



Review of Licensing Policy Statements 2013 - 2016

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AFS works to reduce alcohol harm

- Advocates for effective regulation of the licensing system; trains licensing board members, LSOs and people working in the licensed trade.
- Published *Rethinking Alcohol Licensing* in 2011; held regional workshops in 2012 and developed a licensing toolkit; programme supported by a grant from ARUK.





Purpose of Review

- To assess the extent to which published policy statements fulfil their legal purpose.
- To assess whether there are lessons to be learned from current policy statements to inform the development of future statements.





History of Licensing Policy Statements

- Nicholson Committee 2001: “review all aspects of liquor licensing law and practice in Scotland, with particular reference to the implications for health and public order; and to recommend changes in the public interest”.
- Licensing (Scotland) Act 2005
- Act comes into force 2007. Licensing boards required to publish a statement of licensing policy.





Guidance for Licensing Boards

- Licensing board must consult in the preparation of a policy statement.
- Measures must seek to promote the licensing objectives.
- Policy statement must include an overprovision assessment.
- Boards must have regard to the statement when making licensing decisions.





AFS Analysis of Policy Statements

- 25 out of a total of 37 statements were available by the end of April 2014.
- 6 out of the 25 did not include a statement on overprovision.
- Policy statements from 2007 – 2010 were re-examined to assess policy development over time.





Criteria Used in Analysis

- Presentation and readability
- Use of evidence
- Process of consultation
- Overprovision
- Also licensed hours; children's access; occasional licences and operating conditions.





Presentation and Readability

- The shortest policy statement is 15 pages, the longest policy statement is 123 pages.
- Most policy statements include information on matters that cannot be regarded as policy and some are written in legalistic language making them difficult to read.





Use of Evidence

- 4 statements stand out for good use of evidence – Glasgow city; Aberdeen city; Dumfries and Galloway and Highland.
- More policy statements highlight the contribution of the licensed trade to the economy than mention adverse consequences of alcohol.
- Lack of evidence makes it difficult to judge whether measures outlined are sufficient to achieve the licensing objectives.





Process of Consultation

- Good practice examples - Glasgow City dropped a proposal to extend closing times in the city centre following consultation. East Lothian included a summary of consultation views in an appendix.
- Most policy statements say the board gave “due consideration” to the views of consultees, but few demonstrate how.





Overprovision Assessment

- 10 licensing boards find overprovision within their area – 4 more than in 2010.
- 5 declare overprovision across a large part of their area.
- 13 boards find no overprovision in their area.
- 17 boards had not published an overprovision statement by the end of April 2014.





Challenges

- Boards have difficulties with the relationship between outlet density and alcohol problems, and the standard of evidence required.
- Yet evidence linking outlet density and alcohol problems is stronger than other measures boards promote i.e. Best Bar None.
- Statutory guidance unhelpful given reference to “causal link”.





Conclusions (1)

- 6 or 7 policy statements demonstrate the potential for statements to support a more strategic approach to promoting the licensing objectives.
- Increased levels of engagement between different licensing stakeholders in some areas.
- Continued emphasis on the administration of the system rather than what it is there to achieve.





Conclusions (2)

- Some statements show policy development, with policy positions evaluated and amended, as well as a willingness to extend public participation.
- Some policies on overprovision and licensed hours are presented with limited explanation of the reasons for the policy approach, or the evidence underpinning it.





Recommendations

- All policy statements should demonstrate the evidence on which policy positions are based.
- Licensing boards should publish detailed licensing statistics and should receive support to do so.
- Licensing boards should encourage active participation in the policy consultation process.
- Scottish Government should review guidance to clarify standard of evidence relating to overprovision.

