

# Review of Scottish Borders Licensing Board Policy Statement

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Preventing Crime and Disorder			
Response Type	No	Yes	Grand Total
a licensee		9	9
an individual		19	19
an organisation	1	3	4
other		3	3
<b>Grand Total</b>	<b>1</b>	<b>34</b>	<b>35</b>

Preventing Crime and Disorder Comments	How comment considered in amended Draft Policy
<b>Yes</b>	
<b>an individual</b>	
Many licensees, and their employees, are lax at preventing drunkenness on their premises, e.g. serving alcohol to people who are clearly under the influence and bordering, or being incapable of looking after themselves. More rigorous enforcement by the police and licencing authorities is required to send the message that this should not be allowed. Unless the law has changed serving alcohol to someone who is clearly drunk is against the law and it's time a few examples were made among those licensees who put profit before public order and the welfare of the individual.	Addition at 2.1.1. – display zero tolerance notices
Noise levels on the premise should also be controlled	Existing 6.2.1 refers
Wouldn't want to see an additional proof of age (or identity!) card introduced - Young Scot card should suffice	No amendment - legislation is specific regarding acceptable forms of ID and also at the discretion of premises licenceholder
<b>an organisation</b>	
Appropriate and suitable access of premises	No amendment - existing 1.8 highlights statutory duties under the Equalities Act 2010 and Board's expectations. Changes to the Licensing (Scotland) Act 2005 require disability access statement with all new applications.
More recognition of the needs of people with disabilities, sensory and physical.	as above
For all the licensing objectives, the Board has usefully listed the control measures which applicants and licence holders can put in place to ensure consistency with the objectives. 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. For all objectives AFS would suggest the following format:	No amendment - it is considered that the current format is easy to read, succinct and provides applicants with sufficient guidance to consider measures appropriate for their individual application/operating plan.

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.
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.

AFS welcomes that the policy includes some example additional conditions the board may apply (as an appendix). This could be usefully expended upon and the conditions included within the policy itself, linked to the relevant objectives.

It is helpful that the policy includes a list of consultees and references some of the evidence considered by the Board in developing the policy – in particular, the Borders Alcohol Profile. Stating this in the policy statement further demonstrates the board’s responsive approach to consultation and facilities transparency. It should be demonstrated within the policy itself, so far as possible, how it has been informed through consultation, with the material considered by the Board being published and links to this material being included.

It would also be beneficial 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. AFS 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

The Board is not prescriptive but instead seeks to encourage applicants to focus on their individual premises operation. Advice and guidance is always available from Board staff and Licensing Standards Officers.

The example additional conditions have not been included in previous Policies and are not exhaustive. The Board will always ensure the need for additional conditions linked to the relevant objective(s) if it deems necessary after considering any application on its merits.

The Board acknowledges this is a useful suggestion which it will consider at the next annual review of the Borders Alcohol Profile. Existing 1.5 provides a weblink to the current Profile which is reviewed annually therefore it would be more appropriate for any relevant evidential material to be appended to the Profile weblink rather than incorporated in this five year Policy.

The Board will consider each application on its merits and takes into account causal evidence appropriate to any representation or objection made with reference to the objectives.

The Board is aware of the resource pack and acknowledges its value as a useful tool to inform policies

demonstrates the impact of particular licensing conditions on harms. This may particularly useful to 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>

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 – an approach already adopted in some other Board areas. 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.

Section 2 provides clear examples of the Board’s requirement for policies in respect of the objectives and licensees are encouraged to continually review them in line with any changes to their business operation.

**other**

- The Licensing Board could include the following areas to ensure compliance:
- Ensure evidence within Alcohol Profile is taken into consideration for licence applications relating to preventing crime and disorder (include the reference to alcohol profile).
  - Ensure Licensing Board members have knowledge and awareness of Bystander Theory and interventions rolled out locally.
  - Request maintenance of a refusal register to be provided on request to relevant licensing authorities and CCTV coverage for off-sales

Section 1.5 makes reference to the evidence impacting on the licensing objectives available within the Alcohol Profile.

This is a worthwhile reference and will be considered for future training alongside any other relevant initiatives.

Section 2 refers - whilst CCTV is only a mandatory condition for on sale late hour opening premises, the Board will consider it for both on and off sale premises on the individual merits of an application in relation to the licensing objectives

- The Licensing Board could include the following areas to ensure compliance:
- Ensure evidence within the current Alcohol Profile is taken into consideration for licence applications relating to preventing crime and disorder ([https://www.scotborders.gov.uk/downloads/file/2739/alcohol\\_profile](https://www.scotborders.gov.uk/downloads/file/2739/alcohol_profile))

The Profile forms part of the Policy and is considered by the Board in relation to all objectives when making decisions.

Securing Public Safety			
Response Type	No	Yes	Grand Total
a licensee		9	9
an individual	1	18	19
an organisation		4	4
other		3	3
<b>Grand Total</b>	<b>1</b>	<b>34</b>	<b>35</b>

Securing Public Safety Comments	How comment considered in amended Draft Policy
<b>No</b>	
<b>an individual</b>	
Limit the amount of parking space given that drinking and driving is not legal. Support 'nominated driver' mechanisms to ensure that drivers remain free of alcohol.	Parking is outwith the control of the Board. Addition at 2.1.1 and 2.1.3 – consider designated driver policy and introduced of free/reduced price soft drinks for designated driver
<b>Yes</b>	
<b>a licensee</b>	
Issue of removal and recycling of glass is a continuing problem as there is no commercial service available to small businesses.	Recycling is outwith the control of the Board
<b>an individual</b>	
I agree with all the statements and repeat what I have stated in the previous Section 2.	
<b>an organisation</b>	
<b>other</b>	
The Licensing Board could include the following areas to ensure compliance: <ul style="list-style-type: none"> <li>• Within the decision making process take into consideration any safety issue concerns raised by statutory consultees in relation to licensing applications and have an awareness of available solutions.</li> <li>• Requiring that outdoor tables are regularly cleared of crockery and glasses</li> <li>• Requiring minimum lighting levels</li> </ul>	No amendment - this is a statutory requirement  Addition at 2.1.2, 5.3 and 12.6

Protecting and Improving Public Health				
Response Type	Don't know/ no opinion	No	Yes	Grand Total
a licensee		1	8	9
an individual	1	1	17	19
an organisation		1	3	4
other			3	3
<b>Grand Total</b>	<b>1</b>	<b>3</b>	<b>31</b>	<b>35</b>

Protecting and Improving Public Health Comments	How comment considered in amended Draft Policy
<b>Don't know/no opinion</b>	
<b>an individual</b>	
what is a refusal book? how is this used? unclear measure	Addition at 2.1.3 to clarify
<b>No</b>	
<b>a licensee</b>	
<b>an individual</b>	
Display units of alcohol alongside prices on menu and prominent reminders of recommended maxima.	Addition at 2.1.3
<b>an organisation</b>	
Display comprehensive price list of alcoholic and non-alcoholic beverages available as a matter of good practice? This should be compulsory.	No amendment - it is not a legal requirement therefore the Board can only seek as good practice within Policy
Promotion of non alcoholic beverages in relation to drivers.	Addition at 2.1.3
<b>Yes</b>	
<b>a licensee</b>	
cost of non alcoholic drinks being sold at reasonable price statement needs to be more clear , who decides what is a reasonable price ? i know many places in the border area were you will be charged £2 and more for a cola , if i were being asked this in not reasonable .	No amendment – outwith the control of the Board to set prices

<b>an individual</b>	
especially when buying an alcoholic beverage can be cheaper than buying non alcoholic.	As previous
Pubs should be encouraged to offer free soft drinks to designated drivers for group celebrations as soft drinks are often as expensive as alcohol. This has been successful in other areas.	Addition at 2.1.3
There should always be attractively priced non-alcoholic alternatives available - also premises should look to develop a range of non-alcoholic cocktails which are more attractive to the adult non-drinker - a coke doesn't always sound very enticing!	As above
<b>an organisation</b>	
<p>AFS welcomes that the Board considers that licence holders should promote responsible drinking - the intention behind this is admirable and this approach should continue. However, AFS would recommend 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. 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:  <a href="https://www.nhsinform.scot/healthy-living/alcohol">https://www.nhsinform.scot/healthy-living/alcohol</a></p> <p>AFS would also 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.</p>	<p>Addition at 2.1.3</p> <p>The Board works closely with the local ADP in a number of Forums and in its annual review of its Alcohol Profile</p>
<b>other</b>	
<p>Suggest removing reference to 'responsible drinking' and instead ensure information provided is based on Chief Medical Officers low risk guidelines.</p> <p>The Licensing Board could include the following areas to ensure compliance:</p> <ul style="list-style-type: none"> <li>• Promotion of food</li> </ul>	<p>The Board accepts there is a need for non food premises and makes provision in its Policy to achieve the</p>

<ul style="list-style-type: none"> <li>• Licensing Board should have knowledge and understanding of recently published data around alcohol outlet availability and harm (CRESH Study) and considers this evidence when applications are submitted as well as in the development of their Policy in particular relating to Overprovision Statement.</li> </ul> <p>Overprovision Statement</p> <ul style="list-style-type: none"> <li>• 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. It is positive to note that the Policy outlines that the Alcohol Profile as evidence and will help people understand the rationale for the Boards approach and aids transparency.</li> <li>• In addition the Forum recommends that the Board also considers density information from the CRESH alcohol outlet density map.</li> <li>• 73% of alcohol is purchased in off sales. The CRESH alcohol outlet density map shows that the following Intermediate Zones have higher off-sales availability and harm levels above both Scottish Borders average and Scotland’s average (Galashiels West, Hawick Central, Galashiels North, Hawick North and Peebles North). Therefore any new applications for further availability of alcohol off-sales in these areas should be closely scrutinised alongside evidence of harm, local knowledge and data available.</li> </ul>	<p>objectives in relation to those premises where the supply and consumption of alcohol is the main activity.</p> <p>This is a useful reference. The Board considers all relevant material when reviewing its Alcohol Profile annually</p> <p>The Board acknowledges the positive feedback regarding its Alcohol Profile and will continue to work with partner agencies and research relevant evidential material when carrying out its annual reviews.</p>
<p>The Licensing Board could include the following areas to ensure compliance:</p> <ul style="list-style-type: none"> <li>• Promotion of food</li> <li>• Licensing Board will have knowledge and understanding of recently published data around alcohol outlet availability and harm (CRESH Study) and considers this evidence when applications are submitted as well as in the development of their Policy in particular relating to Overprovision Statement.</li> </ul> <p><a href="https://www.alcohol-focus-scotland.org.uk/campaigns-policy/availability-and-licensing/alcohol-outlet-availability/">https://www.alcohol-focus-scotland.org.uk/campaigns-policy/availability-and-licensing/alcohol-outlet-availability/</a></p>	<p>As previous</p>



Preventing Public Nuisance				
Response Type	Don't know/ no opinion	No	Yes	Grand Total
a licensee	1		8	9
an individual			19	19
an organisation		1	3	4
other			3	3
<b>Grand Total</b>	<b>1</b>	<b>1</b>	<b>33</b>	<b>35</b>

Preventing Public Nuisance Comments	How comment considered in amended Draft Policy
<b>Don't know/no opinion</b>	<b>No comment made</b>
<b>No</b>	<b>No comment made</b>
<b>an organisation</b>	
<b>Yes</b>	
<b>a licensee</b>	
Signage is probably least effective (especially at the end of a jolly evening!); stewarding and custom care has immediate impact	Addition at 2.1.4 – consider specialist staff training
Yes, but not all venues need stewarding, just certain events which is determined by site risk assessment for the event and taking appropriate action.	
<b>an individual</b>	
Landlords should take responsibility for their clientele - ie not continue to serve alcohol to those already inebriated and showing signs of aggression.  A public awareness campaign - featuring young people, who are already far less likely than the older generation to over consume alcohol - should aim to show drunkenness as being as antisocial and unglamorous as smoking	It is against the law to serve a drunk person and licensees have a duty to comply  Outwith the control of the Board
Unsure about point 1. Would a drunk take any notice?	Addition at 2.1.4 as previous

<b>an organisation</b>	
<b>other</b>	
<p>The Licensing Board could include the following areas to ensure compliance:</p> <ul style="list-style-type: none"> <li>• ensure premises have proper management in place regarding antisocial behaviour e.g. noise, litter and people entering and leaving premises,</li> <li>• Requiring live music to cease at a certain time</li> </ul>	<p>6.2 details the requirement for management of premises</p> <p>Example additional conditions refer and will be attached to licences where the Board deems necessary to meet any of the objectives</p>

Protecting Children and Young Persons from Harm			
Response Type	No	Yes	Grand Total
a licensee		9	9
an individual	1	18	19
an organisation	1	3	4
other		3	3
<b>Grand Total</b>	<b>2</b>	<b>33</b>	<b>35</b>

Protecting Children and Young Persons from Harm Comments	How comment considered in amended Draft Policy
<b>No</b>	
<b>an individual</b>	
Don't know what mandatory Challenge 25 Policy is	Addition at 2.1.5 to provide clarity
<b>an organisation</b>	
<b>Yes</b>	
<b>a licensee</b>	
<b>an individual</b>	
Licensees should take responsibility for not serving excessive amounts of alcohol to adults in charge of children. Consideration should be given to a campaign highlighting the fact that drunken adults are not capable of adequately meeting the needs of the children they are responsible for.	Addition at 2.1.5 to ensure staff awareness of children and young persons access and supervision requirements
<b>an organisation</b>	
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.  The current policy states that the Board wishes to encourage inclusive activities for children, and AFS appreciates that some Boards wish to encourage applications for licensed events and venues which are family friendly and safe for children. However, the policy could set out in greater detail the conditions the Board may impose relative to children and young people, and under what circumstances. It 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	Additions at 2.1.5 to expand on the measures to be considered to meet this objective.  Section 6.1 refers.  The Board has a statutory duty to consider all applications on their merits and ensure that children and young persons statements detailing, the times, ages, terms of access and parts of the premises are specific to the operating plan taking into account the nature of the

<p>parts of the premises to which children will have access.</p> <p>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.</p> <p>If the Board is minded to allow children and/or young persons to attend functions within licensed premises, AFS would recommend that the Board applies conditions to the premises to help ensure that due regard is had to the licensing objective of protecting children and young people from harm. These conditions should be set out within the policy and could include measures such as, for the duration of any function held on the premises, a staff supervisor being appointed to act as managerial liaison for the premises with the organiser of the function, and to monitor the function to ensure that its conduct is not inconsistent with the five licensing objectives.</p> <p>The Board should also give consideration as to whether it will apply the same policy to children and to young persons or whether different approaches should be taken for these different age groups. AFS would be interested to hear the views of children and young persons and their representative organisations on this issue.</p>	<p>business.</p> <p>The example conditions are not exhaustive and conditions will be applied in relation to individual Premises Licences where appropriate.</p>
<p><b>other</b></p>	
<p>is important to note the broader impact of alcohol on children and young people, including the impact of parental drinking.</p> <p>The Licensing Board could include the following areas to ensure compliance:</p> <ul style="list-style-type: none"> <li>• Children are not allowed to sit at bar counter</li> <li>• Premises must have designated areas for children</li> </ul>	<p>Operating Plans and layout plans require these matters to be considered for individual premises and occasional licence applications</p>
<p>The Policy should specifically include some information around adults buying alcohol for children and young people (agent purchase) and how the Board will ensure licensees protect children and young people .</p> <p>It is important to note the broader impact of alcohol on children and young people, including the impact of parental drinking.</p>	<p>Addition at 2.1.5</p> <p>As previous</p>

The Licensing Board could include the following areas to ensure compliance:

- Children are not allowed to sit at bar counter
- Premises must have designated areas for children

Period of Licensed Hours				
Response Type	Don't know/ no opinion	No	Yes	Grand Total
a licensee		1	8	9
an individual	1	5	13	19
an organisation			4	4
other			3	3
<b>Grand Total</b>	<b>1</b>	<b>6</b>	<b>28</b>	<b>35</b>

Period of Licensed Hours Comments	How comment considered in amended Draft Policy
<b>Don't know/no opinion</b>	
<b>an individual</b>	
<p>I agree in principle to this section but in paragraph 7.3 where it says WOULD NOT NORMALLY</p> <p>An acceptance of that wording would mean that sometimes YOU MAY allow longer than 14 hours</p>	<p>A valid comment which the Board acknowledges, however, the legislation states that each application should be considered on its individual merits therefore the Board must consider any special circumstances beyond the 14 hour guideline and may grant beyond those hours accordingly.</p>
<b>No</b>	
<b>a licensee</b>	
<p>The current approach to on-sale license hours actually creates anti-social behaviour in this country, forcing large populations of people from licenced premises at a certain hour to congregate all in a specific place is the main cause of violence and drunkenness.</p> <p>A new modern approach is required, that similar to Belgium (whom have a lower blood alcohol level than Scotland), where premises are responsible for their own opening hours, but there is a street noise curfew beyond a certain time. This would eliminate mass crowding upon the streets, let people come and go as they please, said people wouldn't feel the need to consume vast quantities of alcohol as the psychological 'time frame' to enjoy their night wouldn't be upon them.</p> <p>This approach (I feel) would also encourage the younger generation (of whom there is now a new culture of buying vast quantities of alcohol off-sale for what they term 'pre drinks') to consume</p>	<p>6.2 requires on and off sale licensees to ensure measure are in place for management of their premises</p> <p>Any change to licensed hours for existing premises would require to be considered on an individual basis in relation to the licensing objectives.</p> <p>New applications are considered on their merits and licensed hours granted accordingly.</p>

regulated and safe measures of alcohol within the safety of a licenced premise, rather than unquantified amounts at home before 'hitting the town' and all the subsequent problems this culture now causes ie anti-social behaviour/hospitalization etc, yet it is the on-sale licenced premise that must deal with this issue.	
<b>an individual</b>	
I think that hours should be restricted to 11.00 Sunday to Thursday and midnight Friday and Saturday. The extension of of hours has simply meant that some people drink at home and then come out later.	As above
Off sale hours could be increased to be inline with licensed premises and 24hr license could be granted at special event ego common ridings	Outwith the Board's control – the legislation states that off sale hours are not permitted before 10.00am or after 10.00pm
The clear loophole is that if premises put on 'significant entertainment' then they can be granted longer hours.  The current finishing times of midnight and 0100 at the weekend are too late given that people nearby are likely to already be in bed and a certain amount of noise is typical when people are leaving the premises at the end of a drinking session. Given that nationally we are sleep-deprived and few adults get the 9 hours of sleep necessary for healthy living, it would be better to end standard licensing hours sooner.	As previous – the Board will not normally grant licences for any longer than 14 hours in any 24 hour period, however, each application requires to be considered on its merits  As previous – the Board will consider all applications in relation to the licensing objectives. It does take account of nature of activity and how it is likely to impact on neighbouring premises and will condition if necessary.
They should be allowed to open 24hrs a day	The Scottish Government guidance states that Boards should not normally consider granting licences for any longer than 14 hours in any 24 hour period.
<b>Yes</b>	
<b>a licensee</b>	
Yes but need to stipulate/include for hogmanay hours ie 1am.	The Policy recognises permitted festive seasonal hours for inclusion in Premises Licences – 7.5.
<b>an individual</b>	
These measures are reasonable. In Scotland we do not have the 'café culture' which exists on the Continent and elsewhere. Hotels can already serve alcohol to residents at any time and that in my	

<p>opinion is sufficient. Late night establishments, unless they are away from residential areas, are a blight on the peace and tranquillity of others because of drunkenness and rowdy behaviour.</p> <p>I would limit late opening in residential areas on a Saturday to 12:00 midnight.</p>	<p>As above.</p>
<p><b>an organisation</b></p>	
<p>AFS would recommend that all licensing boards focus firmly on the licensing objectives when determining their policy on licensed hours. 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.</p> <p>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.</p> <p>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.</p> <p>As the policy highlights, 73% of alcohol is now purchased in off licences and it will be particularly important that the new policy reflects and responds to this situation. The current approach of 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 with high rates of alcohol harm, the maximum permitted off-sales hours should be the exception and not the norm.</p>	<p>The Board has a duty to consider its Policy, overprovision, the licensing objectives and any representations received when considering any application</p>
<p><b>other</b></p>	
<p>Alcohol Focus Scotland have confirmed 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. This includes a 2017 systematic review of literature (published between 2000-2016)</p>	<p>Similar response as above</p>



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.

We now know that 73% of alcohol is purchased in off licenses and it will be important that the new policy reflects and responds to this situation. The current approach of the Board is to generally permit off sales hours from 10am until 10pm - the maximum allowed by law. Any new applications for off-sales in areas where there are high rates of harm should be closely scrutinised in terms of the hours of opening based on evidence

In a recent CPD event from Alcohol Focus Scotland they noted 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. 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.

73% of alcohol is purchased in off licenses and it will be important that the new policy reflects and responds to this situation. The current approach of the Board is to generally permit off sales hours from 10am until 10pm. Where new applications for off-sales are in areas where there is already high levels of harm, hours of opening should be closely scrutinised and consideration to hours of opening against harm undertaking in the decision making based on evidence available.

Similar response as above

Events Involving Children				
Response Type	Don't know/ no opinion	No	Yes	Grand Total
a licensee	1	1	7	9
an individual		2	17	19
an organisation			4	4
other			3	3
<b>Grand Total</b>	<b>1</b>	<b>3</b>	<b>31</b>	<b>35</b>

Events Involving Children - Comments	How comment considered in amended Draft Policy
<b>Don't know/no opinion</b>	
<b>a licensee</b>	
<b>No</b>	
<b>a licensee</b>	
this decision should not be left to the applicant ,and alcohol has no place at ANY event centered around children.	The Board's Policy is clear regarding the provision of alcohol at child centred events and addition at 12.1 includes a definition
<b>an individual</b>	
It is not sufficient to require the applicants "to consider..."; it is simply inappropriate to have alcohol on sale at child-centred events.	As above
<b>Yes</b>	
<b>a licensee</b>	
Have input	
<b>an individual</b>	
An inebriated adult cannot meet the levels of responsibility required for safe supervision of children. Children largely do not enjoy seeing those who care for them drunk - it is frightening. Scotland has far too high levels of alcoholism and alcohol abuse and the consumption of alcohol should not be normalised by incorporation into family events.	The Board's policy provides specific measures which should be in place for events where children and young persons are in attendance and all applications are considered with regard to the objectives

<b>an organisation</b>	
<p>During a series of Regional events hosted by AFS in 2016, concerns were expressed across Scotland regarding occasional licences being granted for events mainly or exclusively targeted at families where children would be present,. While AFS welcomes that the policy encourages applicants to consider the appropriateness of alcohol at child-centred events, it could go further by including 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.</p>	<p>The Board cannot make any presumption against grant as it has a statutory duty to consider each application on its merits, however, the Policy is clear relating to events involving children</p>
<b>other</b>	
<p>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. Exposure to alcohol increases the likelihood of young people drinking and drinking more.</p> <p>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, the Forum believes that having a presumption against granting occasional licences where the event predominantly involves children is a proportionate and justified policy measure to achieve a legitimate aim i.e. protecting children from harm. In addition, 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.</p> <p>The ADP would suggest that a definition of ‘child centered’ event may also be helpful to include within the policy e.g. an event that is primarily for the entertainment of children.</p>	<p>As above.</p> <p>Addition at 12.1</p>
<p>The Children &amp; Young People Leadership Group feels that this statement in the policy should be strengthened. Evidence shows that exposure to alcohol marketing, increases the likelihood that young people will start to drink, drink at an earlier age and drink more if they are already drinking. The Licensing Board should ensure that any events primarily for the entertainment of children do not include the sale of alcohol.</p> <p>It is important that our children and young people are able to grow up in environments that are positive, health promoting and where alcohol is less readily available.</p>	<p>As previous and above.</p>

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The forum would suggest that a definition of 'child centered' event may also be helpful to include within the policy e.g. an event that is primarily for the entertainment of children.

## Other Comments or Suggestions

Other Comments or Suggestions	How comment considered in amended Draft Policy
<b>a licensee</b>	
occasional licenses are far too easily available and when they are handed out the police should have a duty to visit every event, in my experience this never happens and when running these events the organizers know this won't happen.	The legislation allows for unlimited applications by Premises and Personal licenceholder with a cap on numbers for voluntary organisations. The Board has no option but to consider all applications submitted.  Police working practice is outwith the Board control.
Proper big penalties against those found guilty and removal of their licence	
<b>an individual</b>	
I think this is a good document and demonstrates SBC are trying hard to deliver the licencing objectives for the benefit of the Border public.	
I think we really need to think about the damage which alcohol wreaks on society - mainly in terms of the effect it has on our relationships - the protection of children, domestic abuse, safety on the streets etc. For too long the UK has tolerated and even celebrated a culture of drunkenness. This needs to be recognised as the antisocial and irresponsible behaviour which it is.	The Licensing Board is limited to regulating the sale of alcohol and the premises from which those sales take place.
I would just like to emphasise the need for more active enforcement of the law on those licensees who are slack or uncaring about the manner in which their clients conduct themselves, or allow drunken and rowdy behaviour on their premises. Authorities at the moment are too lax. A clamp down on unresponsive licensees would dramatically reduce the instances of anti-social issues and behaviour leading to violent assaults or breaches of the peace. I speak from experience as a police officer in the Scottish Borders for about 25 years.	The Scottish Borders Licensing Board takes enforcement action where appropriate and works closely with Police Scotland to reduce issues which do not meet the licensing objectives.
The focus of this policy seems to be on-sale premises. Given that almost ¾ of alcohol is sold as off-sales, there should be more thought given to controlling this area of danger.	The Policy and the licensing objectives are applied to both on and off sale premises in the Scottish Borders

The restrictions are to tight	
<b>an organisation</b>	
<p>Accessibility, participation and transparency</p> <p>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.</p> <p>The inclusion of the procedure to be followed at hearing is welcomed, however the new policy could provide much more detail about the means by which the board’s processes and procedures will provide for increased accessibility, transparency and accountability for communities, for example by requiring:</p> <ul style="list-style-type: none"> <li>• a set of published standing orders;</li> <li>• board papers and minutes being published on time;</li> <li>• board minutes recording the names of board members voting for/against a decision; and</li> <li>• details being made available of what people can expect when attending meetings and the supports available to them.</li> </ul> <p>AFS welcomes that the Board commits to deal with all its business in an open, accessible and transparent way. The new policy should also 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 user-friendly as possible, and ensure that all participants receive appropriate information on procedures or requirements.</p> <p>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.</p>	<p>The Board actively engages with licenceholders, stakeholders, other interested parties and members of the public providing advice and guidance in relation to the legislative requirements as well as its own Policy.</p> <p>Publication of Agendas and Minutes for Board meetings are managed in the same way as all Council Committees and are accessible in a variety of formats.</p> <p>Appendix 3 details the procedure to be followed at hearings.</p> <p>The Board’s staff engage with anyone involved in the licensing process at all stages, including attendance at Board meetings.</p> <p>The Board is aware that not all individuals are familiar with terminology associated with the licensing process, however, there are some areas that need to be clearly stated in law given the legal basis for considering applications. Officers are available to provide information in more easily understood terms.</p>

#### Links with other strategies

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).

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.

#### 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

The Board is mindful of strategies which link to its remit, however, must make its decisions based on the licensing objectives and cannot consider other legislative requirements unless they contravene any objective.

The Board is aware of the concerns relating to occasional licensing, however, must deal with those in

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. In addition, although members clubs are premises that are not generally open to the public, occasional licenses can be obtained by members clubs in order to sell alcohol to the general public.

AFS notes the Board is concerned to ensure that the availability of Occasional Licences as a short-term means of licensing premises is not abused. 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 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 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 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.

#### 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 Borders 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 and AFS is pleased that the policy references the Borders Alcohol Profile. AFS recommends that all Boards outline the evidence considered to help inform the overprovision assessment, and include this within the policy to help people understand the rationale for the board's approach and aid transparency.

The CRESH data shows that Borders is ranked 15th out of 30 local authority areas for alcohol outlet availability in Scotland (11th for on-sales and 27th for off-sales outlets). A statistically significant relationship was found in Borders between alcohol outlet availability and crime rates. Specifically,

relation to its own remit.

The Board's overprovision policy is supported by its Alcohol Profile which is reviewed with input by the Local Licensing Forum on an annual basis. The Forum takes account of all evidential material including information provided by health, police and other relevant agencies

As above



crime rates in the neighbourhoods with the most alcohol outlets were 4.4 times higher than in neighbourhoods with the least. Also of particular note was the finding that the most deprived neighbourhoods in Borders had 2.5 times the number of alcohol outlets than the least deprived neighbourhoods.

AFS would recommend that the Board use the CRESH webmap to help identify areas of potential concern, where board might want to consider whether mitigating action needs to be taken, such as considering overprovision. This tool 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 Borders 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 Galashiels, Hawick and Peebles.

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. Should the Board be concerned about overprovision of off-sales in any particular locations, an off-sales overprovision policy over a wider area may therefore be more effective in helping to reduce and prevent levels of alcohol consumption and harm.

#### Online sales

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.

Section 8 of the Policy refers, however, the Board's remit is limited

A further concern relates to 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 more readily accessible to young people, and could undermine progress made in meeting the licensing objective to protect children from harm.

As such, AFS would urge all boards to set out their approach to online retailers within their new policies. The Borders policy states that details relating to online sales should be specified in the operating plan, which is welcomed, but the policy could go further in this regard. 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.

**other**

Evidence of how Licensing Board will promote Licensing Objectives:  
 For each licensing objective the Board has usefully listed the control measures which applicants and licence holders can put in place to ensure consistency with the objectives. 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.  
 Within Appendix 8 the Board have outlined example additional conditions that the board may take. It may be helpful for the reader to include these next to the relevant licensing objectives within the document. In addition there are some examples of licensing conditions relevant to each objective within the AFS Licensing Resource Toolkit, and research which demonstrates the impact of particular licensing conditions on harms which could be reviewed and selected as appropriate for the Policy. This would ensure that the Policy looks at both what applicants and licence holders can do as well as what action the Licence Board will take to promote the licensing objective.  
<https://www.alcohol-focus-scotland.org.uk/media/291077/afs-licensing-resource-pack.pdf>

**Presentation and Readability**

- Policy statements should be easily understood by all licensing stakeholders. This includes members of the public without technical expertise. The forum notes that the policy has been amended to

remove non required legal jargon which in turn ensures the policy is easier to read and understand. The appendices could be further reviewed to ensure plain english.

#### Overprovision Statement

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. It is positive to note that the Policy outlines that the Alcohol Profile as evidence and will help people understand the rationale for the Boards approach and aids transparency.

In addition the Forum recommends that the Board also considers density information from the CRESH alcohol outlet density map. Profiles containing details about the levels of harm at a local level are available e.g. 29% of neighbourhoods had on-sales outlet higher than Scottish Average. In particular Hawick Central, Hawick North, Galashiels West, North, South, Peebles North and Kelso South has high availability, alcohol related hospitalisation and crime rates for both on and off sales. Therefore any new applications in these areas should be closely scrutinised alongside local knowledge and data available. [www.alcohol-focus-scotland.org.uk/campaigns-policy/availability-and-licensing/alcohol-outlet-availability](http://www.alcohol-focus-scotland.org.uk/campaigns-policy/availability-and-licensing/alcohol-outlet-availability)

#### Occasional Licences

Concerns have been raised across some areas of the country , with licensing stakeholders reporting that Occasional Licences are an area where 'loopholes' in the legislation are being regularly exploited (in some cases they are being used to circumvent the requirement to have a premises licence to sell alcohol) and significantly increasing alcohol access and availability, although not taken into account in Over Provision assessments. This is also relevant in the Borders where alcohol availability is increased through occasional licenses due to the many festivals and sports events taking place throughout the year.

The policy expresses concern that this measure is not abused. The Board should also consider the presumption against the use of 'pop up' shops to ultimately open a bar and bypassing regulations that other licensees must comply with.

In addition, the policy includes an expectation that licensees should have a written policy in place to show how the licensing objectives will be met. Again, this could be strengthened by requiring applicants to complete a Supplementary Information Form when applying for an occasional –where applicants are asked to provide details below of how they will ensure that the 5 Licensing Objectives are complied with.

Training for Licensing Board

- In addition to the mandatory training, Licensing Board members will maintain continuous professional development to ensure an awareness of local issues surrounding alcohol related harm in order to make a fully informed and evidence based decision taking cognisance of all licensing objectives.

Continuous training is in place

Occasional Licences

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