

## **AFS COMMENT ON ABERDEEN CITY LICENSING BOARD POLICY STATEMENT (FEBRUARY 2018)**

Alcohol Focus Scotland (AFS) welcomes the opportunity to comment on the Aberdeen City Licensing Policy Statement. We commend the approach of the Board in developing its new policy, particularly for undertaking this pre-consultation exercise. Licensing law prescribes that a licensing board should consult on its draft policy statement to enable representatives of the local area to have a voice on licensing issues. However, seeking views prior to the statement being drafted affords communities even greater opportunity to contribute to the shaping of licensing policy.

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. Our suggestions regarding which sections of the Policy Statement may warrant particular scrutiny are also set out below.

### **Links with other strategies**

AFS welcomes that the existing policy explicitly recognises the importance that the Board does not operate in isolation, and specifically references a number of policies, strategies and legislation 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 limited 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 Alcohol and Drug Partnership (ADP) team in Aberdeen. 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 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.

The existing policy also recognises that boards are 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. Further details about this can be found in AFS's 2017 report *Taking Stock*.<sup>1</sup> 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.

The existing policy includes commitments that the Board will dispose of its business in an open and transparent manner, make information available to people engaging in licensing processes, and remain mindful of the need to be accessible to all. 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.

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

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<sup>1</sup> 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>

The existing policy does well in setting out 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 and gives some examples of local conditions that the Board may apply. 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 Aberdeen City 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 which have had an impact etc. AFS has produced a Licensing Resource Pack<sup>2</sup> which 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 the applicant will promote the objectives. Having a statement of licensing objectives attached to their licence could help to focus applicants' 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-sales<sup>3</sup>) 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 encourages licensees to display materials which promote awareness of units of alcohol and the recommended guidelines for consumption. AFS would recommend that the Board makes 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>

## **Occasional Licences**

The existing policy includes a presumption against granting a series of occasional applications to one premises. 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

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<sup>2</sup> 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>

<sup>3</sup> Giles, L., & Robinson, M. (2017). *Monitoring and Evaluating Scotland's Alcohol Strategy: Monitoring Report 2017*. Edinburgh: NHS Health Scotland

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 Aberdeen City context.

The existing policy also sets out an expectation that applicants for events held in educational establishments will have to justify the application in terms of the protecting children from harm objective. 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 its approach to considering the appropriateness of occasional licence applications within the new policy.