



AFS RESPONSE TO RENFREWSHIRE LICENSING BOARD ISSUES PAPER FOR FORMAL CONSULTATION – AUGUST 2018

Alcohol Focus Scotland (AFS) welcomes the opportunity to respond to Renfrewshire Licensing Board's Issues Paper. This response builds upon our pre-consultation response, which was submitted to the Board in January 2018, and provides an update on relevant developments.

Overprovision Assessment in relation to Licensed Premises

The Board is seeking views as to whether this area is overprovided in terms of licensed premises and, if so, whether it is overprovided in terms of all licensed premises or premises of a particular type. The Board would also welcome views on whether any exceptions should be provided within the terms of its policy, should it find overprovision, to allow potential applicants to consider what information would assist the Board in deciding whether to make an exception.

Subsequently to responding to the Board's pre-consultation in December, AFS worked with the Centre for Research on Environment, Society and Health (CRESH) at the Universities of Edinburgh and Glasgow to publish further evidence of the links between alcohol availability and harm in Scotland.

Detailed local information on alcohol availability and harm at neighbourhood level can be found using the [CRESH WebMap](#). In addition, profiles containing information about the levels of alcohol availability and related harm (at both a national level and for each local authority) can now be accessed via our website: www.alcohol-focus-scotland.org.uk/campaigns-policy/availability-and-licensing/alcohol-outlet-availability. We have also sent a copy of the Renfrewshire profile to accompany this response.

The CRESH data shows that Renfrewshire is ranked 7th out of 30 local authority areas for alcohol outlet availability in Scotland (9th for on-sales and 8th for off-sales outlets). Renfrewshire has an alcohol outlet availability lower than Scotland as a whole; neighbourhoods have an average of 13.3 alcohol outlets within 800m of the population centre, compared to the Scottish average of 16.8 outlets. However, 21% of neighbourhoods have a total outlet availability higher than the Scottish average, and of particular note is the finding that the most deprived neighbourhoods in Renfrewshire have 3.8 times the number of alcohol outlets than the least deprived.

When considering links to harm, a statistically significant relationship was found in Renfrewshire between alcohol outlet availability and alcohol-related death rates, alcohol-related hospitalisation rates and crime rates. Specifically, alcohol-related death rates in the neighbourhoods with the most alcohol outlets were 1.7 times higher than in neighbourhoods with the least, hospitalisation rates 2.4 times higher, and crime rates 6.4 times higher. The links 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.

AFS would recommend that the Board use the CRESH webmap to indicate areas where levels of availability and/or harm are sufficiently high to cause concern, and which may indicate that

overprovision would be an appropriate response. The webmap can be used to compare areas against the Scottish average for outlet availability, compare alcohol outlet availability between neighbourhoods *within* the local authority, and also identify corresponding rates of harm (e.g. alcohol-related hospitalisations, crime rates, and alcohol mortality).

An initial analysis using the CRESH webmap indicates that there are a number of neighbourhoods in Renfrewshire that have higher availability than the Scottish average and high levels of alcohol-related harm. This includes neighbourhoods within Paisley, Johnstone and Renfrew, some of which are within the highest 10% in Scotland in relation to both levels of alcohol outlet availability and alcohol-related harm.

With regards to exceptions, AFS believes that overprovision statements should be flexible as there may sometimes be legitimate reasons why an application would be granted in overprovision areas. Carefully setting out - within the policy itself - what will and will not be considered in as an exception in such circumstances may help to avoid potential appeals. However, the Guidance to the 2005 Act provides little to no detail about how this can best be achieved.

AFS would recommend that the focus of deliberations on exceptions should be firmly on the Board's functions under the Act - which are broadly the promotion of the licensing objectives and the licensing of premises/persons for the sale of alcohol. There may be exceptional cases in which an applicant is able to demonstrate that the grant of an application would not undermine the licensing objectives, but the Board should take care not to imply in the policy that (should an applicant be able to demonstrate that the licensing objectives would not be undermined) this would somehow reverse the rebuttable presumption. Overprovision is a grounds for refusal in its own right (as borne out in case law) i.e. in an overprovision case where there is no inconsistency with the objectives does not mean there is no overprovision as it is a separate issue.

AFS would also stress that commercial considerations would be an irrelevant factor in considerations of whether or not a licence should be refused. For example, there is nothing in the relevant legislation to suggest that a board may overrule overprovision on the grounds that there are commercial benefits or employment opportunities arising from new licensed premises.

Licensing Objectives

Police Scotland suggest a condition requiring a member of staff fully trained on the operation of the CCTV system to be present on the premises during their licensed hours. The Board would appreciate views from consultees on this proposal from Police Scotland and on whether the existing 'control measures' set out in the current Statement of Licensing Policy should be amended to promote the licensing objectives. Police Scotland also propose that the Board consider suggesting further control measures within licensed premises, including the wearing of high visibility clothing by door stewards and the effective dispersal by door stewards of patrons.

The Board would welcome responses from consultees in relation to the above comments from Police Scotland.

AFS would fully support the inclusion of the control measures suggested by Police Scotland within the policy.

Children's Access

Views from consultees are sought in relation to whether hours for children (0-15 years) or young persons (16-17 years) should be specified. Where consultees wish to respond in relation to this

issue, the Board would welcome views as to whether any policy on access hours ought to differentiate between children and young persons, or the age of the children or young persons.

In this regard, Renfrewshire Health and Social Care Partnership have suggest that the Board may wish to consider whether access by children of all ages (0-15) should cease at 11pm and whether young persons should require to leave at 1pm, which may be before the end of functions which they are attending.

The Board would also welcome views on whether any such change to children and young person's access in terms of the policy should cover their access to sporting events.

AFS appreciates that some Boards wish to encourage applications for licensed events and venues that are family friendly and safe for children. However, as highlighted in our pre-consultation response, 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 will also be important that the new policy addresses the broader impact of alcohol on children and young people, including the impact of parental drinking.

In general, AFS would expect that premises that do not offer food of any description are highly unlikely to be a suitable environment for children. During a series of Regional events hosted by AFS in 2016, concerns were also expressed across Scotland regarding occasional licences being granted for events mainly or exclusively targeted at families where children would be present. We would therefore recommend that the new policy make clear that if there are no other activities available other than the sale of alcohol, or an event is aimed primarily at children and young persons or families where large numbers of children will be present, it is unlikely that a licence should be granted.

As noted in our pre-consultation response, AFS would be interested to hear the views of children and young persons and their representative organisations on these issues, particularly with regards to whether the Board should apply the same policy to children and to young persons or whether different approaches should be taken for these different age groups.

Licensed Hours

Should the commencement of off sales hours on a Sunday be restricted to 11am in relation to future licensing applications?

Should a policy be introduced restricting the licensed hours for new off-sales licensing applications until an earlier hour than 10pm (if so, please specify what suitable policy hours would be)?

Should the policy provide that an applicant is able to seek hours until 10pm if he can persuade the Board this is not inconsistent with the licensing objectives?

AFS is pleased that the Board is consulting on licensed hours and we look forward to hearing the views of local stakeholders on this issue. As a national organisation, we are not in a position to comment on local experiences, but can offer further comment on the impact of licensed hours more generally and the evidence available to support this.

AFS has identified over 50 research studies published since 2000 that find an association between the total number of licensed premises and opening hours in a locality, and levels of alcohol harm. Localities examined include cities, states, provinces and countries and several studies have specifically investigated the links between temporal availability and alcohol harm. This includes a 2017 systematic review of literature (published between 2000-2016) studying the impact of policies

regulating alcohol trading times on alcohol-related harm, which found that policies regulating times of alcohol trading can contribute to reductions in injuries, alcohol-related hospitalisations/ emergency department visits, homicides and crime.¹

Extended hours increase availability of alcohol, which in turn is linked to increased consumption and increased harm. As such, AFS welcomes that the Board is considering reducing off-sales hours and is specifically seeking views on reductions to morning and evening trading hours.

AFS would support reduced hours in order to reduce levels of consumption and harm, particularly in areas experiencing high levels of alcohol-related harm, and to better meet the needs of vulnerable groups. We have previously recommended that evening off-sales hours should be reduced to 8pm;² this was in response to research that demonstrated that reductions in off-sales hours in the evening can work to reduce alcohol-related harm, particularly for vulnerable groups such as young adolescents and dependent drinkers who may rely on off-sales as their main or only source of alcohol. In addition, AFS would support the commencement of off sales hours on a Sunday being restricted to 11am.

Any exceptions should be based on the needs of the local community, as opposed to any commercial considerations, and only if - as suggested - the applicant is able to demonstrate that the grant of additional hours would not undermine the licensing objectives.

Licence Conditions

The Board would be interested as to what other licensing conditions should be considered.

AFS has produced a Licensing Resource Pack that provides examples of conditions that could be applied, and research which demonstrates the impact of different measures on alcohol related harm. This may particularly useful for the Board when developing the new Licensing Policy Statement, and can be downloaded from our website here: <http://www.alcohol-focus-scotland.org.uk/media/291077/afs-licensing-resource-pack.pdf>

Enforcement

In response to the initial, informal consultation, it has been suggested that the policy statement be extended to explain the role of Licensing Standards Officers (LSOs). The Board would welcome views on how this section might be expanded. To assist consultees, a draft additional section is set out.

AFS commends the Board for drafting and consulting on this additional section, and we hope that other Boards adopt a similar approach. We are particularly pleased that the drafted section specifically acknowledges that involvement in licensing can be a daunting experience for community members, and signposts to sources of support and information. This can be extremely important for many community members, who may feel intimidated by overly formal processes and environments. It will be important that this section is appropriately titled e.g. *'Sources of information and support'*, clearly listed in the contents, and can be easily found by community

¹ Sanchez-Ramirez DC, Voaklander D. [The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review](#). Injury Prevention 2018;24:94-100.

² MacNaughton, P. & Gillan, E. (2011). Rethinking Alcohol Licensing. Glasgow: Alcohol Focus Scotland and Edinburgh: Scottish Health Action on Alcohol Problems. <http://www.alcohol-focus-scotland.org.uk/media/59902/Rethinking-alcohol-licensing.pdf>

members. It would, for example, be unlikely that people would know/think to look for this information in a section entitled 'enforcement'.

Alcohol Deliveries

The Board would welcome views from consultees as to any particular local licence conditions might be attached to new premises licences seeking to provide an alcohol delivery service. The Board would welcome the views of consultees on the suitability of the suggested conditions and any other conditions which consultees may consider should be attached to such premises licences

AFS fully supports the suggested conditions. We are urging all boards to set out their approach to online retailers within their new policies, including by requiring that when making an alcohol delivery certain checks should be carried out such as Challenge 25. In addition, the policy could require that orders cannot be left in nominated safe places, and that staff delivering alcohol must be trained to the same level as staff who sell or supply alcohol in licensed premises. The Board could also explore the possibility of placing conditions on online retailers to request details of sales and distribution areas, as well figures on delivery refusal rates.

Extended Use of Occasional Licences

The revised draft Statement of Licensing Policy proposes that applications for occasional licences, where it is appropriate for a premises licence to be obtained, are referred to two Members of the Licensing Board for consideration. An alternative approach to this is followed in another Licensing Board area, where such applications may not be considered under delegated authority where premises have been repeatedly operating on the basis of occasional licences. The views of consultees would be welcomed in relation to how the Board should approach these applications in future.

AFS would recommend that Board requires a hearing where it identifies that an applicant has made repeated occasional licence applications. The Board could also adopt a policy whereby a certain number of back-to-back occasional applications (exceeding a set threshold) be automatically referred to the Board for a decision.

In order to ensure that the sale of alcohol under occasional licenses is appropriately conditioned to uphold the licensing objectives, the Board could also include an Occasional Licence Application and Supplementary Information Form as an appendix. This approach is already adopted in some other board areas, where occasional licence holders are asked to demonstrate how they will promote the five licensing objectives, and provide practical examples of how they plan to comply with each objective.