



AFS RESPONSE TO CONSULTATION ON THE GLASGOW DRAFT LICENSING POLICY STATEMENT AND OVERPROVISION ASSESSMENT– OCTOBER 2018

Alcohol Focus Scotland (AFS) welcomes the opportunity to respond to the consultation on the terms of the revised Glasgow Statement of Licensing Policy and Overprovision Assessment. This response builds upon our pre-consultation response, submitted to the Board in November 2017. It provides an update on recent developments and further suggestions regarding the sections of the draft policy that we believe may warrant particular scrutiny.

As a national organisation, we do not have sufficient local knowledge of the Glasgow area to enable us to comment in detail on some of the specific policy content, and have therefore answered only those questions where we felt it most appropriate to comment.

Introduction – Background to the Policy Statement

- **Are there any particular policy themes that you believe should be highlighted in the introduction?**

AFS believes that the key themes that should be emphasised in the introduction are the public interest purpose of alcohol licensing, and the paramount importance of the licensing objectives as being the guiding principles upon which all licensing decisions should be based.

The introduction should also support those accessing the policy, including the general public, to understand the context in which the Glasgow Board operates. This could include by highlighting the role of licensing in relation to the city's many cultural assets and aspirations. However, it is also appropriate to consider policy formulation in the context of the nature and scale of problems related to alcohol use in Glasgow. Providing information in the introduction about the scale and nature of alcohol related problems in Glasgow could support stakeholders/communities to better understand the factors that the Board must take into account, both when making decisions and determining policy.

The Licensing Objectives

- **Has the Board achieved the right balance in how it seeks to promote each of the licensing objectives?**

For all the licensing objectives, the Board has usefully defined its intended outcomes, the influencing factors on the achievement of the objectives, and the control measures that applicants and licence holders can put in place. AFS also welcomes that part four of the draft policy sets out the Board's approach to the attachment of conditions to premises licences in order to promote the licensing objectives. The Board has also expressed a strong expectation that licence holders will develop and implement written policies relevant to the objectives.

However, this aspect of the policy could be greatly strengthened by setting out a clear expectation that applicants address the five objectives in their operating plan, and also supply a written

statement detailing how they will promote the objectives. This approach is already adopted in other board areas, with several providing a ‘Supplementary Information’ document for applicants to submit alongside their application - asking them to set out exactly how they will comply with 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.

- **Do you have any other comments to make on this part of the policy?**

Specific to the objective of Protecting and Improving Public Health, AFS welcomes that the policy suggests licence holders make available information with regard to sensible drinking. The intention behind this is admirable and this approach should continue. However, AFS would recommend that the Board avoid using terms like ‘sensible’ 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 that 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>

Licensing Conditions

Are there any other matters you think should be controlled or regulated by additional style conditions?

AFS notes that style conditions have been set out in relation to each objective at Appendix One, with the exception of the public health objective for which no style conditions have been detailed. As such, we would suggest that the Board liaises with local health stakeholders to identify style conditions that might help support the pursuance of this objective in a Glasgow context.

AFS has also produced a Licensing Resource Pack¹ that provides resources to support the collection of evidence on local alcohol-related harm, and provides examples of research which demonstrates the impact of particular licensing conditions on harms. This may be particularly useful to the Board when developing its new policy: <http://www.alcohol-focus-scotland.org.uk/media/291077/afs-licensing-resource-pack.pdf>

Licensed Hours

- **Do you have any other comments to make on this part?**

AFS is not in a position to comment on local experiences, but can offer 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

¹ 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>

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.²

Extended hours increase the availability of alcohol, which in turn is linked to increased consumption and increased harm. As such, AFS welcomes that the Board intends to continue in its approach that there are generally no circumstances under which early morning licensed hours will be granted. With regard to off-sales hours, AFS would again highlight that the hours of 10am until 10pm are the maximum allowed by law and AFS believes that, particularly in areas of high-rates of alcohol harm, the maximum permitted hours should be the exception and not the norm.

With regard to the proposed pilot scheme to extend hours for late night entertainment premises, AFS believes that the focus when determining policy in this area should be firmly on the promotion of the five licensing objectives and the public interest. The draft policy refers to factors such as the night-time economy generating £2.16 billion per annum for the city, and supporting 16,600 full-time jobs. While a local authority may have a function to promote employment, this is not a licensing function and therefore it is not a function or factor that AFS believes should be included in a licensing policy.

Overprovision

- **Are there any other matters you think the Licensing Board should take into account in considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?**

AFS is not in a position to comment on which streets or areas in Glasgow should be declared overprovided. In terms of the general approach to assessing overprovision - as noted in our pre-consultation response - AFS would recommend that alcohol harm statistics are considered in conjunction with alcohol outlet density information to make an informed assessment of overprovision. Subsequently to responding to the Board's pre-consultation, 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 updated local information on alcohol availability and harm at neighbourhood level can now 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. For ease, we have also sent a copy of the Glasgow profile to accompany this response.

The updated CRESH data shows that Glasgow has a very high overall level of alcohol availability, ranked 2nd of the 30 local authority areas examined. Almost half of the neighbourhoods in Glasgow have a higher total alcohol outlet availability than the average for neighbourhoods across Scotland as a whole, rising to two fifths of neighbourhoods for on-sales outlets and almost two thirds of

² Sanchez-Ramirez DC, Voaklander D (2018). The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review. *Injury Prevention* 2018;24: 94-100.

neighbourhoods for off-sales outlets. This data would appear to support the Board's finding that the whole of Glasgow City is impacted by off-sales outlets particularly.

Neighbourhoods within the City Centre of Glasgow have up to 25 times the Scottish average number of alcohol outlets, 34 times the Scottish average for on-sales outlets and 8 times the Scottish average for off-sales outlets. In addition, the number of alcohol outlets in Glasgow increased by 6.8% between 2012 and 2016, with a 7.3% increase in on-sales outlets and a 5.7% increase in off-sales outlets.

When considering links to harm, Glasgow as a whole experiences higher than national average rates for alcohol-related deaths, alcohol-related hospitalisations and crime. For example, at least 70% of the neighbourhoods in Glasgow have higher than Scottish average rates of alcohol-related deaths. In addition, neighbourhoods within Glasgow have up to 17 times the Scottish average for alcohol-related hospitalisations (Parkhead West and Barrowfield), and 44 times the Scottish crime rate (City Centre South).

In relation to the proposed overprovision localities, these all have significantly higher levels of outlet density, alcohol-related health harms and crime rates. In addition, approximately 85% of the datazones within these localities are income deprived. This is an important consideration given that people who are income deprived are disproportionately impacted by high concentrations of alcohol outlets in their area,³ and the clear evidence that the impact of harmful drinking and alcohol dependence is much greater for those experiencing the highest levels of deprivation. For example, people living in our most deprived communities are more than eight times more likely to die or be admitted to hospital due to alcohol use than those in our most affluent communities.⁴ AFS welcomes that a wide range of alcohol-related harm indicators have been taken into account during the assessment/identification of these localities, including levels of deprivation.

With regard to the city centre, AFS believes that the focus when determining overprovision should be firmly on the public interest and the promotion of the five licensing objectives. We would therefore highlight that, as well as having a higher than Scottish average number of alcohol outlets, all neighbourhoods within the City Centre East, City Centre South and City Centre West intermediate datazones have higher than Scottish average alcohol-related death rates. In addition, the majority of these neighbourhoods have higher than Scottish average hospitalisation rates, the vast majority have higher than Scottish average crime rates, and 29% of these neighbourhoods are income deprived.

As such, 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).

Occasional Licences and Extended Hours Applications

³ Shortt, N.K., Rind, E., Pearce, J., Mitchell, R. & Curtis, S. (2018). Alcohol Risk Environments, Vulnerability, and Social Inequalities in Alcohol Consumption. *Annals of the American Association of Geographers*. DOI: 10.1080/24694452.2018.1431105

⁴ NHS Health Scotland (2018) Monitoring and Evaluating Scotland's Alcohol Strategy. Monitoring Report

- **Do you think the general approach to processing and determining applications for occasional licences and extended hours is appropriate?**

Occasional licences are intended to allow for the sale of alcohol at events that do not occur on a regular basis. It is therefore wholly appropriate that the Board will generally look for the applicant to demonstrate that the occasional licence is required for a special event to be catered for on unlicensed premises.

However, as commented in our pre-consultation response, there is concern that this is an area where ‘loopholes’ in the legislation are being regularly exploited, and used to circumvent the requirement to have a premises licence. AFS would therefore recommend that the 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.

Licensing Boards may wish to choose their own thresholds for referring decisions to the Board, based on local circumstances. For example, the proposed approach in the Perth and Kinross Licensing Board draft policy is that *“the Board considers it reasonable for occasional licences covering up to 30 days (including into the following mornings) to be granted in any one calendar year for a single premise. Where more than 30 days are sought, the Board expects a premises licence application to be submitted. Failure to do so may result in all further occasional licence applications being submitted to the Board for consideration rather than being dealt with under delegated powers.”*

In addition, in order to ensure that the sale of alcohol under occasional licences is appropriately conditioned to uphold the licensing objectives, the Board could also request that applicants complete an Occasional Licence Supplementary Information Form. This approach is already adopted in some 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, with some also providing a pro forma for submission alongside the application.

Off-sales Licensed Premises

- **Do you think the proposed policy for considering the suitability of off-sales licensed premises is appropriate?**

Yes. AFS believes it is entirely appropriate that, where there is evidence that a locality in which an applicant premises is situated has high levels of alcohol-related health harm, the Board carefully considers whether the granting of such a licence would be inconsistent with the health objective. We commend the Board for being explicit that, even where there is little or no existing alcohol provision within the area, granting an application may still have the potential to exacerbate existing alcohol-related health problems in the area, and that applications in these circumstances can still be refused on public health grounds.

What do you think about the proposed additional requirements for alcohol deliveries?

In our pre-consultation response we highlighted emerging concerns regarding online sales and alcohol deliveries. We are therefore pleased that the draft policy includes additional requirements in this regard, including that checks should be carried out such as Challenge 25. We are aware that similar measures have been included within the draft policies of other Boards, with some also requiring 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.

Additional comments: Accessibility, participation and transparency

A lack of effective public engagement in licensing can prevent proper transparency and accountability. During the 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 new policy could provide much more detail about the means by which the boards' processes and procedures will provide for increased accessibility, transparency and accountability for communities, for example by requiring:

- a set of published standing orders;
- board papers and minutes being published on time;
- board minutes recording the names of board members voting for/against a decision; and
- details to be made available of what people can expect when attending meetings and the supports available to them.

The new policy should include a commitment that the Board will attempt to make the experience of attending a hearing as informal as possible. This can be a particularly important commitment for many community members, who may feel intimidated by overly formal processes and environments. The new policy could help support public participation by reassuring communities that the Board will endeavour to make proceedings as open and friendly as possible, and ensure that all participants receive appropriate advice on procedures or requirements.

In addition, communities may not currently be aware of the various ways in which they can get involved or the types of information/supports available to enable them to participate. The new policy should clearly signpost the general public to where they can find guidance to support them to get involved, including by making objections and representations, or this could be included as an Appendix e.g. the [Alcohol Licensing in Your Community Toolkit](#).⁵ The policy could also outline the role of the Licensing Standards Officer and the types of assistance they are able to offer to the public.

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.

AFS commends the Board for including details of the evidence considered by the Board in developing the policy and overprovision assessment. Boards should be explicit and demonstrate within the policy how it has been informed through consultation, with the material considered by the Board being published and links to this material being included in the policy itself. Stating this in the policy statement further demonstrates the Board's open and responsive approach to consultation.

⁵ Alcohol Focus Scotland (2015). *Alcohol Licensing in Your Community How You Can Get Involved*. Glasgow: Alcohol Focus Scotland: <https://www.alcohol-focus-scotland.org.uk/media/133477/Community-licensing-toolkit.pdf>