

WEST DUNBARTONSHIRE LICENSING BOARD

Report by Clerk to the Licensing Board

9 May 2023

Subject: Statement of Licensing Policy – Overprovision – Evidence from NHS Greater Glasgow and Clyde and West Dunbartonshire HSCP

1 Purpose

- 1.1 To submit information detailing alcohol and public health statistics as contained in the NHS Greater Glasgow and Clyde and West Dunbartonshire Health and Social Care Partnership (“HSCP”) Overprovision Assessment report as annexed at Appendix A; and
- 1.2 To submit information detailing the outcome of a public consultation on alcohol consumption and purchasing habits in West Dunbartonshire as carried out by the West Dunbartonshire HSCP as annexed at Appendix B.

2 Recommendations

- 2.1 It is recommended that the Licensing Board:-
 - (a) Notes the terms of the information submitted from NHS Greater Glasgow and Clyde and West Dunbartonshire HSCP;
 - (b) Considers whether to request any further data or information from NHS Greater Glasgow and Clyde and West Dunbartonshire HSCP and in particular information relating to the impact of Minimum Unit Pricing on the alcohol and public health statistics detailed in the Overprovision Assessment report; and
 - (c) Hears from Doctor Daniel Carter, Consultant in Public Health Medicine, in explanation of the aforementioned Overprovision Assessment report.

3 Background

- 3.1 At its meeting on 1 November 2022, the Licensing 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 West Dunbartonshire Alcohol Drug Partnership and

the NHS Greater Glasgow and Clyde provide statistical evidence 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 Licensing 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 Licensing 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 NHS Greater Glasgow and Clyde and West Dunbartonshire HSCP relates to the licensing objectives of protecting and improving public health and protecting children and young persons from harm.

4 Main issues

Information set out in the Overprovision Assessment report

- 4.1 The wide-ranging report from the NHS Greater Glasgow and Clyde and West Dunbartonshire HSCP at Appendix A summarises the statistical information obtained by the NHS Greater Glasgow and Clyde and its partners. The report provides similar data to that which was provided to the Licensing Board in 2018. This data helpfully draws not only upon current local data but also sets West Dunbartonshire's position in a national context.
- 4.2 Doctor Daniel Carter, Consultant in Public Health Medicine, will speak to the report at the meeting.
- 4.3 The Overprovision Assessment report contains statistical information relating to the overall position within West Dunbartonshire as well as information that relates to specified intermediate data zones.
- 4.4 This report highlights various statistics that will be of interest to Members and the information set out here is intended to assist Members with a high level overview of the report. For the avoidance of doubt, the Licensing Board will consider the report in full when determining its Assessment of Overprovision.
- 4.5 Points of particular note are:

- 85% of alcohol is sold in supermarkets and off-sales.
- The rate of alcohol-related hospital admissions in West Dunbartonshire is higher than the Scottish average.
- In 2021, 40 alcohol specific deaths were recorded in West Dunbartonshire. This is the highest number of alcohol specific deaths in the time period from 2010. Alcohol specific death rates for West Dunbartonshire remain higher than for Scotland as a whole.
- Female alcohol specific death rates are rising rapidly whilst the male rate is in decline and is the lowest since 2002.
- Rates of alcohol related mental health hospital admissions are higher than the Scottish average and have consistently been higher for the available time period (2013-2022)
- The highest rates of alcohol ambulance calls are for males in the age groups 35-44 and 55-64.
- The impact on children and families of non-dependent parental drinking has been highlighted by research. Locally, concerns about parental alcohol abuse continue to be identified at a number of case conferences for children on the child protection register.

4.6 The Overprovision Assessment report breaks alcohol harm data down by intermediate data zones. These intermediate data zones are designated areas used for the dissemination of statistics. There are 18 intermediate zones within West Dunbartonshire. The population of these areas range from 3,464 to 7,162 persons. Members will be aware that the Licensing Board's current Overprovision Assessment makes use of intermediate data zones.

4.7 The following information presented on an intermediate data zone level is of particular note:

- Local Alcohol Related Hospital Admissions data shows that only three intermediate zones of the 18 within West Dunbartonshire are lower than the national average rate of 61.1 per 10,000 population in 2021/22.
- Local data in relation to Alcohol Specific Deaths in 2019/21 shows that only seven of the 18 intermediate zones comprising West Dunbartonshire are lower than the Scottish average of 5.8 deaths per 10,000 population. Further 10 intermediate zones have seen this indicator increase since the start of the Licensing Board's current Statement of Licensing Policy.
- The data for 2021/22 shows that six West Dunbartonshire intermediate zones had a lower rate of Alcohol Related Mental Health Admissions than Scotland (12.8 per 10,000 population).

- The data shows all intermediate zones within West Dunbartonshire have residents living in the 40% most deprived Scottish Index of Multiple Deprivation quintiles.
- An analysis of the three main alcohol related health indicators (Alcohol Related Hospital Admissions, Alcohol Specific Deaths, and Alcohol Related Mental Health Admissions) has been undertaken by Intermediate Zone. All Intermediate Zones have two or more indicators worse than the Scottish average except for IZ05 (Goldenhill, Parkhall North, East Kilbowie & Hardgate Central), IZ07 (Duntocher & Cochno), and IZ09 (Old Kilpatrick).

Community Consultation on Alcohol 2022

- 4.8 The West Dunbartonshire HSCP carried out a public consultation on alcohol consumption and purchasing habits between 15 November and 14 December 2022. Members should note that the consultation report details that the findings presented provide context to other evidence that the Board will consider. However the number of responses (224) *“does not form a representative sample for the population of West Dunbartonshire...In addition, the self-selection sampling method may produce bias in findings.”*
- 4.9 The report contains the following findings of particular note:
- 50% of respondents reporting drinking at home, 20% at a pub, bar or nightclub, 16% report they do not drink alcohol and the remaining 14% drink at a mix of family homes, restaurants and other venues.
 - Over 79% of respondents report purchasing alcohol for consumption off the premises.
 - 52% of respondents travel more than five minutes but less than 15 minutes when purchasing alcohol, 31% report travelling less than five minutes with 17% reporting that they travel for more than 15 minutes when purchasing alcohol.

Next steps

- 4.10 The Licensing Board have received reports detailing further statistical information received from Police Scotland and other partners as well as the outcome of a pre-consultation survey with key stakeholders and a report 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 Licensing Board. Furthermore, the lack of a Policy could undermine the Licensing 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.

Alan Douglas
Clerk to the Licensing Board
20 April 2023

Person to Contact:	Michael McDougall, Depute Clerk to the Licensing Board, Regulatory and Regeneration, West Dunbartonshire Council, Municipal Buildings, Dumbarton G82 1NR e-mail: michael.mcdougall@west-dunbarton.gov.uk
Appendices:	Appendix 1: Overprovision Assessment Appendix 2: Community Consultation of Alcohol 2022
Background Papers:	None
Wards Affected:	All