrate their policies on the sale of alcohol to persons already intoxicated and to under-age persons.

MODEL LOCAL CONDITIONS - CHILDREN

1. General

The licence holder must operate the premises in accordance with the description of the premises detailed in the licence, as approved by the Licensing Board.

2. Access to Licensed Premises (On Sales) by Children

Children and young persons will only be permitted to access and remain within on-sale licensed premises in accordance with the details specified in the Operating Plan. In addition the following control measures will require to be in place:-

(a) (i) WHERE FOOD IS SOLD ANCILLARY TO ALCOHOL

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will only be permitted in licensed premises until 9.00pm or one hour after cessation of serving of food to the individual person or group of persons consuming the meal, whichever is the earlier.

(ii) WHERE ALCOHOL IS SOLD ANCILLARY TO FOOD I.E.
RESTAURANTS.

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will be permitted in the licensed premises until one hour after the cessation of serving food to the individual person or group of persons consuming the meal.

(iii) WHERE ALCOHOL IS SOLD ANCILLARY TO A
FUNCTION/ENTERTAINMENT

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to attend a pre-booked private function or a ticketed function until the termination of the function.

(iv) WHERE NO FOOD IS SOLD

No children under the age of 16 will be permitted into any premises and young persons aged 16 or 17 will only be permitted in the licensed premises until **9.00pm**.

(v) ALCOHOL SOLD IN LEISURE CLUBS ETC.

Notwithstanding the foregoing restrictions, if requested by an applicant or licence holder, the Board may declare that it is satisfied that specific Licensed Premises (such as a family leisure club or family orientated hotel) substantially cater for family activities and recreation involving children and young persons. In such instances, Children and Young Persons will be permitted to remain within the Licensed Premises during the hours when the Licensed Premises are catering for family activities and recreation, but children will not be permitted in any bar area beyond 9:00 pm.

(vi) ALCOHOL SOLD IN PREMISES IN REMOTE AND RURAL AREAS

Notwithstanding the foregoing restrictions, if requested by an applicant or licence holder, the Board may declare that it is satisfied that specific Licensed Premises are located in a remote and rural area and provide services and facilities that substantially cater for tourism. In such instances, Children and Young Persons will be permitted access to the premises without the requirement to be taking a meal, but children will not be permitted in any bar area beyond 9:00 pm. For the purposes of these Conditions, remote and rural areas are defined as being within that part of the Angus Local Authority Area within the Cairngorm National Park, or identified as Category 2 Rural Settlement Units in the Angus Local Plan

(vii) ALCOHOL SOLD IN PRESCRIBED CLUBS

Notwithstanding the foregoing restrictions, **if requested by an applicant or licence holder**, the Board may declare that it is satisfied that specific Licensed Premises qualify as a club of a prescribed description within the meaning of the Licensing (Clubs) (Scotland) Regulations 2007 and which is devoted primarily to some sporting purpose. In such instances, Children and Young Persons will be permitted to remain within the Licensed Premises, only if they were members of the club and solely for the purposes of their participation in a sporting event, but that children would not be permitted in any bar or other area beyond 9.00 pm. For the avoidance of doubt, the viewing of a televised sporting event is not a sporting event for the purposes of this condition.

- (b) Children and young persons are only permitted to be present in licensed premises seated at tables and not bar counters.
- (c) Children and young persons must be accompanied by and kept under the direct supervision of a responsible adult (not less than the age of 18) who must keep proper control of the children at all times.
- (d) The part or parts of the licensed premises where children and young persons are permitted should be free of gaming and/or category C amusements with prizes machines.
- (e) Gaming and category C amusements with prizes machines should not be located in walkway areas and must be sited in a location where their use can be monitored by staff and no children or young persons will be permitted to operate said machines.
- (f) Where televisions or screens for live or pre-recorded entertainment or games are intended to be used in areas where children are permitted, the programmes or video films must be of a type suitable for family and children's viewing.
- (g) Male and female toilets must be directly accessible from the area where children are allowed and remain open at all times when children are in the premises.
- (h) A children's menu shall be made available at all times during which children or young persons are permitted to be on the premises. This would not be satisfied by the provision of soft drinks or snacks but would require to be plated food from a varied menu which may include sandwiches. There is no requirement to provide a children's menu at a wedding or other pre-booked private function or ticketed function.
- (i) Electrical sockets within the part or parts of the premises to which children have access should, when not in use, have plug caps thereon.
- (j) Where open fires or electrical or gas fires or radiators are within part or parts of the premises to which children have access, it is expected that such fires and radiators etc. will be securely guarded.
- (k) Managers must ensure that stringent measures are in place to ensure that children or young people do not purchase or consume alcohol on the premises (unless such consumption by a young person is permitted in terms of the restricted provisions of Section 105(5) of the Act).
- (l) Managers must ensure that stringent measures are taken to ensure that children and young persons are not exposed to strong language, violence or disorder.

Paragraph 5

Personal Licences

- 4.3.1 Every premise will require one or more personal licence holder. The personal licence is intended to ensure that all managers of premises are capable of managing them appropriately. Whilst the Act requires that each sale is authorised by a personal licence holder, such authorisation can be a general one but the Board will require that the authorisation is in writing and available to the Licensing Standards Officer for inspection at any time. Where such authorisation has been granted the Board will not insist on a personal licence holder being present on the premises at all times. However, where a personal licence holder is not present they still retain responsibility for the premises and appropriate steps should be taken to ensure that holiday cover/sickness absence are provided for. Please note that special rules apply to Clubs.

Mandatory Conditions attached to Premises Licences

5

Every sale of alcohol made on the premises must be authorised (whether generally or specifically) by—

- (a) the premises manager, or
- (b) another person who holds a personal licence.

Paragraph 6

Current policy

- 6.3 Scottish Government Guidance issued under Section 142 of the Act (the "Guidance") suggests at paras 21 and 22 that:-
- any application received by a Licensing Board from a premise wishing to open for 24 hours must only be granted in limited exceptional circumstances. Scottish Ministers are of the view that Licensing Boards should consider "exceptional circumstances" to cover special events such as one-off local or national festivals. It is unlikely that "exceptional circumstances" would be constituted in the case of premises where there were routine requests to sell alcohol for 24 hours.
 - in considering applications for licensed hours Boards may wish to consider applications for up to 14 hours as being reasonable but local circumstances and views of Local Licensing Forums should always be considered. Any application for licensed hours for more than 14 hours should require further consideration to the effect of granting extra operating hours and
 - licensed hours will be those agreed following the Board's consideration of the operating plan and any national and local licence conditions applied. Particular attention should be drawn to those premises wishing to open after 1.00pm since mandatory licence conditions will apply.

Scottish Government Guidance

It is unlikely that "exceptional circumstances" would be justified in the case of premises where there were routine requests to sell alcohol for 24 hour periods. In considering applications for licensed hours Licensing Boards may wish to consider applications for up to 14 hours as being reasonable but local circumstances and views of those represented by Local Licensing Forums should always be considered. Any application for licensed hours for more than 14 hours should require further consideration of the effect of granting extra operating hours.

Paragraph 8

Current policy

6.9 In respect of the extension of hours on Christmas Eve, Christmas Day, Hogmanay and New Years' Day:

(i) If Christmas Eve, Christmas Day, Hogmanay and New Years Day fall on a Sunday, Monday, Tuesday, Wednesday or Thursday then, on that day, the Board will permit on sale premises to trade for the hours provided to them in their Operating Plan for a Friday and Saturday night,

(ii) If Christmas Eve, Christmas Day, Hogmanay and New Years Day fall on a Friday or a Saturday then, on that day, the Board will permit on sale premises one additional hour at the end of trading. However, the Board will not permit this extension of hours if it would result in premises trading beyond 2am.

(iii) If applicants wish to take advantage of this relaxation, they should include provision for it in their Operating Plan, or apply for an extension of hours in terms of Sections 67 to 70 of the Act.

Suggestion by Janet Hood

In respect of the extension of hours on Friday and Saturdays throughout December, the Board will permit on sale premises one additional hour at the end of trading. However, the Board will not permit this extension of hours if it would result in premises trading beyond 2am.

In respect of the extension of hours on Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day when they do not fall on a Friday or Saturday:

(i) If Christmas Eve, Christmas Day, Boxing Day, Hogmanay and New Year's Day fall on a Sunday, Monday, Tuesday, Wednesday or Thursday then, on that day, the Board will permit on sale premises to trade for the hours provided to them in their Operating Plan for a Friday and Saturday night,

(ii) If applicants wish to take advantage of this relaxation, they should include provision for it in their Operating Plan, or apply for an extension of hours in terms of Sections 67 to 70 of the Act.

Suggestion by Licensing Forum

In respect of the extension of hours on Christmas Eve, Christmas Day, Hogmanay and New Year's Day, the Board will permit on sales premises to trade until 2am on Christmas Eve, Christmas Day, Hogmanay and New Year's Day. If applicants wish to take advantage of this relaxation, they should include provision for it in their Operating Plan, or apply for an extension of hours in terms of Section 67 to 70 of the Act.

Paragraph 9

Current policy

- (a) (i) WHERE FOOD IS SOLD ANCILLARY TO ALCOHOL

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will only be permitted in licensed premises until 9.00pm or one hour after cessation of serving of food to the individual person or group of persons consuming the meal, whichever is the earlier.

Suggestion for staggered age policy

- (a) (i) WHERE FOOD IS SOLD ANCILLARY TO ALCOHOL

Children and young persons will only be permitted into licensed premises where the primary purpose of allowing them access is to consume a meal. Children and young persons will only be permitted in licensed premises **until the following times:**

Aged under 5 9pm

Aged 5 – 12 10pm

Aged 12 – 18 11pm

or one hour after cessation of serving of food to the individual person or group of persons consuming the meal, whichever is the earlier.

Paragraph 10

Current policy

- (a) Male and female toilets must be directly accessible from the area where children are allowed and remain open at all times when children are in the premises.

Suggested wording

- (a) Male and female toilets **should be accessible without having to traverse an area that is not open to children and young persons** and remain open at all times when children **and young persons** are in the premises.

Paragraph 11

Current policy

- (a) A children's menu shall be made available at all times during which children or young persons are permitted to be on the premises. This would not be satisfied by the provision of soft drinks or snacks but would require to be plated food from a varied menu which may include sandwiches. There is no requirement to provide a children's menu at a wedding or other pre-booked private function or ticketed function.

Suggested relaxed wording

- (a) A children's menu shall be made available. There is no requirement to provide a children's menu at a wedding or other pre-booked private function or ticketed function.

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Page 4 Paragraph 3

- 2.4 To assist applicants, the Board will publish, on the Board's web pages, procedural guidance on how it will handle applications and details of the fees applicable to each type of application.

Page 4 paragraph 5

Current policy

- 3.4.2 The Board will have particular regard to the views of NHS Tayside in considering measures to ensure the protection of public health from the abuses of alcohol. It will also continue its close relationship with the Angus Alcohol and Drugs Partnership and support its initiatives around **safe drinking**.
- 3.4.3 The Board considers that applicants should participate in measures to inform the public of **safe drinking** limits, the number of units in particular drinks and the availability of non alcoholic drinks. The Board will encourage applicants to join in with initiatives led by the Focus on Alcohol Angus initiative.

Suggested wording

- 3.4.2 The Board will have particular regard to the views of NHS Tayside in considering measures to ensure the protection of public health from the abuses of alcohol. It will also continue its close relationship with the Angus Alcohol and Drugs Partnership and support its initiatives around **safe responsible** drinking.
- 3.4.3 The Board considers that applicants should participate in measures to inform the public of **safe-responsible** drinking limits, the number of units in particular drinks and the availability of non-alcoholic drinks. The Board will encourage applicants to join in with initiatives led by the Focus on Alcohol

Page 5 Paragraph 3

Suggested wording

- 4.4.4 The Angus Licensing Board acknowledges that the Licensing (Scotland) Act 2005 does not provide regulations on the type of event an occasional licence may apply to. However, the Board will generally look to the applicant to demonstrate that the occasional licence is required for a special event. This is to avoid the occasional licence process being used as a means to circumvent the full (premises) licence process. Notwithstanding this, the Board will consider and determine each application on its own merits.

Alcohol Focus Scotland - Alcohol Outlet Availability and Harm in Angus.

Page 4

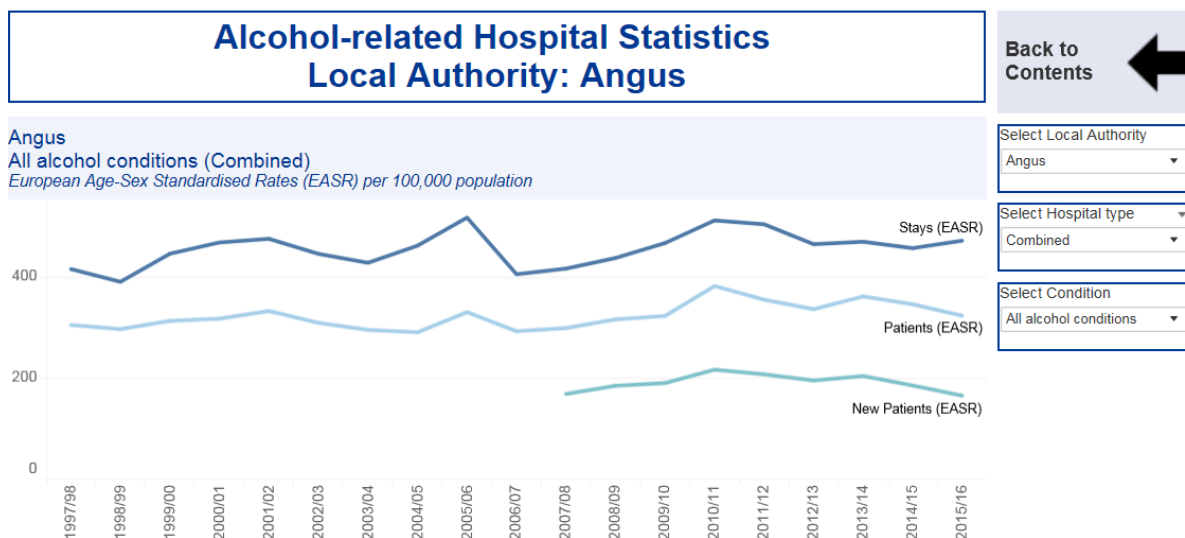


Figure 1 – Alcohol-related Hospital Statistics – Angus from <http://www.isdscotland.org/Health-Topics/Drugs-and-Alcohol-Misuse/Publications/2017-11-21/visualisation.asp> accessed 29 May 2018.

ANGUS LICENSING BOARD

REVIEW of STATEMENT LICENSING POLICY

COMMENTS by Janet Hood, Janet Hood Training & Consulting Limited

Janet Hood Training and Consulting Limited is a specialist company set up to work with and to support the licensed trade. The company makes applications and objections, defends clients being reviewed, prepares dedicated due diligence and compliance packages, offers business and other advice on licensing law and other relevant matters to clients across Scotland.

Janet Hood, sole director of the company, takes this opportunity to thank Angus Licensing Board for permitting the public to comment on the existing Angus Licensing Board policy and to suggest changes. Janet Hood has discussed this document with clients and their customers in Angus. The content of this document however reflects Janet Hood's views.

Comments on the current policy and suggestions for change

1. Page 6: Paragraph 3.1.1. "noise nuisance" - would the Board be prepared to adopt a position where it takes account of the "agency of change" principal whereby persons moving in e.g. above a music venue should be deemed to accept there would be some noise likely to emanate from the premises which might be able to be heard within their domestic venues. The Board might consider a "reasonable" test in those circumstances. The "reasonable" test would not encourage abuse of the system but would potentially enable music led premises to operate without undue business disturbance while protecting the rights of neighbours providing proper measures were taken to prevent actual "nuisance" which is in terms of the Environmental Protection Act 1990 more than being able to merely hear e.g. music; people talking etc
 1. This point is also made in respect of Page 7: paragraph 3.3.3 and Page 17: DC/1(iv)
2. Page 6: Paragraph 3.2.2 "byelaws" - would the Board be prepared to consider relaxing the bye law relating to drinking in public for e.g. Mofest - in respect of that part of the event taking place in the High Street, Montrose, during the daytime when the High Street is used for musical events and food and other stalls? [There may be

other street related events in Montrose and other townships within Angus where this would also be appropriate]

3. Page 6: Paragraph 3.1.2 - would the Board consider adding in the keeping of incident/ refusal books as an addition to due diligence ✓
 1. This point is also made in respect of Page 7: 3.2.3 and Page 8: 3.4.4
4. Pages 9 & 10 : Protecting Children and Young Persons from harm is clear however Appendix 3 is confusing - would the Board consider that applicants should detail exactly what they propose for children access and the Board then determines what is appropriate for the premises without reference to the Appendix? Premises types and the expectations of the public are changing, most are now very family friendly and some of the details for the appendix no longer meet the needs and expectations of both local and tourist family
5. Page 10: Paragraph 4.3.1: Would the Board be prepared to consider whether specific written authorisation is really required when staff are trained in accordance with the mandatory training requirements and are actually employed on the premises. Would the Board not consider that given staff have staff training certificates, and are present and working that no other authorisation is required. The exception being service by under 18s in restaurant situation and sale by under 18s in shop situation where specific authorisation of each service or sale is required.
6. Page 12: Paragraph 6.3: Scottish Government Guidance is changing: The 14 hour "limit" was considered necessary when it was believed that patrons would remain in premises from opening time to closing time just drinking in a bar. In order to be viable many premises can be described as hybrid - eg open for breakfasts, morning coffee, etc snacks - alcohol sales start around 11 a.m. and can go on with or without food during the day and then change again into fine dining, music venue etc. and
7. 6.4 LH/2: Would the Board consider that to encourage investment, to have a wide late night offering, to reflect cost of SIA and other requirements which nightclubs have to continually fund and to keep improving the local offering thus retaining business in the county more flexibility with hours in particular for night clubs would assist in particular with regard to seasonal extensions when the Pub/nightclub differential is removed
 1. This point is also made in respect of Page 14: 6.9.
8. Page 14:6.9 - Would the board consider adding in general extensions of festive hours for Fridays into Saturdays and Saturdays into Sundays in December and including Boxing Day as a day for extended hours. If this was agreed could these hours be permitted to form part of operating plans/or general extensions [opt in] to prevent large numbers of occasional applications being made for the festive season.

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9. Appendix 3: 2 (a)(i) (ii) Would the Board consider that the 9pm deadline for under 18s to be ion licensed premises does not meet with the requirements modern day tourism and local needs. Would the board consider that where food is on offer and the general purpose of access to the premises is for the provision of a meal or snack or the premises are an hotel that the matter should either be left to parents or management of the premises
10. P33 (g) Would the board accept that not all premises - which might be suitable for under 18s have toilets directly accessible from the areas under 18s might be permitted and that under 18s might have to go down a corridor etc to access the sanitary facilities.
11. 11. P33 (h) It is surely for parents or guardians to determine what is suitable for children, to eat. Menus are displayed at door and on line for most food led premises and the decision can be made in advance. Again families have widely divergent tastes and the requirement for a children's menu or smaller portions is surely a matter for management and customer rather than the Board.

Thanks for the opportunity to take part in the review.

Janet Hood

14 March 201





AFS COMMENT ON ANGUS LICENSING BOARD'S STATEMENT OF LICENSING POLICY (MARCH 2018)

Alcohol Focus Scotland (AFS) welcomes the opportunity to comment on the Angus Licensing Board's Statement of Licensing Policy (SLP).

AFS understands that this round of consultation invites general views on the content of the existing 2013-2016 SLP, including overprovision, to help inform the creation of the new policy. Seeking views prior to the new statement being drafted affords communities an important opportunity to contribute to the shaping of licensing policy at an early stage. However, it does not appear from reading report LB53/17 that there are currently any plans for further public consultation on the new policy once drafted. AFS would seek clarity on this matter and recommends that the Board provides details of any future consultation periods/processes to enable interested parties to plan for their input.

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 offer our opinion on the general approach, policy direction, and emerging issues relevant to alcohol licensing, which we hope the Licensing Board will find useful. We have also provided, below, suggestions regarding which sections of the Policy Statement may warrant particular scrutiny.

Overprovision

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 Angus should therefore be considered in conjunction with density information, such as from the [CRESH alcohol outlet density map](https://creshmap.com/shiny/alcoholtobacco/),¹ to make an informed assessment of overprovision.

In Scotland, 1 in 4 people drink above the low-risk drinking guidelines.² In NHS Tayside, 29% of men and 15% of women are drinking at hazardous/harmful levels.³ The most recent data available shows that in Angus there were 553 alcohol-related hospital stays in 2016/17,⁴ 23 alcohol-related deaths in 2016,⁵ and 18 child protection cases where parental alcohol misuse was involved in 2015/16.⁶ The Scottish liquor licensing statistics 2016/17 also show that there are 338 premises licences in force in

¹ Available at <https://creshmap.com/shiny/alcoholtobacco/>

² Bardsley, D. et al (2017). *The Scottish Health Survey 2016 Edition, Volume 1, Main Report*. Edinburgh: Scottish Government.

³ Scottish Government (2017). *Scottish Health Survey: Results for Local Areas 2013/2014/2015/2016. Local Authority Results: 2013-2016*. Edinburgh: Scottish Government.

⁴ Information Services Division (2017). *Alcohol-Related Hospital Statistics Scotland 2016/17*. NHS National Services Scotland.

⁵ National Records of Scotland (2017). *Alcohol-Related Deaths in Scotland, 1970-2016*. Edinburgh: National Records of Scotland.

⁶ Scottish Government (2017), *Children's Social Work Statistics Scotland Additional Tables 2015/16*. Edinburgh: Scottish Government.

Angus.⁷ Angus has the tenth highest alcohol outlet availability in Scotland; although alcohol outlet availability is lower than the national average, there are pockets of high availability, as one quarter of neighbourhoods in Angus have outlet availability greater than the Scottish average.⁸ The £33.46m annual cost of alcohol harm to Angus (health, social care, crime and productive capacity) is also significant, equating to £302 per person.⁹

Analysis conducted by Alcohol Focus Scotland and the Centre for Research on Environment, Society and Health, due to be published shortly, reveals that there is a relationship between alcohol outlet availability and health and social harms across Scotland. Initial analysis shows that there is double the alcohol-related death rate, almost double the alcohol-related hospitalisation rate, and around 4 times the crime rate in neighbourhoods with the most alcohol outlets as compared to neighbourhoods with the least. A relationship has been found for Angus with regards crime rates.

Decisions on overprovision should also be informed by evidence from the police, health authorities and other agencies. However, the 2013-2016 policy does not provide any details of the evidence provided by these agencies to assist with the overprovision assessment, and it is therefore difficult to discern how previous decisions on overprovision were reached. AFS would therefore recommend that the new policy provides more detail about the evidence received by the Board to inform the overprovision assessment, and the rationale behind the policy approach which is adopted.

Links with other strategies

AFS welcomes that the existing policy recognises the value of linkages with other bodies interested in alcohol regulation, and specifically references a number of policies and strategies which are relevant to the work of the Board. The Board should continue to take into account the views of local partners, communities, and other strategies and plans which have relevance to alcohol when developing and implementing their new policy.

The alcohol licensing regime provides a locally led system for regulating the sale of alcohol and is one of the key mechanisms by which availability can be controlled at a local level. As alcohol licensing is the responsibility of licensing boards, it will be essential that boards can identify where they share similar objectives to Community Planning Partners, and understand how they can best support each other towards these ends. In many respects, licensing boards and CPPs are already working towards shared goals and stand to benefit from more collaborative approaches. It will therefore be important that the new Licensing Policy aligns with community planning Local Outcome Improvement Plans (LOIPs).

The Board should continue to make explicit in its new policy that it will liaise closely with the Angus Alcohol and Drugs Partnership (ADP). AFS would also recommend that the new policy references relevant locality plans, the ADP strategic plan, and the strategic plan of the Health and Social Care Partnership (HSCP).

Scotland's alcohol strategy '*Changing Scotland's relationship with Alcohol a Framework for Action*' is also of key relevance to the policy and should be included. This established a whole population approach to reducing alcohol harm and identified action on availability as one of three key mechanisms - alongside price and marketing - to achieve this. The Scottish Government's consultation on the strategy, published in 2008, recognised that the main mechanism for controlling

⁷ Scottish Government (2017). *Scottish Liquor Licensing Statistics 2016/17*. Edinburgh: Scottish Government

⁸ Alcohol Focus Scotland (in press). *Alcohol Outlet Availability and Harm in Angus*. Glasgow: Alcohol Focus Scotland.

⁹ Alcohol Focus Scotland (2012). *The Cost of Alcohol in Angus 2010/11*. Glasgow: Alcohol Focus Scotland

alcohol availability was licensing legislation. There are also number of national strategies in development which will have relevance to the policy such as the Child and Adolescent Health and Wellbeing Action Plan, the Suicide Prevention Strategy (expected to be updated in 2018), and the Social Isolation Strategy.

Licensing boards are also bound by human rights legislation. Action on human rights in Scotland is currently being driven through Scotland's National Action Plan for Human Rights (SNAP) and there a range of links between alcohol related harm and the realisation of human rights in Scotland.

Accessibility and participation

During a series of regional licensing seminars, hosted by AFS in 2016, a lack of public participation in licensing was reported across the country. Barriers to participation can relate to poor accessibility of licensing processes, but inconsistencies in policy and practice can also prevent meaningful engagement.

The existing policy includes commitments that the Board will deal with applicants in a courteous manner, make proceedings as open and friendly as possible, and ensure that all participants receive appropriate advice on procedures or requirements. These commitments all remain relevant and the new policy should have an increased focus on supporting public engagement and participation. For example, the new policy could provide more detail about the ways in which people can get involved and the types of information/support that can or will be made available to enable them to participate. In addition, policy statements should be easily understood by all licensing stakeholders, including by members of the public without technical expertise. Ensuring that the new policy is written in plain, accessible language could help facilitate the involvement of a wide range of stakeholders.

Further details about accessibility and participation can be found in AFS's 2017 report *Taking Stock*.¹⁰ This report analyses experiences of progress within the alcohol licensing system in Scotland since the Licensing (Scotland) Act 2005 was implemented in 2009. It also identifies learning and challenges, and makes recommendations for improvement and reform, many of which may be of interest to the Board.

Promotion of the licensing objectives

As s.6 of the Licensing Scotland Act (2005) makes clear, the policy statement must seek to promote the licensing objectives. For all objectives AFS would suggest the following format:

1. State the licensing objective.
2. Give a statement as to what the licensing board is trying to achieve with this objective.
3. List concerns in the area relating to this objective – identify what evidence was used to identify these concerns. (Evidence is probably best quoted in an appendix.)
4. List what the licensing board intends to do. Note that this could include declaring overprovision, controlling licensed hours, or applying certain conditions – referring to the relevant section/s in the policy.

¹⁰ Alcohol Focus Scotland (2017). *Taking Stock: Views and experiences of alcohol licensing in Scotland in 2016/17*. Glasgow: Alcohol Focus Scotland: <http://www.alcohol-focus-scotland.org.uk/media/287043/Taking-Stock-Report.pdf>

5. List any suggested actions the licensing board would like to see the licensed trade in the area undertake to meet this objective.

The existing policy does well in setting out some of the ways that the objectives can be promoted and the influencing factors for achieving each objective. It is also welcomed that the existing policy lists possible control measures for each objective. However, this could be strengthened further by providing more detail about the conditions the Board can/will apply in relation to each of the objectives. It would also be good to provide more of the Angus context in relation to each objective e.g. relevant statistics or evidence of the current situation, identification of any issues that are a particular concern, measures that have had an impact etc. AFS has produced a Licensing Resource Pack¹¹ that provides resources to support the collection of evidence on local alcohol-related harm, and also provides examples of research which demonstrates the impact of particular licensing conditions on harms. This may particularly useful to the Board when developing the new Licensing Policy Statement.

The new policy could also set out a clear expectation that individual applicants address the five licensing objectives in their operating plan, and supply a written statement detailing how they will promote the objectives. Having a statement of licensing objectives attached to their licence could help to focus applicant's attention on the objectives and ensure that they are afforded proper consideration in any proceedings. In addition, it is appropriate that the Board should go further and look to the evidence in respect of each of the five licensing objectives, also expecting applicants to provide evidence that suitable measures will be implemented and maintained.

Specific to the objective of Preventing Crime and Disorder, the proportion of alcohol now bought to consume at home or in other private dwellings (73% of all alcohol sold being purchased in off-sales¹²) underlines the need for the new policy to reference the importance of licensing for preventing crime and disorder in private spheres as well as the public.

Specific to the objective of Protecting and Improving Public Health, AFS welcomes that the Board considers that applicants should participate in measures to inform the public of safe drinking limits, the number of units in particular drinks, and the availability of non-alcoholic drinks. The intention behind this is admirable and this approach should continue. However, AFS would recommend that the Board avoid using terms like "safe drinking" in its new policy, and instead make clear that any information provided should be based on the Chief Medical Officer's (CMO) low risk guidelines. The Board might also wish to consider providing materials to licensees which is independently produced. The World Health Organisation has stated categorically that the alcohol industry should not be involved in health promotion, and the Government has a duty to ensure access to information and advice on alcohol is based on the best available scientific evidence and is impartial. NHS Inform is the best website in Scotland for impartial health advice: <https://www.nhsinform.scot/healthy-living/alcohol>

AFS would recommend that the Board continues to have particular regard to the views of NHS Tayside and the Angus Alcohol and Drugs Partnership when considering the impact of alcohol and the measures required locally to ensure the protection of public health.

¹¹ Alcohol Focus Scotland (2017). *Licensing Resource Pack*. Glasgow: Alcohol Focus Scotland: <http://www.alcohol-focus-scotland.org.uk/media/291077/afs-licensing-resource-pack.pdf>

¹² Giles, L., & Robinson, M. (2017). *Monitoring and Evaluating Scotland's Alcohol Strategy: Monitoring Report 2017*. Edinburgh: NHS Health Scotland

The section relating to the objective of protecting children from harm will require to be updated to reflect legislative changes, such as extending the objective to protect children and 'young people' from harm. The Board should give consideration as to whether it will apply the same policy to young persons or should have a different policy from that applied to children. AFS would be interested to hear the views of children and young person's and their representative organisations on this issue; however, it would seem sensible to apply the same policy for the purposes of alcohol licensing.

The current policy states that the Board supports the provision of family friendly premises within the area. Evidence shows that children and young people are influenced by the behaviour of adults they observe and this should be taken into account when considering the appropriateness of licensing applications. It is wholly appropriate that any on-licensed premises to which families with children have access give careful consideration of their responsibilities to protect children from harm, and AFS would recommend that the Board requires applicants in these circumstances to demonstrate how they will promote this objective, including by providing a written statement as suggested above. In addition, the fact that there were 18 child protection cases in Angus in 2015/16 where parental alcohol misuse was involved underlines the importance that the new policy addresses the broader impact of alcohol on children and young people, including alcohol that is purchased for consumption at home.

Occasional Licences

AFS has identified that occasional licences are causing concern in some areas of the country, with licensing stakeholders reporting that this as an area where 'loopholes' in the legislation are being regularly exploited. People have reported to us that occasional licences are significantly increasing alcohol access and availability (although they were not being taken into account in overprovision assessments) and in some cases are being used to circumvent the requirement to have a premises licence to sell alcohol. As such we would suggest that the board continues to give careful consideration to this issue and what may be the most appropriate response in the Angus context. We would also recommend that the policy include a presumption against granting a series of occasional applications to one premises.

AFS welcomes that the existing policy sets out the local conditions that the Board will attach to occasional licences, and would recommend that this continue within the new policy. In addition, the existing policy is that children and young persons are to be permitted within occasional licensed premises, where the Board is satisfied that the event is catering for family activities and recreation involving children and young persons. AFS is aware that there is concern across Scotland regarding occasional licenses being granted for events mainly or exclusively targeted at families where children would be present. As such, we would suggest that the Board set out more detail about its approach to considering the appropriateness of such occasional licence applications within the new policy.

Alcohol deliveries and internet sales

Alcohol deliveries and internet sales are an emerging area of concern and should be considered as part of the policy development process. Remote alcohol sales and distribution across wide geographical areas have the potential to undermine local efforts to control the availability of alcohol and reduce alcohol-related harm. Online sales are not a new issue but are a continuously evolving and expanding area of retail; applications from large online retailers represent what AFS considers to be a considerable advancement of the online market for alcohol.

There is a distinct lack of information available about the business operations of online retailers, or the extent to which they contribute to alcohol sales and availability. For example, there is no data available pertaining to their distribution areas, or the volumes and types of alcohol they sell. Without this information, it is more difficult to make informed decisions about alcohol licensing or create robust alcohol policies, relevant to the needs of local communities.

A further concern relates the potential impact of on-line sales to children and young people. It is unclear how age verification can and will be effectively implemented when alcohol is being purchased on-line, or delivered to people's homes. Unlike supermarkets, which employ their own delivery staff, on-line alcohol retailers may rely on various contract carriers, who may not receive any instruction in this regard. This has the potential to make alcohol much more readily accessible to young people, and could undermine progress made in meeting the licensing objective to protect children from harm.

AFS would therefore urge the Board to set out its approach to online retailers in the new policy, and to consider placing conditions on online retailers to request details of sales and distribution areas, as well figures on delivery refusal rates.

Alcohol Outlet Availability and Harm in Angus

April 2018

This document sets out the findings from research by Alcohol Focus Scotland (AFS) and the Centre for Research on Environment, Society and Health (CRESH), which investigated whether alcohol-related health harm (hospitalisations and deaths) and crime rates across Scotland were related to the local availability of alcohol outlets. The relationship between income deprivation and alcohol outlet availability was also examined.

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Key findings

- Angus is ranked **10th out of 30 local authority areas for alcohol outlet availability** in Scotland (8th for on-sales and 22nd for off-sales outlets).
- **Crime rates in the neighbourhoods with the most alcohol outlets were 3.8 times higher** than in neighbourhoods with the least.
- The link between alcohol outlet availability and harm was **found even when other possible explanatory factors**, such as age, sex, urban/rural status and levels of income deprivation, **had been taken into account**.
- **The most deprived neighbourhoods had 5.9 times the number of alcohol outlets** than the least deprived neighbourhoods.
- The **total number of alcohol outlets in Angus decreased by 4 (1.2%)** from 343 in 2012 to 339 in 2016.

Introduction

Alcohol availability refers to the ease of access to alcohol, whether to drink on the premises (e.g. pubs, clubs or restaurants) or to drink off the premises (e.g. shops and supermarkets). Alcohol availability includes the number, capacity and opening hours of alcohol outlets. Studies from other countries have consistently found an association between alcohol availability and alcohol-related problems, particularly outlet availability (the number of alcohol outlets in a given area). [Previous research](#) carried out in 2014 by this research team (the Centre for Research on Environment, Society and Health at the Universities of Edinburgh and Glasgow) suggests that this relationship is also true for Scotland. This profile provides a summary of the updated analysis for Angus. A Scotland profile is also [available](#).

Information was gathered on the number of places selling alcohol, health harms and crime rates within neighbourhoods across the whole of Scotland and for each local authority area. Researchers compared data zones (small areas representing neighbourhoods that have between 500 and 1000 residents) to see if there was a relationship between the number of alcohol outlets in a neighbourhood and the rates of alcohol-related deaths and hospitalisations. The profiles also consider, for the first time, the relationships between alcohol outlet availability and crime and deprivation rates.

Alcohol Outlet Availability in Angus

Alcohol outlet availability within neighbourhoods

Alcohol outlet availability was calculated by measuring the number of outlets within 800m (approximately a ten minute walk) of each data zone (neighbourhood)'s population centre. There are 155 neighbourhoods in Angus. The average number of outlets for each neighbourhood was calculated to obtain ranks for outlet availability for all local authority areas within Scotland (with the area ranked 1st having the highest availability and 30th the lowest availability).

Angus is **ranked 10th out of 30 local authority areas for alcohol outlet availability** in Scotland (8th for on-sales and 22nd for off-sales outlets). In Angus, in 2016:

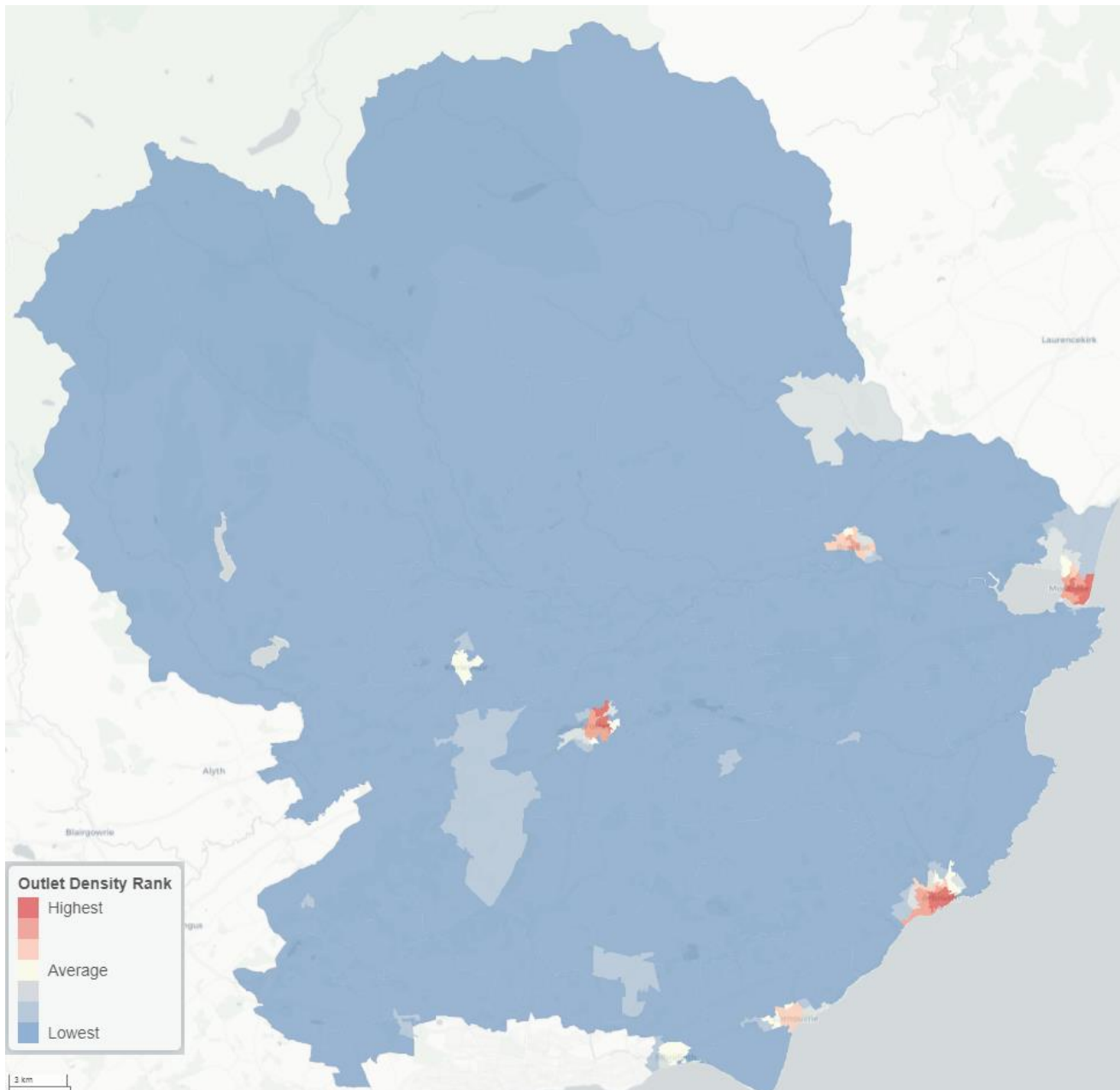
- There were **339 alcohol outlets: 252 on-sales and 87 off-sales outlets**.
- Neighbourhoods had **between 0 and 56** alcohol outlets within 800m of the population centre.
- Neighbourhoods had an average of **12.3 alcohol outlets** within 800m of the population centre, compared to the Scottish average of 16.8 outlets. **25% of neighbourhoods had total outlet availability higher than the Scottish average.**
- Neighbourhoods had an **average of 8.9 on-sales outlets** within 800m of the population centre, compared to the Scottish average of 11.4 outlets. **25% of neighbourhoods had on-sales outlet availability higher than the Scottish average.**
- Neighbourhoods had an **average of 3.4 off-sales outlets** within 800m of the population centre, compared to the Scottish average of 5.4 outlets. **27% of neighbourhoods had off-sales outlet availability higher than the Scottish average.**

Angus has an **alcohol outlet availability lower than Scotland as a whole**. For a more complete picture, it is also useful to compare alcohol outlet availability between neighbourhoods *within* the local authority. This can be done by using the [CRESH WebMap](#), as demonstrated in the next section.

Angus Outlet Availability Map

Using the WebMap available at <https://creshmap.com/shiny/alcoholtobacco/>, alcohol and outlet availability (or 'density') can be mapped for data zones across Scotland. This can be done for on-sales, off-sales, and total outlets. Options are to compare against the Scottish average, the rural/urban average, local authority average or deprivation average for each data zone.

The map below shows the total alcohol outlet availability within 800m of the data zone population centre for each neighbourhood within Angus. The areas are colour-coded depending on how they compared with the average outlet availability for neighbourhoods within Angus.



Data on each neighbourhood's alcohol availability can also be downloaded from the WebMap, alongside information on alcohol-related mortality, alcohol-related hospitalisations, crime rate and income deprivation.

Alcohol outlet availability in Angus from 2012 to 2016

The change in the number of alcohol outlets within the local authority area was examined.

- The **total number** of alcohol outlets **decreased by 4 (1.2%)** from 343 in 2012 to 339 in 2016. This is **in contrast to the 2.9% increase found across Scotland as a whole.**
- The **number of on-sales outlets decreased by 14 (5.3%)** from 266 in 2012 to 252 in 2016. This is **in contrast to the 1.5% increase found across Scotland as a whole.**
- The **number of off-sales outlets increased by 10 (13%)** from 77 in 2012 to 87 in 2016. This is **a much larger increase than that found across Scotland as a whole (6.4%).**

To take account of any changes in population over time, changes in alcohol outlet availability were calculated per 10,000 adult population:

- The **total number** of alcohol outlets per adult population **decreased by 2.3%.** This is **in contrast to the 0.6% increase found across Scotland as a whole.**
- The **number of on-sales outlets per adult population decreased by 6.3%.** This is **a much larger reduction than the 0.8% decrease found across Scotland as a whole.**
- The **number of off-sales outlets per adult population increased by 11.7%.** This is **a much larger increase than that found across Scotland as a whole (4%).**

Alcohol-Related Health Harm and Crime in Angus

The study looked at the relationship between alcohol outlet availability and alcohol-related deaths, alcohol-related hospitalisations and crime.

- Angus has an **annual average of 21.2 alcohol-related deaths** for those aged 20 and over (from 2011-2016). This is equivalent to **18.2 deaths per 100,000 adults**, which is **17% lower than the Scottish rate** of 21.8 deaths per 100,000 adults.
- The local authority has an **average hospitalisation rate ratio for neighbourhoods of 53.7**, which is **46% lower than the ratio for Scotland** of 100.
- Angus's **average neighbourhood crime rate is 251.5 crimes per 10,000 population**, which is **24% lower than the Scottish average** of 331.2 per 10,000 population.

Alcohol-Related Death Rates and Alcohol Outlet Availability

In Angus, **alcohol-related deaths were higher in neighbourhoods with the most places to buy alcohol compared to neighbourhoods with the least.** None of these relationships were found to be statistically significant.

When looking at areas smaller than the whole of Scotland, a number of factors can influence if a statistically significant relationship is found. In addition, deaths are rare events that are particularly difficult to analyse in areas with relatively small populations (see [Interpreting the Findings](#) for more detail).

Crucially, the Scotland-wide association between alcohol outlet availability and alcohol-related deaths was statistically significant, with alcohol-related deaths rates in neighbourhoods with the most outlets double those in neighbourhoods with the least.

Alcohol-Related Hospitalisation Rates and Alcohol Outlet Availability

In Angus, **alcohol-related hospitalisations were higher in neighbourhoods with the most places to buy alcohol compared to areas with the least.** None of these relationships were found to be statistically significant.

When looking at areas smaller than the whole of Scotland, a number of factors can influence if a statistically significant relationship is found (see [Interpreting the Findings](#) section for more detail).

Crucially, the Scotland-wide association between alcohol outlet availability and alcohol-related hospitalisations was statistically significant, with alcohol-related hospitalisation rates in neighbourhoods with the most outlets almost double those in neighbourhoods with the least.

Crime Rates and Alcohol Outlet Availability

In Angus, **a statistically significant relationship was found between alcohol outlet availability and crime rates:** neighbourhoods with more places to buy alcohol had higher crime rates than neighbourhoods with the least.

The data used was from the Crime Domain of the Scottish Index of Multiple Deprivation, which includes crimes of violence, sexual offences, domestic house breaking, vandalism, drug offences and common assault. The data however does not record whether the perpetrators of crime had consumed alcohol and excludes some offences which are commonly associated with alcohol consumption, such as breach of the peace, or anti-social behaviour.

Crime rates were associated with the number of all types of alcohol outlets (total, on-sales and off-sales):

- Crime rates in the **neighbourhoods with the most alcohol outlets** were **3.8 times higher** than in neighbourhoods with the least.
- Crime rates in the **neighbourhoods with the most on-sales outlets** were **4.1 times higher** than in neighbourhoods with the least.
- Crime rates in the **neighbourhoods with the most off-sales outlets** were **2.1 times higher** than in neighbourhoods with the least.

The above relationships were found even when other explanatory factors were accounted for, namely urban/rural status of the neighbourhoods and level of income deprivation. This means that **the association between outlet availability and crime rate is not explained by more crime being committed in more urban or deprived areas.**

Income Deprivation and Alcohol Outlet Availability

Angus has an **average income deprivation rate for neighbourhoods of 9.7%**. This is **22% lower than the Scottish average** of 12.5%. Data for income deprivation were obtained from the Scottish Index of Multiple Deprivation 2016 Income Domain, which is represented as a percentage of the total population in receipt of benefits. More information on this measure is available in the [Methodology](#) section.

In Angus, **a statistically significant relationship was found between alcohol outlet availability and degree of income deprivation:** the most deprived neighbourhoods had more places to buy alcohol than the least deprived neighbourhoods.

A difference in the number of all types of alcohol outlets (total, on-sales and off-sales) was found between the most deprived and least deprived neighbourhoods:

- **The most deprived neighbourhoods had 5.9 times the number of alcohol outlets** than the least deprived neighbourhoods.
- **The most deprived neighbourhoods had 6 times the number of on-sales outlets** than the least deprived neighbourhoods.
- **The most deprived neighbourhoods had 5.5 times the number of off-sales outlets** than the least deprived neighbourhoods.

The above relationships were found even when other explanatory factors were accounted for, namely population levels. This means that **the association between outlet availability and income deprivation is not explained by the size of populations in a neighbourhood.**

Interpreting the Findings

The relationship between alcohol outlet availability and health and social harms

The strong relationship found in Scotland between the number of alcohol outlets, crime rates and alcohol-related health outcomes suggests that the local availability of alcohol may influence drinking behaviours and associated alcohol-related problems. This relationship meets the criteria of statistical tests and is termed **statistically significant**. Judgements as to statistical significance of each result were made throughout by applying a 95% significance level ($p < 0.05$).

These results agree with findings from other studies in Scotland and beyond showing that there is an association between alcohol outlet availability and many types of health and social harms, such as violence, hospital attendance, underage drinking, and drink driving. See Section 5 of the [Alcohol Focus Scotland Licensing Resource Pack](#) for more detailed evidence.

A relationship was found between outlet availability and harm in both urban and rural areas

There is a significant relationship between outlet availability and harm in both the urban and the rural areas of Scotland. However, in some very rural local authorities (e.g. Orkney Islands, Shetland Islands and Eilean Siar) no statistically significant relationship between alcohol outlet availability and alcohol-related health harm was found. These areas have relatively low population and fewer data zones, which can make it difficult to find a statistical relationship between any two factors.

Other explanatory factors were taken into account

When assessing whether there is a relationship between alcohol outlet availability and harm, a number of other factors that may explain the results were taken into account in the analysis. When looking at whether alcohol outlet availability was related to alcohol-related deaths, alcohol-related hospitalisations and crime, the degree of income deprivation and the rural/urban status of the area were taken into account. For alcohol-related deaths and hospitalisations, the analysis also took into account the age and sex demographics of the population. This means that the relationships found are not explained by levels of deprivation, how populated an area is, or the demographics of the population. When looking at the relationship between income deprivation and outlet availability, population levels were taken in account. This means that the relationships found are not explained by the size of populations in a neighbourhood.

Factors affecting whether a statistically significant relationship can be found

When looking at areas smaller than the whole of Scotland a number of factors can influence if a statistically significant relationship is found. Being able to assess whether there is a relationship depends on the ability to compare areas of high alcohol outlet availability with areas of low availability. At a national level, there is sufficient variation in the number of alcohol outlets across the country to be able to make this comparison. However, within some local authorities, where the alcohol outlet availability is more evenly spread across the area, there may not be enough variation in exposure to outlet availability to enable a comparison. In addition, if the whole area is over-supplied then it will not be possible to detect a difference between one locality and another.

For the smaller local authority areas it can be difficult to find a statistical relationship between outlet availability and harm if there are too few neighbourhoods. For example, both Clackmannanshire and the Islands authority areas have less than 100 neighbourhood areas. In addition, outlet availability tells us something about the amount of alcohol available in an area but there are also other factors such as the size of the premises, level of alcohol sales, the opening hours and how far people travel to buy alcohol.

Deaths in particular are rare events that are especially difficult to analyse in areas with relatively small populations. In addition to this, mortality data was only available for a 6 year period, compared to the 10 year period available for the previous analysis; the boundaries of data zones changed between 2012 and 2016, limiting the number of years of death data that could be included. For this reason, coupled with falling mortality in general, the number of deaths analysed are small in some local authorities.

Whilst taking all of these factors into account, not finding a statistically significant relationship between alcohol outlet availability and harm may simply be because there is no relationship within that area.

Developing the most accurate picture of alcohol availability

The number of alcohol outlets in an area tells us something about the amount of alcohol available in an area but there are other factors that affect how readily accessible alcohol is. For example, the size of the premises (a supermarket will provide a greater volume and variety of alcohol than a small corner shop), the opening hours of the premises and how far people travel to buy alcohol. Currently, the number of alcohol outlets is the only information available for the whole of Scotland.

If more detailed information on the alcohol capacity of premises, their opening hours, alcohol sales and the catchment of the customers were collected this would enable further improvements in our understanding of the relationship between alcohol outlet availability and alcohol-related harm. Even without this more detailed information, a clear and statistically significant relationship between the availability of alcohol outlets and alcohol-related harm was found for Scotland as a whole.

Methodology

Summary

We investigated whether alcohol outlet availability was associated with alcohol-related health outcomes (hospitalisations and deaths) and overall crime rates for Scottish data zones. This analysis builds on [previous research](#), updating analysis of the relationship between alcohol outlet availability and harm in Scotland using more recent outlet availability, mortality and hospitalisation data. It also expands the analysis of alcohol-related harms to include crime data, and assesses whether the availability of alcohol outlets found in Scottish neighbourhoods is related to the degree of income deprivation in these areas. This builds upon [analysis published in 2015](#), using a similar methodology.

Geographical units

The data zone is the key small-area (neighbourhood) geographical unit used by the Scottish Government in the dissemination of official statistics, with populations of between 500 and 1000. There are 6,976 data zones in Scotland; the data zones used were devised for the 2011 census. Differences for data zones were compared across Scotland as a whole, and within 30 local authority areas. Twenty-nine of the local authority areas in place since 1996 were used. The three island local authorities (Shetland Islands, Orkney Islands and Eilean Siar) were grouped together as separately they have too few data zones to be able to carry out these analyses.

Alcohol outlet availability

The locations of outlets licensed to sell alcohol for consumption on the premises (on-sales) and off the premises (off-sales) were obtained in 2016 from each local licensing board. The datasets were checked for errors (e.g. duplications), resulting in verified locations for 11,522 on-sales alcohol outlets and 5,107 off-sales outlets. Outlets selling alcohol for consumption both on and off the premises were counted as on-sales outlets. The resulting dataset corresponds closely with official figures (counts by local authority) from the Scottish Liquor Licensing Statistics 2015-16.

Alcohol outlet availability was measured for each data zone as the number of on-sales, off-sales, or total outlets within 800m of the population centre of the data zone (800m represents a 10-minute walk at average pace). This 800m zone (area 2.0 km²) was assumed to represent the typical neighbourhood experienced by the population of a data zone.

The example in Figure 5 shows that a circle with a radius of 800m around this data zone's population centre (red star) contains 73 on-sales outlets: including a number within neighbouring data zones. Data zones were grouped into five availability groups, from lowest (group 1) to highest (group 5). The highest availability group contains the 5% of data zones with the greatest outlet availability. Groups 2-4 were defined by dividing the remaining data zones into four groups containing equal numbers of neighbourhoods based on rank of outlet availability.

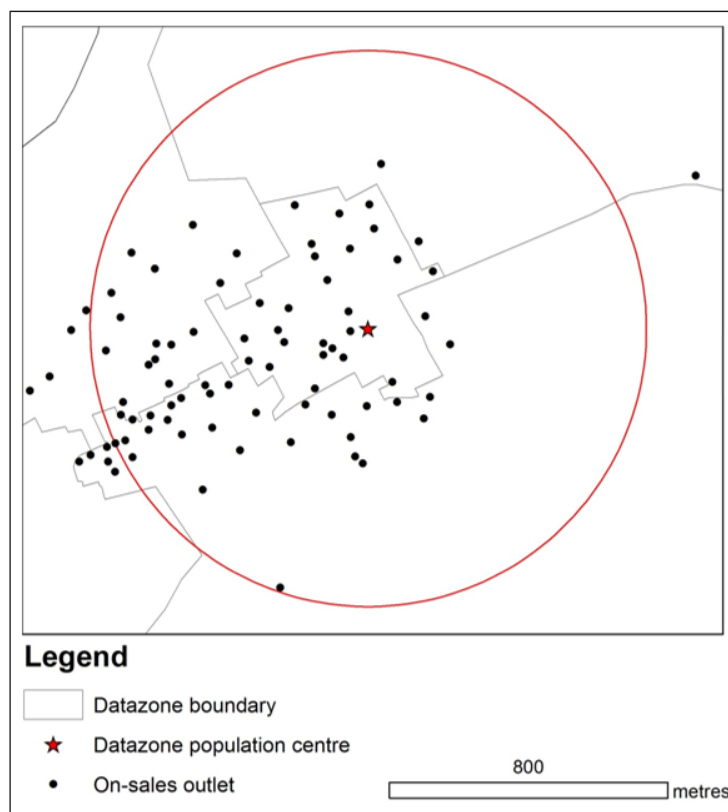


Figure 7. Calculating alcohol outlet availability for a data zone

For very rural areas, where the population is widely dispersed across the data zone, this measure might be a less accurate representation of numbers of outlets that are easily accessible.

Analysis

Multivariate regression models were used to assess whether alcohol outlet availability was related to alcohol-related deaths, alcohol-related hospitalisations and crime within data zones, independent of the degree of income deprivation in the areas and their rural/urban status. For both alcohol-related deaths and hospitalisations, the analysis also took into account the age and sex structure of the population. The models estimated the risk of alcohol-related harms in each of the outlet availability groups relative to a reference group, the group containing the neighbourhoods with the lowest outlet availability.

In testing the relationship between outlet availability and income deprivation, a bivariate analysis was used to compare the mean alcohol outlet availability rates per 10,000 population over 18 years old in groups of data zones with different levels of income deprivation. The 'high' and 'low' income deprivation groups of areas compared in the analysis contained the fifth of data zone areas with the greatest and least income deprivation.

Population

Data zone population data was used in the analysis of the relationship between outlet availability and income deprivation, and between outlet availability and alcohol-related deaths. Population data from the National Records of Scotland was used to describe data zone populations from 2011-2016.

Mortality

The mortality data were supplied by the National Records of Scotland. These data were given for data zones for the period 2011-2016 combined. The time period was set due to the availability of population estimates at 2011 data zone level. The definition of an alcohol-related death is based on [International Classification of Diseases codes](#), and the [2006 National Statistics definition](#) of alcohol-related deaths.

Hospitalisations

The hospitalisations data were extracted from the [Scottish Index of Multiple Deprivation 2016](#) Health Domain. SIMD alcohol-related hospitalisation was based upon the number of continuous inpatient stays, 2011-2014, with a diagnosis of an alcohol-related condition. Hospitalisations are represented for each data zone as a ratio of the number of hospitalisations recorded in the data zone relative to the number that would have been 'expected' based upon the average rates for Scotland, standardised by age and sex.

Crime

The crime data were extracted from the [Scottish Index of Multiple Deprivation 2016](#) Crime Domain. Crimes included in the domain are crimes of violence, sexual offences, domestic house breaking, vandalism, drug offences and common assault recorded during 2014-15, per 10,000 population.

Income Deprivation

Data for income deprivation were obtained from the [Scottish Index of Multiple Deprivation 2016](#) Income Domain. The Income Domain is a count of the number of people claiming selected means-tested benefits in 2013-14 and 2015 divided by the total population in 2014. It is therefore a percentage of the total population in receipt of benefits. The benefit data originates from the Department of Work and Pensions and HMRC.

Urban/Rural

The urban/rural status of data zones were defined using the [Scottish Government 6 Fold Urban Rural Classification](#). In this analysis the six classifications were combined into three categories 'urban' (combining 'large urban areas' and 'other urban areas'), 'small towns' (combining 'accessible small towns' and 'remote small town') and 'rural' (combining 'accessible rural' and 'remote rural').

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MagsonT

From: AndersonF
Sent: 12 March 2018 16:51
To: MagsonT
Cc: ThompsonD; PageN
Subject: Consultation - Review of ALB's statement of licensing policies.

Hi Tina

Following a recent meeting of the Angus Local Licensing Forum, the members discussed the contents of the current statement of licensing policy and the Boards supplementary statement.

The members had no comments regarding the current statement however, regarding the Supplementary Statement of Licensing Policy (extended hours over Christmas and New) they were of the view that all premises should be permitted to open until 2am on Christmas eve, Christmas day, Hogmanay and New Years Day regardless of what day of the week that they fall on. However, they were in agreement with the policy that no premises be allowed to trade beyond 2am.

The members also agreed that if applicants wish to take advantage of this relaxation, they should include provision for it in their Operating Plan, or apply for an extension of hours in terms of Sections 67 to 70 of the Act.

Regards

Fiona.

Clerk to the Angus Local Licensing Forum.

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