

THE ABERDEENSHIRE LICENSING BOARD

REPORT TO THE ABERDEENSHIRE LICENSING BOARD – 22nd February 2023

LICENSING (SCOTLAND) ACT 2005 REVIEW OF LICENSING POLICY STATEMENT UPDATE

1 Executive Summary/Recommendations

- 1.1 This report sets out the next steps in reviewing the Licensing Policy Statement and provides an update on the recent engagement on the Main Issues as previously identified and discussed with the Board. Appendix 1 sets out the updated timeline for the review.
- 1.2 **The Licensing Board is recommended to:**
- 1.2.1 **Consider and comment on the responses to the engagement on the Main issues contained in Appendices 2 and 3 to this report and note that an analysis will be presented to them at an informal development session in March 2023 and thereafter will be published with the Board agenda in April.**
- 1.2.2 **Note that the Scottish Government have published new Statutory Guidance in terms of s.142(1) of the Licensing (Scotland) Act 2005 which must be considered during the review of the Licensing Policy Statement. The Guidance can be found online at [Licensing \(Scotland\) Act 2005 Section 142 Guidance for Licensing Boards \(www.gov.scot\)](https://www.gov.scot/publications/licensing-scotland-act-2005-section-142-guidance-for-licensing-boards/pages/1-introduction.aspx) and a copy of the guidance is included for ease of reference at Appendix 5 to this report.**

2. Background / Discussion

Format of engagement

- 2.1 The Licensing Board began an informal engagement period with statutory partners, the licensed trade and the public which ran from the 31st October until the 6th January 2023. Some respondents requested extra time to put together their response which was granted.
- 2.2 The main method for engagement was via an survey available online through the Engage platform which was shared with both licence holders directly, and with the public through social media platforms. This was also shared with the lived experience forum. 23 responses were submitted to the survey, a summary of which is provided in Appendix 2. Of the 23 responses, 47.8%(11) were licence holders, 34.8%(8) were members of the public, 8.7%(2) were from a council service, 4.3%(1) from a public sector organisation and 4.3%(1) from a community council. 11 respondents indicated that they had a connection to North Aberdeenshire, 2 to Central Aberdeenshire, 4 to South Aberdeenshire and 6 to all of Aberdeenshire.
- 2.3 For those who didn't want to complete the survey, they were invited to send across comments and feedback to licensingpolicyreview@aberdeenshire.gov.uk. These have been included as Appendix 3.
- 2.4 In addition, officers from the licensing team attended Community Council Forums across Aberdeenshire to promote the engagement and to encourage community councils to

complete the online survey to give the views of their communities. The only area that we were unable to attend was in Kincardine and Mearns and this was due to the community council forum meeting being cancelled due to adverse weather. All community councils were however contacted and had the opportunity to feed back. Efforts will be made to engage with community councils in that area, as well as in the others, during the formal consultation period later in 2023. Most representatives of community councils did not want to give comment at the time of the meeting as they wished to discuss with their community councils before submitting a response. However, the comments that were received varied from a belief that the Licensing Board should not interfere with commercial operations and leave the decision on hours to licensed premises individually to seeing an alignment of the hours across Aberdeenshire but with no preference as to what the hours should be. Some commented that there has been a sharp decline in the number of people going to licensed premises and that they were at risk of closing. Some commented that one of the issues is that there is a lack of taxis in rural Aberdeenshire to facilitate visits to licensed premises.

- 2.5 There was an also a round table discussion with the Board, Police Scotland, NHS Grampian's public health directorate, the licensing standards officers and members of the licensing team. A note of the discussion from that meeting is included as Appendix 4.
- 2.6 The raw data received during the engagement session has been anonymised and presented to the Board as a matter of transparency and to ensure that all information is in the public domain. Licensing Officers are preparing an analysis of the information and how this relates to the main issues identified with the licensing policy. The analysis will also consider the impact of the new statutory guidance, published on the 13th January and linked above and included as appendix 6 to this report, on the review process. A policy development session has been arranged for Board members to discuss the analysis of the responses, which will be shared with members in advance, and the statutory guidance to develop the proposals for the new policy on the 15th March 2023. The analysis document will be published along with the proposed new policy in April 2023.
- 2.7 Due to pressures of work, some of our partners were unable to submit their responses at the start of January as anticipated. This has an impact on the projected timeline in that more time is required for analysis. The other factor which necessitates changes to the timeline is the new statutory guidance for Licensing Boards. It is a statutory requirement that this guidance is taken into account in preparing the policy and so further time is required to consider the impact of the new guidance on the policy. It is therefore proposed that an update paper is taken to the Board in April on proposals for change in the policy, and that following both the development session with members and the discussion in April, that the policy is drafted in May for presentation to the Board in June. This change will not impact on the consultation period, nor on the timeline for approval following consultation. The engagement with the trade has also been moved to the summer so that there are firm proposals to discuss with them.
- 2.8 The Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Implications and Risk

- 3.1 An integrated impact assessment will be carried out in light of the evidence and will be presented to the Board in April.

Ritchie Johnson

Director of Business Services

Report prepared by Lauren Cowie, Principal Solicitor (Governance)

Date January 2023

Appendix 1 – Updated timeline for review

Appendix 2 – Summary of engagement responses submitted via Engage

Appendix 3 – Other responses received

A – Health and Social Care Partnership

B – Police Scotland

C – Alcohol and Drug Partnership

D – Ellon and District Pubwatch

E – Mr A Grant, on behalf of a premises licence holder

Appendix 4 – Note from Informal Meeting with statutory consultees

Appendix 5 – New Statutory Guidance

Appendix 1

Timeline - Review of Licensing Policy Statement including Overprovision Policy Statement

Supervising Officer: Lauren Cowie

Lead Officer: Fiona Stewart and Jill Joss

KEY – Tracking Column	Target deadline met	Ongoing	Target deadline missed
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Officers will use Aberdeenshire Council's Policy Development and Review Framework as the foundation for the review of the Licensing Board's Policy Statement. This can be found at Part 4B of Aberdeenshire Council's Scheme of Governance [\[Link\]](#).

STEP 1 – Agree the timeline					
Item	Officer	Activity	Deadline	Tracking	Comments
1A	Fiona Stewart	Aberdeenshire Licensing Board to agree indicative timetable for the review of the Policy Statement.	Aug Board 2022		The Timeline was approved by the Board at their meeting on 31 st August 2022

STEP 2 – Review existing Policy Statement and identify focus issues for the review					
Item	Officer	Activity	Deadline	Tracking	Comments
2A	Lauren, Lynsey, Jill, Amanda, Clark, and Cian Gullan	Officer review existing Policy Statement.	Aug/Sept 2022		Meeting in Woodhill to review policy Thursday 25 th August 2022
2B	Cian Gullan	Examine other Policy Statement's from across Scotland.	Sept 2022		
2C	Fiona and Jill	Engage with Aberdeenshire Licensing Board to identify the main issues to be addressed within the review.	Oct Board 2022		
2D	Fiona	Progress report to Aberdeenshire Licensing Board.	Oct Board 2022		This was the main issues report as set out at the October Board.

STEP 3 - Draft required Impact Assessments					
Item	Officer	Activity	Deadline	Tracking	Comments
3A	Fiona Stewart	Start Drafting Integrated Impact Assessment.	Sept 2022		Initial IIA drafted and set up
3B	Fiona Stewart	Start Drafting Privacy Impact Assessment.	Sept 2022		

STEP 4 - Engagement on identified issues (in conjunction with the Overprovision Policy review)					
Item	Officer	Activity	Deadline	Tracking	Comments
4A	Lauren Cowie	Consult with Aberdeenshire Licensing Board on early engagement	Oct Board 2022		This formed part of the main issues report.
4B	Lauren Cowie/Clark Simpson	Prepare Engage HQ page to include survey covering issues.	Oct 2022		The online survey has been launched and the consultation is underway.

4C	Clark Simpson	Issue link to the Engage HQ questionnaire to partners and the public.	Nov & Dec 2022		The link has been sent to all premises licence holders, community councils and all those named in the engagement plan presented to the October Board..
4D	Fiona Stewart, Jill Joss, Lynsey Kimmit and Lauren Cowie	Direct engagement with Area Committees	Nov & Dec 2022		The link to the Survey will be sent directly to all members to share amongst their networks as well as encouraging them to complete themselves. The formal consultation with Area Committees will follow during the formal consultation following this engagement period.
4E	Fiona Stewart, Jill Joss, Lynsey Kimmit and Lauren Cowie	Direct engagement with Council Services.	Nov & Dec 2022		The link to the survey has been shared with statutory consultees within the Council and arrangements are being made for it to be shared on the Council's intranet for staff to access.
4F	Fiona Stewart, Jill Joss, Lynsey Kimmit and Lauren Cowie	Direct engagement with Community Council Forums.	Nov & Dec 2022		Officers have attended 5/6 community council forums directly engaging and signposting community councils to the survey and taking initial thoughts. The Kincardine and Mearns forum had to be rescheduled due to bad weather and so officers will attempt to attend if the rescheduled meeting is within the engagement period.
4G	Fiona Stewart, Jill Joss, Lynsey Kimmit and Lauren Cowie	Direct engagement with Community Planning, Community Safety, Transport Authorities and Tourism Representatives.	Nov & Dec 2022		The link has been shared with these bodies.
4H	Fiona Stewart, Jill Joss, Lynsey Kimmit and Lauren Cowie	Aberdeenshire Licensing Board engages with Police Scotland, Licensing Standards Officers and Public Health, trade – potential online meeting.	Nov & Dec 2022		The meeting is due to take place following the Board.
4I	Fiona Stewart, Jill Joss, Lynsey Kimmit and Lauren Cowie	Engagement with young people, the lived experience forum and network, the alcohol, and drugs partnership	Nov & Dec 2022		Links are being made with the MSYPs, pupil voice forums and the lived experience forum too as well as contact with the ADP.
4J	Fiona and Jill	Progress report to Aberdeenshire Licensing Board.	Dec Board 2022		

STEP 5 – Review of engagement (in conjunction with overprovision policy review)

Item	Officer	Activity	Deadline	Tracking	Comments
5A	Fiona Stewart, Jill Joss, Lynsey Kimmit	Officer review information from engagement.	Jan & Feb 2023		

	and Lauren Cowie				
5B	Fiona Stewart, Jill Joss, Lynsey Kimmit and Lauren Cowie	Review of engagement with Aberdeenshire Licensing Board.	Feb Board 2023		Some respondents have asked for more time before submitting their responses and new statutory guidance has just been published. Officers will arrange for an engagement briefing session with the Board in March to obtain views on potential changes to the policy to assist in drafting.
5C	Fiona and Jill	Progress Report to Aberdeenshire Licensing Board.	Feb Board 2023		

STEP 6 – Draft revised Licensing Policy Statement

Item	Officer	Activity	Deadline	Tracking	Comments
6A	Licensing Team	Draft revised Licensing Policy Statement.	March 2023		Due to delays in receiving all of the responses to the engagement and the publication of new statutory guidance officers require time to analyse the responses. An analysis document will be discussed with the Board in March and published in April. This work will now be undertaken in April and May.
6B	Fiona and Jill	Arrange Policy Development Session with Board	March 2023		This is to look at the information provided at the engagement stage and to direct the policy changes.

STEP 7 – Update required Impact Assessments

Item	Officer	Activity	Deadline	Tracking	Comments
7A	Fiona Stewart	Update Integrated Impact Assessment as required.	March 2023		
7B	Fiona Stewart	Update Draft Privacy Impact Assessment as required.	March 2023		

STEP 8 – Annual meeting of the licensed trade/Licensing Matters online event

Item	Officer	Activity	Deadline	Tracking	Comments
8A	TBC	Aberdeenshire Licensing Board engages with the Trade.	March/April 2023		This will be moved to after approval of the draft policy so there are firm proposals on which to engage.
8B	TBC	Progress report to Aberdeenshire Licensing Board.	April 2023		

STEP 9 – Formal consultation on revised Licensing Policy Statement

Item	Officer	Activity	Deadline	Tracking	Comments
9A	TBC	Consult with Aberdeenshire Licensing Board on proposals arising from discussion at the development session.	April 2023		

9B	TBC	Prepare Engage HQ page to include survey covering issues.	May 2023		
9C	TBC	Issue link to the Engage HQ questionnaire to partners and the public.	June-July 2023		
9D	Fiona and Jill	Progress report to Aberdeenshire Licensing Board.	August 2023		

STEP 10 – Finalisation of Licensing Policy Statement

Item	Officer	Activity	Deadline	Tracking	Comments
10A	TBC	Review with Aberdeenshire Licensing Board.	August 2023		
10B	Licensing Team	Finalise wording of revised Licensing Policy Statement.	September 2023		
10C	Fiona Stewart	Finalise terms of the Integrated Impact Assessment.	September 2023		
10D	Fiona Stewart	Finalise terms of the Privacy Impact Assessment.	September 2023		

STEP 11 – Approval of Licensing Policy Statement

Item	Officer	Activity	Deadline	Tracking	Comments
11A	Fiona and Jill	Report to Aberdeenshire Licensing Board for approval of the Licensing Policy Statement.	Oct Board 2023		

STEP 12 – Publication of Licensing Policy Statement

Item	Officer	Activity	Deadline	Tracking	Comments
12A	Lauren and Clark	Publication of Approved Policy Statements on the Boards' Website.	Nov 2023		

Appendix 2 – Summary of Engage Responses

Appendix 3 – Responses Submitted by Email

3A – Aberdeenshire Health and Social Care Partnership

Aberdeenshire Alcohol Licensing Board request for comments/suggestions

Background

The law requires that Licensing Boards (LB) review their statement of licensing policy within 18 months of a local government election. Aberdeenshire's LB has invited partners to offer views to inform the development of their draft revised policy before taking this to public consultation next year. It would appear highly appropriate that Aberdeenshire IJB respond as a partner to that request because HSCP services deal with alcohol related issues both directly and indirectly.

Current situation

Alcohol consumption is a significant determinant of health in Aberdeenshire and has been a recognised public health challenge for decades. Preventing alcohol related harm is one of Scotland's 6 national public health priorities. The most recent Scottish Health Survey found that 23% of adults drink at a hazardous or harmful level and for men aged 35 to 75, this rises to nearly a third. Of particular interest is that 9% of respondents said that they have had problems with their alcohol use.

It is widely accepted that alcohol consumption exceeding safe limits significantly contributes to avoidable mortality rates and a wide range of morbidities, including seven types of cancer and liver disease. Even at moderate levels of consumption there is a body of evidence that demonstrates alcohol consumption can contribute to many other ill-health conditions one example being stroke in young adults.

In 2021, 1,245 people died from alcohol-specific causes in Scotland which was a 5% increase from 2020, and the highest number of deaths since 2008. These deaths were 5.6 times more likely in areas experiencing the greatest deprivation. The Scottish government now classifies alcohol harm and its associated inequalities as a public health emergency alongside drug related deaths. During 2021, there were 30 alcohol-specific deaths registered in Aberdeenshire. Data relating to standardised rates of admission to hospital from alcohol cirrhosis in Aberdeenshire have seen a doubling over the last 10 years period (from 20 in 2011 to 40 in 2021).

If the Aberdeenshire IJB and HSCP is looking to make a significant impact on the health improvement of Aberdeenshire residents by addressing alcohol consumption and availability and sales some challenging measures might be required. Therefore, the following is submitted for consideration.

Recommendations and suggestions for the Aberdeenshire Licensing Board

The ADP Lead Officer as Executive lead for Aberdeenshire alcohol related matters has produced the following recommendations for policy specific proposals that are presently being taken to the ADP for agreement and ratification.

It would seem appropriate that IJB members review and separately submit an agreed view so that a strengthened and clear message is provided to the Licencing Board as it considers its refreshed draft policy proposals. The focus here has been taken on those changes that would potentially have the greatest positive impact on the health of Aberdeenshire residents: -

The most relevant suggestions/recommendations are listed below and provide several options for the Licencing Board to consider:

- That in moving forward the LB reviews the current regulations regarding the online purchase and delivery of alcohol and regulates to actively minimise harm to children and young people.

- The LB seeks to require licensed premises to actively promote and support health improvement measures as part of the licensing process.
- That the LB reviews public participation and in particular focuses on how the views of the public and health professionals can more strongly influence licensing decisions.
- That the LB considers the total impact of multiple outlets on a community rather than on a license-by-license basis. That recognition is given to the concept of 'cumulative impact' on a community from multiple alcohol outlets as opposed to currently where proof is sought that alcohol harm is attributed to a particular license.
- That the LB considers adopting health, safety and education of communities as its primary concern displacing completely the promotion of economic activity. That the LB promotion of alcohol based economic activity is reduced or omitted as a statutory function of the Licensing Board or as a statutory licensing objective.
- That the LB consider upgrading licensing conditions for off-sales premises. It may be helpful from a health perspective if policy conditions for off-sales premises were as rigorous as those for on-sales premises.
- That the LB ensures off-sales alcohol is displayed furthest from the venue entrance.
- That the LB considers not issuing 24-hour or extended-hour drinking licenses. From a health perspective are there any exceptional circumstances that justify licenses that allow 24 hour or extended-hour drinking?
- That the LB considers there are currently enough off-sales licenses.
- That the LB considers adopting a policy that presumes against the award of off-sales licenses unless an applicant can demonstrate why they should be an exception.
- That the LB considers reducing off-sale periods by at least 1 hour per day.
- That the LB considers reducing off-sales alcohol shelf displays by at least 10% visible space.
- That the LB considers protecting Communities affected by the greatest harm from alcohol with no new licenses being awarded. That the LB conclude and acknowledge that awarding alcohol sales licenses in the areas experiencing or vulnerable to the greatest harm would be inconsistent with the statutory licensing objective to protect and improve public health.
- That the LB considers off-sales hours per day should be less than 10 am to 10 pm. That the LB acknowledges and promotes that off-sales hours of 10 am 10 pm are maximum allowable hours under the law and should not be regarded as a minimum.

The IJB agreement is sought to submit this paper to the Licencing Board as part of its consultation including the list of suggestions / recommendations above for the Licencing Board to consider as options to support the health and wellbeing of Aberdeenshire communities.

Aberdeenshire Review Data.

Violence in Licensed Premises.

The following charts and data present figures for reported instances of violence directly related to licenced premises and it excludes instances of violence reported elsewhere but where those involved may have been in a licenced premises prior to the incident.

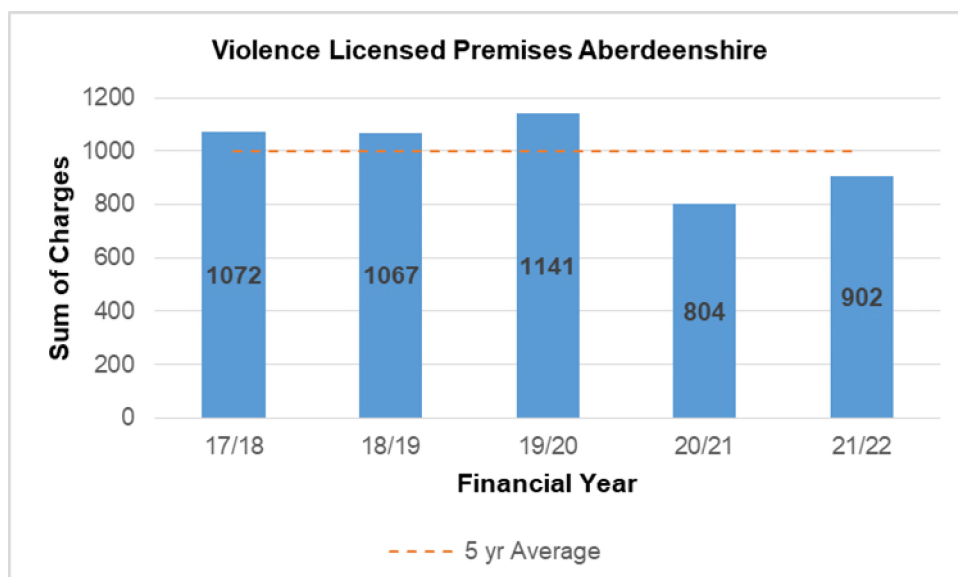
These figures confirm that Licensed Premises still remain a significant factor in violent crime within Aberdeenshire. Although not presented in the figures, the overwhelming majority will also be alcohol related and there is still much work to be done in reducing drunkenness and by association violence within Aberdeenshire.

There appears to be an encouraging trend over the five years which shows a reduction in violence however, cognisance should be taken of the 2020-2021 and 2021-2022 data which shows the effects of the COVID lockdowns and the arrival of the current slowdown in the national economy.

Aberdeenshire Officers are now testing surfaces for the presence of cocaine within licensed premises and there is growing evidence that use of the drug is present in a significant portion of these premises. Cocaine use, particularly when mixed with the consumption of alcohol is a recognised contributor to violent behaviour and it is hoped the new Statement of Policy will continue to insist on strong drugs and duty of care policies in respect of premises licenses. These policies should ensure that staff are trained and fully aware of how to identify drug use, what to do in respect of the police and enforcement and how to ensure the safety of a patron under the effects of substance misuse.

The total sum of charges refers to the number of individual charges relating to violence and not the total number of incidents where violence has occurred. A single incident may result in a person(s) being charged with multiple offences.

Financial Year	Total Sum of Charges
17/18	1072
18/19	1067
19/20	1141
20/21	804
21/22	902
Grand Total	4986
5 yr Average	997.2



Inspector Area/Financial Year (sum of charges)	17/18	18/19	19/20	20/21	21/22	Grand Total	5 yr Average
SH1 Banff & Buchan	205	163	165	119	172	824	164.8
SH2 Buchan	275	256	250	205	184	1170	234
SH3 Formartine	100	105	126	81	101	513	102.6
SH4 Garioch	180	202	267	165	160	974	194.8
SH5 Kincardine & Mearns	112	118	117	74	98	519	103.8
SH6 Marr	103	113	127	91	108	542	108.4
SH7 Banff & Buchan	97	110	89	69	79	444	88.8
Grand Total	1072	1067	1141	804	902	4986	997.2

Alcohol related Antisocial Behaviour calls

The following figures relate to instances of alcohol related antisocial behaviour reported to Police Scotland within Aberdeenshire over the last 5 years. It should be noted that there is likely to be an under recording of these calls, as the addition of an ‘alcohol’ tag to an incident on the Police database relies on the quality of information provided to a call handler during the reporting process.

These instances often have detrimental effect on the quality of life within communities. The source of the alcohol is predominately off sales and there should be a strong emphasis on staff training in off sale premises that allow them to identify individuals with alcohol issues, such as addiction and to empower staff to refuse sale.

The excessive consumption of alcohol continues to cause a significant drain on police resources, in particular when seeking a place of safety for those who are heavily intoxicated. Officers can be committed to such incidents for several hours to ensure an individual’s wellbeing and to complete the necessary administrative work.

Aberdeenshire	Alcohol related ASB Youth Calls	Alcohol related ASB Non-Youth Calls	Alcohol related ASB Calls Total
17/18	8	253	261
18/19	6	285	291
19/20	6	252	258
20/21	7	160	167
21/20	10	185	195

Police Overtime

The following information relates to the hours of overtime incurred by Police Scotland within Aberdeenshire that is attributable Officers being detained on duty as a direct result of policing the weekend night time economy. It is important to note that these figures exclude overtime indirectly attributable to the weekend night time economy, such as alcohol related incidents out with town centres.

As you will see from the following charts and data, there is a continuing trend that shows a decrease in the amount overtime incurred over the last five years. However, cognisance should be taken of the 2020-2021 and 2021-2022 data which shows the effects of the COVID lockdowns and the arrival of the current slowdown in the national economy.

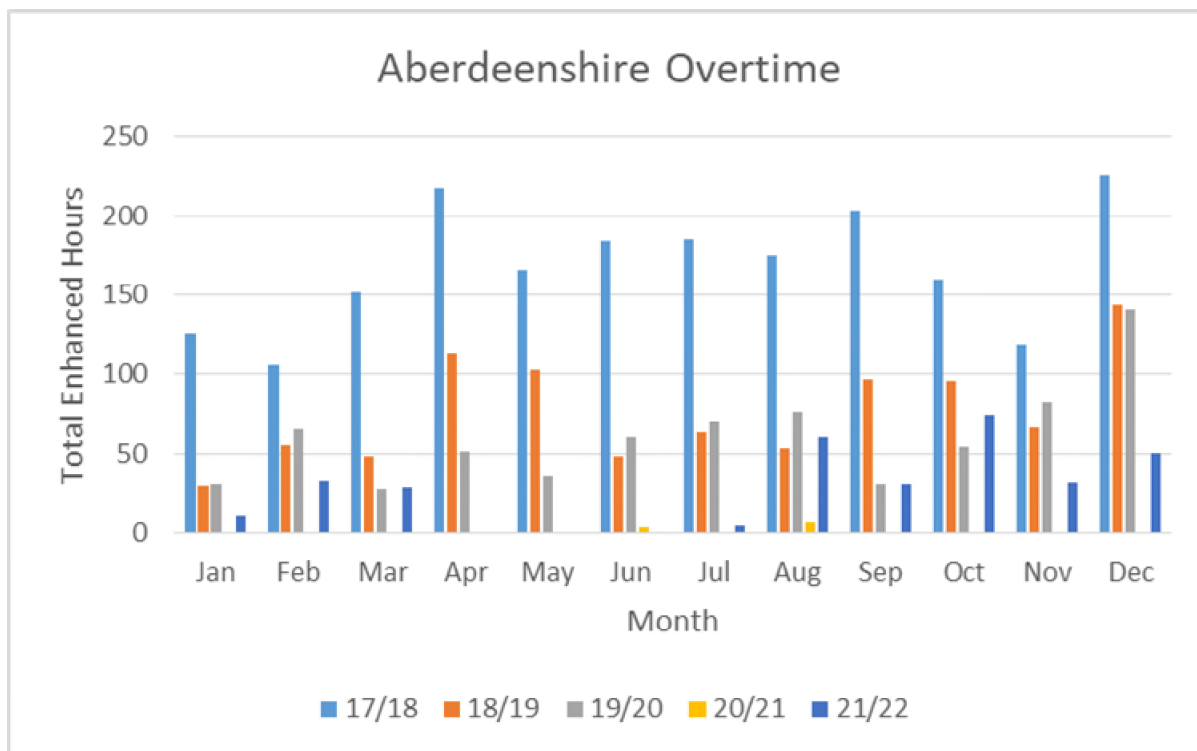
The 2020-2021 data provides an opportunity to compare data from ‘normal’ years such as 2017-18 & 2018-19 with 2020-2021 when there was no weekend night economy. The

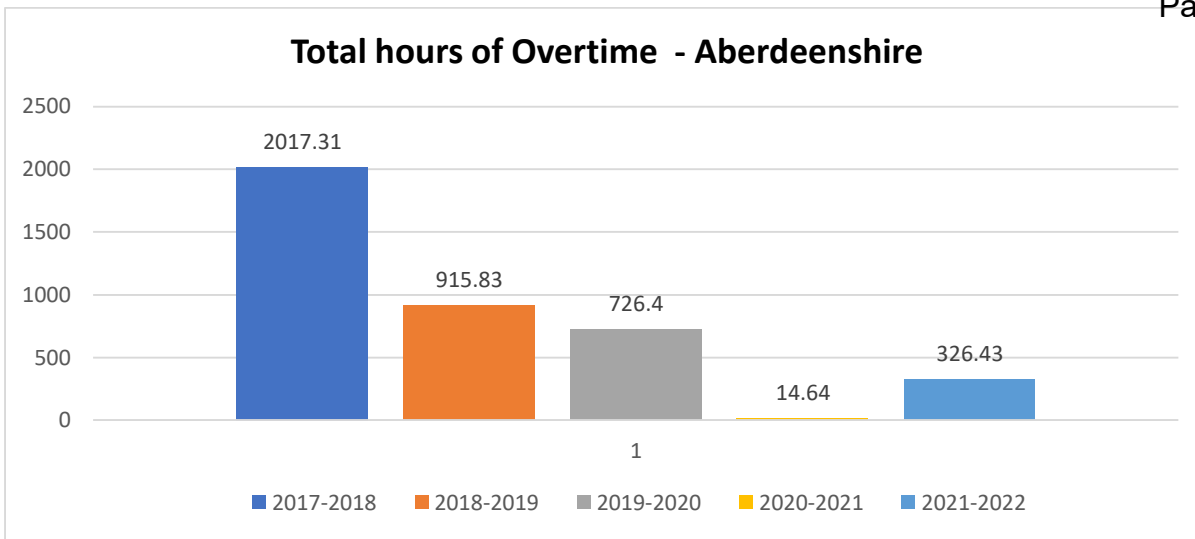
difference highlights the additional 'man hours' that Officers have to work in order to tackle the consequences of late night drinking.

Police Scotland Officers have two shifts which cover the weekend night time economy. Late shift (1700 – 0300) and nightshift (2200-0700). Overtime relating to the night time economy is predominately incurred by officers who are working a late shift duty. As you will note the finish time of a late shift coincides with the 0300 hours closing time. It is common practice for late shift officers to be automatically held on duty until 0400 hours to accommodate the increase in demand that occurs at closing time which cannot be managed nightshift officers alone.

Significant work has been done to balance resources to meet the competing demands throughout the day but the organisation's options are limited. Police Scotland have to ensure there is sufficient staffing on duty to mitigate the risks presented by the weekend night time economy. Having staff available at 0300 hours impacts on the number of Officers available at other times of the day which has an adverse effect on the service we can provide. I propose that any new applications for late licenses be restricted to a 0200 hours finish. I appreciate the Board cannot alter existing licences that have closing times of 0300 but over time the 0200 hours closing time could be reinforced as new premises applications are made.

A 0200 closing time, would reduce staffing pressures not just for Police Scotland but for other public services, such as the NHS and reduce costs to the public purse.





Month	17/18	18/19	19/20	20/21	21/22	Grand Total
Jan	125.43	30.16	30.87	1.33	10.64	198.43
Feb	105.65	54.86	65.19	0	32.99	258.69
Mar	151.86	48.1	28.56	0	29.02	257.54
Apr	217.07	112.41	50.76	1.33	0	381.57
May	165.64	102.85	36.17	0	0	304.66
Jun	183.9	48.34	59.93	4	1.33	297.5
Jul	185.34	63.04	70.48	0	5.33	324.19
Aug	175.18	52.89	75.94	6.65	60.56	371.22
Sep	202.94	96.49	31.19	1.33	30.93	362.88
Oct	160.16	95.83	54.2	0	73.97	384.16
Nov	118.98	66.59	82.13	0	31.6	299.3
Dec	225.16	144.27	140.98	0	50.06	560.47
Grand Total	2017.31	915.83	726.4	14.64	326.43	4000.61

The NHS submission

There is no need to repeat what is included in the report written by the NHS, however it was completed in consultation with our Chief Inspector from Partnership and Interventions. Police Scotland fully support the report submitted by the NHS in respect of the Statement of Policy Review.

Aberdeenshire ADP response to Alcohol Licensing Board

Recommendations

The Aberdeenshire Licensing Board (LB) is recommended by the Aberdeenshire Alcohol and Drug Partnership (ADP) to:

- 1) Recognise the validity of the alcohol-related health and wellbeing concerns raised and act on these by improving the ability of Licensing Policy to reverse the continuing increase of avoidable alcohol harms in our communities.
- 2) Include within the policy consultation the policy interventions below, proposed and endorsed by the ADP.

Background

Aberdeenshire LB has invited partners to provide evidence-based suggestions for changes to Aberdeenshire's licensing policy that could be considered as part of the LBs licensing policy review and consultation.

Aberdeenshire ADP comprises a wide range of stakeholders with considerable expertise across all aspects of the substance use agenda, including community representatives, specialist third sector providers, representatives of criminal justice, community pharmacy and NHS public health. The ADP also benefits from extensive influence and guidance from the local community via volunteers such as the ADP Vice-chair, the chair and members of the ADP Lived and Living Experience sub-committee, three community-led Community Forums and more than 18 active community peer-support groups.

Aberdeenshire IJB has responsibility for services designed to improve the health and wellbeing of people in Aberdeenshire whilst having regard for National Health and Wellbeing Outcomes including reducing health inequalities. Aberdeenshire IJB has delegated Aberdeenshire ADP to reduce substance use related harms and inequalities, including those arising from alcohol consumption, across all communities in Aberdeenshire.

The LB shares common purpose with the ADP and IJB in having a lead role in reducing harm from the supply and sale of alcohol in line with the five statutory Licensing Objectives designed to secure and improve public health and safety. Local licensing policy guides the LB's licensing decision making. Given the importance of ensuring that the decision-making processes around alcohol licensing meets these objectives, the ADP are keen to help ensure that the current statutory revisions to Aberdeenshire's statement of licensing policy are fit for purpose to respond to changes in the patterns of alcohol consumption behaviours.

Aim

The purpose of this paper is to offer Aberdeenshire LB suggestions for inclusion in the forthcoming Aberdeenshire licensing policy consultation.

Introduction

The World Health Organisation advises that there are three gold-standard evidenced strategic responses proven to minimise levels of alcohol related harm in a community and liberate economic gains:

- Price
- Marketing
- Availability

Aberdeenshire only has control of one of these policy instruments.

Regulation of price is a national function via policies such as Westminster's excise duty rates and Holyrood's minimum unit pricing policy. The University of Sheffield has estimated that cuts and freezes to alcohol duty from 2012-2019 have led to over 250 additional deaths and 4,500 hospital admissions in Scotland. Public Health Scotland found that minimum unit pricing has contributed to a 3.6% net reduction in off-trade sales. Nevertheless, alcohol is currently 78% more affordable than it was in 1987 and adults in Scotland consume on average 18.1 units of alcohol per week, 30% higher than the weekly limit currently promoted by the Chief Medical Officer.

Regulation of harmful alcohol marketing is currently undertaken via industry self-regulation by the Portman Group. Some consider such self-regulation to be insufficient. The Scottish Government recently launched a consultation to introduce regulation to restrict alcohol marketing, in response to the significant harms caused by alcohol in Scotland.

Regulation of alcohol availability is exclusively a local function through the policies and decisions of LBs. The opportunity to influence LB policy is therefore a rare once-in-5-years opportunity to fundamentally address the level of alcohol related harm by regulating the availability of alcohol supply in our communities.

In practice LBs have the challenging job of balancing a range of competing interests within a framework of statute, civil precedent, professional lobbying and the risk of their decisions being appealed in court. It is therefore critical that bodies such as ADPs provide LBs with advice, evidence and backing to enable them to formulate policy that is effective and legally defensible in support of the licensing objectives.

Situation Assessment

Alcohol consumption is a significant driver of ill-health in Aberdeenshire and has been a public health challenge for decades. Preventing alcohol related harm is one of Scotland's 6 national public health priorities and requires an influential Licensing Policy response.

Inequalities

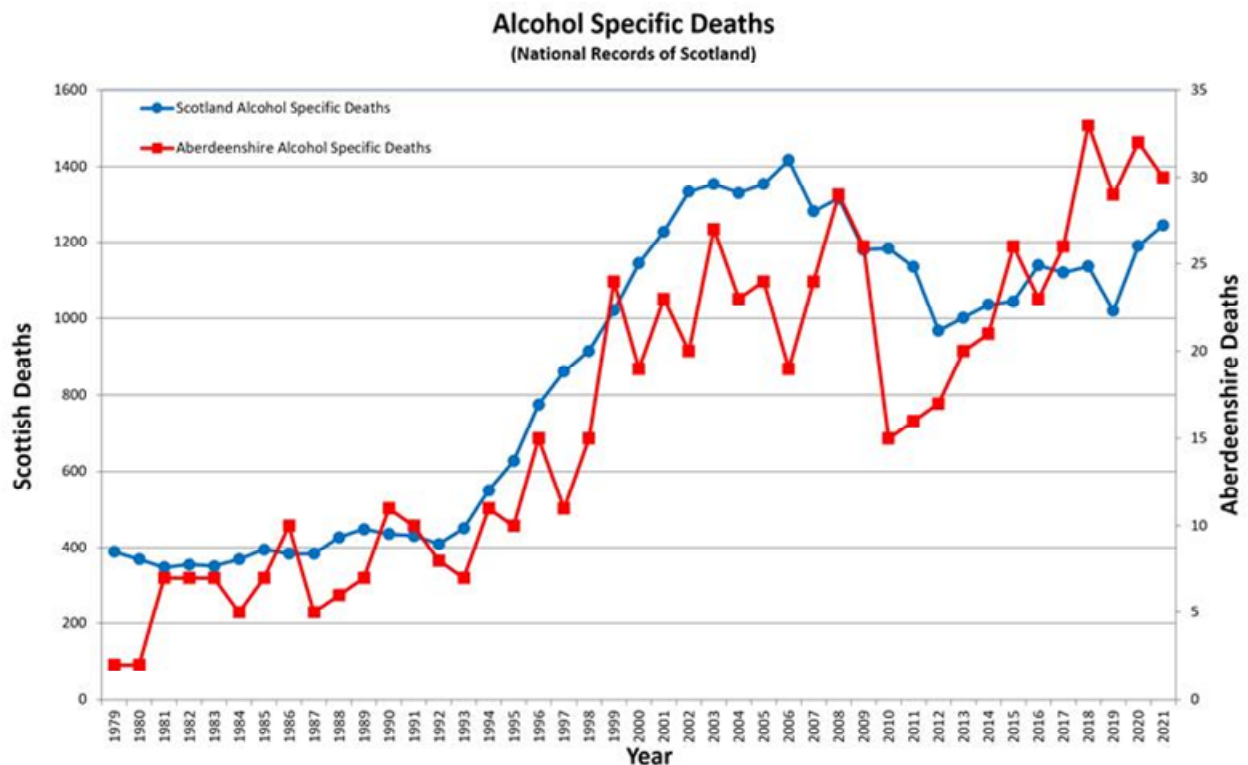
The recent Scottish Health Survey found that 23% of adults drink at a hazardous or harmful level and for men aged 35 to 75, this rises to nearly a third. 9% of respondents said that they have had problems with their alcohol use. Such

consumption significantly contributes to avoidable mortality rates and a wide range of morbidities, such as seven types of cancer and liver disease. These disease groups all exhibit high levels of health inequality. Even moderate levels of consumption can contribute to ill-health conditions like stroke in young adults or life-long Foetal Alcohol Spectrum Disorders (FASD) experienced when alcohol is consumed during pregnancy. It is estimated that 3-5% of people in Scotland could be living with FASD. There are systemic reasons why these officially acknowledged diagnosis rates are likely to be significant underestimates.

Alcohol Specific Deaths

Alcohol specific deaths (those deaths that are exclusively caused by alcohol consumption), offer a proxy and baseline measure for the wider range of alcohol related mortality, not to mention hospital admissions, morbidity and its consequential impact on family's lives, the economy and health and social care and other public services. At a population level, Alcohol-attributable deaths (where alcohol is a contributory factor), account for 6.5% of all deaths and more than 1 in 4 of these are due to cancer.

In 2021, 1,245 people died from alcohol-specific causes in Scotland which was a 5%



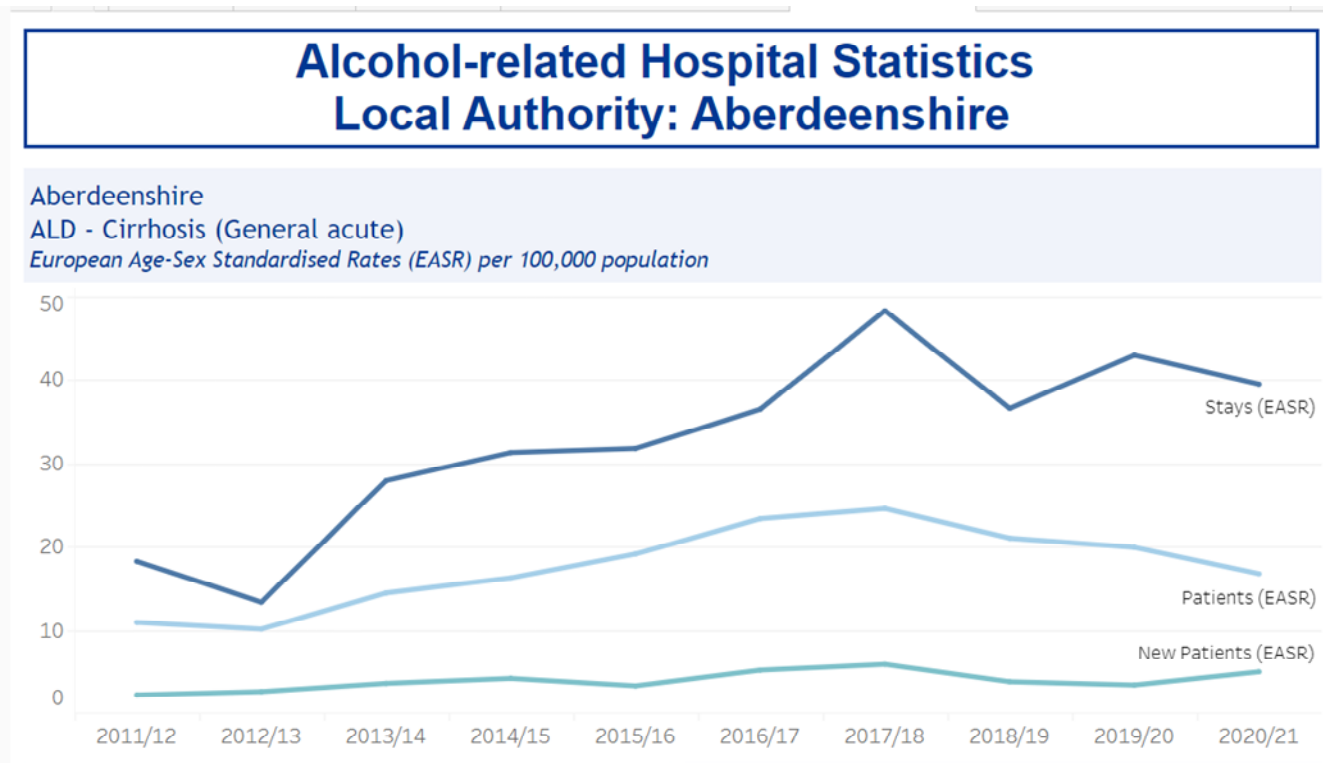
increase from 2020, and the highest number of deaths since 2008. These deaths were 5.6 times more likely in areas experiencing the greatest deprivation. The Scottish government now classifies alcohol harm and its associated inequalities as a public health emergency alongside drug related deaths. Nevertheless, alcohol related deaths have yet to attract the same level of media profile or ministerial attention as drug related deaths. It is only a matter of time before this changes.

During the same period, there were 30 alcohol-specific deaths registered in Aberdeenshire. This was a welcomed decrease of 9% (2 deaths) compared with 2020 but insufficient to turn around the substantial increases from the preceding decade. There were 15 alcohol specific deaths in Aberdeenshire in 2011 meaning the level of alcohol related harm in Aberdeenshire has doubled in 10 years. It is

noteworthy that the affordability of alcohol in real terms (due to the above noted alcohol duty freezes in this period) have closely paralleled the rises in mortality across all of Scotland and the UK.

Hospital Admissions

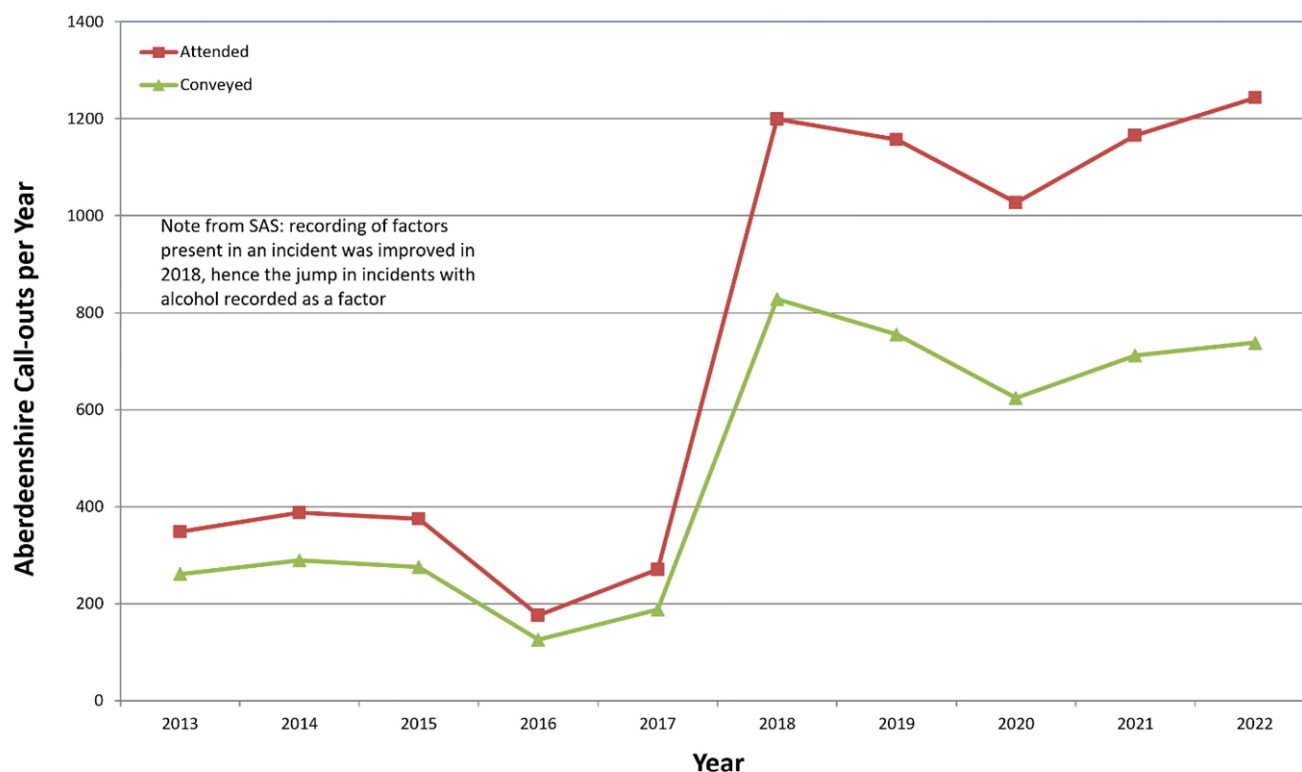
Standardised rates of admission to hospital from alcohol cirrhosis in Aberdeenshire has doubled in 10 years.



Ambulance Call-outs

The rate of ambulance call-outs in Aberdeenshire where alcohol was a factor reflects a similarly increasing pattern. So far this year, 5.5% of all call-outs record alcohol as a factor.

Emergency Ambulance Call Outs involving Alcohol (Scottish Ambulance Service)



Violence, Disorder and Antisocial Behaviour

Police Scotland data is indicative of a clear connection between consumption of alcohol purchased from on and off-sales licenses, with violence, disorder and antisocial behaviour. Community safety is directly impacted by alcohol consumption within on sales premises. The unseen costs to emergency organisations can often be impacted further by extended opening hours both in terms of incident management and the additional preventative or contingency resourcing put in place.

There is therefore significant scope to modify current LB policy to stem or reverse these documented increases in alcohol related harm.

Community Views

LBs have statutory obligations to set policy and make decisions bearing 5 licensing objectives in mind, one of which is *'protecting and improving public health'*. Decisions based on other considerations such as alcohol industry job creation would be *ultra vires*. Nevertheless, LBs have to be sensitive to community views.

In order to gauge these views, the ADP Lead Officer recently surveyed community representatives and GPs about their aspirations for LB policy changes. Questions were asked about whether they thought:

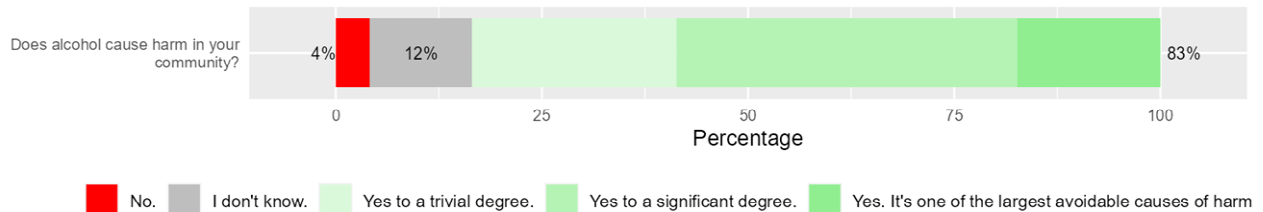
- Alcohol causes harm in our community;
- Whether LB policy should be changed; and
- What changes might be attractive.

These plausible policy interventions were determined and agreed¹ at the 24 June ADP 2022 ADP Committee meeting following discussions with communities and other partners.

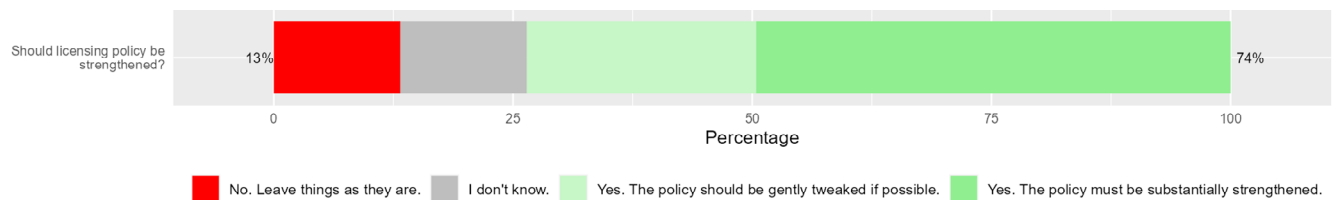
At the time of writing this report, 8 GPs and 113 community members had responded with overall results displayed below. A breakdown of how people responded based on various demographics and backgrounds (including a significant proportion employed in the alcohol sector) is available in Appendix A.

Results

Only 4% of respondents thought that alcohol did not currently harm our community.

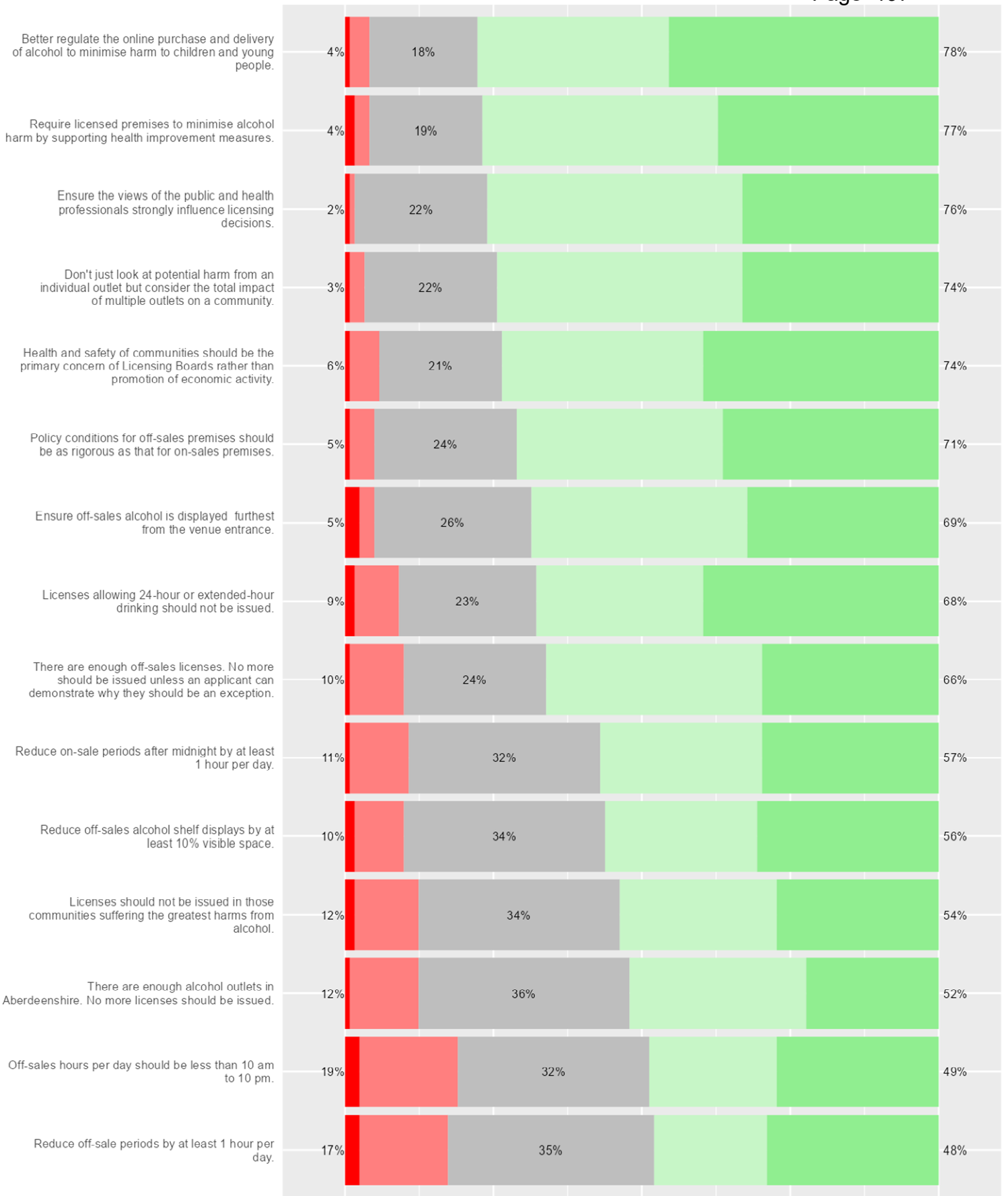


74% of people thought that LB policy should be strengthened, with the majority saying it should be substantially strengthened.



All of the policy proposals offered for consideration had more support for than against. The least well supported proposal had only 17% against and the most supported only 4% against:

¹ Access to the ADP Teams Directory is required. This can be obtained [by clicking here](#).



Percentage

■ Strongly against
 ■ Against
 ■ Don't Know
 ■ In favour
 ■ Strongly in favour

Discussion

A relatively large survey of the community and a small snap-shot of GPs has dramatically illustrated the community's concern about the harmful impact of alcohol in Aberdeenshire in line with the documented increases in alcohol related harm witnessed in Aberdeenshire. The results demonstrate the community's expectation that current LB policy be significantly strengthened by implementing a variety of policy interventions to reduce the growth in alcohol specific deaths over the last 10 years.

These views should give the LB confidence to include the following policy proposals in their draft policy to enable stakeholders to consider them during the consultation:

- **Better regulate the online purchase and delivery of alcohol** to minimise harm to children and young people. The role of the LB on such matters should be to work in a collaborative way, using such powers that it may have and lobby appropriate national forums for such change.
- **Require licensed premises to support health improvement measures.** Help on-sales establishments be part of the solution by requiring them to support health improvement interventions. Additionally, the LB should direct Local Authority Licensing Officials to seek health improvement and harm reduction measures as an appropriate component of sanctions relating to any infringement of licence conditions.
- **Ensure the views of the public and health professionals strongly influence licensing decisions.** Give public and professional sentiments from people who live and work in our community's sufficient weight and do not dismiss those views as 'mere anecdote'. Decisions should not be made on the basis of precedence or economic benefit alone, but a holistic assessment moderated by community and health-based impacts should also be taken.
- **Consider the total impact of multiple outlets on a community** rather than on a license-by-license basis. Recognise the concept of 'cumulative impact' on a community from multiple alcohol outlets rather than seeking proof that alcohol harm is attributed to a particular license. A significant part of the rationale here should include the acknowledgement that alcohol harms along with availability are clustered in areas of relative economic disadvantage. As a result, it would be irresponsible not to require a higher standard of scrutiny for any new

licence or increased availability in an already socially disadvantaged area.

- **Health and safety of communities should be the primary concern** of LBs rather than the promotion of alcohol-related economic activity. Recognise that promotion of alcohol based economic activity is not a statutory function of the LB or a statutory licensing objective.
- **Upgrade licensing conditions for off-sales premises.** Policy conditions for off-sales premises should be as rigorous as that for on-sales premises. Recognise that those with addiction predominately purchase alcohol from off-sales premises, often with little responsible intervention or regard given to those clearly presenting with addiction. Additionally, recognise the shifting national culture of pre-loading and greater 'at home' consumption and the wider implications of this shift including domestic violence, which is known to be associated with increased alcohol consumption in the home; most of which can be hidden from view.
- **Ensure off-sales alcohol is displayed furthest from the venue entrance.** A consistent message from community members in sustained recovery from alcohol is how difficult it is to purchase food and items necessary for life when confronted with unavoidable alcohol displays.
- **Don't issue 24-hour or extended-hour drinking licenses.** Conclude that there are no exceptional circumstances that justify licenses that allow 24 hour or extended-hour drinking.
- **There are enough off-sales licenses.** Adopt a policy presuming against the award of off-sales licenses unless the applicant can demonstrate why they should be an exception, for example by demonstrating that community and health impacts would be mitigated or not occur.
- **Reduce on-sale periods after midnight by at least 1 hour per day** for new applicants and for current licenses on renewal.
- **Reduce off-sales alcohol shelf displays by at least 10% visible space.** Retailers could achieve this by reducing shelf-utilisation for alcohol or diverting existing space to low or no-alcohol alternatives.

- **Communities suffering the greatest harms from alcohol should be protected from new licenses being awarded.** Conclude that awarding alcohol sales licenses in the areas experiencing or vulnerable to the greatest harm would be inconsistent with the statutory licensing objective to protect and improve public health.
- **There are enough alcohol outlets in Aberdeenshire.** No more licenses should be issued. Conclude that a state of alcohol-outlet overprovision has been reached in Aberdeenshire.
- **Off-sales hours per day should be less than 10 am to 10 pm.** Accept that off-sales hours of 10 am 10 pm are maximum allowable hours under the law and not a minimum.
- **Reduce off-sale periods by at least 1 hour per day** for new applicants and for current licenses on renewal.

Conclusions

It is acknowledged that the Aberdeenshire LB has a difficult task in achieving the statutory licensing objectives and consequently a reduction in the alcohol related harms summarised in this report. It is hoped that the support of the ADP provides the LB confidence to incorporate our recommendations into their draft consultation licensing policy.

Avril Nicol

Chair

Aberdeenshire ADP

Jan 2023

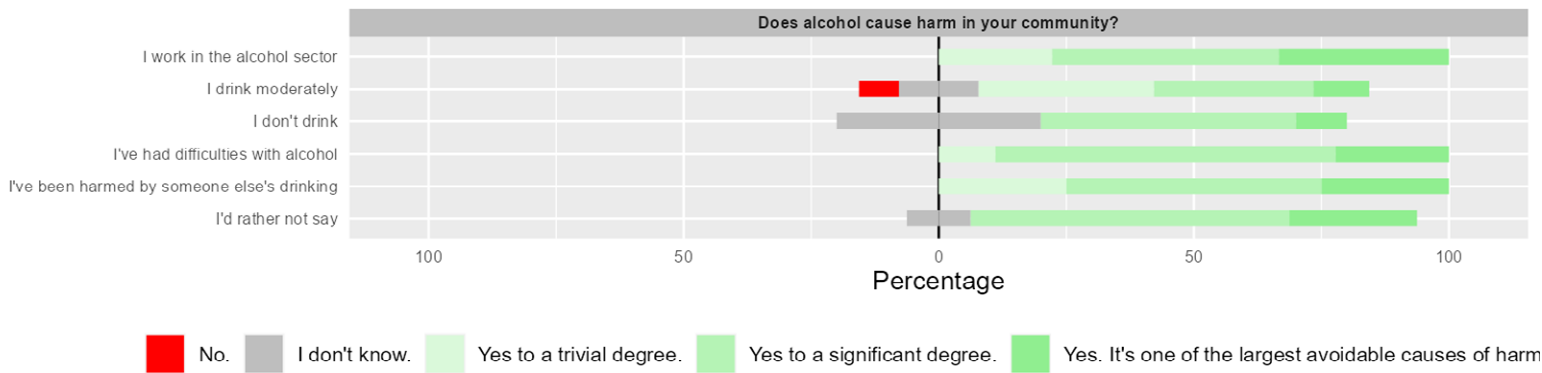
Appendix A: Results Breakdown

Respondent demographics:

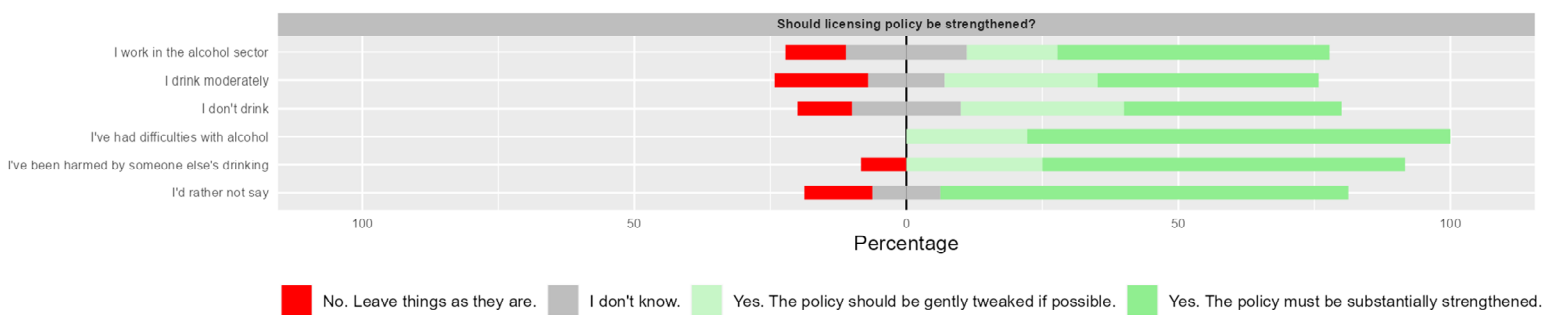
Gender	Count
Unknown	5
Female	87
Male	29

Respondent Characteristic	Count
I've been harmed by someone else's drinking	12
I've had difficulties with alcohol	9
I don't drink	10
I drink moderately	64
I work in the alcohol sector	18
I work in General Practice	8

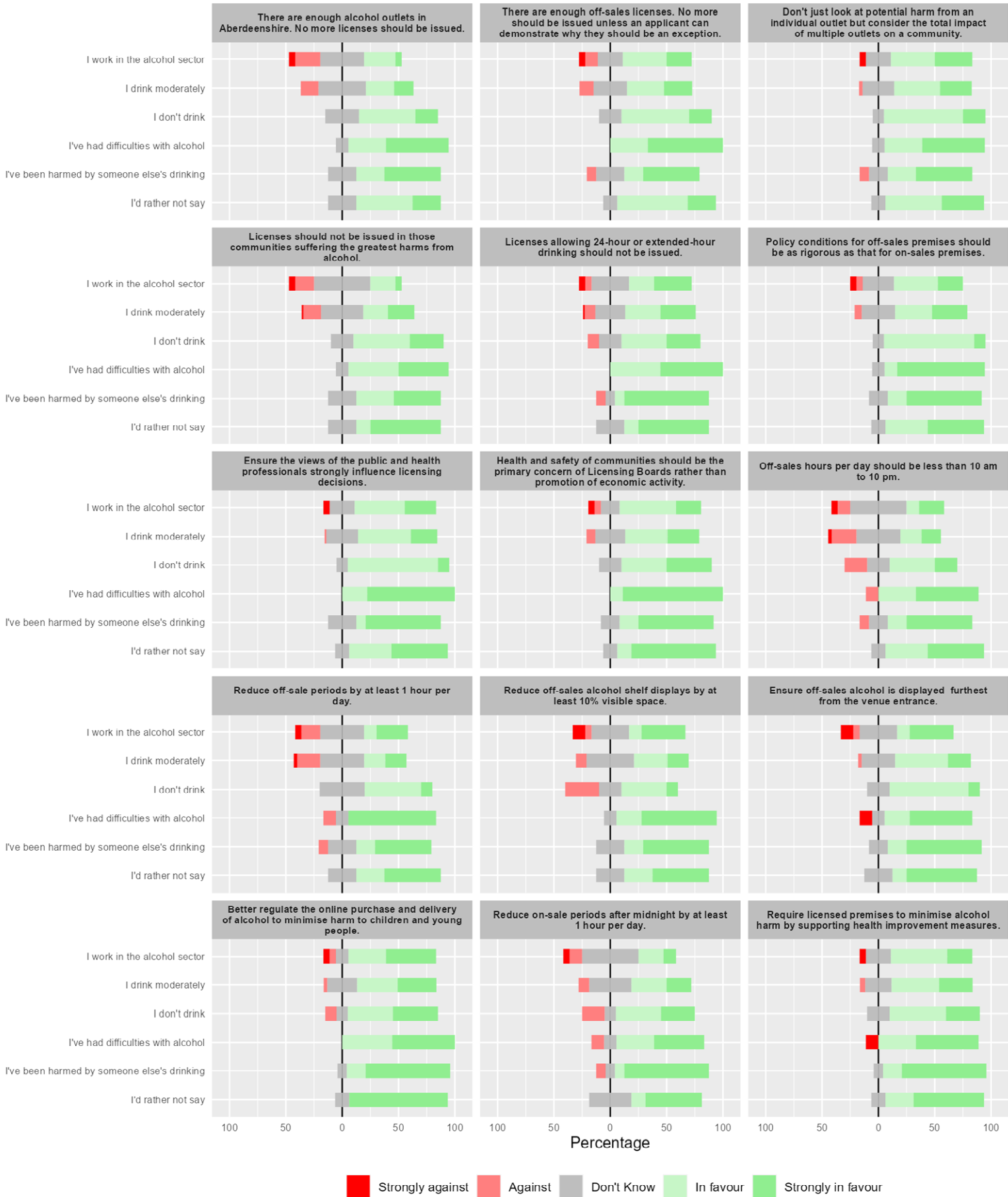
Views on whether alcohol causes harm to our community.



Views on whether LB policy should be changed.



Views on policy by respondent category.



Strongly against Against Don't Know In favour Strongly in favour

Appendix 3D – Ellon and District Pubwatch

At the recent regular meeting of E&DP on 4th December it was unanimously proposed that the Secretary respond to the request from Aberdeenshire Licensing Board for engagement regarding the proposed revision of the local alcohol licensing policy.

Specifically –

Concern was expressed regarding the current Appendix 1, Paragraph A, Section 25, which states “that Licence Holders should consider whether a means of communication with other premises and the Police is required. This is likely to be particularly relevant in town centres. In those areas where it is available, Radiolink, Pubwatch and Shopwatch can be of assistance to licence holders and their staff in preventing crime and disorder and undue public nuisance. The Boards support the use of such schemes as examples of good practice and expects all licence holders to actively participate in these where such schemes operate within their area.”

The wording suggests that it is a **requirement** for licenced premises to be members and actively participate in a local Pubwatch scheme (as exists in Ellon and District which includes Tarves, Pitmedden, Newburgh and Balmedie) however it seems to be the case that certain premises can simply ignore this and not support the scheme.

It is the opinion of all members of E&DP that our very strong scheme would benefit if it included every licensed premises in the area – although currently this seems to be unenforceable.

Appendix 3E – Mr A Grant, representing a premises licence holder

I represent a Premises Licence Holder.

I wish to make the following observations:

1. The Licensing Board currently consists of 7 males and 3 females.
 - In these days of gender equality, it would be better if there were 5 males and 5 females.
 - I note that people of colour are not represented.
2. Secure alcohol storage areas should not be shown on the layout plans available to the general public in order to prevent illegal access.
3. The official recording of the deliveries of alcohol to a premises is an unnecessary layer of red tape.
4. In the section about the protection of and prevention of harm to children and young people, the consumption of alcohol by pregnant women continues to be a serious concern. There does not seem to be enough publicity by the Licensing Board and the National Health Service in high-lighting the long term damage that the consumption of alcohol by pregnant women does to the foetus and subsequently the child in terms of functional, learning and social disabilities.

Appendix 4 - Note from Informal Meeting with Statutory Partners

Board Members in attendance:-

Marion Ewenson
Dawn Black
Geoff Crowson
Jenny Nicol
Richard Menard
Stewart Adams
Trevor Mason

Apologies Jeff Goodhall

Council Officers in attendance:-

Fiona Stewart
Cian Gullen
Harriet Tevendale
Jill Joss
Kevin MacDonald
Lauren Cowie
Lisa Godini
Lynsey Kimmitt
Sarah Ward

Statutory Consultees in attendance:-

Neil Grant
John Mooney

There was a presentation by officers on the main issues as presented to the Licensing Board as being the main focus of the engagement on the licensing policy statement.

Following the presentation, discussion ensued where it was noted that it is important to emphasise that the licensing objectives are to be promoted as well as complied with.

Hours

There was a general discussion on whether or not all areas should have the same opening hours, and that it could be seen to be common sense to have everywhere using the same rules as a decision can always be made to grant reduced hours if circumstances dictated. Officers also provided guidance that if hours are to be harmonised, this would affect new licence holders and would have no impact on existing licence holders unless they wanted to vary their licence to take account of the new provisions. This would always create an uneven playing field and the new policy would not apply to the majority unless they chose to change to comply and so would have limited impact. It was confirmed that some if not all premises in the North do use the additional 30 minutes for private functions.

Festive Hours

Police Scotland expressed concern at the length of hours that there are during the festive season as this stretches emergency services. It was mooted that the longer that people drink, the more under the influence they are, the more admittance to A& E, and that whilst they can appreciate that there are economic reasons to open longer, there are adverse economic impacts on police, emergency services and health problems in future and so this could be considered. Other than economic benefit to trade there is no benefit to anyone else.

There was a general discussion on harmonising festive hours and dates and that this should be the same across Aberdeenshire. Consistency would be welcomed, there are many complaints to Licensing Standards Officers over differences between say Peterhead, Ellon and Stonehaven, we now have one Board and so we should have standard approach across all areas. There was some preference given to the North approach on dates and times. Some premises licences state that they will comply with the Board's festive policy, so any restriction, or relaxation would automatically apply to them and so would need to think about a lead in time to give time for any variation to come forward.

Comments from public health concurred with a lot of what has been said and anything that restricts availability in terms of hours would be supported as there is a lot of evidence that if have a later open time people start drinking later. Later open detrimental to staff and during festive season people start drinking earlier in the day therefore in favour of having it just the holiday day itself if at all. People adjust their start times accordingly

Discussed that culture change is required, and that there is an appreciation that existing premises could retain the later opening times but would be a statement of intent from the Board that they are taking the possibility of harm seriously. There were comments that later opening hours also puts a lot of pressure on licence holders in terms of the requirements to have vulnerability policies as they are expected to look after customers and call relevant services where there are issues, closing earlier eases the pressure. There is usually little blame, if any, to attribute to premises themselves - not their fault due to preloading but they are dealing with the issue

There was discussion that at the last review, the North removed the 24 hour drinking approach, but there are still a few that have it as part of their premises. Each application has to be assessed on its own merits but standardised approach would be beneficial

There was debate over the skewed landscape in terms of purchasing in favour of the off licence - covid has exacerbated that and there is a call for evidence just now at national level around the increase of drinking at home linked to increased domestic violence, increased impacts on children and also the impacts where there are more deprived areas which tend to have a much higher density of off

licence premises. Should there be a presumption that should be a higher burden of proof in a more economically disadvantaged area and all the associated impacts of drinking at home. More hidden in more affluent areas as there are more sophisticated ways of dealing with it. This was deemed to be interesting, but not something that would be legally compliant.

Localities

There was then a discussion over determining localities and whether this should be towns, areas, wards etc.

In 2009 there were 650 licensed premises, which is now sitting at 639 so not a huge difference in numbers, however the difference is in the type of premises as there is a shift away from village pub, small hotel and there has been more diversification, running businesses from home addresses - cocktail deliveries and micro breweries which is to the detriment of the on trade.

Deliveries are adding to the issue – there is anecdotal evidence of those under 18 using an adult's bank cards and getting alcohol delivered into safe places. The conditions review can only be applicable to Aberdeenshire based business, but that doesn't stop ordering from outside Aberdeenshire.

Vertical drinking establishments

Are these types of establishment still an issue, cultural changes are having impact and these premises are not as prevalent as they had been in the past and there was discussion that it might have been a historical issue but is something we should retain in the policy so it doesn't reappear again.

Vertical drinking less popular than it was with many premises looking to diversify pub games, arcades etc anything that promotes not drinking in the premises to other activities which would be good as well. There have been cultural changes because of Covid, where it was not permitted to stand at bars and everyone had to be seated. People seem to want to respect space, things have changed, same culture from banning smoking, people want that space around about and to be able to hear each other

One of the negatives of the increase in the use of pavement cafes can be disruptive to others - one planning applications particularly when have a busy street and less capacity to supervise someone outside

End of Aisles

There was discussion on the policy that was introduced at the last policy review and what impact it has had, more limited than hoped and difficult to evidence given that changes to policy are not retrospective. There are many premises who have end of aisle displays which we can't change immediately, though the Scottish Government are consulting on potential changes here, about trying to

prevent impulse buying not necessarily had the evidence to say one way or another but would like to see it remain as it can still be a trigger for those in recovery.

There was general agree we should keep the ban on end of aisle sales possibility of restricting the floor space devoted to the sale of alcohol.

There as discussion on the location of alcohol displays in stores, specifically around why alcohol is located next to pay points, however retailers do not have to provide this information.

Local Conditions

Worked very hard to ensure consistency with the roads service on roads café consents etc conditions. Sarah work done previously need to get permit from roads which are issued with specific conditions to tie in with the major variations can only get permit for 6months and have to reapply. Have had conditions changed to reflect operational changes

Beer gardens would be better at 10pm most objections come from noise and anti social behaviour is a difference between 11pm and 10pm at night.

Alcohol delivery sales is important to review. Street café have no issues as long as are well supervised and pavements are not obstructed though we have to ensure no accessibility issue for people that are sight impaired to make sure they are not a trip hazard

General discussion

Public Health have evidence that they will bring to the Board. There is access to localised information on alcohol hospital admissions and as this debate has alluded to it is always difficult tying the evidence up to individual premises, stats on domestic violence and there will be tags re anti social turn around time Early New Year.

Police Scotland are getting stats around violence, anti social behaviour and concerns. As a whole we are looking to reduce violence and disorder and we have moved departments and are working much more closely with the NHS and emphasis is moving towards harm reduction which is why we are looking to shorter hours limited alcohol displays to push the harm reduction.

The LSO's raised that they have also noticed the change of the use of occasional licences. Occasional Licences takes up a lot of everyone's time. Fee is set by statute. A lot of work goes into occasionals. during Covid diversification seen pop up shops route and branch look at occasional licence conditions as they are set up for one off events and need to be streamlined

LSO - further discussion around Members Clubs a lot of discussion 5 years ago still a little bit of work to be done to remove loopholes - biggest thing is 3rd party hires is the biggest issue. Legislation is about sale of alcohol and it is being able to identify what events can and can't take place such as the situation this morning with the OL for the bowling club by far that is not the only one we have members clubs are trying to diversify as much as anyone else.

