

WEST DUNBARTONSHIRE LICENSING BOARD

Report by Clerk to the Licensing Board

Licensing Board: 7 March 2023

Subject: Statement of Licensing Policy – Overprovision – Evidence from Police Scotland

1 Purpose

1.1 To submit information detailing alcohol related crimes as contained in the Police Scotland report as annexed at Appendix 1.

2 Recommendations

2.1 It is recommended that the Board:-

- (a) Notes the terms of the information submitted from Police Scotland; and
- (b) Considers whether to request any further data or information from Police Scotland.

3 Background

3.1 At its meeting on 1 November 2022, the Board considered a report from its Clerk outlining matters relating to the development of its Policy and Assessment of Overprovision. It subsequently agreed to various actions including requesting that Police Scotland provide statistical evidence relating to alcohol related crime to inform its considerations around Overprovision.

3.2 As Members will be aware, Section 7 of the Licensing (Scotland) Act 2005 requires the Board's Policy Statement to include a statement detailing 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 Board's area ("Assessment of Overprovision").

3.3 In order to stand up to scrutiny, the Board's Assessment of Overprovision must be evidence based. When considering any evidence, the Board must have due regard to the five licensing objectives: preventing crime and disorder; securing public safety; preventing public nuisance; protecting and

improving public health; and protecting children and young persons from harm.

- 3.4** The information provided by Police Scotland relates to the licensing objectives of preventing crime and disorder, preventing public nuisance, and protecting children and young persons from harm.

4 Main issues

- 4.1** The data supplied by Police Scotland sets out alcohol related crime statistics in relation to the West Dunbartonshire area with reference to the number and location of licensed premises. Page 4 of the report identifies the methodology used to compile the statistics.

- 4.2** The report from Police Scotland highlights various statistics that will be of particular interest to Members. In particular Members will note:

- Table 1 shows the number of Group 1 Crimes of Violence where alcohol was consumed (these are crimes considered to have involved serious violence and include murder, attempted murder etc) recorded within each Intermediate Zone during the period 04 November 2021 – 03 November 2022. The report highlights that levels of serious violence has seen a slight increase in recent years with an increase of 13.4% compared to the five year average for the period April – October 2022. It is also noted that the highest number of crimes per 10,000 head of population was recorded within IZ08 (Mountblow/Parkhall) and IZ18 (Balloch North).
- Table 2 sets out details of crimes and incidents of disorder which cause annoyance to members of the community or damage to their property. The report narrates that during 2021/22 both disorder crimes and incidents within West Dunbartonshire followed an overall downward trend compared to the previous three year average.
- Table 3 provides details of youth related disorder incidents. The report narrates that the statistics show an overall downward trend in youth disorder within West Dunbartonshire during 2012/22 when compared to the previous three year average.
- Table 4 provides details of alcohol specific crimes, for example, consuming alcohol in public or being drunk and incapable. The report highlights that while there is a downward trend with this type of crime, it may be in part related to Covid-19 and the impact of lockdown.

- Table 5 details the number of domestic crimes and incidents which were tagged with an alcohol marker. This means that the victim, offender, or both had consumed alcohol. The report narrates that the total number of incidents with an alcohol marker recorded in 2021/22 was 291 which is a reduction from the 411 recorded in 2020/21 and is lower than the previous three year average figure (388).
- Pages 10 and 11 of Police Scotland's report set out the key findings including a table that ranks intermediate data zones in West Dunbartonshire by the number of crimes and incidents occurring per 10,000 head of population. Members will note that the table usefully details the number of licensed premises in each intermediate data zone as well as the number of alcohol specific crimes per 10,000 head of population.

4.3 The Board will, at this and future meetings, receive reports detailing further information received from other partners as well as the outcome of a pre-consultation survey with key stakeholders and a report with recommendations from the Licensing Forum. Having considered all this information, they will progress with identifying a locality or localities where they consider there to be overprovision and thereafter consult with the relevant parties.

5 People Implications

5.1 The work involved in gathering evidence and preparing the Policy has workload implications for the Board during 2023 but this can be accommodated within existing staffing resources.

6 Financial and Procurement Implications

6.1 The Policy will allow applicants to assess whether there are sufficient prospects of success should they proceed with an application. Therefore a clear policy will assist applicants in avoiding unnecessary expenditure on lodging and legal fees.

6.2 A Policy that is legally unsound or based on erroneous material is more likely to be legally challenged. Such a challenge, should it be successful, will leave the Board liable to possibly substantial legal fees. A well-evidenced Policy will diminish the chances of a successful legal challenge.

7 Risk analysis

7.1 It is a legal requirement to adopt a new Policy. This requires to be done by November 2023. Failure to do so would result in reputational loss for the

Board. Furthermore, the lack of a Policy could undermine the Board's ability to scrutinise applications.

8 Equalities Impact Assessment (EIA)

8.1 An EIA will be required for the new Policy.

9 Environmental Sustainability

9.1 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

9.2 Under the provisions of the Local Government in Scotland Act 2003, the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.

9.3 The information contained within this report has been considered under the Act. However, no action is required as the Act does not apply to the matters presented in this report.

10 Consultation

10.1 The preparation of the Policy will be undertaken in consultation with the Local Licensing Forum which will involve representatives from different parts of the trade, community, police, health, young people etc. Community Planning partners will be involved in preparation of the data and the Forum, Police, licensed trade and Council will be asked for preliminary views on areas to be reviewed. Thereafter there will be a full public consultation on either a proposed Policy or Issues Paper by the middle of 2023.

11 Strategic Assessment

11.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to make sure our communities are resilient and thriving.

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Clerk to the Licensing Board
27 February 2023

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Appendices: 1. Police Scotland's report on alcohol related crimes and overprovision on licensed premises within West Dunbartonshire

Background Papers: None

Wards Affected: All