

**Borders Alcohol & Drugs Partnership (ADP)**

**Response to Licensing Board Policy Statement Consultation: August 23**

Please find below the response from the ADP to the above consultation.

Question 1:

**Do you think the suggested control measures are sufficient? No**

The Policy Statement doesn't say *how* the Licensing Board will promote the licensing objectives and instead only suggests examples of control measures for licensees.

Including how the Licensing Board will promote the Licensing Objective would allow transparency and accountability to the local community and key stakeholders. This could also be reported on within the Licensing Board Annual Function Report. A suggested format for this could be:

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

There are a range of suggested measures to support Licensing Boards 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 included.

The current Policy states that with regards to 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 ADP is aware of the positive work and scrutiny that Police Scotland and Licensing Standards Officers undertake on behalf of the Licensing Board with regard to Occasional Licenses, however, would suggest the wording in the policy is strengthened to *will require* to see written policies. The use of the measures as described above and available [here](#) will be helpful for applicants. In particular:

- Ensuring there are clear reasons for children and young people to be present in licensed premises.
- Ensuring facilities are appropriate to the areas of the premises to which children and young persons are to be afforded access.
- Ensuring that staff are fully aware of any restrictions to children and young persons' access and supervision requirements.
- Restricting access for children and young persons to appropriate hours and parts of the premises.
- Ensuring vigilance against underage drinking and proxy purchasing.
- Strictly enforcing Challenge 25, and requiring accredited proof of age cards with photographs, or passports.
- Using till prompts so that all till users are prompted to ask for ID when an age restricted product is scanned.
- Training staff to recognise fake ID.
- Conducting regular in-house test purchasing exercises and developing a staff policy of steps to be taken in the event of underage patrons or adults attempting to purchase alcohol on their behalf.
- Requiring children to be accompanied by an adult.
- Ensuring no person under the age of 18 is permitted to attend an event involving adult entertainment.
- Taking extra measures to secure the safety of children such as Disclosure Certificates for staff working within the premises or employed as stewards.
- Not displaying alcohol alongside confectionery or other goods likely to be of interest to children.

In addition, the ADP would recommend strengthening the wording from where the current Licensing Policy provides examples of what 'should be considered' to explicitly state what is expected. Measures could also be separated into essential and desirable.

Further guidance and good practice from other areas in relation to the promotion of Licensing Objectives are included within the recently updated [Licensing \(Scotland\) Act 2005 guidance](#).

### **Question 2 - Period of Licensed Hours**

The current Policy states that the Board will not normally grant applications for more than 14 hours in any 24 hour period where alcohol consumption is the principal activity.

This means that unless there is significant entertainment included, on sale hours should not extend beyond midnight Sunday to Wednesday and 1.00am Thursday to Saturday and not start earlier than 11.00am each day.

Off sale hours are not affected because the legislation does not permit sales before 10.00am or after 10.00pm.

### **Do you feel this should continue in the new Policy?**

During summer festivals and common riding events, there is a significant increase in the availability of alcohol with licenses allowing the sale of alcohol from 6am on a Thursday morning and 9am on a Friday through to 1am. This increases availability from 14 hours to approximately 19 hours.

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'.

It is not clear that the Licensing Board can demonstrate what additional measures have been put in place to support this statement and reduce impact on the community. The Policy would benefit from this being included.

The recent Community Insights into Alcohol and Licensing Survey carried out by the Local Licensing Forum identified concerns from the local community in relation to such events which should be focused on celebrating the historic events and not alcohol consumption.

### Question 3 Final thoughts:

#### Overprovision and Health Inequalities:

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.

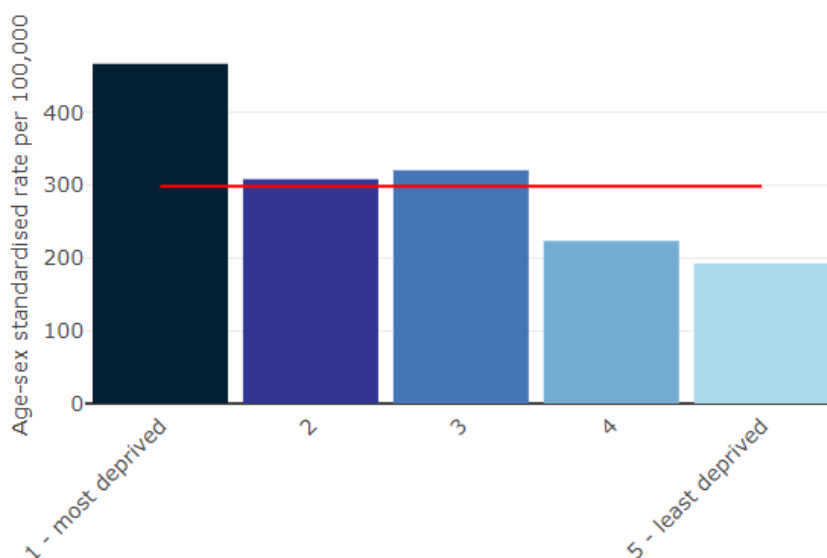
Health inequalities is an important consideration in relation to overprovision.

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

Alcohol related hospital admissions would be 36% lower if the levels of the least deprived area were experienced across the whole population<sup>1</sup>.

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.

Whilst there was a reduction in the number of Occasional Licence applications granted during the pandemic, this is noted at high levels (1455 licenses between Aug 22 – Aug 23 compared with 1243 in the same period in 2017-18). Although occasional licenses are not included within the Overprovision Statement, 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.

It should be noted that data in relation to the number, type and capacity of premises is not available locally to the ADP and therefore is difficult to make assessment on overprovision.

**Home Deliveries/Remote Sales.** Following the increasing 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 working in licensed premises.
- Challenge 25 checks must be completed.
- 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 Insights into Alcohol and Licensing Survey in July 23.

**Format for future consultation:** It would be helpful to see the changes highlighted from previous Policy Statement in proposed new Statement.