

AFS COMMENT ON EAST RENFREWSHIRE LICENSING BOARD'S STATEMENT OF LICENSING POLICY (MAY 2018)

Alcohol Focus Scotland (AFS) welcomes the opportunity to comment on East Renfrewshire Licensing Board's Statement of Licensing Policy (SLP). AFS also commends the Board for undertaking this initial informal consultation 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.

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 East Renfrewshire should therefore be considered in conjunction with density information, such as from the [CRESH alcohol outlet density map](#),¹ to make an informed assessment of overprovision.

The Scottish liquor licensing statistics 2016/17 show that there are 171 premises licences in force in East Renfrewshire.² When compared to other local authority areas in Scotland, it is ranked 21st out of 30 local authority areas for alcohol outlet availability (22nd for on-sales and 18th for off-sales outlets).³ Although alcohol outlet availability is lower in East Renfrewshire than the national average, there are pockets of high availability; 17% of neighbourhoods have outlet availability greater than the Scottish average and over 1 in 5 have higher availability for off-sales outlets.⁴

Using the [CRESH alcohol outlet density map](#),⁵ it can be identified that datazones within the following intermediate zones have the highest outlet availability in East Renfrewshire:

- Dunterlie, East Arthurlie and Dovecothall (Barrhead)
- Cross Stobbs (Barrhead)
- Lower Whitecraigs and South Giffnock (Giffnock)

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

² Scottish Government (2017). *Scottish Liquor Licensing Statistics 2016/17*. Edinburgh: Scottish Government

³ Alcohol Focus Scotland (2018). *Alcohol Outlet Availability and Harm in East Renfrewshire*. Glasgow: Alcohol Focus Scotland.

⁴ Alcohol Focus Scotland (2018). *Alcohol Outlet Availability and Harm in East Renfrewshire*. Glasgow: Alcohol Focus Scotland.

⁵ Available at <https://creshmap.com/shiny/alcoholtobacco/>

- Merrylee and Braidbar (Giffnock)
- North Giffnock and North Thornliebank (Giffnock)
- West Arthurlie and North Neilston (Barrhead)

AFS would therefore recommend that the Board therefore gives particular consideration to these areas when undertaking the overprovision assessment.

Analysis conducted by Alcohol Focus Scotland and the Centre for Research on Environment, Society and Health, also reveals that there is a relationship between alcohol outlet availability and health and social harms across Scotland. Specifically, 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.⁶ This relationship was also found for East Renfrewshire, where alcohol-related death rates were 2.4 times higher, alcohol-related hospitalisation 90% higher, and crime rates 80% higher in the neighbourhoods with the most alcohol outlets compared to the least.⁷

Furthermore, the most recent data available shows that in East Renfrewshire there were 364 alcohol-related hospital stays in 2016/17,⁸ and 11 alcohol-related deaths in 2016.⁹ Aggregated statistics such as these point compellingly to the conclusion that there exists a state of overprovision in at least some areas of East Renfrewshire.

Decisions on overprovision should also be informed by evidence from the police, health authorities and other agencies. However, the current 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. This should include evidence as to how the overprovision policy was decided and what factors were considered or discounted.

Links with other strategies

AFS welcomes that the existing policy sets out the Board's commitment to secure proper integration with relevant local strategies, including crime prevention, community safety, and health. It will be important that the new policy explicitly recognises the value of linkages with other bodies interested in alcohol regulation, and specifically references the policies and strategies which are most relevant to the work of the Board. The Board should also 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

⁶ Alcohol Focus Scotland (2018). *Alcohol Outlet Availability and Harm in Scotland*. Glasgow: Alcohol Focus Scotland.

⁷ Alcohol Focus Scotland (2018). *Alcohol Outlet Availability and Harm in East Renfrewshire*. Glasgow: Alcohol Focus Scotland.

⁸ Information Services Division (2017). *Alcohol-Related Hospital Statistics Scotland 2016/17*. NHS National Services Scotland.

⁹ National Records of Scotland (2017). *Alcohol-Related Deaths in Scotland, 1970-2016*. Edinburgh: National Records of Scotland.

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 make explicit in its new policy that it will liaise closely with the East Renfrewshire 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 alcohol availability was licensing legislation. There are also a 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 recognises that 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 a commitment that the Board will attempt to make the experience of attending a hearing as informal as possible. This remains an important commitment 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. It should include commitments that the Board make proceedings as open and friendly as possible, and ensure that all participants receive appropriate advice on procedures or requirements.

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 in licensing 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.
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. Although the current policy states that various local conditions to be applied to particular premise type/activities are attached as appendices, these appendices appear to have been removed from the versions of the policy that are available online.

It would also be good to provide more of the East Renfrewshire 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. We would suggest including both statistical and expert opinion, as well as any available local data, on what the issues are in East Renfrewshire. This should cover the range of alcohol-related issues such as town centre disorder; domestic incidents; chronic and acute health harms; fire incidents; social work cases. Such evidence can be sought from local stakeholders including Police Scotland, East Renfrewshire Alcohol and Drug Partnership and NHS Greater Glasgow & Clyde. There should then be a clear line of reasoning from the evidence to the conclusions in the Statement of Licensing Policy.

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.

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>

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>

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 licence holders should promote awareness of units of alcohol and the recommended guidelines for consumption. AFS would recommend that the Board 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>

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 wishes to see family friendly premises thriving in East Renfrewshire. 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, it will be important that the new policy addresses the broader impact of alcohol on children and young people, including alcohol that is purchased for consumption at home and the impact of parental alcohol misuse.

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

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

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 gives careful consideration to this issue and continues to implement a policy whereby any more than six (at the very most) back to back applications be referred to the Board for a decision. We would also recommend that the policy includes a presumption against granting a series of occasional applications to one premises, and sets out the local conditions that the Board will attach to occasional licences.

In addition, 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 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.