

RESPONSE FROM THE SCOTTISH GROCERS FEDERATION

Do you have any comments on the Introduction part of the policy?

We do not.

Should the Licensing Board refer to any other matters in its introduction?

SGF does not take a view here.

To what extent do you think these measures promote the licensing objectives?

Fairly effectively

Do you have any other comments on this section?

While SGF agrees with the Licensing Objective as set out, we also believe that it should be an objective of the Licencing Board to promote vibrant and thriving local communities and economies. With the aim of ensuring that businesses that provide local services and employment, which is often vital for communities and may be directly or indirect tied to licenced trade, continue to be able to operate in a fair-trading environment. As highlighted in section 10.1 of the Policy.

Do you consider the access arrangements for Children and Young Persons to be suitable?

Yes

The Licensing Board at paragraph 21 has introduced the requirement for off-sale type premises to have a refusal book. Do you consider this to be an appropriate and reasonable requirement?

Yes

The Licensing Board, having regard to feedback received through its pre-consultation exercise, has set out that it will usually attach conditions to premises licences where home deliveries of alcohol are authorised. These conditions can be found appendix 1, part C. Do you think these conditions promote the licensing objectives?

Yes

Do you have any comments as to these conditions, especially from a practical point of view?

"SGF recognises the importance of selling alcohol in a responsible way.

This happens through the following key areas:

- Full compliance with the Challenge 25 regulations (an initiative developed in partnership with SGF)
- Staff training
- Appropriate signage
- Refusal books
- Full compliance with the stores operating plan
- Age restricted till prompts, upon customer checkout

SGF agrees with the need to protect young people from alcohol related harm by imposing these conditions.

SGF also agrees with the need to have robust measures in place on proxy-purchasing. Over this summer of this year, we ran a successful campaign, called "It'll Cost You" to deter young people accessing alcohol. This campaign was delivered in partnership by the Scottish Alcohol Industry Partnership, Police Scotland and Community Alcohol Partnerships.

Convenience retailers are well versed in managing restricted and age restricted items, which total 222 product types in Scotland. "

Following feedback obtained through the pre-consultation exercise, the Licensing Board has developed a standard set of conditions to be attached to occasional licences to promote licensing objectives. These conditions can be found at appendix 1 part E. Are these conditions appropriate for an occasional licence?

Very effectively

Do you have any further comments about part 3 of the Policy?

"The increased use of apps and the use of third-party delivery agents allows convenience stores to offer another important and valued facility for customers.

SGF members use these facilities responsibly and have strict measures, such as record keeping and age verification in place, to ensure the rules around delivery are observed.

Drivers are trained to -

1. Always hand over alcohol to an adult.
2. If no adult able to accept deliver then return all goods back to shop.
3. Never leave items on the door step."

The Licensing Board, having had regard to feedback through its pre-consultation exercise, is not proposing to amend its standard licensed hours or exceptions to licensed hours. Do you support this position?

No

Please describe any impact the current licensed hours have on you

"Most council board's license hours for the sale of alcohol for the consumption off the premises are from 10am to 10pm.

While we respect that the policy states that there are conditions where off-licences can sell alcohol until 10pm, SGF believe all convenience stores should be able to sell until 10pm as the current policy discriminates against stores who are unable to have enhanced controls in place.

10pm is the standard across Scotland and the implementation of an 8pm curfew will be confusing for customers and businesses alike. Particularity for non-local visitors. Potentially causing flash points and areas of conflict.

There is no evidential basis to support any reduction to the available licensed hours. There is not, in the SGF's view, any evidence to suggest that alcohol purchased later in the day is more harmful than purchased earlier or vice versa. Further, one of the key areas of in-store abuse and threatening behaviours stems from refusal of sale. "

This part of the Policy has been expanded to give both applicants and members of the public an understanding of how the Licensing Board will conduct its business. Is this useful?

Very useful

Is there anything else that should be covered in this section?

No

Do you have any other comments about the proposed statement of licensing policy?

"Whilst it is ancillary to wider ranges of grocery and retail, alcohol is an important sales category for our member's stores. A typical convenience store offers a range of at least 17 kinds of different product categories. Alcohol accounts for 18.1 % of total sales turnover. 76% of convenience stores have an alcohol licence.

Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way. SGF works with its membership and the convenience sector as a whole to ensure that they are fully compliant with licensing legislation. The convenience sector has a lot to offer the community and this should be recognised when deciding on alcohol policy.

We are committed to the objectives set out in the licencing policy statement but would urge West Dunbartonshire to ensure its licencing policy is not too onerous on retailers and is relatively consistent with other board's policies."

Do you agree with the new proposed overprovision localities and the data used to support them being identified as such?

Not at all

What impact do you think the current Assessment of Overprovision has had on the existing overprovision localities?

"SGF believes the impact is minimal.

We respectfully suggest that overprovision is a blunt instrument and does little to reduce alcohol related harm. If the licensing board decided to develop an overprovision policy, SGF would strongly urge that this is based on a locality as opposed to whole area approach.

There is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall, it is becoming increasingly difficult to make a link between individual premises and problems in a specific locality. Inequality continues to be the main determining factor: alcohol-related harm in Scotland is still disproportionately experienced by those from more deprived areas."

Do you think the Licensing Board should take into account the licensed hours of premises when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

No

Are there any other matters you think that the Licensing Board should take into account when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

SGF believe that the entire concept of overprovision should be reviewed to consider whether it remains fit for purpose. We live in an age where customers can order alcohol online as part of their shop from a supermarket and have it delivered to their home. This order can be made from anywhere given the prevalence of smartphones. Given this, what does declaring a geographical area as being overprovided for achieve? It would seem, arguable, that overprovision has not kept up the development of modern technology and consumer shopping habits. For example, a resident may order an online grocery shop, and this could quite legitimately be dispatched from many miles away.

Do you agree with the Licensing Board's approach to capturing variations to increase capacity or hours as part of the Overprovision Assessment?

Strongly disagree

Do you have any comments on this aspect?

"the number or capacity of premises in a locality is unlikely to be the key factor in deciding whether there is overprovision. Instead, the determining factor is the extent to which there are alcohol-related, health, and crime problems in the area.

In addition, boards must consider the positive benefits that a thriving local convenience sector can bring to communities, and that evidence should be weighed up as part of the exercise. Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way."

Do you agree with the Licensing Board's approach to overprovision on a case by case basis (outwith its proactive assessment)? For example, it is proposed that the Licensing Board utilises intermediate zones. Is this is the best way to determine locality

Disagree

Do you have any comments on this aspect?

We agree that licence application should be considered on a 'case by case' basis. Taking into account the benefit for the communities of having a local convenience store and the services that come along with it. However, we disagree with any form of blanket or area approach.

Do you have any other comments about overprovision?

Convenience stores provide a range of key services for their customers, and this includes that ability to be able to offer their customers a full range of products, i.e. giving the customer the chance purchase an alcoholic beverage as an accompaniment with home dining. Therefore, a consequence of overprovision is that new entrants to the market are

unable to obtain premises licences to authorise the sale of alcohol and are therefore, disadvantaged. The availability of alcohol in a pre-existing competitor store gives the prospective customer a reason to choose to shop there. The convenience element of being able to get their "full basket" from the competitor provides an unfair commercial advantage.

RESPONSE FROM TRADE ASSOCIATION

Should the Licensing Board refer to any other matters in its introduction?

"The Board may wish to take note of the unique economic pressures placed on the industry at the moment (inflation, staff shortages, tax increases, additional regulations), alongside the reality that many licensed premises have still not been able to recover from pandemic. Many licensed business took on high levels of debt during the sustained periods of closure and are now paying this back, while dealing with the other challenges.

There is evidence that this is starting to really hit pubs and bars. Across Scotland, more pubs closed in the first half of this year (2023) than closed in the whole of 2022 (source: BBPA). "

To what extent do you think these measures promote the licensing objectives?

Very effectively

Do you consider the access arrangements for Children and Young Persons to be suitable?

Yes

The terms of the access of children to pre-booked functions has been tightened, with the Licensing Board proposing that such functions would need to be private. Do you consider that this change promotes the licensing objectives?

No

The Licensing Board proposes to permit Young Persons unattended in licensed premises until 10pm (unless attending a private pre-booked function). Do you think this is appropriate?

Yes

The Licensing Board has codified the conditions that it would usually attach to premises licences where Children and Young Persons are permitted on the premises at appendix 1 part A. Do you consider these conditions promote the licensing objectives?

Very effectively

The Licensing Board at paragraph 21 has introduced the requirement for off-sale type premises to have a refusal book. Do you consider this to be an appropriate and reasonable requirement?

Yes

The Licensing Board, having regard to feedback received through its pre-consultation exercise, has set out that it will usually attach conditions to premises licences where home deliveries of alcohol are authorised. These conditions can be found appendix 1, part C. Do you think these conditions promote the licensing objectives?

Yes

Do you have any comments as to these conditions, especially from a practical point of view?

"In relation to CYP access, the board may wish to consider adding the 'viewing of [appropriate] entertainment', alongside the consumption of a meal. The rationale for this is that there may be situations, sporting events primarily, which may be available for viewing at a licensed premises but not on terrestrial/only on subscription television. For example, the Scotland National Team's games are currently shown exclusively on subscription TV. The board should also be mindful of the unique place pubs and bars have in Scotland's tourism offer. 8 out of 10 tourists visit a pub when in Scotland, and often they will have children or young people as part of their group. The board should look at a flexible approach in this regard for premises which see a high number of tourists, including potentially removing the 10pm limit for these types of premises. On home deliveries, for online sales a register of order and despatch will already be held online. This conditions (3) should note and allow this."

Following feedback obtained through the pre-consultation exercise, the Licensing Board has developed a standard set of conditions to be attached to occasional licences to promote licensing objectives. These conditions can be found at appendix 1 part E. Are these conditions appropriate for an occasional licence?

Very effectively

The Licensing Board, having had regard to feedback through its pre-consultation exercise, is not proposing to amend its standard licensed hours or exceptions to licensed hours. Do you support this position?

Yes

If you think that the Licensing Board should consider any additional conditions for when an exception from standard licensed hours is sought, i.e. for restaurants or premises offering significant entertainment facilities, please describe these.

"The Board may wish to consider exceptions for a number of reasons and each application should be considered on its own merit.

The viewing of sport taking place in other parts of the world, for example the Super Bowl should be considered as a reasoning for extended hours. Additionally, there is often situations where Scottish athletes or teams are taking part in events which fall outwith normal hours. This might (hopefully) be the case with the next FIFA World Cup in North America (5-8 hours behind BST), meaning many matches will be shown late at night in Scotland.

This part of the Policy has been expanded to give both applicants and members of the public an understanding of how the Licensing Board will conduct its business. Is this useful?

Very useful

Do you agree with the new proposed overprovision localities and the data used to support them being identified as such?

Not at all

What impact do you think the current Assessment of Overprovision has had on the existing overprovision localities?

We are unaware of any positive impacts from the existing policy of overprovision. Anecdotally, there is some suggestion that investment in licensed premises in West Dunbartonshire has suffered due to the number of localities designated as overprovision zones.

Do you think the Licensing Board should take into account the licensed hours of premises when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

Yes

Are there any other matters you think that the Licensing Board should take into account when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

"Having a presumption against the grant of new licences and some applications for major variation by declaring much of the Local Authority areas of overprovision is concerning.

A possible presumption against grant makes justifying investment in a new premise, or extending existing premises unlikely. With planning being achieved before licensing, and with the potential for a licensing refusal, such doubt and risk creates real uncertainty. This stifling effect risks seeing the pub and bar sector in West Dunbartonshire becoming stale, with standards and quality likely to drop.

We would call on the Board to consider the distinction between overprovision and "overconsumption" and consider what, if any, previous policies have had in this area. We would submit that the market should be left to decide access to new licences and major variations. "

Do you agree with the Licensing Board's approach to capturing variations to increase capacity or hours as part of the Overprovision Assessment?

Strongly disagree

Do you agree with the Licensing Board's approach to overprovision on a case by case basis (outwith its proactive assessment)? For example, it is proposed that the Licensing Board utilises intermediate zones. Is this is the best way to determine locality

Agree

RESPONSE FROM LICENSING AGENT

Do you have any comments on this part of the policy?

"Good

Abortive - optional words?"

Should the Licensing Board refer to any other matters in its introduction?

"Tone is very legal and lacks a welcome warmth?

Rather than ""granting""-consider. Granting sounds automatic and does not give another option."

To what extent do you think these measures promote the licensing objectives?

Very effectively

Do you have any other comments on this section?

Provisional licenses-add Premises.

Do you consider the access arrangements for Children and Young Persons to be suitable?

Yes

The terms of the access of children to pre-booked functions has been tightened, with the Licensing Board proposing that such functions would need to be private. Do you consider that this change promotes the licensing objectives?

Yes

The Licensing Board proposes to permit Young Persons unattended in licensed premises until 10pm (unless attending a private pre-booked function). Do you think this is appropriate?

Yes

The Licensing Board has codified the conditions that it would usually attach to premises licences where Children and Young Persons are permitted on the premises at appendix 1 part A. Do you consider these conditions promote the licensing objectives?

Very effectively

The Licensing Board at paragraph 21 has introduced the requirement for off-sale type premises to have a refusal book. Do you consider this to be an appropriate and reasonable requirement?

Yes

The Licensing Board, having regard to feedback received through its pre-consultation exercise, has set out that it will usually attach conditions to premises licences where home deliveries of alcohol are authorised. These conditions can be found appendix 1, part C. Do you think these conditions promote the licensing objectives?

Yes

Do you have any comments as to these conditions, especially from a practical point of view?

"CCTV external-this is a legal minefield.

Interventions-mention here. Working with Police Scotland-how the Board will view etc.

""The Licensing Board encourages licence holders to demonstrate both within their Operating Plan""-where? Practical? Where submissions highlight actions that Premises will take (they are volunteering) these should be added as conditions to their Licenses-with their permission.

22.1 "" import of taking steps"" - TYPO

Refusal register-for home delivery. What do you expect/accept? Standard-minimum details? Should alcohol be delivered separately for other groceries-if the delivery is refused due to Challenge 25 etc. etc. it would be customary and often beneficial to deliver the groceries-if they are mixed through the shopping it would be easy to miss-beware that till receipt descriptions are often abbreviated and not good for this purpose. Or do you expect the whole delivery to be refused?

Following feedback obtained through the pre-consultation exercise, the Licensing Board has developed a standard set of conditions to be attached to occasional licences to promote licensing objectives. These conditions can be found at appendix 1 part E. Are these conditions appropriate for an occasional licence?

Very effectively

Do you have any further comments about part 3 of the Policy?

"At least one designated member of staff to be present within the area at all times to supervise admissions and to objectively monitor the occupant capacity, and to have an effective means of communication with the premises-remove at all times-some premises have very small but important areas and showing they effectively manage should be adequate. Do not penalise - otherwise you will just have large areas.....

The capacity of the outside area shall not exceed [number of persons]. it is important that the capacity of the outside area can be catered for in terms of evacuation (despite being outside this is still a potential issue) and suitable sanitaryware to cope.

If not already provided, baby-changing facilities will be made available for children under the age of 5 years.-inflexible. Only if under 5s are permitted entry-concerts etc

installation of CCTV equipment and images retained as long as possible- minimum of 30days or similar. Cost is minimal and benefit substantial"

The Licensing Board, having had regard to feedback through its pre-consultation exercise, is not proposing to amend its standard licensed hours or exceptions to licensed hours. Do you support this position?

Yes

Please describe any impact the current licensed hours have on you

No issues

This part of the Policy has been expanded to give both applicants and members of the public an understanding of how the Licensing Board will conduct its business. Is this useful?

Very useful

Is there anything else that should be covered in this section?

"The objection or representation must be submitted to the Licensing Board by post or email- can I hand it in at the office?

will require a signed letter of authorisation-provide a template or example. When ideally should they tell the Board (minimise delays).

Can I question through the chair if objectors have added detail and points not in the original letter etc but viewed as acceptable by the clerk?"

Do you think the Licensing Board should take into account the licensed hours of premises when considering whether there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

Yes

Do you agree with the Licensing Board's approach to capturing variations to increase capacity or hours as part of the Overprovision Assessment?

Strongly agree

Do you agree with the Licensing Board's approach to overprovision on a case by case basis (outwith its proactive assessment)? For example, it is proposed that the Licensing Board utilises intermediate zones. Is this is the best way to determine locality

Strongly agree