

Licensing Overprovision Consultation

Argyll and Bute Licensing Board

Final Report

November 2015

Contents

1	Introduction	1
2	Campbeltown.....	5
3	Dunoon	11
4	Helensburgh.....	15
5	Oban	21
6	Rothesay	25
7	Other stakeholders	29
8	Conclusions	31
	Appendix 1 - Licensing Overview Paper	33
	Appendix 2 – Community Presentation	37
	Appendix 3 – Licensees Presentation.....	42

1 Introduction

1.1 This report presents the findings of consultation regarding overprovision of licensed premises in Argyll and Bute. Iconic Consulting undertook the consultation on behalf of Argyll and Bute Licensing Board in September, October and early November 2015. Licensing Boards are required by legislation to consider the issue of overprovision in their area and preliminary work undertaken by Argyll and Bute Licensing Board provisionally identified the five towns of Campbeltown, Dunoon, Helensburgh, Oban and Rothesay as potential areas of overprovision. The consultation exercise sought the views of a range of interested parties including the community, existing premises licence-holders, and young people in the five towns.

Background

1.2 The Licensing (Scotland) Act 2005 regulates the sale of alcohol in Scotland. Following the Act, Argyll and Bute Licensing Board was one of 40 Licensing Boards established across Scotland to set local policies on the sale of alcohol and to consider applications for on-sale and off-sale premises licences. On-sale licences allow alcohol to be sold and consumed on premises such as public houses, restaurants, nightclubs, and private members' clubs such as bowling, social and sailing clubs; some on-sale licences also allow alcohol to be consumed off the premises. Alcohol sold by an off-sale premises such as licensed grocers, shops and supermarkets cannot be consumed on the premises.

1.3 The 2005 Act set out five Licensing Objectives that underpin the licensing system and Boards must have regard to the Objectives in both its policy and decision making. The five Objectives are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm.

1.4 Each Licensing Board is required to publish a statement of licensing policy at least once every three years. The policy statement sets out how the Board intends to exercise its statutory functions and its approach to matters such as licensed hours or children's access to licensed premises. The Act requires the policy statement includes:

“A statement as to the extent to which it 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”.

1.5 If a Board states there is overprovision in all or part of its area, there is a presumption against the granting of new premises licences in that area on the grounds that it would be inconsistent with one or more of the Licensing Objectives, unless an applicant was able to demonstrate to the Board that granting the application would not undermine the Objectives. In other words, the Board is stating that the number of licensed premises is at *saturation point* and the granting of further premises licences would add to alcohol-related crime and disorder, public safety, public nuisance, public ill-health, or harm to children.

1.6 With regard to overprovision, Argyll and Bute Licensing Board’s [Statement of Licensing Policy 2013-16](#) stated:

“Having consulted with the Chief Constable of Police Scotland and the Local Licensing Forum, the Board has reached the view over previous years that there were not any particular areas which should be regarded as separate localities for the purpose of assessing possible overprovision.

Further, the Board did not consider that there was any evidence of a saturation point having been reached in respect of licensed premises generally or in respect of any particular type of licensed premises which would indicate a current difficulty with overprovision”.

1.7 The Statement did however commit the Board to keep overprovision under review and to gather further evidence. To this end, Argyll and Bute Licensing Board undertook advance consultation consisting of online surveys of the community and existing premises licence-holders in early 2015. Response rates were low and the findings unrepresentative resulting in the Board agreeing not to include the information as part of their overprovision assessment. In addition, the Licensing Board gathered the following statistical information:

- NHS Highland data on the number of alcohol-related hospitalisations and alcohol diagnosis per 1,000 population.
- Alcohol Focus Scotland (AFS) data on alcohol-related hospitalisations and death rates across Scotland.
- Police Scotland data on alcohol-related crime per 1,000 population.
- Scottish Ambulance Service on incidents where alcohol was noted as a factor.
- Scottish Fire & Rescue Service data on alcohol-related incidents.

1.8 The data was presented and analysed at Intermediate Data Zone level of which there are 22 in Argyll and Bute each with an approximately equal population size. For each data set, the Intermediate Data Zones were ranked, with those above the Argyll and Bute average noted. This exercise identified seven Intermediate Data Zones which were ranked as above average on at least three different data sets.

Intermediate Data Zone	Frequency of above average ranking	Data set
Dunoon	5	NHS, Police, Fire & Rescue, Ambulance, AFS
Helensburgh Centre	4	NHS, Police, Ambulance, AFS
Helensburgh East	4	NHS, Fire & Rescue, Ambulance, AFS
Rothesay	4	NHS, Police, Fire & Rescue, AFS
Oban South	3	NHS, Ambulance, AFS
Oban North	3	NHS, Police, AFS
Campbeltown	3	NHS, Police, AFS

1.9 The Act includes a duty on the Licensing Board to consult the Licensing Forum and other interests not represented on the Forum regarding licensing matters, including overprovision. The Scottish Government issued [guidance](#) on the Licensing Act and it stated that consultation on overprovision should:

“be evaluated to identify robust and reliable evidence which suggests that a saturation point has been reached or is close to being reached, always provided that a dependable causal link can be forged between that evidence and the operation of

licensed premises in a locality”.

- 1.10 Argyll and Bute Licensing Board agreed to commission external consultants to undertake consultation to inform the development of its policy statement on overprovision.

Consultation

- 1.11 The stated aim of the consultation was to ascertain the views of licensees and communities in relation to the availability of alcohol in those localities that have been provisionally identified as areas of over provision i.e. Campbeltown, Dunoon, Helensburgh, Oban and Rothesay. The brief also stated, in order to meet the relevant statutory requirements, the consultation must include such persons representing the interests of:

- the holders of premises licences within the locality
- Persons resident in the locality
- Young people
- Other persons as relevant.

- 1.12 In particular, relevant Community Councils and the Argyll and Bute Licensing Forum were to be included in the consultation.

- 1.13 The brief stated the consultation should identify:

- Whether there is an overprovision of premises licensed to sell alcohol in any or all of specific areas within Argyll and Bute - namely Campbeltown, Dunoon, Helensburgh, Oban, and Rothesay.
- In what type(s) of premises is there overprovision (if any).
- What are the reasons for the overprovision (if any).

Methods

- 1.14 The following methods were adopted to meet the study brief.

Community

- 1.15 Relevant Community Councils were identified for the five towns and arrangements made to attend their next available meeting. This led to attendance at Bute, Campbeltown, Dunoon, Helensburgh, and Oban Community Councils in September and October 2015. A summary paper was circulated to each Community Council in advance (see Appendix 1) and a presentation made at the meeting (see Appendix 2), both of which outlined the licensing process, findings from the statistical analysis, and the aims of the consultation; a number of questions were posed to encourage debate and gather the views of Community Council members. Invitations were also extended to Hunter’s Quay, and Rhu and Shandon Community Councils because of their proximity to Dunoon and Helensburgh respectively and the inclusion of part of these settlements in the Dunoon and Helensburgh West and Rhu Intermediate Data Zones used in the Board’s statistical analysis. Both these Community Councils welcomed the invitation but were content not to take part directly.

- 1.16 To increase the accessibility of the consultation process, contact was made with four Registered Social Landlords in Argyll and Bute – Argyll Community Housing Association (ACHA), Fyne Homes, West Highland Housing Association and Dunbritton Housing Association - in order to identify relevant tenants and residents associations. ACHA identified Dalintober and Millknowe Tenants and Residents Association in Campbeltown and arrangements were made to attend their next available meeting in September 2015.

No other groups were identified although Fyne Homes did distribute a summary of the consultation and the questions to its residents' panel; as there were only nine responses and the respondents' area of residence was not recorded the information has not been included in this report.

- 1.17 Awareness of the consultation process was raised via Argyll and Bute Council's website and e-newsletter, and by contacting Argyll Voluntary Action; interested parties were invited to contact Iconic to share their views.

Young People

- 1.18 Initial discussions with Argyll and Bute Council's Youth Services identified Youth Forums or other relevant groups in the five towns. This led to attendance at Dunoon, Helensburgh, Oban, and Rothesay Youth Forums in September, October and November 2015. In Campbeltown consultation sessions were held with Kintyre Youth Enquiry Service and a group of S4 pupils from Campbeltown Grammar School that Youth Services work with on a regular basis.

Licensees

- 1.19 Argyll and Bute Licensing Board supplied the name and address of existing premises licence holders broken down by Intermediate Data Zone. Licensees were invited to meetings in October 2015 to discuss overprovision in the five towns and gather their views on a policy should it be introduced. Invites were posted to 221 licensees in total from Campbeltown (26), Dunoon (44¹), Helensburgh (51), Oban (67) and Rothesay (33). The invitation emphasised that licensees unable to attend the meetings could share their views directly with Iconic. A copy of the presentation used in the meetings is shown in Appendix 3.
- 1.20 To widen the consultation process views were also gathered from on-trade licensees attending the Helensburgh and Oban Pubwatch meetings on 3 and 5 November 2015 respectively.

Other stakeholders

- 1.21 At the outset of the consultation, a working group of Argyll and Bute Licensing Board agreed that other relevant persons would consist of elected members of Argyll and Bute Council representing the wards containing the five towns (24 Councillors in total), as well as the Council's two Licensing Standards Officers, and representatives from Police Scotland, NHS Highland, Argyll and Bute Alcohol and Drug Partnership and Argyll and The Isles Tourism Co-operative. It was also agreed that a special meeting of Argyll and Bute Licensing Forum would be convened to consult its members and a meeting was arranged for 1 October 2015.

Report structure

- 1.22 This report is structured as follows:
- Chapters 2 to 6 present the findings of consultation in each of the five towns.
 - Chapter 7 presents the findings of consultation with other stakeholders.
 - Chapter 8 draws together overall conclusions.

¹ Including 11 in Hunter's Quay.

2 Campbeltown

- 2.1 The findings from consultation with the community, licensees, young people, and elected members in Campbeltown are summarised below.

Community

- 2.2 Consultation with Campbeltown Community Council took place at a meeting on 12 October 2015; there were eight attendees including an elected member from Argyll and Bute Council, a Police Scotland officer, a representative from South Kintyre Development Forum and a local newspaper reporter. Attendees initially discussed alcohol's impact on the local community and the statistical information presented to the group.

- 2.3 There were some reservations about the reliability of the statistics. One consultee suggested that it was *"hard to comment"* on health matters given that they might be considered private to the affected individuals and not widely known about. Despite the crime, disorder and safety statistics showing a number of alcohol-related issues, there was a consensus that Campbeltown was a safe place, that alcohol's impact on the community was limited and any issues were not something that could be addressed by an overprovision policy. Some suggested that the statistics showed Campbeltown in a bad light because the locality was better at tackling and reporting on incidents than other areas. One person suggested the crimes might relate to a small group within the population and not reflect a wider community issue: *"when you look at the court lists...it seems to be the same people time and time again"*. Some of the consultees found the domestic incidents statistics *"surprising"*. Although members of the Community Council questioned the relevance of crime, disorder and safety statistics, the police representative suggested:

"You shouldn't have to go out to a pub on a Saturday night and expect that you may get assaulted coming home because people are overly drunk. It is a problem here that I've noticed. It is almost a weekly occurrence that there is a disturbance, there's people been fighting with the police on numerous occasions since I've been here".

- 2.4 It was also highlighted that the local press provided limited coverage of alcohol-related incidents due to lack of capacity to cover matters at court and that this may reduce the community's awareness of such issues. The attendee from Police Scotland suggested that those representing the community could accompany officers 'on the beat' to get more insight into the drinking culture and its impact on the local area.

- 2.5 During the discussion that ensued, there were a number of comments that individuals engaged in alcohol-related disorder were more likely to purchase drink from off-sales:

"This was a wee town with two or three off-licences and now the supermarkets have killed it, selling booze at that price, folk are going out and buying carry out, going to someone's house, get steamed up then going out and causing havoc when they go out but, they're not drinking in the pubs, they're maybe going there to end their night".

- 2.6 Despite linking drunkenness to off-sales provision, when questioned, the consultees did not feel an overprovision policy in relation to off-sales would be effective. Their conclusion was that price, rather than availability, was the main driver of excessive alcohol consumption.

-
- 2.7 There was a view that an overprovision policy focused on the on-trade could be damaging to local licensed businesses and send a negative message to potential tourists. There was also a view that the Licensing Board should consider overprovision on a case-by-case basis rather than through an overarching policy:

“Each location should be taken on its merits by the Licensing Board when it comes forward...and if there’s particular problems with particular premises then they should take appropriate action, rather than speaking for the sake of the whole Community Council and saying there’s overprovision which would cause a problem in Campbeltown”.

- 2.8 Alternatives to an overprovision policy were suggested by attendees on ways to reduce alcohol-related harm. This included extending licensing hours for on-sales trade: *“Give the licensees a later licence and then they wouldn’t be out on the streets fighting because they would still be in the pubs, they wouldn’t be able to squeeze it into the three hours that they’re out”.* It was also suggested that more training for bar staff may help prevent underage drinking and serving customers who are intoxicated *“just trying to educate even barman to say: you’ve had enough, time to go home”.*

- 2.9 To broaden the community consultation in Campbeltown, views were also gathered from Dalintober and Millknowe Tenants and Residents Association on 29 September 2015 and there were five attendees. The group raised similar issues to the Community Council regarding the data insofar as they felt it was difficult to comment further on health issues, and they questioned the representativeness of the crime data suggesting that repeat offenders made the figures misleading.

- 2.10 Those present were not in favour of an overprovision policy in relation to on-sales, suggesting there had been recent decline in licensed premises and the need for some choice in the types of establishments available to customers:

“The number of bars that’ve closed over the last couple of years, seven have closed, so I don’t think there’s overprovision in that. And the different bars cater for different types of customer; they have different provision.... (if an on-sales overprovision policy were introduced) there might be a movement of drinkers to other pubs, that doesn’t mean to say because places close that people stop drinking, they just move somewhere else.’

- 2.11 The group discussed the availability and affordability of off-sales but ultimately concluded that an off-sales overprovision policy would not affect the volume of alcohol consumed. Their main concern was alcohol pricing with comments including:

“I went to Tesco’s and bought that (1.5 litre bottle of water) and I also bought that (1.76 litres of bitter), which is the dearest? The water is the dearest. So, I think the problem is not with the licensed premises, it’s with the supermarkets because people get loaded before they go out because they can buy it so cheap. Alcohol is cheaper than water”.

“That’s the done thing nowadays – they get a carry-out and go to the house and drink it, because it’s cheaper”.

- 2.12 There was also a view that an overprovision policy would not affect longstanding drinkers:

“A lot of the people that maybe are ill or have got cirrhosis of the liver have been

drinking for years and years and years, not just within the last few years. The known alcoholics are set”.

Licensees

- 2.1 Four on-trade licence holders from Campbeltown attended a licensees meeting on 13 October 2015. Attendees expressed mixed views about the statistics presented to the group. In relation to the data on health, crime, safety and disorder, one licensees stated:

“were not surprised... but I’m afraid it’s like this across the board [Scotland], not just in general, it’s certainly not just in Argyll and Bute”.

- 2.2 The licensees suggested the on-trade went some way to mitigate alcohol-related harm, in terms of *“keeping an eye”* on customers’ health and preventing social isolation:

“Your ones that are hardened drinkers...you try your best, you maybe give them a sandwich to make sure that they’ve eaten something that day because some of them, they’ve got nobody”.

“Somebody’s been missing for two or three days, you say ‘where’re they today? They’ve not been in a couple of days’ and somebody goes looking for them”.

- 2.3 One licensees stated they were not *“against”* the notion of an overprovision policy in general terms but felt it needed to be based upon more robust evidence than the information currently available:

“I think this overprovision to me has some good aspects, but I think it would have to be very carefully done, I don’t totally agree with it”.

- 2.4 There were concerns that an overprovision policy could be damaging to businesses and affect tourism and investment in the area: *“I don’t think overprovision would actually help here, I think it would be more of a hindrance to our economy”.* One person suggested that an overprovision policy might send the *“wrong signal”* to families thinking about moving to or staying in the area, highlighting that Argyll and Bute was already struggling with the effects of depopulation.

- 2.5 During initial discussions about on-sales premises the licence holders suggested that recent cultural changes and the closure of local pubs meant that there was *“no overprovision case for on-sales to argue”.* There were several comments about changes in drinking habits contributing to a general decline in social drinking at on-sales premises:

“It’s just weeuns that go out now”.

“I think the new drink driving limit has actually had an effect”.

“Thursday night used to be a cracking [busy] night and what are you looking at now? Couple of dozen?”.

- 2.6 Throughout the remainder of the session, most of the licensees’ comments focused on the impact of alcohol purchased through off-sales:

“There’s more people drinking in the house, they don’t have a time limit, they don’t have 35ml measures and the kids are there”.

“The cheap drink – that is definitely an issue. People can sit in the house and get drunk for £16, at the pub they would spend double that in the same time”.

- 2.7 The consensus among attendees was that despite the adverse impacts identified and discussed, overprovision was not welcome nor considered an effective tool to reduce the level of alcohol consumption in Campbeltown. After much debate, the licensees felt that price, staff training, and the application of existing licensing tools would be more effective than an overprovision policy in reducing the amount of alcohol consumed in the local area. Comments included:

"It's also educating the staff that's actually down in these places that if you've got children in there, they're educated about what times they are permitted and not permitted to be on site".

"The Board is tough, it's a fair board and I think they've got enough tools within the resources and the existing legislation and their own policies; I don't think they need to be creating any rules about overprovision".

- 2.13 A fifth licensee submitted comments via e-mail. They were of the opinion there was overprovision of licensed premises in Campbeltown describing current provision as "quite staggering" despite recent closures of a number of on-trade. The licensee noted that off-sales accounted for an increasing proportion of sales and was able to undercut the on-trade which was leading to more alcohol-related harms which was *"something the Licensing Board should be taking a much closer look at and controlling better"*.

Young People

- 2.14 Young people from Campbeltown participated in two consultations. The first session involved seven young people aged between 18 and 24 from Kintyre Youth Enquiry Service; there were four males and three females. The second session involved 14 S4 pupils - aged 14 and 15 - from Campbeltown Grammar School; 13 of the 14 young people were male.
- 2.15 All of the young people attending the Kintyre Youth Enquiry Service session were over 18 and therefore old enough to purchase alcohol from licensed premises and all consumed alcohol on a regular basis. The majority of their alcohol purchases were from off-licences including local stores and Tesco and the Co-op supermarkets in Campbeltown mainly, they stated, because it was cheaper than buying drinks in the local pubs and they tended to consume the alcohol in friends' houses or at home; sometimes they would go to the pub afterwards. The drinks purchased included Buckfast, *"cheap whisky"*, cider and *"if I don't really have the money, it's vodka"*. Some of the young people also mentioned that they felt safer drinking at home or in friends' houses rather than local pubs with one commenting about pubs in the town centre *"the usual people who go in there, they're barmes basically, you go in there and people are starting on you all the time"*. When they were younger the consultees consumed alcohol under-age which older friends in their peer group purchased. Pub staff were viewed as being strict on asking for ID.
- 2.16 The majority of the young people attending the Kintyre Youth Enquiry Service were not supportive of an overprovision policy as they did not believe it would have an effect on consumption and alcohol-related harms, and these views applied to both on- and off-trade premises. During the discussion there was some limited support for the proposals from a minority of individuals although they did not distinguish between on- or off-trade. Comments included:

"It possibly could change things but I don't think it will".

"It could make a wee, tiny difference. It would start giving people the idea that it's

maybe not a great idea (to drink). If you can try and stop it, you might as well give it a go. If it doesn't work, it doesn't work, if it does it saves someone's life".

- 2.17 In the longer term if pubs shut and an overprovision policy prevented new ones opening, some of the young people were concerned that it could lead to additional alcohol-related crime and incidents as drinkers would be concentrated into fewer premises. If there were fewer off-licences in the longer term, the young people generally said they would still purchase the same amount of alcohol from off-licences with one commenting *"if there were no places in Campbeltown I probably would go (somewhere else to purchase alcohol) as it is a night where you let your hair down and I wouldn't give that up for anything"*. There were also some comments on the economic benefits that new licensed premises bring to the town and concerns that an overprovision policy could prevent this.
- 2.18 It was suggested that young people should be better educated about the dangers of drinking and there was a consensus that it would have a greater impact on alcohol consumption than an overprovision policy – *"when you are younger you don't realise the effect alcohol will have on you"*. There was also a suggestion that minimum unit pricing would make a difference although they noted that young people would still be able to afford alcohol from money they are given by their parents or part-time jobs, with one young person commenting *"people will find a way, they'll keep on trying... I remember at school some people were saving up money they had for lunch to get something (alcohol) at the weekend"*.
- 2.19 The young people attending the session at Campbeltown Grammar School suggested that underage drinking was common in the town with young people drinking every weekend. They stated that young people would ask older friends or relatives or someone in the street to buy alcohol for them. The alcohol would generally be consumed outdoors for example in parks or *"other silly places like the shipyards"*. Money to buy the alcohol came mainly from parents although some young people had part-time jobs. The young people had witnessed alcohol related arguments and occasionally violence, as well as knowing of young people attending A&E because of excess alcohol consumption.
- 2.20 The young people at this session were generally of the view that an overprovision policy would not stop young people their age from drinking. They were of the opinion that young people would still drink alcohol even in the longer term if the number of off-licences reduced. One attendee suggested if young people could not get alcohol they would take drugs instead.
- 2.21 It was suggested that young people drink because there was *"nothing for young people to do"* and having alternative evening attractions would have a positive impact on underage drinking. A skate park was among the suggested diversionary activities although some of the young people felt it could become a place where young people congregated and consumed alcohol. The group did not generally think the price of alcohol was important as they felt young people had enough money to allow them to purchase alcohol even if it were more expensive. The attendees had recently had alcohol education from youth workers but it had not changed their drinking patterns or views, and they did not think it would have made a difference had they received the advice when they were younger.

Elected Members

- 2.8 Four elected members from Argyll and Bute Council representing Campbeltown took part

in the consultation through a mixture of one to one and group discussions. The elected members suggested the statistical information could be misleading as *“stats don’t tell you the whole picture”*. All four elected members considered Campbeltown to be a very safe community to live in; they felt that the crime incidents identified by the police related to a small minority within the community and also posited that drugs, as opposed to alcohol, might play a higher role in any crime, disorder or nuisance. They praised the police for adopting a stronger response in recent years to monitoring and tackling issues that occurred during the town’s nightlife. During discussions about health, the Councillors acknowledged that health harm might be hard to identify but highlighted that well-being and a sense of community were important factors of mental health and that pubs provided a vital social function in Campbeltown.

- 2.9 Across the discussions, there was a consistent view that an overprovision policy in relation to on-sales was not considered a necessary or an effective way to reduce alcohol-related harm, for example one Councillor commented *“the same folk that drink in them circulate anyway – restricting new premises or closing existing ones wouldn’t have an impact”*. There were also fears that the introduction of an overprovision policy focused on the on-trade could adversely affect local businesses, tourism and economic development which was perceived to be a high priority for the local area. One Councillor commented:

“All the pubs in the area have their place... we’re known as a tourist destination and whisky features heavily in that profile, we don’t want to affect the impression people have of Campbeltown”.

- 2.10 In consideration about off-sales licences the elected members frequently alluded to the price of alcohol from supermarkets as a key concern however there were mixed views as to whether or not an overprovision policy restricting the volume of shelf space or new large scale alcohol retailers would be effective. Two Councillors strongly concluded that *“legislation and restrictions are not the answer”*. There was a suggestion that the Licensing Board should consider each application on its merit *“it would be far better for them to look at this on a case by case basis rather than creating a blanket rule”*. Other suggestions from Campbeltown’s elected members on ways to reduce alcohol-related harm included encouraging the sale of non-alcoholic drinks in pubs and fostering a continental culture to ensure that younger generations grow up with positive role models.

3 Dunoon

- 3.1 The findings from consultation with the community, licensees, young people, and elected members in Dunoon are summarised below.

Community

- 3.2 Views were gathered from Dunoon Community Council at their meeting on 14 September 2015. In total 13 people attended the meeting including an elected member from Argyll and Bute Council and a local police officer. One Community Council member commented that the Board's statistical analysis should take into account the significant numbers of tourist who visit Dunoon, particularly during the summer season and the Cowal Games, as licensed premises serve that market as well as the resident population; it was noted that this would be most relevant to data on the number of licensed premises and alcohol-related crime. There was also a comment that alcohol consumption was more closely linked to deprivation than availability and the Board should take into account that Dunoon was one of the most deprived parts of Argyll and Bute, and Scotland. One Community Council member stated they would have found information on how Dunoon compares to other areas of Scotland useful, not just how it compares to the rest of Argyll and Bute.
- 3.3 Pubs in Dunoon were seen as "struggling" and not attracting large numbers of customers. Alcohol-related issues had not been discussed at previous Community Council meetings, or raised in police reports to the Community Council, and the members were unaware of any significant issues other than drinking associated with the Cowal Games and young people reportedly drinking in the Castle grounds.
- 3.4 Overall the Community Council members were supportive of an overprovision policy in Dunoon and the other towns. There were however, doubts about whether it would impact on alcohol-related problems with one member urging caution in the absence of a strong correlation between alcohol outlets and alcohol-related health issues. Another comment made was:
- "The motivation is 100% and everybody should support it. Whether doing this is going to actually solve the problem or assist the problem I'm really very doubtful."*
- 3.5 During the discussion a number of points were made. One Community Council member stated there was overprovision:
- "I personally don't think that Dunoon needs any more licensed establishments, no more off-sales, I think Dunoon is quite saturated with enough of these establishments"*.
- 3.6 It was suggested that alcohol-related health problems were connected to off-licences and an overprovision policy for the on-trade would be ineffective:
- "Alcohol diagnosis and alcohol-related deaths are obviously a massive anxiety, nobody, I don't think, would ever argue about that.... People who actually are alcoholics, they tend not to get their alcohol at on-licence premises, they tend to go into off-licence premises and get large quantities of relatively strong alcohol and that means that restricting on-licence premises is not really going to have any impact on them"*.

- 3.7 There were concerns about the potential impact of an overprovision policy on Dunoon's

economy “we are a tourist town and a lot of people who are visiting are going to want to have a drink, that doesn’t mean they are going to go mad”. There was also a concern that an overprovision policy “would play into the supermarket’s hands” as they would be more likely to survive in the long run. Community Council members questioned whether the focus should be on restricting sales of cheap alcohol at supermarkets, as well as the sale of specific types of alcohol with Buckfast specifically mentioned by one Community Council member.

- 3.8 A comment was also made that the Board should use natural boundaries to define areas if the policy is introduced to take account of premises just outside Dunoon that serve the town. There was also a call for an overprovision policy to be clear about what would happen if a premises closed and subsequently a new application for the same or a different premises was lodged.

Licensees

- 3.9 Five individuals from five licensed premises attended a licensees meeting in Dunoon on 6 October; all five premises were on-trade. The licensees noted that pubs and clubs were generally strict in trying to prevent underage drinking but suggested that young people were able to access alcohol from off-licences through older friends or relatives. They highlighted binge drinking and “pre-loading” particularly among young people which could create problems which were associated with pubs when it was not entirely their responsibility; there was a comment that alcohol-related disorder was particularly associated with a small number of premises in Dunoon town centre. The licensees also suggested that some Dunoon residents purchase cheap alcohol from supermarkets including those in Inverclyde, with one consultee commenting that supermarkets sell alcohol cheaper than the on-trade can buy at wholesalers. More generally the licensees highlighted the widespread availability of alcohol in off-licences:

“I see 12 year olds who are absolutely out of their box, where do they get the alcohol from? Certainly not from pubs. From shops that are getting a licence that shouldn’t...there is a slight overprovision in the area. I can go to the paper shop and buy drink, I used to just go in there and buy the Daily Record and a Standard”.

“Every garage in Dunoon’s selling drink”.

- 3.10 The licensees were supportive of an overprovision policy in Dunoon and the other towns, for example one stated “I don’t see any negatives in it”. All would support a policy which related to off-sales because they linked alcohol-related harms to such premises; two licensees also supported the inclusion of on-sales as well as off-sales. The licensees did not think the proposals would effect alcohol consumption in the short-term but some felt it may do over time; comments included “I don’t think it’ll make much difference but I’d certainly support it”. Licensees asked that the policy, if introduced, clarified whether the presumption against the granting of new licences would still apply if the number of licensed premises reduced in the future through business closures.
- 3.11 To address the alcohol-related harms highlighted by the statistical information, licensees suggested a number of additional measures including minimum unit pricing, shorter opening hours for on-trade premises currently closing at 2a.m., strict enforcement of ID checks for on and off-sale purchases, and education for young people.

Young People

- 3.12 Seven young people from Dunoon Youth Forum and Peer Education Project attended a consultation meeting on 6 October 2015; the attendees were all females aged 14 or 15. The group stated that most young people their age drink alcohol which is purchased from off-licences by older friends/siblings or people approached in the street, or occasionally taken from the family home. Generally, the alcohol is consumed outdoors for example in woodland areas, or in friends' houses, and this takes place most weekends. Typically drinks consumed include Buckfast, Cactus Jack, vodka, gin, cheap wine and beer. The young people tended to have enough money to buy alcohol mainly using money given to them by their parents and often young people would club together to buy alcohol to share amongst their peer group; during the discussion they did not think making alcohol more expensive would affect young people as they would still find a way to get the money or the alcohol. The young people had witnessed alcohol-related harm including violence, arguments, incidents involving the police, visits to A&E and underage sex. It was reported that most young people consumed alcohol because it was fun and there was nothing else to do; one consultee suggested some young people felt peer pressure was a factor *"as everyone else is doing it"*. The young people had received education and advice about alcohol including the effects of drinking during PSE sessions every year at high school but they felt it was repetitive with comments such as *"people just ignore it cos it's the same every year"* and *"people who want to drink are going to"*.
- 3.13 Generally, the group did not think an overprovision policy should be introduced because they did not think it would make any difference to alcohol consumption among young people or the wider population, for example one consultee commented *"you'd still be able to get it"*. Even in the longer term if the number of outlets reduced, the young people did not think it would impact on consumption as *"people'd just go somewhere else"* and *"a lot of people will just continue"*.

Elected Members

- 3.14 Two elected members shared their views on the Licensing Board's overprovision proposals.
- 3.15 One of the elected members did not support an overprovision policy for either on-sales or off-sales. They did not believe it would impact on alcohol consumption or alcohol-related harm and described the idea as *"a waste of time and money...it's an exercise in utter futility"*. This Councillor questioned the link between outlet density and alcohol-related harm:
- "I'm not convinced by the science of it all and if you look at other countries, there is no evidence that density or cost make any difference...I wouldn't have an issue with this if I thought it would work"*.
- 3.16 The Councillor also noted that Dunoon residents purchase alcohol outwith the town, and Argyll and Bute, particularly supermarkets and pubs in Gourock and Greenock which would make an overprovision policy ineffective. The Councillor stated that off-sales were the main contributor to alcohol-related harms rather than on-sales. Constituents had not raised any issues around alcohol with the Councillor. The Councillor did not believe there were any positives regarding an overprovision policy but did state that if the Board introduced the policy it should follow natural boundaries rather than Intermediate Data Zone boundaries. There was also a concern that a policy may have a detrimental impact on Dunoon's economy. It was suggested that the only effective means of impacting on alcohol consumption would be to increase the price of alcohol substantially above the level

proposed by the Scottish Government, severely restrict the availability of alcohol, restrict opening hours of off-licences, and invest in education – *“I don’t believe we should be spending time or money on this, we should be spending money on education”*.

- 3.17 In contrast, the other elected member did support an overprovision policy in Dunoon and the other towns and stated it should apply to both off-licences and the on-trade. However, this Councillor did not believe licensed premises were overprovided for in Dunoon and did not believe the proposals would necessarily impact on alcohol consumption or alcohol-related harm but were worth trying.

4 Helensburgh

- 4.1 The findings from consultation with the community, licensees, young people, and elected members in Helensburgh are summarised below.

Community

- 4.2 The convenor and secretary of Helensburgh Community Council requested a preliminary meeting to discuss overprovision and the consultation process in detail. It was agreed that a short presentation would be made to the full Community Council with questions limited to clarifications around overprovision and this took place at the Community Council meeting on 24 September 2015 attended by approximately 12 members plus a member of the local press. Community Council members agreed to consult local residents and businesses and feed their views into this consultation process. A summary of their written response follows.
- 4.3 The Community Council's submission raised a number of questions about the data gathered during the overprovision review and noted the impact of a significant numbers of personnel at the nearby Falsane Naval Base as a contributory factor before concluding the *"statistics are of concern but not of epidemic proportion"*. The Community Council highlighted that licensed restaurants in Helensburgh were rivalling pubs in popularity. They also noted an increasing trend whereby people purchased alcohol at off-licences which is consumed at home before going out leading to incidents that *"may occur through no fault of the publican or mismanagement in the premises"*.
- 4.4 The Community Council suggested a positive impact of an overprovision policy would be deterring new licence applications although the negative aspect of this would be the loss of inward investment to Helensburgh. Another negative aspect of an overprovision policy was stated as *"businesses and establishments selling alcohol risk unfair penalisation for no good reason"*. Overall the Community Council was not supportive of an overprovision policy in Helensburgh:

"It is a blunt instrument to address the complex issue of over-provision of licensed premises and consequently the over-availability of alcohol causing issues of health and crime.... The imposition of a limit on premises may prejudice business opportunities and could be subject to costly legal challenge. There is a natural balance between the number of premises and market forces which determine whether or not a business is economically viable.... It is a very primitive method to impose limits on numbers of establishments in the town given the plethora of outlets selling alcohol, not least the Internet. The issue is not the number of premises selling alcohol, it is the apparent lack of education on alcohol that is missing, particularly at schools.

- 4.5 Rhu and Shandon Community Council declined an invitation to take part in the consultation directly however they did request that the findings were shared with them.

Licensees

- 4.6 Four licensees including one off-trade licence holder attended a consultation meeting on 8 October 2015. During initial discussions there was general resistance to any form of overprovision policy in Helensburgh. Recent newspaper articles had caused some alarm among licence holders and participants expressed fears that the outcome of the consultation was a *"foregone conclusion"* and one licensee commented:

"I think the whole thing is set up to prevent businesses growing...that's the way it appears to me – there's a determination to reduce the number of alcohol outlets in the whole of Scotland".

- 4.7 Attendees were largely critical and sceptical about the statistics presented to the group with comments including:

"I'm astonished that no one's figured out it's worth drilling down a bit into this data and actually comparing Helensburgh with another equivalent town in the UK. It's the obvious thing to do because then they might turn round and find Helensburgh's doing brilliantly".

"I think this is completely flawed analysis...It doesn't take into account the age of people in the area, in fact in Helensburgh there's a giant army based just down the road stuffed with thousands of young people".

"If you look at it logically, somewhere has to be in the top five. Every time they do this, somewhere will be at the top".

- 4.8 The licensees requested that Police Scotland and the LSOs provide more regular statistics and feedback on alcohol's impact in Helensburgh. For example, one commented local licensees *"work very closely with the licensing sergeant from Dumbarton, from pubwatch meetings and all that, nothing's ever brought up about we're number one for all of these [statistics]"*.

- 4.9 Throughout the discussion there was a clear consensus among licensees that an overprovision policy that would have any impact on existing licence holders was not welcome nor considered an effective tool to reduce the volume of alcohol consumption in Helensburgh. However, once licensees had the opportunity to reflect upon overprovision policies elsewhere, there were more favourable views about an overprovision policy in potentially restricting new premises such as off-sales premises and national pub chains selling alcohol at cheaper prices; support was forthcoming for a policy that was seen as 'protecting' existing licence holders from competition. One of the licensees commented on the opening of a national pub chain despite local opposition which since opening was undercutting existing pubs despite, it was claimed, assurance to the Licensing Board that prices would be comparable to existing pubs. In these discussions it was acknowledged that some of the issues identified in the statistical information could be attributable to alcohol and affordability was seen as a key issue:

"You get three litres for £3, you can't even buy Coca-Cola for that price. That's the big issue in Scotland, the health issue. It's hard to make it law but if we put a provision say it's going to affect people's health. I know the alcohol industry's all against it [minimum pricing] but we were all against the smoking ban 10 years ago but I think it's been a great benefit to pubs".

- 4.10 On 3 November 2015 seven licensees attending the Helensburgh Pubwatch meeting took part in the consultation; the seven all represented on-trade premises. The group suggested that the majority of alcohol-related harms were connected to off-sales highlighting the limited amount of alcohol-related disorder discussed at the Pubwatch meeting. The licensees added that on some occasions pre-loading contributed to disorder in or around pubs, for example one said *"they buy it in supermarkets and they're already tanked up when they come to us"*; another licensee described the effect off-licences have

had on the on-trade *“we are suffering ‘cos people are coming out later”*. A number of consultees stated that the affordability of alcohol purchased from off-licences was a significant issue with one licensee explaining that bottles of some spirits are cheaper in supermarkets than they are in wholesalers *“we as licensees, we can’t get it for £15 a bottle, but you can up at Tesco’s”*. For this reason, a number of consultees suggested that minimum unit pricing would be a more effective means of addressing alcohol consumption and alcohol-related harms than an overprovision policy – one licensee commented *“even if there was only one off-licence in Helensburgh they would all go there, pricing is the problem”*. Another suggestion was restricting the sale of alcohol from off-licences to 8 or 9 pm on Friday and Saturday nights. One licensee suggested that local young people with jobs have *“nowhere else to spend their money, there’s no shops or anything like that”*.

4.11 The licensees were generally supportive of an overprovision policy related to on-trade premises. Their support was based primarily on their own commercial interests as they stated that Helensburgh did not need any more pubs, highlighting that six pubs had shut in the last five years. They were also supportive of an overprovision policy related to off-trade premises because they associated the majority of alcohol-related harms with such premises. The consultees were generally of the view that an overprovision policy related to off-trade premises would have a greater impact on alcohol consumption and alcohol-related harms than a policy related to on-trade premises.

4.12 There was some scepticism about the Licensing Board’s ability to implement an overprovision policy with some attendees suggesting that lawyers representing large supermarkets, pubs or hotels would be likely to gain a new licence. For this reason, some of those present suggested the policy was not worthwhile, for example one commented *“it’s not worth doing...it won’t make a difference”*. Some members of the group drew parallels from the Pubwatch group’s objection to a licensing application from a national pub chain which was ultimately approved. One consultee noted that the lack of an overprovision policy at that time had been raised by the applicant’s solicitors as part of their case for approval.

Young People

4.1 Four young people aged between 14 and 17 from Helensburgh Youth Forum took part in the consultation; three of the group were female. None of the young people were old enough to purchase alcohol from a licensed premise. However, all described ready access to alcohol and regular experiences of young people consuming alcoholic drinks, albeit some more regularly than others - *“if you go to a party, everyone’s drinking pretty much”*. One participant suggested it was *“normal”* for young people to get drunk every weekend. They all referenced peer-pressure and attempts by other young people to encourage underage drinking. In terms of access, they suggested that the majority of the alcohol consumed by under-age drinkers was purchased:

- From smaller local off-licences who were less strict at enforcing age limits because it was claimed *“some boys look old enough”* and *“they need the business”*.
- Through agent purchasing with comments such as *“older brothers, sisters or friends”, “sometimes they just ask random people, just for jump-ins [slang for agent purchasing] and that”* and *“some of the younger kids make friends with older ones so they can drink with them”*.
- By stealing alcohol from larger supermarkets.
- Via parents who were sometimes lenient and permitted supervised consumption of

drinks with a lower alcohol content - *“lots of parents say if their child’s having a party they can have alcohol just no spirits”*.

- 4.2 The alcohol is typically consumed at friends’ houses or in public venues. The young people were fairly specific and confident about public places in which young people congregate to drink alcohol identifying the following locations: Helensburgh Central train station, Co-op upstairs car park, Hermitage Park, and The Pier. Two of the young people described the above as *“no-go areas”* that they would not walk through alone, because they knew other young people would be drinking there and might threaten them with violence or bullying.
- 4.3 Drinks typically consumed by young people include Buckfast, *“Sourz and shots and stuff as well”* and *“Prosecco - girls bring it to parties, and they down the whole bottle in 15 minutes. It makes you really giggly and tipsy”*. Money to purchase alcohol was obtained mainly from parents who were typically not aware that pocket money or lunch money was being saved to buy alcohol; the participants also said some young people self-funded, through part-time jobs. When asked why they felt young people engaged in underage drinking, the two main themes of conversation related to lack of other activities, and seeking fun. When talking about the impact of alcohol, the young people mentioned aggressive behaviour, tearfulness, arguments and occasionally violence, as well as knowing of young people attending A&E because of excess alcohol consumption. The older participants in this group described changing patterns of drinking across the teenage years, suggesting that it *“peaked”* around the age of 14 or 15 before students started getting serious about their exams.
- 4.4 Overall the young people had mixed views about an overprovision policy. On the one hand they felt that alcohol was damaging to young people and that availability played a role in the amount consumed. On the other hand, they did not believe a policy that restricted new entrants to the market would have an effect on consumption and alcohol-related harm. In particular, they did not feel there was any need for restrictions in relation to on-trade as they did not believe young people made much use of these venues as was evident during the discussions. While the young people gave careful consideration to the notion of overprovision the consensus was that alternatives could be more effective in reducing consumption of alcohol. Their suggestions included:
- Better education to change the drinking culture, beginning at an earlier age.
 - Proactive policing in areas where young people were known to congregate to drink.
 - Rigorous application of ID checks.
 - More training for off-licence staff.

Elected Members

- 4.5 Three elected members of Argyll and Bute Council representing Helensburgh took part in the consultation.
- 4.6 The elected members commented on the statistical information with one suggesting the data did not fully reflect local circumstances as *“we have a unique profile in terms of a very, very significantly high number of young, male visitors to the town”*. One Councillor recounted that the health data resonated with their experience of the local population suggesting there was *“number of very respectable, not obviously drunk people who clearly have an alcohol problem”*. One Councillor was surprised about the crime data as they thought Helensburgh had improved in recent years and commented *“oddly enough*
-

[alcohol] is less on the radar now than it was a few years ago, I would've said" and another Councillor suggested:

"Helensburgh was ranked one for these crimes, that sounds horrific but if you actually think what are you ranked against ...it's a slightly distorted perspective; Argyll and Bute is a very safe place to live".

- 4.7 One Councillor identified an adverse impact from on-sales that had not been raised elsewhere during the consultation process:

"[as a result of the smoking ban smokers] mess up new pavements with their cigarette butts. I think there's an adverse impact, seriously an adverse impact, on social amenity by having large numbers of people standing outside a licensed premise, which has no capacity to put them anywhere else. It does have an adverse impact I think on perhaps the perception of how safe people think they are – I don't think it changes how safe they really are but it's the feeling of being safe'.

- 4.8 One Councillor suggested that smaller off-licences may be the most common source of under-age drinking:

"I suppose the reality is when you're a small business and there's an opportunity to make a profit and your business is struggling, the temptation to sell alcohol without being too particular about the age or something is greater than if you're an employee of Tesco or Asda".

- 4.9 Across the discussions, there was a fairly consistent view that an overprovision policy in relation to off- and on-sales was not considered necessary or an effective way to reduce alcohol-related harm. For example, one Councillor commented:

"I don't think that an overprovision policy will deal with the root cause of Scotland's ill health and it's flogging a dead horse trying to".

- 4.10 During discussions about on-sales there were particular fears that the introduction of an overprovision policy could adversely affect economic development which was perceived to be a high priority for the local area. For example, one Councillor commented:

"Most restaurants rely on alcohol for their profits, that's the blunt reality of it; they don't make the bulk of their profits from their food – and if you brought in a rule, some sort of blanket overprovision ban the danger is that you would prevent any new restaurants from opening up, which is not something I support".

- 4.11 In comments about off-sales the elected members frequently alluded to the availability of alcohol from a range of sources and for these reasons they felt that an overprovision policy would not have a significant impact. One councillor commented:

"I'm not certain that changing the alcohol sales policy would actually change that very much, it might but I'm not at all convinced that it would; I'd need to be persuaded".

- 4.12 One of the Councillors highlighted that the Licensing Board was able to achieve its aims without an overprovision policy and cited the following example as proof:

"When Waitrose came in they were looking for a particularly large off-sales area and scaled it back on advice from officers on that you're unlikely to get the licensing officers to agree to grant you...it was the largest off-sales in the West of Scotland I

think, and they scaled it back to be an appropriate level. So, as far as I can see, the current measures work”.

- 4.13** The Councillors suggested possible alternatives to an overprovision policy which included conditions requiring licensees to take more responsibility for patrons smoking outside their premises, supporting effective public health campaigns, continuing to work with licensees for example through Pubwatch to encourage responsible attitudes to the sale and promotion of alcohol and the fostering of a positive drinking culture, smaller measures, and encouraging the sale of non-alcoholic alternatives in pubs.

5 Oban

- 5.1 The findings from consultation with the community, licensees, young people, and elected members in Oban are summarised below.

Community

- 5.2 Consultation with Oban Community Council took place on 28 September 2015; there were 15 Community Council members present plus attendance by five elected members of Argyll and Bute Council, a representative from Police Scotland and a reporter from the local newspaper. Those present considered the statistical information, discussed overprovision, and commented on alcohol's impact on the local area.

- 5.3 Despite comments about the surprising nature of the statistical information - *"all this information is quite concerning and certainly interesting"* - the majority of attendees expressed reservations about attributing harm to sales of alcohol from local on- or off-licence premises. Some suggested that it would be helpful to see the results compared to other areas of Scotland. One attendee commented *"the areas which have been identified as having overprovision are simply the urban areas of Argyll and Bute"*. Others wanted to know more detail about the statistics and queried whether they may be misleading as *"we have a huge number of visitors every year as well as it being a hub for everyone in the area"*. In contrast, one Community Council member felt the alcohol-related crime statistics reflected the reality of life in Oban:

"Domestic violence, teenage crime, fighting in the streets... how many cases a day are absolutely related to alcohol, it must be about 70 to 80% of things that are going through the court".

- 5.4 During the discussion, some attendees suggested responsibility for alcohol-related harm lay with those consuming the alcohol as opposed to the premises selling it. Others suggested that cheap prices - as opposed to the availability of alcohol - resulted in alcohol-related issues. Comments included:

"All these negative sides to drinking and licensing – the behaviour and noise and whatnot – it's nothing to do with overprovision of premises, it's over indulgence on alcohol".

"Your problem lays with the supermarkets. A normal off-licence can't sell that alcohol at that deal, they don't have the mass-production and mass-buying in of the alcohol".

- 5.5 A variety of opinions on an overprovision policy were voiced during the meeting. A few individuals spoke in favour of a policy in relation to off-sales, for example *"I think there is an overprovision and it creates a price war"* and *"I don't think there's any problem with overprovision of on-sales. Off-sales however might be a problem"*. Several comments were made that an overprovision policy would be ineffective because of the potential to buy alcohol elsewhere, for example one attendee commented *"people are going to get the alcohol from somewhere"*. At the end of the debate a vote was held, initiated by the Chairperson of the Community Council, in which the majority of Community Council members opposed the introduction of any form of overprovision policy in Oban.

- 5.6 The Community Council members suggested alternatives to an overprovision policy including providing diversionary activities for young people, promoting a more responsible relationship with alcohol, and raising awareness of the health harms.

“The largest lot of illness from alcohol are middle-aged, middle-class people who will happily drink a bottle of wine a night. It’s not the people who hang around certain pubs or queuing up at the ‘offie’ for their Special Brew, it’s actually not those people at all; it’s a lot of other people who drink when they come home from their hard day”.

Licensees

- 5.7 Seven individuals from on-trade licensed premises attending the Oban Pubwatch meeting on 7 November 2015 took part in the consultation. The group suggested that there was a drinking culture locally with one stating *“Oban is a big drinking town”*. Some of the consultees stated that the on-trade in Oban was struggling with one commenting *“the pub trade is on its knees”* and another citing the closure of pubs and hotels in recent years as evidence of the challenges. The group were of the opinion that the main reason for difficult trading conditions was competition from the off-trade, particularly supermarkets and one consultee stated *“you can get a bottle of Famous Grouse at Morrisons for a tenner, wholesalers can’t even sell it for that price. I pay £10 plus VAT at Bookers”* and another consultee stated *“we’d be better off getting our supplies from a supermarket”*. There were a number of comments about people choosing to stay at home and drink or only venturing out to pubs later in the evening, for example one stated people frequently *“get pissed up before coming out”*. Some of the group commented positively on the controls that are in place to minimise the impact of drinking at pubs and contrasted this to the lack of control that followed alcohol purchased from an off-licence.
- 5.8 The group had mixed views regarding an overprovision policy. Initially some had a negative reaction for example one consultee suggested it would be *“another stranglehold on the trade”* alongside controls on measures and hours and this consultee also stated it would be a constraint on existing licensees looking to expand their premises. Other consultees had concerns that an overprovision policy focused on the on-trade could cost Oban jobs if proposed new hotels, restaurants and pubs could not gain a premises licence. In contrast, a minority of the consultees were supportive of an overprovision policy for the on-trade as it would potentially limit the number of new pubs in Oban which they saw as beneficial to their own business, for example, one consultee commented *“it’s protecting our own”* and another said *“to me it’s a no-brainer”*. The group were more supportive of an overprovision policy focused on the off-trade, particularly supermarkets which they associated with the sale of cheap alcohol which was not controlled and resulted in alcohol-related issues. The group did not however think the policy would lead to a change in alcohol consumption as it would only affect new licences. One consultee suggested that in the longer term if there were fewer off-licences people may be more inclined to go to the pub, however another consultee suggested people *“would just fill up when they went to the supermarket”*. Some of the group questioned whether the Licensing Board would be able to apply an overprovision policy if they were challenged by a new applicant with one consultee stating *“it feels like a chain would get in but an individual wouldn’t”* and another suggesting *“it won’t work”*.
- 5.9 Only one licence-holder attended the Oban licensees meeting on 20 October 2015. The attendee did not think an overprovision policy for either the on- or the off-trade would be

effective as it would not lead to change in people's drinking habits. The attendee was of the opinion that excessive consumption was mainly linked to cheap alcohol available at supermarkets:

"They go and get cheap, cheap booze out of Tesco's or another supermarket and drink at home, and the measures you can pour at home are far bigger than the ones that are regulated and consistent in a pub. It's actually worsening the situation for me".

Young People

- 5.10** Five young people aged 12 to 18 from North Argyll Youth Forum took part in the consultation; four of the five participants were girls. The Forum had an interest in alcohol issues having previously conducted an alcohol-free drinks tasting session in June 2015. The group stated that underage drinking was common in Oban with 12 to 13 year olds tending to drink in parks and public places, 14 to 16 year olds drinking in house parties, and 16 and 17 year olds doing likewise as well as trying to get into pubs and clubs; it was suggested that young people were entering pubs in the town centre using fake IDs. Underage drinkers were accessing alcohol via older friends or siblings and in some cases from their parents (which was explained as parents knowing what and how much their children were drinking). The young people had experienced alcohol-related disturbances, injuries, and graffiti, particularly at the time of *"the shows"* in Oban.
- 5.11** All five members of the Youth Forum supported an overprovision policy in Oban and the other communities for both on- and off-sales. They thought it may lead to people buying less alcohol from off-sales if they had to travel further to the nearest off-licence in the future. However, the young people thought it less likely to have an impact on pubs as they suggested people would still drink the same amount in pubs even if there were fewer outlets in the future. There were some concerns that the policy may prevent new restaurants opening in Oban when most local people would welcome them and it was suggested that any policy for on-sales distinguished between restaurants and pubs, with the suggestion that the town did not need any more pubs.

Elected Members

- 5.12** Three elected members from Argyll and Bute Council representing Oban took part in this consultation. The Councillors urged caution interpreting the statistical information and suggested repeat offenders could skew the crime data and the data should be compared to other parts of Scotland. One consultee suggested the most significant impact of alcohol-related ill-health occurred in remote rural areas outwith the locations currently under consideration for overprovision. In relation to crime, one Councillor agreed the *"sale of alcohol impacts negatively on crime and disorder"*. There was a discussion about alcohol purchasing and consumption with one Councillor suggesting *"most of the heavy drinking is done at home"*.
- 5.13** Overall, there were contrasting views on an overprovision policy. One Councillor did not believe it would be effective and commented *"you could limit an area as much as you like, in terms of licensed outlets, but if someone wants to get alcohol they'll get it"*. Another Councillor acknowledged an overprovision policy could be useful commenting *"on the positive side then, it gives the Licensing Board an additional tool to say 'enough's enough', I*

guess” however, they reiterated they did not think “it would make a blind bit of difference”. In contrast another Councillor stated:

‘If it’s sensibly administered, and it’s proven there’s a need, then [an overprovision policy] could be a useful tool for the Licensing Board to have at its disposal but it would have to be very carefully crafted and applied’.

5.14 One of the reasons Councillors opposed an overprovision policy was a perception it may affect existing businesses, with one commenting “if it was seen that we were introducing an overprovision policy that was impacting on the sustainability of very fragile businesses anyway, generally, then that would be a bad thing”.

5.15 Affordability was a key theme during the discussion with one Councillor suggesting minimum pricing would be a more effective tool than an overprovision policy:

‘I’m quite biased against off-sale and the fact that supermarket chains can sell alcohol so cheaply. I know in Scotland we were going through a minimum pricing thing that’s still, I believe, in the legal round, but I honestly think that would have a positive impact – if there was a minimum price’.

5.16 Other suggestions for alternatives to an overprovision policy included premises not serving customers who were already drunk and the Board ensuring this was applied, changing drinking cultures to promote more responsible consumption, and making off-licences more responsible for the alcohol they sell.

6 Rothesay

- 6.1 The findings from consultation with the community, licensees, young people, and elected members in Rothesay are summarised below.

Community

- 6.2 The views of Bute Community Council were gathered at their meeting on 17 September 2015. The meeting was attended by 17 individuals including Community Council members, elected members from Argyll and Bute Council, a member of the public and a local newspaper reporter. A number of questions were asked about the statistics gathered by the Licensing Board with some attendees stating the analysis should take account of the number of tourists visiting Rothesay and seasonality, the decline in the number of pubs, deprivation, and de-population, as well as comparing Rothesay to other areas of Scotland. It was noted that historically, Rothesay had the highest number of licensed premises in Scotland, when there were large numbers of navy personnel and greater numbers of tourists.

- 6.3 It was suggested that some of the alcohol consumed in Bute was purchased on the mainland, particularly from supermarkets selling products cheaper than local outlets. A discussion about off-sales included comments on the difficulty attributing alcohol-related issues to specific retailers compared to the on-trade, and the lower cost compared to pubs which can lead to some people consuming alcohol at home before going to the pub. For these reasons there was a view that the restricting the sale of cheap alcoholic drinks from off-licences, particularly supermarkets, would be an effective way of addressing alcohol-related harms.

- 6.4 Overall the majority of Community Council members were supportive of an overprovision policy for Rothesay and the other towns. Comments included:

"I just think it's common sense, I don't even see why there's a need for consultation, it's just common sense".

"On the basis that it is only a presumption, and it refers to the total number of operative licences, it is difficult to see how one would object (to an overprovision policy)".

- 6.5 Generally, the view of those present was that off-sales should be the main focus of the policy as the majority of alcohol purchases were made from such premises. However, a number of those attending were not convinced that limiting the numbers of new licences would have an impact on alcohol consumption and alcohol-related harms as people would still be able to readily access alcohol if they wanted to.

"I'm struggling to get my head around this. If this is designed to improve health or cut down crime, surely if one reduces the number or holds the number (of licensed premises) at the same level, those that want it are going to get it anyway. I mean are we looking at the right thing here?"

"I'm just not convinced that it will have the desired effect to address the criteria - crime and disorder and public safety, I'm not sure how limiting the number is going to achieve the desired effect".

- 6.6 Community Council members discussed the competing interests that would arise from an overprovision policy if a supermarket planned to open in Rothesay given the economic and employment benefits it would bring. One member commented:

“One side of me says no we don’t want any more off-licences, the other sides says we really want to create employment”.

- 6.7 One member also suggested that an overprovision policy should not harm existing or new micro-breweries or distilleries on the island, for similar economic reasons. Members of the Community Council suggested the overprovision policy, if introduced, should be clear about the transfer of licences, occasional licences, and what would happen if a premises closed and another applicant came forward at a later date.

Licensees

- 6.8 Six people, representing four on-trade licensed premises attended the Rothesay licensees meeting. The licensees commented that business conditions were challenging with a number of premises closing in the face of competition from off-licences, particularly supermarkets. One licensee suggested that local residents bought alcohol from supermarkets in Inverclyde and an overprovision policy in Argyll and Bute would therefore be ineffective:

“This is the time of year they’re advertising £15 a litre for their Bells, Bacardi, Captain Morgan, their Smirnoff, the five main products, from now until the first week of January. They all put them in their car, I can’t blame them, and they go up and fill their car so it’s nothing to do with Bute. Because it’s so reasonable to fill their boot with £100, £200 worth of drink. And that’s sitting in the house all through January and February cos it’s not consumed which causes other problems, entices them to stay in in January and February when it’s dirty wet winter nights, there’s so much multi-media to attract them. Bute can adopt the same (overprovision) policy (as other Licensing Boards) and no allow any more off-sales, it won’t affect the public jumping in their cars and driving to Port Glasgow or Greenock and Morrisons or Tesco and getting £15 a litre drink”.

- 6.9 The licensees also noted that the alcohol-related harms highlighted by the statistical information were more likely to relate to off-sales than on-sales. They were of the opinion that on-sale premises were strictly regulated and licensees were very conscious of the licensing law, whereas there was less control of alcohol consumption sold by off-sales premises once the purchaser had left the premises. One licensee noted *“an 18 year old, quite legally going in, and there’s no control over how much they can buy...and no off-sales would stop them.... it’s wrong”*. They also highlighted that some on-sales customers will leave the premises before 10 p.m. to buy cheaper alcohol from an off-sales premises to consume at home; others discussed customers pre-loading before entering licensed premises noting *“it’s so cheap but it’s the pub that gets the bad name”*.

- 6.10 Initially, licensees expressed negative views regarding the possible introduction of an overprovision policy with a view that it would not have any impact on alcohol consumption or the related issues in Rothesay.

“It’s a battle to stay alive so I can’t see anything good about it whatsoever. I get it, I get that there’s problems, my personal view is that if there was one off-licence on this island whoever wants a drink and whoever, finding themselves in hospital or picked

up by or whatever, is going to travel to that one off-licence.... We don't do cheap drink. Business has probably halved in the last ten years".

- 6.11 One licensee suggested that an overprovision policy should have been introduced before now:

"The horse bolted 20 years ago, this meeting should have been held 20 years ago and it might have been more constructive and beneficial 20 years ago. The horse has definitely bolted".

- 6.12 As the discussion progressed the licensees were more supportive of an overprovision policy for both the on- and off-trade. Support for an on-sales policy was mainly related to self-interest as existing licensees would have greater certainty about the on-trade market in the town. Support for an off-sales policy was mainly down to such premises being perceived as the main cause of alcohol-related harms in the view of the licensees present. The licensees requested that the overprovision policy, if introduced, states clearly that it does not apply to licence transfers otherwise they felt this would affect investment in and the sale of premises in the future. One licensee also requested the policy states clearly that it does not apply to private members' clubs. There was also a view that the policy would be challenged by new applicants particularly if they were a national pub chain or supermarket:

"If a supermarket came here they'd get an off-sales no bother. With their money and their lawyers, they'd get them it no bother".

- 6.13 The licensees suggested that irresponsible parents contributed to alcohol-related harms and better education was required in the future.

- 6.14 Another licensee submitted a short e-mail response to the consultation. They highlighted the following issue not raised elsewhere:

"Currently, unlicensed restaurants and cafes are able to invite customers to bring their own alcohol. This is wholly unregulated and unsupervised. It is probable that some of the alcohol-related crime figures - particularly driving - are affected by this practice".

Young People

- 6.15 Twelve young people from Rothesay Youth Forum were consulted on 29 October 2015. The young people were aged 14 to 17 and therefore none were legally allowed to purchase alcohol.

- 6.16 The young people reported that the majority of people their age consumed alcohol on a regular basis and this occurred mainly indoors at friend's houses or "empties" (house parties) although they did also state that some young people drink outdoors at places such as the beach, woods or park. Alcohol is generally purchased in off-licences including supermarkets and grocers via "jump-ins" (older friends or siblings buying on behalf of others) although some reported that parents would occasionally buy alcohol so they knew what their child was drinking. Access to alcohol was not seen as difficult with one young person commenting *"there are lots of places to get it...and everyone knows people (who could buy drink for them) if need be"*. The group reported that young people their age did not, generally, try to purchase alcohol in pubs because they knew they would be asked for ID, or because they knew in a small community that they their real age would be known or

the pub staff would inform their parents. In any case, the young people reported that they preferred to drink at friend's houses or house parties. The cost of alcohol was not an issue for young people with one consultee commenting:

"We don't buy really cheap alcohol, like really cheap cider, everyone has their own preferences like Jack Daniels. We have enough money as most of us have part-time jobs".

- 6.17 The group described seeing young people *"paralytic drunk"* with one attendee displaying an awareness of the consequences when commenting an intoxicated young person was *"uncontrollable to the point where it was probably quite damaging"*. The group added that drinking could lead to arguments and fights with some having seen or heard of young people being taken to A&E because they were so drunk; the consultees had witnessed similar issues among adults. One young person was aware of the potential dangers of drinking outwith licensed premises as *"people can keep drinking and drinking and drinking whereas in the pub they'll stop you, won't they"*. Another consultee suggested that young people may not know exactly what they were drinking at house parties or at friends when they were handed drinks by others. However, some of the group stated that friends look out for each other at parties.
- 6.18 The young people had received alcohol awareness information at school annually from S1 onwards. As with young people elsewhere the sessions were described as *"repetitive"* and *"just not interesting"* and one consultee suggested the sessions *"need to be better"* if they were to make any difference to alcohol consumption. More positively, one young person stated that *"some of the videos do hit home"* before adding *"they could do more of that"*.
- 6.19 When the idea was explained in detail, the group did not think an overprovision policy would have an impact on the amount of alcohol consumed by people, including the young, in Rothesay. One young person commented *"you're not going to get people to stop drinking"* by limiting the number of new licensed premises. The group suggested that people would *"just go to the nearest place (that sells alcohol)"* or *"get it off the island"*. Some of the young people were concerned that an overprovision policy would discourage companies such as supermarkets from coming to the island as they would see there was an overprovision policy and look elsewhere. One consultee suggested it would be *"a big issue"* for new restaurants, bars and distilleries while another also identified hotels which they stated *"make a huge amount of their profits from alcohol"*. The young people were generally of the opinion that education would be more effective than an overprovision policy.

Elected Members

- 6.20 Three elected members of Argyll and Bute Council took part in the consultation. The three Councillors would support an overprovision policy in Rothesay and stated it should apply to both off-licences and the on-trade. There were concerns however about the possible detrimental effects of the policy on employment with one Councillor suggesting it should not prevent new hotel/leisure developments which would add to the town's overall offering and another stating it should not prevent a supermarket opening. There was also a perception that the Board's ability to enforce the policy may be challenged by licensing lawyers applying for a new licence for clients.

6.21 One Councillor stated the number of on-trade premises in Rothesay had declined but the town was still overprovided for due to the high number of premises historically that catered for tourists and navy personnel. The remaining pubs reportedly faced challenging trading conditions. Another Councillor felt the town was probably at a balance in terms of licensed premises and overprovision. There was a perception that young people in particular drink alcohol at home before going out and that licensees could be stricter in not serving those who are intoxicated and the police stricter in dealing with them. None of the Councillors reported that constituents had raised alcohol-related concerns. One of the Councillors suggested that there should be alcohol-free venues for young people to go to in Rothesay in the evenings.

7 Other stakeholders

7.1 This chapter reports on the findings of consultation with Argyll and Bute Council’s Licensing Standards Officers (LSO), and representatives from Police Scotland, NHS Highland, Argyll and Bute Alcohol and Drug Partnership (ADP) and Argyll and The Isles Tourism Co-operative. In addition, the chapter summarises the consultation with Argyll and Bute Licensing Forum.

Stakeholders

7.2 Argyll and Bute Council’s LSOs, and representatives from Police Scotland, and Argyll and Bute ADP did not offer a view on an overprovision policy for Argyll and Bute – for example the police representative stated that ultimately it was for the Licensing Board to decide and Police Scotland did not have an opinion on the matter. Without stating there was overprovision, this representative noted that alcohol was readily available in on- and off-sales premises in the five towns, and the LSOs stated there were *“a lot of pubs but not a lot of people in them, particularly in the winter.... and many are up for sale”* and *“there seems to be enough”* off-licence premises in the five towns. The LSOs highlighted the Board’s consideration of the percentage of floor space allocated to alcohol display as an effective measure of controlling availability.

7.3 NHS Highland was supportive of an overprovision policy applying to off-sales in the five identified towns. The alcohol-related health data and research linking alcohol outlet density to alcohol-related deaths and hospitalisations was cited as supporting evidence for their position. The focus on off-sales was suggested due to the predominance of alcohol sales in Scotland via off-licence premises plus the amount and way people tend to consume alcohol purchased from off-licences including, for example, binge drinking and pre-loading. NHS Highland’s representative discussed the relationship between alcohol-related health issues and the availability and affordability of alcohol from off-licences, including supermarkets with sizeable capacity:

“Public health issues are very much hidden, they are long term...it’s the normalisation of heavy drinking that has to be challenged...it needs a whole-population approach”.

7.4 NHS Highland’s suggested exclusion of on-trade premises was linked to the above consumption patterns as well as potential mental health and well-being benefits that some people – particularly those suffering social isolation – could gain from socialisation in a licensed premises, as long as their alcohol consumption was within health guidelines. It was also suggested that excluding on-trade premises would negate opposition to the policy on the grounds of potential harm to the hospitality and tourism sector in Argyll and Bute. The representative emphasised the importance of assessing capacity not only the number of premises to accurately measure the provision of alcohol in an area and called for this to be clearly reflected in an overprovision policy should one be introduced.

7.5 Argyll and The Isles Tourism Co-operative was not supportive of an overprovision policy. In relation to the on-trade they voiced concerns about the potentially adverse effect a policy could have on tourism and economic development by discouraging potential investment in the five towns. They also suggested that the alcohol-related harms highlighted by the statistical information were unlikely to be linked to on-sales given the tight regulation of these premises, and therefore considered an overprovision policy in this respect unnecessary. In discussions about off-sales the representative reflected that while, on the

surface, it might be a more acceptable focus for an overprovision policy, given the volume of sales and number of outlets, the Licensing Board should bear in mind that tourists staying in and passing through the five towns purchase alcohol for trips to self-catering accommodation or sailing holidays. They suggested that given the population increases at different times of year, the volume of alcohol sales and number of alcohol outlets might not be a cause for concern and urged the Board to take into account visitors numbers to Argyll and the Isles. Alternative suggestions on effective ways to tackle and reduce alcohol-related harm included greater awareness of the licensing objectives and the development of licensing policy statements during training for licence holders so that people understand the process, the need for consultation and appreciate the links between alcohol and harm more readily. Other suggestions included formal training and greater support for anyone selling alcohol, and increased promotion of the rationale for the 25 ID so that members of the public were less antagonistic and understand why they are being asked for proof of age *“the public are not aware and tourists are frazzled when you ask them for ID”*.

- 7.6 Some of the stakeholders emphasised that the Licensing Board needed to make an evidence-based decision which would withstand scrutiny and challenge from new applicants. It was suggested that the Board consider the wording of other Board’s overprovision policies which have had experience of being challenged. For example, one representative stated:

“The Board has to have the evidence to stand up to a Sheriff.... To have any effect it has to be robust.... with a clear view about what the Board is hoping to achieve”.

- 7.7 Irrespective of their views on an overprovision policy, none of the stakeholders questioned the identification of the five towns as the focus for such a policy should it be introduced. For example, the Police Scotland representative confirmed that the five towns were the main areas where alcohol-related crime and incidents occurred. The significant increase in population from tourists across the five towns and from naval personnel in Helensburgh has highlighted as a key consideration in interpreting the information. All of the stakeholders stated that natural boundaries should be used to define localities in the overprovision policy if it was introduced.

Argyll and Bute Licensing Forum

- 7.8 The views of Argyll and Bute Licensing Forum were gathered at a special meeting on 30 September 2015 at which ten Forum members were present. Attendees commented on the statistical evidence gathered by the Board, and discussed a number of alcohol-related issues and the relative merits of an overprovision policy in Argyll and Bute. There were mixed views among individual Forum members with some support for an overprovision policy mainly focussed on off-sales, however this was not a universal view and Forum members chose not to take a collective position to support or oppose an overprovision policy in the five identified towns in Argyll and Bute. The discussion included alternative actions to address alcohol-related harm and this included minimum unit pricing, enforcement of licensing conditions, and smaller measures.

8 Conclusions

- 8.1 The community, licensees, young people, and elected members in Campbeltown, Dunoon, Helensburgh, Oban and Rothesay plus a number of other stakeholders took part in consultation regarding the overprovision of licensed premises in Argyll and Bute. The consultation was organised and delivered in a relatively short period of time in order to inform discussions at Argyll and Bute Licensing Board's meeting on 17 November 2015 and consultees were very accommodating with invitations to participate. All contributions were made in a constructive way, regardless of the particular views being expressed and the participation of all consultees was greatly appreciated.
- 8.2 The broad cross-section of participants taking part in the consultation process was reflected in a range of views on the three key questions of whether there is an overprovision of premises licensed to sell alcohol in the five towns, in what type of premises there is overprovision (if any), and what the reasons are for the overprovision (if any).
- 8.3 Overall, consultees struggled to state with any confidence that there was an overprovision of premises licensed to sell alcohol in the five towns. While the statistical information gathered by the Board was summarised during the consultation process consultees raised many questions with some openly dismissing the data. The main issues raised with regard the data were the lack of comparison to other areas and the fact it did not take into consideration the considerable number of visitors to the five towns or navy personnel in Helensburgh. The majority of consultees stated that the five towns did not feel like they were overprovided with on-trade premises as a number of premises had closed in recent years, and those that remained did not seem busy; licensees confirmed that trading conditions were challenging. Without stating there was overprovision of off-licence premises, the majority of consultees associated alcohol-related harm with such premises, particularly supermarkets, rather than on-trade premises and the affordability of alcohol was cited as the main reason for this rather than the number of such premises or the type of premises in itself.
- 8.4 There was greater support among consultees for an overprovision policy focused on off-licences than on-trade licences because consultees associated alcohol-related harms to purchases from such premises. There was limited support for an overprovision policy focused on the on-trade, with the strongest support emanating from licensees primarily as it could help sustain existing premises if new licences were less likely to be granted. A frequently cited reason for opposing an overprovision policy for on-trade premises was a concern that it could potentially deter new supermarkets, pubs, and hotels from opening in the five towns which would otherwise bring jobs and investment. It is acknowledged that the Licensing Board's decision making is limited to promoting the Licensing Objectives and the promotion of tourism and economic development are outwith the Board's remit. Pubs were also seen by some as providing a community and social benefit in the five towns particularly for socially isolated individuals.
- 8.5 The effectiveness of an overprovision policy was frequently questioned, including by some of those who supported the idea. The main reason for this was the perception it would not affect availability in the short-term as existing licensed premises would be largely unaffected, and even in the longer term, many consultees doubted whether it would

change purchasing and consumption patterns. Another reason identified as negating the effectiveness of an overprovision policy was the purchasing of alcohol outwith Argyll and Bute, particularly by Dunoon and Rothesay residents who it was suggested purchase cheap alcohol from supermarkets in Inverclyde. Some consultees also stated the policy would be difficult to implement if it were to be challenged by licensing lawyers representing supermarket or national pub chains who had the financial resources to do so. A number of alternative suggestions were made to an overprovision policy including more effective education for young people, additional staff training, encouraging more responsible drinking, awareness raising on the public health dangers, enforcement of licensing conditions, and minimum unit pricing.

- 8.6 There was no discernible difference in the findings across the five towns and no strong arguments put forward for the exclusion of any of the towns from an overprovision policy should it be introduced.
- 8.7 It is hoped that the findings from this consultation inform Argyll and Bute Licensing Board's discussions on an overprovision policy in in Campbeltown, Dunoon, Helensburgh, Oban and Rothesay.

Appendix 1 - Licensing Overview Paper

Argyll and Bute Licensing Board Overprovision consultation

An overview of licensing in Scotland

The sale of alcohol is regulated by a licensing system and any premises that wishes to sell alcohol must have a licence. Decisions on the granting of licences are made by local **Licensing Boards** – there are numerous Boards across Scotland including one for the whole of Argyll and Bute. Licensing Boards are made up of elected members of the local authority although the Board is a separate statutory body from the council.

The licensing system is based on the five **Licensing Objectives** contained in the Licensing (Scotland) Act 2005:

1. Preventing crime and disorder.
2. Securing public safety.
3. Preventing public nuisance.
4. Promoting and improving public health.
5. Protecting children from harm.

On-sale licences enable alcohol to be sold and consumed on the premises. They usually enable alcohol to be consumed off the premises as well. Public houses, restaurants and clubs have on-sale licences.

Off-sale licences enable alcohol to be sold and consumed off the premises. Alcohol cannot be consumed on these premises. Off-licences, and licensed grocers, shops and supermarkets have off-sale licences.

Licensing Boards must produce a **Policy Statement** outlining its approach to licensing over a three year period. The Statement aims to ensure there is a consistency in decisions made by the Board and provides applicants with an indication of how the Board is likely to approach licensing issues and determine specific applications. There is a presumption that the Board will follow the terms of the Statement however, the Board is not bound by the Policy and applicants can make a case for decisions which are contrary to the Policy.

Argyll and Bute's current Licensing Policy Statement covers the period 2013 to 2016.



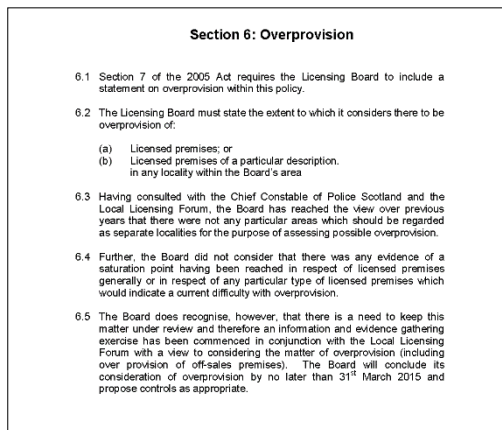
Licensing Boards have a duty to consider whether there is **overprovision** of licensed premises, or a particular type of licensed premises, in their area or any part of their area. The Board's policy on overprovision must be included in their Policy Statement. Licensing Boards must consider the number, type and capacity of licensed premises in an area. In simple terms, overprovision means

that any increase in the existing number, type or capacity of alcohol licences would conflict with at least one of the Licensing Objectives. Scottish Government Guidance states that Licensing Board's should carry out wide ranging consultation as part of their assessment of overprovision.

Capacity in off-sale premises relates to the amount of space given over to the display of alcohol for sale, and in on-sale premises it relates to the number of customers who can be accommodated in the premises at any one time.

Overprovision in Argyll and Bute

Argyll and Bute's Policy Statement specifies that Board did not consider there was any evidence -



at that time - of a saturation point having been reached in respect of licensed premises generally or any particular type of premises which would indicate a difficulty with overprovision. However, the Board stated it would keep this matter under review and commenced an information and evidence gathering exercise.

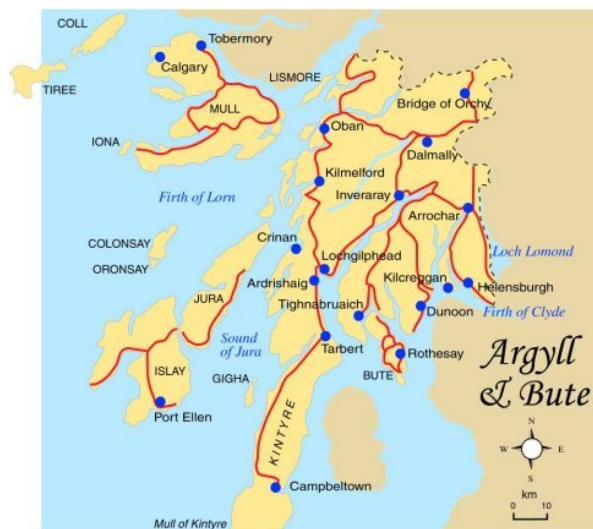
To date this exercise has consisted of the analysis of a wide range of data and consultation with the public and licence holders in Argyll and Bute.

The following data has been gathered and analysed:

- NHS Highland data on the number of alcohol-related hospitalisations and alcohol diagnosis per 1,000 population.
- Alcohol Focus Scotland data on alcohol-related hospitalisations and death rates across Scotland.
- Police Scotland data on alcohol-related crime.
- Scottish Ambulance Service on incidents where alcohol was noted as a factor.
- Scottish Fire & Rescue Service data on alcohol-related incidents.

The process identified the following locations as potential areas of overprovision:

1. Dunoon
2. Rothesay
3. Helensburgh
4. Oban
5. Campbeltown



Consultation

The data analysis and preliminary consultation summarised above provided indicative information on overprovision in Argyll and Bute. Following this, Argyll and Bute Licensing Board commissioned us – Iconic Consulting – to consult a range of interested parties on overprovision. In each of the five areas identified as potential areas of overprovision, we are consulting:

- The local communities including Community Councils.
- Local licence holders.
- Young People.
- Elected members of Argyll and Bute Council

We are also consulting others including Police Scotland, NHS Highland, Argyll and Bute Alcohol and Drug Partnership, and Argyll and The Isles Tourism Co-operative.

The consultation will consider:

- 1. Whether there is an overprovision of premises licensed to sell alcohol in any or all of the five areas highlighted above.**
- 2. In what type of premises is there overprovision (if any) i.e. off-sales or on-sales.**
- 3. What the reasons are for the overprovision (if any).**

We will report our findings to Argyll and Bute Licensing Board by the end of October 2015.

Appendix 2 – Community Presentation

iconic *Ian Clark*
consulting

Argyll and Bute Licensing Board

Overprovision Consultation

September 2015

iconic *Ian Clark*
consulting

Introduction

- Licensing overview
- Overprovision
- Consultation
- Questions
- What next

iconic *Ian Clark*
consulting

Licensing overview

- Licensing process to regulate the sale of alcohol
- On-sales and off-sales
- 40 Licensing Boards across Scotland
- Licensing Objectives:
 - Preventing crime and disorder
 - Securing public safety
 - Preventing public nuisance
 - Promoting and improving public health
 - Protecting children from harm
- Policy Statement
- Overprovision is a key consideration.....



iconic *Ian Clark*
consulting

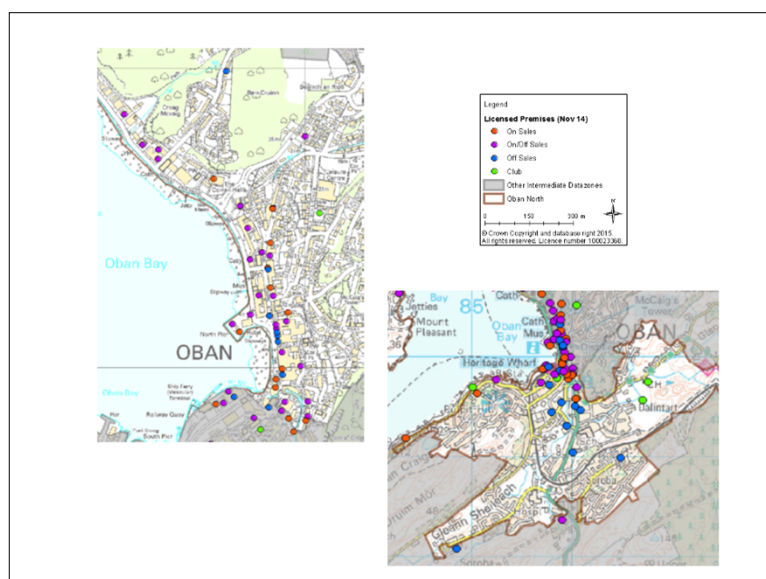
Overprovision

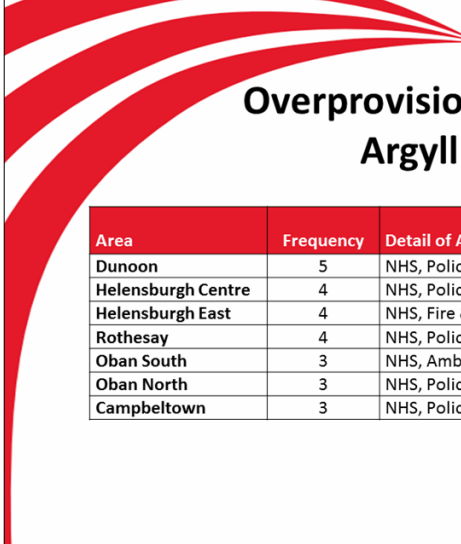
- Overprovision of licensed premises or a particular type of licensed premises i.e. off-sales or on-sales
- In the area as a whole or a part of the area
- Boards must consider the number, type and capacity of licensed premises
- Any increase in licences would conflict with at least one of the Objectives
- Does not affect existing licences
- Would limit the number of future licences
- Many other areas in Scotland have an overprovision policy

iconic *Ian Clark*
consulting

Overprovision Proposals in Argyll & Bute

- Policy Statement - no evidence of saturation point at that time
- However, under review with evidence gathering exercise
- To date consisted of data analysis and preliminary consultation
- Data:
 - Licences
 - NHS Highland - number of alcohol-related hospitalisations and alcohol diagnosis per 1,000 population
 - Alcohol Focus Scotland data on alcohol-related hospitalisations and death rates across Scotland
 - Police Scotland data on alcohol-related crime
 - Scottish Ambulance Service data on incidents where alcohol was noted as a factor
 - Scottish Fire & Rescue Service data on alcohol-related incidents.

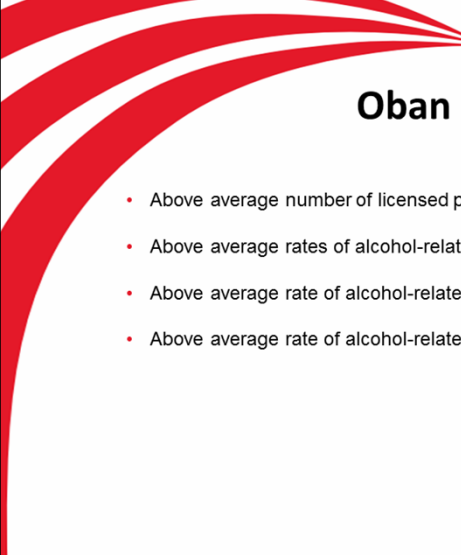




iconic *Ian Clark*
consulting

Overprovision Proposals in Argyll & Bute

Area	Frequency	Detail of Agencies
Dunoon	5	NHS, Police, Fire & Rescue, Ambulance, AFS
Helensburgh Centre	4	NHS, Police, Ambulance, AFS
Helensburgh East	4	NHS, Fire & Rescue, Ambulance, AFS
Rothsay	4	NHS, Police, Fire & Rescue, AFS
Oban South	3	NHS, Ambulance, AFS
Oban North	3	NHS, Police, AFS
Campbeltown	3	NHS, Police, AFS



iconic *Ian Clark*
consulting

Oban

- Above average number of licensed premises per 1,000 population
- Above average rates of alcohol-related deaths and diagnosis
- Above average rate of alcohol-related crime
- Above average rate of alcohol-related ambulance calls



iconic *Ian Clark*
consulting

Consultation

- Consult:
 - The local communities including Community Councils
 - Local licence holders
 - Young people
 - Elected members of Argyll and Bute Council
 - Other stakeholders
- Identify:
 - Whether there is an overprovision of premises licensed to sell alcohol in any or all of the five areas highlighted above
 - In what type of premises is there overprovision (if any) i.e. off-sales or on-sales
 - What the reasons are for the overprovision (if any)

Questions

1. What are your views on Argyll & Bute Licensing Board's proposals to limit the number of licensed premises in Oban? What are the positives and negatives of the proposals?
2. How does the sale of alcohol impact on Oban? In particular, are there any issues related to the sale of alcohol in Oban and: a) Crime and disorder b) Public safety c) Public nuisance such as noise d) Health e) Children and young people
3. Are there any particular areas or times of the week when issues arise? Are these issues related to the sale of alcohol from pubs, clubs, restaurants, supermarkets, off-licences, or convenience stores?
4. Would limiting the number of premises licensed to sell alcohol improve any of these issues?
5. Any other comments the Licensing Board's proposals to limit the number of licensed premises in Oban?

What next?

- If you would like to comment further on the Licensing Boards proposals, the Board would welcome your views
- Contact details:
Clerk to The Licensing Board
Governance and Law
Argyll and Bute Council
Kilmory
Lochgilphead
PA 31 8RT
licensing@argyll-bute.gov.uk

Appendix 3 – Licensees Presentation

iconic *Ian Clark*
consulting

Introduction

- Our role
- Licensing overview
- Overprovision
- Consultation process
- Discussion

iconic *Ian Clark*
consulting

Argyll and Bute Licensing Board

Overprovision Consultation

October 2015

iconic *Ian Clark*
consulting

Licensing overview

- Licensing process to regulate the sale of alcohol
- On-sales and off-sales
- 40 Licensing Boards across Scotland
- Licensing Objectives:
 - Preventing crime and disorder
 - Securing public safety
 - Preventing public nuisance
 - Promoting and improving public health
 - Protecting children from harm
- Policy Statement
- Overprovision is a statutory consideration.....






iconic *Ian Clark*
consulting

Overprovision

- A presumption against granting new premises licences in an area on the grounds it is inconsistent with one or more of the objectives, unless an applicant can demonstrate that granting the application would not undermine the objectives
- “Saturation point”
- Overprovision of licensed premises or a particular type of licensed premises i.e. off-sales or on-sales
- A whole area or a part of the area
- Consider number, type & capacity of licensed premises
- Research linked alcohol outlet density & alcohol-related ill-health
- Overprovision elsewhere.....



Overprovision Statements

Locality specific:

Aberdeen City:	On-sales premises within 2 localities within the city
Glasgow:	On and off-sales in 8 intermediate zones
Western Isles:	Vertical drinking establishments within Stornoway town centre
Dumfries Galloway:	Off-sales premises in central Stranraer
Inverclyde:	On and off-sales in Greenock town centre

Premises specific:

Highland:	Large (>40m sq) off-sales across whole area
-----------	---

Widespread:

East Lothian:	On and off-sales across whole of area
North Ayrshire:	On and off-sales across whole of area
West Dunbartonshire:	On and off-sales in 17 out of 18 areas



iconic *Ian Clark*
consulting

Overprovision Proposals in Argyll & Bute

- Policy Statement - no evidence of saturation point at that time
- However, under review with evidence gathering exercise
- Data analysis and preliminary consultation including:
 - Licences per 1,000 pop
 - NHS Highland - number of alcohol-related hospitalisations and alcohol diagnosis per 1,000 pop
 - Alcohol Focus Scotland data on alcohol-related hospitalisations and death rates across Scotland
 - Police Scotland data on alcohol-related crime
 - Scottish Ambulance Service data on incidents where alcohol was noted as a factor
 - Scottish Fire & Rescue Service data on alcohol-related incidents.

iconic *Ian Clark*
consulting

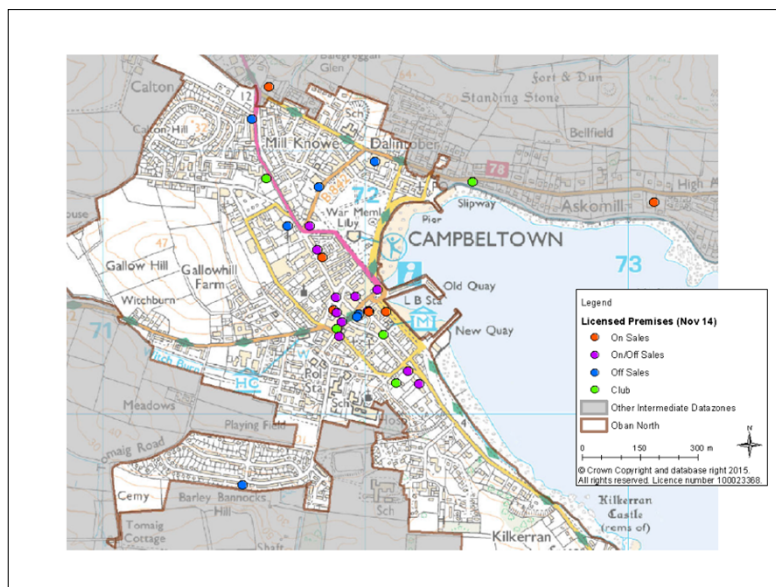
Overprovision Proposals in Argyll & Bute

Area	Frequency	Detail of Agencies
Dunoon	5	NHS, Police, Fire & Rescue, Ambulance, AFS
Helensburgh Centre	4	NHS, Police, Ambulance, AFS
Helensburgh East	4	NHS, Fire & Rescue, Ambulance, AFS
Rothsay	4	NHS, Police, Fire & Rescue, AFS
Oban South	3	NHS, Ambulance, AFS
Oban North	3	NHS, Police, AFS
Campbeltown	3	NHS, Police, AFS

iconic *Ian Clark*
consulting

Campbeltown

- Above average rates of alcohol-related deaths and diagnosis
- Above average rate of alcohol-related crime
- Above average rate of alcohol-related ambulance calls



**iconic** *Ian Clark*
consulting

Implications for existing licensees?

- If approved, would affect all new applications
- To be decided, but potential impact on existing licensees seeking:
 - Variation / increase in capacity
 - Occasional licences
- To be decided, but unlikely to be affected:
 - Transfer of existing licences
 - Review of existing licensed premises
- Extension of hours outwith overprovision policy
- Private members' clubs outwith overprovision policy

**iconic** *Ian Clark*
consulting

Consultation

- Consult:
 - Local communities including Community Councils
 - Local licence holders
 - Young people
 - Elected members of Argyll & Bute Council
 - Other stakeholders
- Identify:
 1. Whether there is an overprovision of premises licensed to sell alcohol in any or all of the five areas
 2. In what type of premises is there overprovision (if any) i.e. off-sales or on-sales
 3. What the reasons are for the overprovision (if any)

**iconic** *Ian Clark*
consulting

Discussion

1. Overall views on the Board's overprovision proposals?
2. What are the positives and negatives of the proposals?
3. Would the proposals impact on objectives?
 - Preventing crime & disorder
 - Securing public safety
 - Preventing public nuisance
 - Promoting and improving public health
 - Protecting children from harm
4. Types of licences?
5. Any other comments?



iconic *Ian Clark*
consulting

What next?

- If you would like to comment further on the Licensing Boards proposals, the Board would welcome your views
- Contact details:
Clerk to The Licensing Board
Governance and Law
Argyll and Bute Council
Kilmory
Lochgilphead
PA 31 8RT
licensing@argyll-bute.gov.uk