



Licensing Policy Pre-Consultation

QUESTION SUMMARIES

DATA TRENDS

INDIVIDUAL RESPONSES

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Respondent #19 ▼



COMPLETE

Started: Thursday, February 23, 2023 11:58:24 AM

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Page 2: What is the purpose of this consultation?

Q1

In what capacity are you responding?

On behalf on organisation

Q2

If responding on behalf of an organisation please state which

Scottish Grocers Federation

Page 3: Part 1: Introduction

Q3

At paragraph 7, the policy refers to national strategies or local policies that the Board may have regard to. Are there any of these that are no longer relevant or any not named that the Board should consider including here?

Respondent skipped this question

Q4

At paragraph 8, the policy notes that the Board recognises that tourism is a major contributor to parts of its area, particularly the Local Lomond area. How does the Board's current policy impact on tourism?

Respondent skipped this question

Q5

Is there anything the Board can consider doing to support the local tourist economy through its policy?

Modern local convenience stores are community assets, from offering busy families a top-up shop facility on the one hand, to helping patrons (particularly vulnerable people) manage their weekly household budgets during the cost-of-living crisis and providing an essential alternative to larger or out of town supermarkets. Many people rely on their local convenience store with the average shopper visiting their local store 2.7 times per week and with 57% of customers choosing to walk as a mode of travel to stores. During the Covid pandemic in particular, local shops were on the front line, providing essential services for many vulnerable people and communities.

Q6

Do you have any general comments in relation to Part 1 of the Board's policy?

Respondent skipped this question

Page 4: Part 2: The licensing objectives



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Respondent skipped this question

Q8

Can the Board take any additional steps to help promote the licensing objectives?

Respondent skipped this question

Q9

At paragraph 16.4, the policy sets out various recommendations around children and young persons' access. Do you think that these recommendations are sufficient to protect children and young persons from harm?

Respondent skipped this question

Page 5: Part 3: Licences

Q10

At paragraphs 18.2 to 18.4 the policy sets out the Board's approach to children and young persons' access to licensed premises, for example, the standard terminal hour for children and young persons' access and situations when children and young persons will be permitted on licensed premises.

Respondent skipped this question

Q11

At paragraph 18.6, the policy discusses the Board's approach to home deliveries of alcohol. Does this approach deal with with any issues that may arise in terms of the licensing objectives?

If you have answered 'no', what other measures can the Board consider?:

Delivery of Alcohol and consumption by persons under 18 or drunk persons 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. The SGF Local Shop Report highlights that 26% of convenience stores offer some form of grocery delivery, providing an important service to their communities. 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. SGF members have reported that they ban any household where they suspect underage sales maybe taking place, and go out of the way to ensure they abide by the regulation. SGF promotes responsible retailing, including the sale of alcohol and any of the other 222 products restricted under legislation.

Q12

At paragraph 18.7 to 18.13, the policy describes how the Board will licence outside drinking. Is the approach in the policy sufficient to promote the licensing objectives of preventing public nuisance or any other licensing objective you think relevant?

Respondent skipped this question

Q13

Paragraph 20 sets out the Board's approach to occasional (i.e. temporary) licences. Is the Board's general approach to dealing with occasional licences fit for purpose?

Respondent skipped this question

Q14

Paragraph 21 deals with how the Board will process and determine extended hours certificate applications. Does the Board's approach promote the licensing objectives?

Respondent skipped this question

Q15

At paragraph 22 of the policy, the Board addresses those premises that are tenanted out and where the premises licence holder is the landlord. Do you have any comments on the Board's approach here?

Respondent skipped this question

Q16

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Page 6: Part 4: Overprovision

Q17

Should the Board continue to include the current localities within its assessment on overprovision? Please see the Board's policy at paragraph 23.9 for details of these localities.

No

What are the reasons for your answer?:

We recognise the Board's duty to assess overprovision under Section 7 of the Licensing (Scotland) Act 2005 in respect of licensed premises or licensed premises of a particular description in any locality within the Board's area. We also recognise that, in determining if there is overprovision, the Board must have regard to the number and capacity of licensed premises in the locality together with any other matter the Board sees fit. 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.

Q18

What impact, if any, do you think the Board's overprovision policy has had on any of these localities?

Respondent skipped this question

Q19

Should the Board consider identifying any other localities as being overprovided for in terms of licensed premises, and if so, why?

Respondent skipped this question

Q20

The Board considers there to be overprovision of the following types of licensed premises within 16 of the 18 localities that make up West Dunbartonshire: - public houses;- nightclubs; - off-sales and local convenience stores; and - supermarkets.Does this approach to overprovision continue to be appropriate?

Please let us know why you think this.:

Rather than taking a 'blanket' approach to overprovision regarding off-sales and public house type premises, the Board should continue to take into account the specific activities and mode of operation of the applicant. It is important to note that arguably 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, the case law has shown that a licensing board must base any decision around overprovision in a targeted, evidence-led basis. Decisions from Aberdeen and Dundee have shown that selecting an arbitrary location which is not based on probative evidence would be unlawful. 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.

Q21

The Board's policy in relation to overprovision recognises the positive health benefits associated with increased employment opportunities. This may be a factor that the Board has regard to when determining an application in an area of overprovision. Does it remain appropriate for the Board to continue to have regard to these benefits?

Yes

Please let us know why you think this.:

SGF recognise the associated benefits that come from a convenience store opening in a local area. A store opening will create jobs and offer access to fruit and vegetables to the local community. The SGF Healthy Living Programme (HLP) has been successful in enabling customers to make healthy eating purchases in-store and now has over 2,400 stores participating. With 5,098 convenience stores in Scotland and with 75% of independent retailers engaged in some form of community activity in the last year convenience stores have an increasingly important role in their local communities. In addition, the SGF Go Local Programme, backed by the Scottish Government, supports convenience stores provide dedicated, long-term display space for locally sourced Scottish products. On average, participating stores generated an annual local multiplier figure of £723k, based on retail scanning data provided for all Scottish products. These initiatives may be relevant to the licensing objective of Improving and Protecting Public Health and supporting local businesses, and therefore, may be

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shop there. The convenience element of being able to get their "full basket" from the competitor provides an unfair commercial advantage. Capacity is an important issue in determining overprovision. If the entire Board area was regarded as being overprovided for it would prevent retailers from ever increasing the capacity of their alcohol sales area. However, in practice such increases would not dramatically increase the amount of alcohol being sold. It would be a paradox if a 20m2 increase in selling area of a convenience store was counted as just as big a threat to an overprovision assessment as a new out-of-town hypermarket. Retailers frequently re-merchandise and refit stores to best meet consumer needs. Most of the time these will just involve 'micro-space': keeping the existing shelving and general space splits but moving products around on the shelves. Sometimes, however, to meet consumer demand, to fit in with new brand ideas or to roll out improved formats 'macro-space' revisions are necessary. These may involve changing old shelves for new, increasing or decreasing the splits in store space between different categories, or gutting and refitting the store entirely. Extensions to the selling area might be necessary under macro-space refits. It should be noted that, of course, retailers are charged a fee for any major or minor variation to their licences. Creating a general presumption that no increase in alcohol capacity would be approved in the entire Board area would almost certainly mean that existing retailers would not invest in modernising and refitting stores.

Q22

Should the Board consider licensed hours when considering if there is an overprovision of licensed premises, or licensed premises of a particular description, in a locality?

Respondent skipped this question

Q23

Are there any other matters that the Board should consider when considering matters relating to overprovision?

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.

Page 7: Part 5: Licensed hours

Q24

The Board will generally consider 10am to 8pm as appropriate licensed hours for off-sales with the additional hours of 8pm to 10pm only given where the applicant can demonstrate suitable enhanced control measures are in place. Does this approach promote the licensing objectives?

No

Please let us know why you support or oppose this policy position.:

The Licensing (Scotland) Act 2005 sets out the maximum permitted hours for off sales type premises are 10am to 10pm, each day of the week. SGF supports this policy on licensed hours. Retailers are used to the current licensed hours and so SGF would not want to see them changed. Also, SGF would not support any reduction to the available licensed hours as we believe there would be no evidential basis for such a decision and would also leave applicants for new stores at a disadvantage. 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. SGF would not support any reduction to the available licensed hours. Convenience stores are community assets which offer key services to local communities. Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way.

Q25

In relation to premises offering no significant entertainment facilities, such as public houses, hotel bars, and members clubs, the Board considers a terminal hours of 12midnight on Sunday to Thursday and 1am on Friday and Saturday to be appropriate. Do you agree?

Respondent skipped this question

Q26

In relation to premises offering significant entertainment facilities, such as nightclubs, the Board considers a terminal hour of 1am on Monday to Wednesday and 3am on Thursday to Sunday to be appropriate. Do you agree?

Respondent skipped this question

Page 8: Additional comments



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Respondent skipped this question

Q28

Do you have any other comments about the Board's policy?

SGF works with its membership and the convenience sector as a whole to ensure that they are fully compliant with licensing legislation and are selling alcohol responsibly both in terms of pricing and promotions.

While we welcome this consultation exercise the SGF believe the licensing system should not be onerous on retailers. We hope that you find these comments helpful.

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