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| AssessmentNo | 785 | Owner | michael.mcdougall |
| Resource | Transformation | | Service/Establishment Regulatory |
| | First Name | Surname | Job title |
| Head Officer | Michael | McDougall | Section Head (Licensing) |
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| | (include job titles/organisation) | | |
| Members | Michael McDougall, as above Peter Clyde, LSO Lawrence Knighton, LSO | | |
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| | <i>(Please note: the word 'policy' is used as shorthand for strategy policy function or financial decision)</i> | | |
| Policy Title | Licensing Board's Assessment of Overprovision | | |
| | The aim, objective, purpose and intended out come of policy | | |
| | The Licensing Board is required to assess the extent to which the Board considers there to be overprovision of: (a) licensed premises, or (b) licensed premises of a particular description, in any locality within the Licensing Board's area. This policy is to promote the five licensing objectives contained with the Licensing (Scotland) Act 2005. An overprovision policy looks to tackle alcohol related health harms and public disorder. Should the Board find that an area is overprovided for then a rebuttable presumption against the grant of a licence will exist. | | |
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| | Service/Partners/Stakeholders/service users involved in the development and/or implementation of policy. | | |
| | The development of the policy is in two stages: (1) pre-consultation; and (2) public consultation. The pre-consultation engaged a range of stakeholders and gathered information from a range of sources including health and police partners. A public consultation exercise has taken place. This consultation seen targeted engagement with the trade, partner agencies (police, health board, Council services etc), and community groups. A public consultation was available via the Council webpage. The policy will impact on the licensed trade and residents of West Dunbartonshire. | | |
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| Does the proposals involve the procurement of any goods or services? | | Yes | |
| If yes please confirm that you have contacted our procurement services to discuss your requirements. | | No | |
| SCREENING | | | |
| <i>You must indicate if there is any relevance to the four areas</i> | | | |
| Duty to eliminate discrimination (E), advance equal opportunities (A) or foster good relations (F) | | Yes | |
| Relevance to Human Rights (HR) | | Yes | |
| Relevance to Health Impacts (H) | | Yes | |
| Relevance to Social Economic Impacts (SE) | | Yes | |
| Who will be affected by this policy? | | | |
| This Policy will have an impact upon: (1) premises licence holders and applicants for premises licences and occasional (i.e. temporary) licences; (2) the residents of West Dunbartonshire; (3) persons who work in licensed premises; (4) persons who work in industries abutting the licensed trade, for example, taxi drivers, takeaway type premises; and (5) Police, NHS and other agencies. | | | |
| Who will be/has been involved in the consultation process? | | | |

First, an extensive pre-consultation exercise was carried out. This exercise saw engagement with: Police Scotland, NHS Greater Glasgow and Clyde, West Dunbartonshire Health and Social Care Partnership and the Licensing Forum. Other stakeholders were engaged with on a targeted basis. Second, there was a public consultation, as required by the licensing legislation, as well as targeted engagement with key stakeholders, for example, the licensed trade, fire, health board, and community groups.

Please outline any particular need/barriers which equality groups may have in relation to this policy list evidence you are using to support this and whether there is any negative impact on particular groups.

| | Needs | Evidence | Impact |
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| Age | The Licensing Board must promote the licensing objective of protecting children and young persons from harm. Children and young persons are at risk through being able to buy alcohol under age or being at risk of harm in premises that are unsuitable for their access. | <p>Submission from health bodies posits that children and young persons who are exposed to visible alcohol consumption may experience a degree of harm. The submission further narrates that visibility of alcohol consumption normalises drinking culture to young people as potential future drinkers with younger children being more affected.</p> <p>The NHS Greater Glasgow & Clyde paper highlights the impact on children of non-dependent parental drinking and advise that this is identified at a number of case conferences for children on the child protection register.</p> <p>A Planet Young survey suggests that 61% of S3 pupils had drunk alcohol and that 3% had bought alcohol in a shop. Further information suggests that 10% of 15 year olds have managed to purchase alcohol.</p> | Positive, helps protects young people |

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| | | The Policy will set out measures that the Licensing Board expects to be in place to protect children and young persons. The Policy sets out the Board's expectations around children and young persons access. Each application will be considered on a case by case basis. | |
| Cross Cutting | | | |
| Disability | Disabled people should be able to access licensed premises. | Applicants for new premises licences must submit a disabled access and facilities statement. The Licensing Board will note the terms of this statement and it is available on request. | Positive, helps ensure access for disabled people |
| Social & Economic Impact | The Policy relation with social and economic factors is complex and multifaceted. On one hand licences authorising the sale and supply of alcohol are essential to businesses however, there are significant alcohol related health harms within West Dunbartonshire and alcohol costs the local economy. | Health partners submit that off sale type premises were almost five times more likely to expose children in the most deprived communities than in the least deprived ones. Also, Compared to children in the least deprived areas. those in the most deprived communities were almost three times more likely to be exposed to alcohol sales outlets. The NHS Greater Glasgow and Clyde paper highlights that West Dunbartonshire has the fourth highest local share of the most deprived SIMD. | Positive: The Policy on licensed hours makes sure that there is a staggered dispersal between public house type premises and entertainment premises. This helps police resources and also the local transport infrastructure. The Policy recognises the importance of tourism to the local area as well as the health benefits through the creation of employment opportunities. |

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| | | <p>Consultation responses from licensed businesses highlighted the import of shops to the local area and the benefits of access to facilities that these premises provide such as Paypoint, and fresh fruit and veg. Concerns were also expressed around making so that a variation application may trigger the overprovision policy; it was suggested that this would deter investment in stores.</p> | |
| Sex | <p>Women should be able to attend or in licensed premises safely. There is a difference in alcohol consumption levels between men and women.</p> | <p>From the NHS Greater Glasgow & Clyde paper: The mean number of units per week among drinkers in West Dunbartonshire is 11.2 with male drinker's consumption considerably higher at 14.1 units compared to 8.6 units for females.</p> | <p>The Policy requires to promote the licensing objectives of protecting and improving public health and securing public safety. The Policy sets out various measures that the Board expects to be in place to protect all persons attending licensed premises.</p> |
| Gender Reassign | | | |
| Health | <p>The Licensing Board must promote the licensing objective of protecting and improving public health. When considering applications it can refuse those applications where there is an inconsistency with the foregoing licensing objective. The Policy sets out</p> | <p>As part of the Licensing Board's pre-consultation exercise the views of the various health bodies were sought. They provided the following evidence in relation to overprovision and health harms: "Current health data shows that alcohol related harm and alcohol specific</p> | <p>Positive: The Policy contains a number of requirements designed to protect and improve public health.</p> |

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| | <p>how the Board will promote this objective.</p> | <p>deaths continue to be above the national average for West Dunbartonshire as a local authority. West Dunbartonshire has the 3rd highest alcohol specific deaths across Scotland's council area. Furthermore, when alcohol specific deaths were analyzed for the Year (2016-2020) against the baseline Year (2002-2006) for each area. West Dunbartonshire has the second greatest increase in Alcohol Specific Deaths in Scotland. Additionally, all intermediate zones within West Dunbartonshire have at least 1 alcohol related health harm indicators (Alcohol Related Hospital Admissions; Alcohol Specific Deaths; Alcohol Related Mental Health Admissions) above the national average with 16 of the 18 intermediate zones having 2 or more". There is evidence that has been considered by the Licensing Board that employment brings about health benefits (see Roelfs, Shor, Davidson & Schwartz, Losing life and livelihood... and Waddell and</p> | |
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Burton, Is work good for your health and well-being?) Pre-consultation and consultation responses from businesses highlighted the import of access to affordable fruit and veg as well as employment opportunities. The response from the NHSGGC and partners raised concerns around the exception for applications that would bring employment opportunities. The Licensing Board is, however, aware of material that does make reference to employment bringing health benefits. There was broad public support for the proposals relating to overprovision. Health stakeholders have been engaged with from an early stage in the preparation of the Policy. Information has been gathered from the NHS Greater Glasgow and Clyde and West Dunbartonshire Health and Social Care Partnership. This information has informed the preparation and drafting of the new Policy to make sure that it is evidence based. Doctor Daniel

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| | | Carter, Consultant in Public Health, presented health related information to the Board on 9 May 2023. The Licensing Board is also consulting on its Assessment of Overprovision. | |
| Human Rights | <p>An applicant for a licence to sell alcohol at a premises benefits from the right to a fair hearing and to the peaceful enjoyment of his possessions. Residents are entitled to peaceful enjoyment of their property.</p> | <p>Police have presented material around the number of alcohol related crimes and incidents. Health partners submit that there is evidence to suggest that laws limiting when people can buy and sell alcohol help lower harm associated with alcohol. The Policy gives applicants certainty around the Board's expectations and how the Board will consider applications. The Policy also clearly narrates the conditions that it may apply to a licence. The Policy sets out its stance on how to promote the licensing objective of preventing public nuisance so to stop local communities being adversely impacted on by licensed premises.</p> | <p>Positive: the policy supports rights of applicants, licensees and the public.</p> |
| Marriage & Civil Partnership | | | |
| Pregnancy & Maternity | | | |
| Race | | | |
| Religion and Belief | | | |
| Sexual Orientation | | | |
| Actions | | | |

Policy has a negative impact on an equality group, but is still to be implemented, please provide justification for this.

Will the impact of the policy be monitored and reported on an ongoing basis?

Yes. The Licensing Forum will keep the Licensing Board up to date with any developments that it thinks of relevance to the Licensing Board, for example, public health studies or concerns from Police Scotland.

Q7 What is your recommendation for this policy?

Please provide a meaningful summary of how you have reached the recommendation

EIA 785: The assessment details positive in terms of health, disability access, protecting young people and Human Rights. Socio-economic considerations have also been made. The Licensing Board's Overprovision Assessment is an important tool in mitigating the health harms and anti-social behaviour caused by alcohol (where it can be shown that there is a link between these factors). The Overprovision Assessment is based on evidence provided by Police and NHS as well as taking into account the views of a wide range of stakeholders. The consultation responses suggested broad support for the Overprovision Assessment.