

Draft Response to Licensing Board Policy Statement Consultation

The Local Licensing Forum welcomes the opportunity to comment on the Licensing Board Policy Statement Consultation. Forum members met on the 15th August and 22nd August to discuss and propose the following:

- It would be helpful for future reviews/consultations that the Board highlight areas that have been updated within the new Policy Statement.
- **Section 1.6 Number of licensed premises.** Suggest using full year data e.g. 456 in 2021-22 compared with 454 in 2017/18. [Scottish Liquor Licensing Statistics - gov.scot \(www.gov.scot\)](http://www.gov.scot/Statistics).
- **Section 2: Licensing Objectives.** The Policy Statement doesn't say HOW the Board will promote the licensing objectives and instead only suggests examples of what should be considered by licensees. By including how the Board will promote the Licensing Objective makes it clear how they also are carrying out their role and allows measures for the Board to report on within their Annual Functions Report. A suggested format for this could be:

Licensing Objective	Licensing Board	Licensee
Preventing Crime and Disorder	<ul style="list-style-type: none"> • Applying appropriate conditions to licences to mitigate the risk of potential crime or disorder. • Endorsing initiatives designed to prevent crime and disorder. • Conducting reviews where licensees fail to implement control measures on the basis that they are not fit and proper persons to operate licensed premises. 	<ul style="list-style-type: none"> • Effective and responsible management of premises including written procedures for managing incidents. • Training and supervision of staff on relevant issues, policies and procedures including conflict management training. • Displaying local transport information to facilitate safe journeys

There are a range of additional measures to promote the objectives suggested [here](#) for both the Licensing Board and Licensees and would suggest that this list is reviewed to ensure all relevant items covered

In addition, the forum recommends amending this section to strengthen expectations around measures for underage drinking, drunkenness on premises, training and supervision for staff. At present the current Licensing Policy provides examples of what 'should be considered' rather than stating what is expected. This could be separated into essential and desirable. These areas were also identified by the community when responding to the Community Insights Into Alcohol Impact and Licensing in Scottish Borders Survey: July 23 (referred to as Community Survey onwards) as an area to improve.

- **Section 3 Board Business:** 3.1 states the Board Meetings will be held in Scottish Borders Council HQ. It would be helpful to amend this to note the opportunity for people to attend on MS Teams and a direct link to the webpage for meetings rather than SBC homepage.

- **Section 4 Overprovision:**
 - 4.4 The Policy states 'The Scottish Borders Licensing Board will consider overprovision when relevant applications come before it' – it may be helpful to further explain that this is only applies to future premises licences. It is not possible under current legislation to retrospectively revoke premises licences that have been granted on the grounds of overprovision. However, the law enables licensing boards to prevent further expansion in the supply of alcohol in areas that are considered well-provided for and at risk of becoming overprovided. This means the Licensing Board may refuse applications for new premises licences or extensions in capacity in areas where it judges that the granting of an additional licence or extended capacity could result in overprovision of licensed premises.

- **4.4 The Board will also take into account the overall availability in the Borders.** The Forum welcomes this statement to consider the total

impact of multiple alcohol outlets on a community. Albeit occasional licenses do not feature as part of the Overprovision Assessment this has impact on increased availability of alcohol particularly around summer festivals. Decisions should not be made based on precedence or economic benefit alone.

The [updated Licensing Board guidance](#) provides clarity around approaches to overprovision assessments and interpreting the causal link. Finding the exact threshold between provision and overprovision cannot be achieved through a straightforward numerical formula. Instead, it requires the exercise of reason and judgment, keeping the community's best interests in mind.

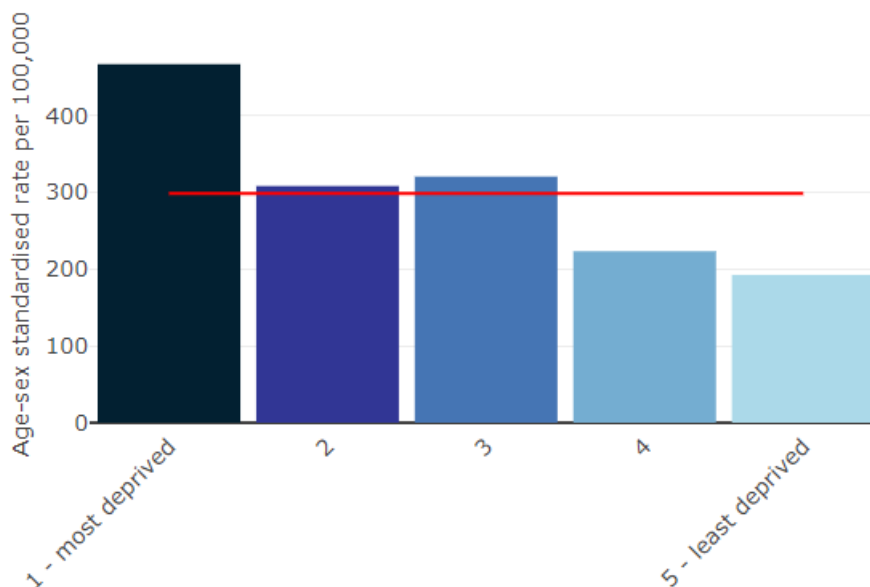
Health inequalities is an important consideration in relation to over provision.

The impact of alcohol harm is disproportionately higher among those facing the greatest deprivation. In Scottish Borders the most deprived areas have 52% more hospital admissions that the overall average.

Alcohol related hospital admissions would be 36% lower if the levels of the least deprived area were experienced across the whole population.

Scottish Borders:

Differences in alcohol-related hospital admissions between deprivation groups for 2021/22



Further data within the Alcohol Profile 2022-23 for Scottish Borders should help inform local decision making and policy. The Protecting and improving public health licensing objective encourages licensing boards to consider the cumulative effect of licensed premises on alcohol-related harm within their area, rather than the actions of any individual premises.

- **Section 6: Notification of Premises Licence Application** – Where it includes the Council website Link it would be useful to have the direct link to the page that applications of Premises Licences are advertised rather than public having to navigate through the Council website from home page to find applications.
- **Section 6.4 Premises – Information relating to Children & Young People** There are further measures that licensees (and Licensing Board) and suggest [here](#).
- **6.1.4 Conditions** Further examples of additional conditions are [here](#) for the Board to review and consider to add to the Licensing Policy Statement.
- **6.3 Adult Entertainment** Suggest the wording of this is made clearer to reflect that whilst current licensed premises who are offering adult entertainment is reduced to 3 such events, the Full Council agreed that there would be nil Sexual Entertainment Venues in Scottish Borders.
- **Section 7.3 Licensed Hours and Extended Hours** As far as on sale hours are concerned, the Board will not normally grant applications for more than 14 hours in any 24 hour period.

Responses from the recent Community Survey highlighted the negative impact of local town summer festivals on the community through alcohol. The Policy states that ‘the Board does not consider that all events connected with historic common ridings and summer festivals should automatically be seen as justification for an occasional licence or to extend licensed hours. Applicants

will require to specify how their application is connected to the local common riding or festival event and the Board will consider each on its individual merits in relation to the licensing objectives’.

The policy would benefit detailing the additional measures in the Licensing Policy Statement open to the Licensing Board to support this statement.

- **Section 8: Home Deliveries/Remote Sales.** Following the increased trend of online alcohol shopping it is recommended that the Licensing Board enhance the policy around home deliveries/remote sales to minimise harm to children and young people including:
 - make clear that delivery staff must be trained to the same level as those on licensed premises.
 - that challenge 25 checks must be completed.
 - that licensees using courier services must ensure they are compliant with the Licensing Board requirements.

This is an area that has also been identified as a concern by the Community Survey in July 23.

- **Section 12 Occasional Licenses:** the Board may require to see written policies evidencing the measures in place to meet the Protecting Children and Young Persons from Harm objective. The Forum would suggest this is strengthened to ‘will require’ to see written policies and again suggest reviewing the measures [here](#) to offer examples for applicants.

Finally the Community Survey previously circulated to the Licensing Board also provided commentary around perceived need for increased enforcement through regular visits to licensed premises to monitor compliance with Licensing Legislation by Licensing Standards Officers.

Whilst the survey mentioned the perceived need for regular enforcement the Forum is fully aware of the positive work that Licensing Standards Officers and Police Scotland undertakes and accepts that inspection of training records and new initiatives or training is promoted when available.