

DETERMINATION OF OVERPROVISION STATEMENT**1. EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to provide details of the results of the consultation undertaken by an external consultant, in order that the Board may consider options in relation to the assessment of overprovision, as required by statute.
- 1.2 The consultation results, together with the statistical data previously considered by the Board, offer a context for that assessment.
- 1.3 There are no significant financial implications arising from the recommendations of this report.
- 1.4 Detailed recommendations are noted at section 3 below. These address the type of licensed premises which could fall within the scope of the Board's overprovision statement as well as the discrete locations of those licensed premises.

2. INTRODUCTION

- 2.1 At their meeting on 23rd June 2015 the Board decided to appoint an external consultant to undertake consultation in relation to statistical data which indicated potential overprovision of alcohol in five towns in the area; Cambeltown, Dunoon, Helensburgh, Oban and Rothesay. The purpose of the consultation was to establish whether local communities and licensees perceived that there was overprovision of alcohol in those areas.
- 2.2 The consultation was undertaken during the period August to November this year. Views were gathered through direct engagement with Community Councils, tenants associations, young people, licensees and elected members of Argyll and Bute Council, as well as Argyll and Bute Alcohol and Drugs Partnership, Police Scotland, NHS Highland, and the Argyll and the Isles Tourism Co-operative.
- 2.3 The consultant's report has been reviewed by the Overprovision Working Group (the Working Group) and the recommendations noted below provide a summary of their conclusions.

3. RECOMMENDATIONS

- 3.1 It is suggested that there is currently no compelling evidence to conclude that there is overprovision, derived either from the statistical data or the qualitative information reported by the consultant. On that basis, the recommendation to the Board is that they adopt the position that there is no overprovision within their area.
- 3.2 The statistical data indicates that overprovision should be monitored and reviewed in the five identified locations, particularly in regard to off-sales; it

is therefore recommended that these areas should be designated as '*areas of concern*' in terms of overprovision; to be monitored through regular and robust reporting systems, the results of which would be reviewed by the Board on an annual basis for a period of three years.

- 3.3 It is recommended that a system of collating, analysing and reporting statistical information relevant to overprovision will be developed on behalf of the Board by the Working Group, with the co-operation of relevant partner agencies, including the Local Licensing Forum.
- 3.4 The consultation study identified numerous proposals which could be developed as effective strategies in tackling problems associated with the availability of alcohol. It is therefore recommended that the Board, through the Working Group, should encourage the establishment of a multi-agency group focussed on identifying and implementing initiatives which would lead to improved health and other relevant outcomes linked to the consumption of alcohol.

4. CONSULTATION FINDINGS

- 4.1 The consultation study posed three key questions addressing overprovision in terms of; the extent of alcohol availability in their local area, the types of premises potentially causing concern and whether there was overprovision of alcohol in their area.
- 4.2 In their responses, the consultees raised a number of challenges to the statistical data, including lack of contextual analysis to take account of local variations e.g. tourism, military bases. Similarly the significance of police data was criticised for not being referenced to appropriate benchmark data.
- 4.3 Rather than identifying overprovision as an issue, the focus for consultees appeared to be concerns in relation to off sales rather than on sales premises and mainly citing the pricing rather than the availability of alcohol.
- 4.4 There was little support for an overprovision policy, with doubts raised as to the effectiveness of this measure given the range of other means of accessing alcohol.
- 4.5 Although overprovision was not supported as an effective strategy, the debate with interested parties did generate enthusiasm for developing alternatives including; proactive alcohol education programmes for young people, awareness raising initiatives and more effective enforcement of licensing conditions and legislation.
- 4.6 A copy of the full consultation report is attached as **Annex 1**.

5. ISSUES IDENTIFIED BY THE WORKING GROUP

- 5.1 In reviewing the available statistical data and the consultation findings, the Working Group considered a range of options including:- to determine that,

- (a) there is compelling evidence of overprovision in one or more areas identified from statistical data
- (b) there is no compelling evidence of overprovision in any of areas identified from statistical data
- (c) there is sufficient evidence that one or more of the areas identified from statistical data should be designated as '*an area for concern*' and subject to annual monitoring and review.

5.2 The Working Group agreed to adopt option (c) above as its recommendation to the Board, as noted at section 3.2 above.

5.3 In regard to the quality and availability of robust statistical data, the Working Group acknowledged that customised data to assist in continuing monitoring of potential overprovision should be obtained from relevant partners, particularly from police and health services. It was agreed that this issue should be referred to the Board for implementation.

5.4 The Working Group also agreed to endorse the proposals for alternative strategies and joint initiatives involving relevant agencies, including Alcohol and Drugs Partnership, the Argyll and Bute Addiction Team, Young Scot and others as appropriate. Alcohol Focus Scotland could be invited to participate in this initiative as a means of learning from best practice.

6. CONCLUSIONS

6.1 From the information available it has not been possible to identify compelling evidence of overprovision in the Board's area.

6.2 Joint working with community partners, to improve the collation and reporting of statistical data and enhanced public awareness of the impact of alcohol consumption, would assist the Board in making future assessments of overprovision.

6.3 The information produced in the current assessment represents a valuable baseline for comparison purposes in future years and will also be a rich resource for other agencies engaged in related projects.

7. IMPLICATIONS

7.1 Policy - the Board's current policy statement will be updated to reflect the Board's decision on overprovision when it is reviewed in March 2016.

7.2 Financial – no significant expenditure will be incurred beyond the costs involved in exiting partnership working.

7.3 Legal – it is not envisaged that implementation of any of the

recommendations would exceed the powers of the Argyll and Bute Licensing Board or Argyll and Bute Council.

- 7.4 HR – limited staff resources may be required to assist Board members in the implementation of agreed recommendations.
- 7.5 Equalities – it is not envisaged that implementation of any of the recommendations would result in a breach of the council's Equality duties.
- 7.6 Risk – it is not envisaged that implementation of any of the recommendations would result in any associated risk for the council.
- 7.7 Customer Service – this report incorporates recommendations which could result in improved systems to facilitate monitoring the extent of overprovision of alcohol and thereby have positive impacts of local communities.

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