

## **AFS RESPONSE TO WEST LoTHIAN REVIEW OF STATEMENT OF LICENSING POLICY (JULY 2018)**

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

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.

### **Section 1: Local conditions**

#### **Curfew**

**The curfew condition in the current policy is: *"Where premises are open after 1am there shall be strictly no admittance to the premises after 1am which prevents persons leaving to smoke outwith the premises being readmitted."* (Paragraph 11.2)**

**1. Do you consider that this curfew condition should be maintained in the revised policy?**

No comments: Local stakeholders would be best placed to advise of any positive or negative consequences resulting from the curfew condition.

#### **Children and young persons' conditions**

**The children and young persons' conditions in the current policy can be found at paragraph 11.4 of the policy document. The Board considers that condition 4 should be removed from the policy: *"A minimum of two registered SIA door stewards to be present during all birthday parties for persons aged 18 years or under held on the premises."***

**2. Do agree that you condition 4 should be removed from the policy?**

The Board currently has the option to attach this condition (in pursuance of the objectives) but is under no obligation to do so. It is unclear what benefit may derive from removing this condition from the policy or why this is now being considered. As such, it is difficult to comment on this aspect of the policy, but it would appear sensible to leave the condition within the policy, to then be applied at the discretion of the board.

**3. Do you consider that any other changes should be made to either of these local conditions?**

As a general point, with regards to the policy structure and layout, it could be beneficial to list all the conditions in Section 3, against the relevant objectives, with an explanation of what conditions the Board may consider applying in relation to particular objectives or circumstances.

## Section 2: Licensed Hours

### Children and young person's access

The current policy in relation to the hours during which children and young persons can access licensed premises can be found at paragraph 9.4 of the policy:

*"The terminal hour for children and/or young persons on licensed premises will generally be 10 pm, subject to the conditions that they are accompanied by a responsible adult and (other than for premises whose primary function is something other than the provision of food and drink, including hotels, theatres, cinemas, family focused entertainment centres, sports centres and museums) that they are on the premises for the purposes of taking a meal. Similarly the default terminal hour for children and/or young persons in outside seating areas will generally be 8 pm subject to the same conditions.*

*However, where a private function (i.e. where members of the public are admitted by invitation only such as a wedding, anniversary celebration, christening or birthday celebration) is being held within licensed premises and children and/or young persons are to be attending the function, the Board is of the view that it is generally permissible for children and/or young persons to remain for the duration of the function, provided that due regard is had to the licensing objective of protecting children from harm."*

The Board considers that the terminal hour for children and young persons' access to outside areas should be increased to 9pm in line with the terminal hour for use of such areas. The Board does not consider that the policy regarding children and young persons' access should be amended apart from this.

#### 4. Do you agree with the above statement in relation to children and young persons' access?

No comments

**If applicable please suggest any changes which you consider are necessary and give reasons for your answer**

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.

If the Board continues to be of the view that it is generally permissible for children and/or young persons to remain for the duration of functions, AFS would recommend that the Board apply the style conditions (contained in paragraph 11.4 of the policy) to any premises holding such functions. This would help to ensure that due regard is had to the licensing objective of protecting children and young people from harm. As such, the style conditions applicable to functions where children and young people will be present should be set out within paragraph 9.4, or paragraph 9.4 should signpost people to the section of the policy where the relevant conditions can be found.

### Licensed hours generally

The current policy in relation to licensed hours can be found at paragraphs 9.2 - 9.3 and 9.5 - 9.9 of the policy document: On-Sale 11am - 12 midnight (Sun-Wed)/1am (Thurs-Sun), off-sale 10am-10pm.

**5. What impact do you consider that the current policy for on sales licensed hours has on you or people in your community? Please give examples and indicate whether these impacts are positive or negative.**

AFS would recommend that all licensing boards focus firmly on the licensing objectives when determining their policy on licensed hours, and welcomes that this consultation specifically seeks views on the impact of licensed hours on local communities. As a national organisation, we are 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 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.<sup>1</sup>

Extended hours increase availability of alcohol, which in turn is linked to increased consumption and increased harm. As such, AFS welcomes that the Board does not allow the sale of alcohol for consumption on the premises before 11.00am.

AFS notes that this consultation is only seeking views on on-sales hours. However, 73% of alcohol is now purchased in off licenses and it will be particularly important that the new policy reflects and responds to this situation. The current approach of the Boards is to generally permit off sales hours from 10am until 10pm. These hours are the maximum allowed by law and AFS believes that, in areas of high-rates of alcohol harm, the maximum permitted off-sales hours should be the exception and not the norm.

**6. What changes could be made to on sales licensed hours that would have a more positive impact in your community? Please give examples of how this would make a difference.**

Please see answer above

**Festive Policy**

**The Board generally deems it permissible for on sales premises in West Lothian to trade for an additional hour on particular days during 1 December to 2 January each year.**

**7. Do you agree with the above festive policy?**

No

**If applicable please suggest any changes which you consider are necessary and give reasons for your answer**

For the reasons outlined above, AFS would recommend that longer hours are not granted. Should the Board decide to allow additional hours then this should be on limited days only and for not more

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<sup>1</sup> 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.

than one extra hour. The operation of the premises should also be closely monitored to ensure that alcohol-related public nuisance and harm is minimised and conditions attached to licences if necessary.

### **Extended hours**

The policy on extended hours applications can be found at paragraph 9.10 of the policy document.

***“The Board is aware of the variety of public events which occur in West Lothian and the significance of these to residents of West Lothian. The Board does not consider that the holding of such events should serve as automatic justification for extended licensed hours through which the consumption of alcohol may be increased. The Board expects applicants to be able to identify in the information supporting their application the reason for any extended hours applied for and the connection to the event concerned.”***

**8. Do you consider that the Board should make any changes to this section of the policy?**

No

**9. If applicable please suggest any changes which you consider are necessary and give reasons for your answer**

For the same reasons as above, AFS would recommend that longer hours are limited to special occasions only, and welcomes the Board's position that the holding of public events should not serve as automatic justification for extended licensed hours. Again, should the Board decide to allow additional hours, the operation of the premises should be closely monitored to ensure that alcohol-related public nuisance is minimised and conditions attached to the licence if necessary.

### **Section 3: Occasional licences**

The Board's current policy on the granting of occasional licences can be found at section 10 of the policy document. Occasional licences can only be applied for by holders of premises or personal licences or by representatives of voluntary organisations. The policy includes a definition of voluntary organisation. The Board considers that the definition should be changed to:

***“Voluntary organisations are formally constituted, non-profit making bodies which are run by individuals who do not get paid. The main aim of a voluntary organisation is to deliver social benefit in a variety of forms, rather than to generate profit for distribution to its members.”***

**9. Do you agree with the amended definition of voluntary organisation?**

Yes

**If applicable please suggest any changes which you consider are necessary and give reasons for your answer**

The Board may wish to clarify what is meant by *“run by individuals who do not get paid”*. For example, the vast majority of voluntary organisations have paid staff who are responsible for the day-to-day 'running' of the organisation. However, trustees will generally not be paid and - in principle - no paid member of staff should be part of the voluntary management committee/board. The policy could also clarify whether 'payment' in this context refers to wages or reimbursed expenses; Trustees are entitled to be reimbursed for any out of pocket expenses incurred in their duties.

A large number of occasional licences are applied for in West Lothian each year. The Board wishes to ensure that the sale of alcohol under such licences is appropriately conditioned to uphold the licensing objectives. The Board has compiled a list of conditions which it would intend to apply to all occasional licences.

**10. Do you agree with the Board’s suggestion regarding the imposition of standard conditions on occasional licences?**

Yes.

**If applicable please suggest any changes which you consider are necessary and give reasons for your answer**

AFS welcomes the inclusion of local conditions relevant to occasional licenses as an appendix. In relation to the condition that *“signage should clearly explain a responsible drinking message”*, AFS would suggest that the Board avoid using terms like “responsible 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.

**In order to ensure that outdoor events (either in the open air or within temporary structures) are appropriately conditioned the Board intends to amend its policy to stipulate that applicants should supply alcohol management plans with their applications for events where alcohol is to be sold at outdoor events. It is intended that the policy will stipulate that where no such plans are enclosed with applications that these applications will be referred to the Board for determination instead of being determined using delegated powers.**

**11. Do you have any comments to make regarding the proposed change to the policy regarding open air events?**

No comments.

**12. Do you consider that the Board should make any other changes to the occasional licence section of the policy?**

Yes

**If applicable please suggest any changes which you consider are necessary and give reasons for your answer**

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.

AFS would therefore 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 any more than six back-to-back occasional applications be automatically referred to the Board for a decision.

In order to ensure that the sale of alcohol under occasional licences 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 would ask occasional licence holders to demonstrate how they will promote the 5 licensing objectives, and provide practical examples of how they plan to comply with each objective.

In addition, 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, AFS would recommend that the policy contains a presumption against granting occasional licences where the event predominantly involves children. The Board would still maintain its full discretion and flexibility to grant a licence in these circumstances, if minded to do so based on the merits of a particular application.

#### **Section 4: Overprovision**

**The Board wishes to consult widely on overprovision without identifying any particular localities. The law now allows the Board to determine that the whole of its area is a locality.**

**13. Do you consider that there is overprovision of licensed premises within particular areas of West Lothian or indeed in the whole of West Lothian?**

Please see below

**If you answered yes please supply any evidence which you would wish the Board to consider. (Evidence should be referred to on this form and emailed or posted separately to the Board.)**

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 West Lothian should therefore be considered in conjunction with density information, such as from the [CRESH alcohol outlet density map](#), to make an informed assessment of overprovision. Decisions on overprovision should also be informed by evidence from the police, health authorities and other agencies. AFS would recommend that the policy outlines the evidence considered by the Board to help inform the overprovision assessment, to help people to understand the rationale for the boards approach and aid transparency.

The CRESH data shows that West Lothian is ranked 25th out of 30 local authority areas for alcohol outlet availability in Scotland (27th for on-sales and 15th for off-sales outlets). A statistically significant relationship was found in West Lothian between alcohol outlet availability and crime rates and alcohol-related death rates. Specifically, alcohol-related death rates in the neighbourhoods with the most on-sales outlets were 1.8 times higher than in neighbourhoods with the least, while crime rates were 2.7 times higher. Also of particular note was the finding that the most deprived neighbourhoods in West Lothian had 2.2 times the number of alcohol outlets than the least deprived neighbourhoods.

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 shows that although West Lothian has lower alcohol outlet availability than Scotland as a whole, there are neighbourhoods that have higher availability than the Scottish

average and high levels of alcohol related harm. This includes neighbourhoods within Dedridge, Bathgate, Armadale, Broxburn and Whitburn.

When considering off-sales in particular, however, the Board may also wish to consider that 73% of alcohol sold in Scotland is bought from off-sales premises, and people now travel further to buy alcohol. As such, should the Board be considering overprovision for off-sales, a policy over a wider area may be more effective in helping to reduce and prevent levels of alcohol consumption and harm.

## **Section 5: Miscellaneous**

### **Outdoor drinking areas**

#### **14. Do you consider that any changes need to be made to the current policy on outdoor drinking areas (Section 13)**

No comments

**Please give reasons for your answer.**

### **Deliveries of alcohol**

#### **15. Do you have any concerns about alcohol deliveries in West Lothian?**

Yes

**Please list your concerns.**

This is an emerging area of concern and should rightly 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.

**If you answered yes to question 15, how do you think that Board policy can address these concerns? Please give reasons for your answer**

AFS would urge all boards to set out their approach to online retailers within their new policies. For example, it could be specified 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.

## Transport

### **16. Are there any particular issues whether arising from dispersal of patrons or otherwise which the revised policy should address in relation to transport?**

No comments

### **Please give examples**

### **17. What improvements could be made to the Board's policy in relation to transport issues?**

**Please give examples.**

No comments

## Equalities

### **18. Do you feel that there are alcohol related issues facing people with protected characteristics differently to people without protected characteristics?**

Alcohol can affect anyone either directly or indirectly, but there are differences within communities regarding the pattern and levels of alcohol consumption. Factors such as age, ethnicity, disability, sexual orientation and gender can all affect whether a person decides to drink and the level and patterns of that drinking. If a person decides not to drink alcohol, family members', friends' or strangers' drinking behaviour can still affect them. Therefore, alcohol issues are of a high relevance to all equalities groups. For example, within Scotland we know that:

- Over the years since 1979, there have been roughly twice as many male alcohol-related deaths as female alcohol-related deaths.<sup>2</sup>
- The 45-59 age group has had the largest number of alcohol-related deaths in almost every year since 1979.<sup>3</sup>
- Over the past 30 years, figures show a 500% rise in the number of 15 to 24 years olds treated for alcohol psychosis.<sup>4</sup>
- Two thirds of young offenders were drunk at the time of their offence.<sup>5</sup>
- More than a third (35 per cent) of gay and bisexual men report drinking alcohol on three or more days in the previous week.<sup>6</sup>
- Women from a mixed ethnic background living in Scotland are at almost 100 times the risk of being hospitalised – or to die – from alcohol-related diseases as White Scottish people.<sup>7</sup>

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<sup>2</sup> Alcohol-related deaths in Scotland - 1979 to 2015, National Records of Scotland, 2015

<sup>3</sup> Alcohol-related deaths in Scotland - 1979 to 2015, National Records of Scotland, 2015

<sup>4</sup> Alcohol & Young People, Alcohol Focus Scotland, 2015

<sup>5</sup> Prisoner Survey 2013, Scottish Prison Service, 2013

<sup>6</sup> Gay and Bisexual Men's Health Survey, Stonewall Scotland,

<sup>7</sup> Ethnic Variations in Liver- and Alcohol-Related Disease Hospitalisations and Mortality: The Scottish Health and Ethnicity Linkage Study, Scottish Health and Ethnicity Linkage Study (SHELS) Collaboration, 2016

- Irish people living in Scotland are up to twice as likely to be hospitalised – or to die – from alcohol-related diseases as Scottish people.<sup>8</sup>

These examples underline the importance of licensing boards meaningfully considering the diverse needs and experiences of local communities when making decisions, and developing policy, relevant to alcohol.

**19. Please tick the box next to any protected characteristic where you think that licensing policy can have a positive impact?**

No comments – see above.

**20. How can this be achieved?**

No comments

**21. Please tick the box next to any protected characteristic where you think that licensing policy can have a negative impact?**

No comments

**22. How can the policy be changed to counter any negative impacts?**

**Guidance suggests that statements of policy should provide clear indications of how Boards will take into account other matters relating to alcohol, for example: local crime prevention; community safety strategies, health, planning, tourism, cultural strategies and any other plans introduced for the management of town centres and the night time economy.**

**23. Are there any particular issues in relation to the above matters? Please detail the issues and give reasons for your answers**

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, the Forum, 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). In addition, the work undertaken by the Alcohol and Drug Partnership will be of particular significance, and the new policy could signpost people to where they can access a copy of the ADP's Delivery Plan. AFS would also recommend that the new policy references relevant locality plans, and the strategic plan of the Health and Social Care Partnership (HSCP).

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<sup>8</sup> Ethnic Variations in Liver- and Alcohol-Related Disease Hospitalisations and Mortality: The Scottish Health and Ethnicity Linkage Study, Scottish Health and Ethnicity Linkage Study (SHELS) Collaboration, 2016

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.

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.

**24. What suggestions do you have to amend the Board's policy to assist tourism? Please detail your suggestions and give reasons for your answer.**

While it is acknowledged that the council as a whole has an interest in promoting economic development, tourism and revitalising deprived areas, this is not the specific function of a licensing board. AFS would maintain that the purpose of alcohol licensing is to regulate the sale of alcohol and licensed premises according to the terms laid out in licensing legislation and with regard to the promotion the licensing objectives.

**25. If you have any other suggested changes to the Board's policy please indicate these and give reasons for your answer.**

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 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, 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 would also recommend that the Board includes details of the evidence considered by the Board in developing the policy. 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 responsive approach to consultation.

#### 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 including local conditions in Section 11. However, this could be strengthened further by providing more detail about the conditions the Boards can/will apply in relation to each of the objectives, and detailing this within Section 3 (The Licensing Objectives).

It would also be good to include more statistics and evidence of the current situation in relation to each objective, any issues that are a particular concern, and 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. 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. 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 Pack 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 Boards 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>

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-sales<sup>9</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 considers that applicants should participate in measures to inform the public of 'safe limits' and 'sensible drinking'. The intention behind this is admirable and this approach should continue. However, AFS would recommend that the Board avoid using terms like 'safe'/'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 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 has particular regard to the views of Alcohol and Drugs Partnership when considering the impact of alcohol and the measures required locally to ensure the protection of public health.

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.

The current policy states that the Board supports the provision of family friendly premises within the area. AFS appreciates that some Boards wish to encourage applications for licensed events and venues which are family friendly and safe for children. However, as commented earlier in our response, evidence shows that children and young people are influenced by the behaviour of adults they observe. 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.

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.

It could be beneficial to set out greater detail in the new policy the conditions the Board may impose relative to children and young people, and under what circumstances. The new policy could also set out the general expectations of the Board with regards to factors like when children be allowed entry, including the ages of children to be allowed entry, and times and parts of the premises to which children will have access.

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<sup>9</sup> Giles, L., & Robinson, M. (2017). *Monitoring and Evaluating Scotland's Alcohol Strategy: Monitoring Report 2017*. Edinburgh: NHS Health Scotland