
Borders Alcohol & Drugs Partnership (ADP)

Joint feedback from Alcohol & Drugs Partnership (ADP) and Safer Communities Alcohol & Drugs Tasking & Coordinating Group (ADTAC) on Scottish Borders Licensing Board Policy 2013 – 2016 Consultation

1. Purpose of paper

To provide Scottish Borders Council with a response to their consultation on Scottish Borders Licensing Board Policy 2013 – 2016 Consultation from ADP and ADTAC.

Overall, there are many new positive statements within the updated Licensing Policy that we feel would help support the achievement of the Licensing Objectives.

Feedback is provided on the sections within the Policy that we feel are most relevant.

2. Introduction

This policy builds on the previous two policies since implementation of the Licensing (Scotland) Act 2005 and also includes various amendments since introduction e.g. Alcohol (Scotland) Act 2010.

Clause 1.6 includes a statement that has been in the previous policy around the Board recognising and supporting the contribution of licensed premises in the local economy of the area for employment, tourism, social inclusion and the strong local identity of the area. It recognises and supports the significant impact of sporting and local traditional festivals whilst acknowledging the impact these have on local residents.

We recognise that the restriction of the supply of alcohol could be seen as an obstacle to economic development. Although it is not the Board's role to promote business growth in reality Boards may have to manage competing priorities (direct costs from alcohol related harm versus bringing new jobs to area).

We are not aware of evidence which correlates allowing an increasing supply of alcohol with an increase in tourism. Controlling availability of alcohol does have financial benefits from reducing the costs of alcohol related harm. It would therefore be helpful that within clause 1.6 there is wording to acknowledge this.

Clause 1:7 highlights that various different types of premises have ceased to trade however still have live Premises Licences that will feature within their overall total on the number of licensed premises in place. Recognising that this may have an impact when considering overprovision, the board may request a premises review if the premises are not trading and annual fees remain unpaid for a period in excess of 12 months.

We feel that this is a helpful approach but it may be useful to have an overview of the types of premises licences that are in force so that readers have an understanding of what is in place at time of writing policy statement as an Appendix. It may also be helpful to include within this what premises are currently operating.

Clause 1.11 recognises the work on the Alcohol Profile within the report as beneficial in the creation of the policy which helps to highlight the impact of alcohol on the Scottish Borders.

We feel it would be helpful to have a summary of alcohol-related harm as reported in Alcohol Profile to set the context for readers and within this a statement about alcohol being a toxic substance with potential for dependency (alcohol is no ordinary commodity). Licensing exists to manage the retail provision of alcohol and ensure that the risks of harm associated with consumption are reduced.

3 Licensing Objectives

Clause 2.1 The Policy sets out the Licensing Objectives and provides some examples of control measures that applicants can use when applying for a licence.

It would be interesting to know how the Licensing Objectives will be monitored for existing and new premises.

Further suggestions for control measures against Preventing Crime and Disorder are to include a Drugs Policy and induction and ongoing CPD training.

Clause 2.4.1 sets out suggested control measures under Protecting and Improving Public Health which include contact points for assistance with problem drinking. Clause 2.4.2 notes the licence holders should remain attentive to excessive drinking.

We do not feel it is helpful to have details of specialist treatment services for problem drinking within licensed premises and would suggest removing this but welcome information regarding sensible drinking. We feel Clause 2.4.2 is positive and that this could be expanded upon to include not promoting events where excessive drinking takes place e.g. drinking games, marketing and other forms of entertainment that promote excessive drinking.

Clause 2.6.1 sets out measures for Protecting Children From Harm and highlights that the board expects children and young persons will normally only be admitted to licensed premises for the purpose of consuming light refreshments or a meal, partaking in a relevant sporting activity or attending prearranged function or event.

We strongly support this statement and an additional control measure could be a refusals book alongside the suggested Challenge 25 policy.

4 Overprovision Policy

The Overprovision policy is as an appendix to the document and outlines how the board will consider overprovision and what evidence it will refer to, to inform decision making. Licensing boards are required by law to assess the extent of overprovision of licensed premises, or licensed premises of a particular type, in their area.

We feel it may be stronger if in the main policy and not an appendix.

The policy states that when considering applications for a particular type of premises in a particular area the board will consider the locality as the council ward area, and will also take into account the immediate adjoining areas.

As the alcohol profile and statistics are available on Intermediate Geographies (IG) would it be more helpful to consider the localities for overprovision by IG to correspond with Alcohol Profile?

The over provision policy acknowledges the changing pattern of alcohol and that alcohol-related harm may not occur in the same area as it was purchased therefore when considering overprovision it will not only consider the locality but overall supply in Borders as a whole.

We feel that acknowledging the changing pattern of alcohol is useful and welcome that the board will take into account overall supply. However, should the board consider including an opening statement about the benefits of an effective overprovision policy e.g. prevent and reduce alcohol problems in our communities and can also boost local productivity (if lots of alcohol outlets – all compete to reduce price). This should include recognising the vast evidence on the links between availability of alcohol and harm.

Within the overprovision policy it recognises the increase in larger type supermarkets however does not consider the developments to have constituted overprovision but simply added to 'healthy competition'.

This is then followed by a statement that any applications for off sales which replicate a similar off sales business in a particular area would be considered likely to be overprovision and applicants will be asked to clearly demonstrate how their individual proposal differs from what already exists.

We feel that paragraph 7 contradicts paragraph 8 and suggests that large supermarkets are not included in paragraph 8. We feel that paragraph 8 is a positive statement.

Display areas are highlighted within this section and recognised as a factor in encouraging purchase and consumption within off sales. As a result any application which will have a display area of more than 10% will be asked for justification other than dedicated wine and spirit merchants.

We feel that this is a positive new paragraph. We also feel that it is a good point about recognising that for those with large storage areas who can replenish display areas frequently this can be seen as somewhat irrelevant however the Board are taking steps to address display areas.

The last section in Overprovision highlights that certain types of alcoholic drinks (low cost/high strength) may be associated with problem and/or irresponsible drinking. As a result it will require applicants to supply a statement about their policy of stocking certain types and strengths of drinking.

We feel that this is also a positive new paragraph but would suggest not naming different types of alcohol and use of the term 'low cost high strength alcohol'.

5 Premises Licence

The premises licence will direct what activities are allowed on or off the premises. In this section it highlights the importance of reporting clearly within the Operating Plan the proposal for the sale of alcohol and capturing all activity that will take place in the premises. A new addition to the document states that the Board would have particular concerns where the operating plan indicates the children and young people have access to premises where the sale and consumption of alcohol is the primary purpose.

We welcome this new paragraph and feel to strengthen this statement it should be reworded from the Board will be unlikely', to the Board **will not allow** access for children and young people but recognise that it may be more appropriate to restrict this to children only to premises. This links to the Licensing Objective re: protecting children from harm.

6 Licensed Hours and Extended Hours

A new paragraph within this section outlines that the Board does not consider all events connected with common ridings and summer festivals as automatic justification to extend licensed hours. Applicants will be required to specify the reason for any extended hours and the connection to the event.

We feel that this paragraph re: local festivals is very helpful.

11. Occasional Licences

Occasional licenses allow for the sale of alcohol on unlicensed premises. Clause 12.1 notes that the Board recognises fund raising events and community events can benefit from an occasional licence however will expect any organisation applying to consider whether it is appropriate to have alcohol available at events where this is child centred e.g. school, youth or sporting organisations.

We welcome this new paragraph but feel it could be strengthened to show the Board doesn't consider normal practice to grant licences for child centred events. Where

schools have applied for an occasional licence and the event is child centred we feel should only be awarded in exceptional circumstances.

We also feel it would be helpful to have some commentary about the Board recognising that Occasional Licences actually add to availability of alcohol in an area and may impact on licensing objectives/overprovision.

7 General Comments:

To support an understanding of the Licensing Board's Policy more plain English could be used and some sections could be cut down to be a bit more accessible. For example, we recognise that some of the wording is lifted directly from the Licensing (Scotland) Act 2005 therefore it would be helpful to include definitions e.g. frivolous and vexatious.

We would suggest the administrative process and procedures to implement the policy be made available in a separate document and made available on the Council website.

We would also like to ask if the policy has undergone an equality impact assessment.