

ANGUS LICENSING BOARD – 1 FEBRUARY 2012

RE-THINKING ALCOHOL LICENSING

REPORT BY THE CLERK

ABSTRACT

The purpose of this report is to advise members of the publication, by Alcohol Focus Scotland and Scottish Health Action on Alcohol Problems, of a Report entitled “Re-thinking Alcohol Licensing” and to determine what action, if any, the Board requires taken arising from the Report and, in particular, it’s recommendations.

1. RECOMMENDATION

It is recommended that the Board:-

- (i) notes the terms of the Report, published by Alcohol Focus Scotland and Scottish Health Action on Alcohol Problems, entitled “Re-thinking Alcohol Licensing” and, in particular, it’s recommendations; and
- (ii) instructs the Clerk to undertake research to ascertain the views of other public bodies and, in particular, other licensing boards’, positions on the recommendations contained in the Report and what steps other bodies have taken to implement those recommendations.

2. BACKGROUND

- 2.1 Alcohol Focus Scotland and Scottish Health Action on Alcohol Problems have published a report entitled “Re-thinking Alcohol Licensing”. A copy of this Report has been circulated electronically to Board Members previously and a copy of this is available in the Members Lounge.
- 2.2 In June 2011, Alcohol Focus Scotland (AFS) and Scottish Health Action on Alcohol Problems (SHAAP) convened an expert workshop to consider the operation of Scotland’s licensing system and how it could more effectively regulate the availability of alcohol to reduce high levels of alcohol-related harm. The introduction of new licensing legislation in Scotland which came into effect in September 2009 provided the context for discussions and a key question for the workshop was how licensing policy and practice could give meaningful effect to the newly introduced licensing objective of promoting and protecting public health.
- 2.3 In the course of its deliberations the workshop examined:
 - (i) the international, UK and Scottish evidence base on the relationship between the physical availability of alcohol, alcohol consumption and harm; and how alcohol availability can be managed and controlled to better protect and improve public health;
 - (ii) the legal framework for licensing decisions in Scotland and the extent to which it empowers or restricts licensing authorities in making decisions to reduce alcohol availability in the public interest; and
 - (iii) licensing boards’ interpretation of the legislation and factors that influence board decisions in the formulation of licensing policy statements; in overprovision assessments and in individual licensing applications.

- 2.4 Expert participants from the fields of licensing, law, history, public health, social science and local government contributed to the workshop. Discussion was also informed by an Opinion from Sir Crispin Agnew QC which was jointly commissioned by AFS and SHAAP and a paper providing a historical overview of alcohol licensing in Scotland prepared by Dr James Nicholls.
- 2.5 The Report, and its recommendations, were the outcome of this workshop. Members will note that sets of recommendations have been directed at Licensing Boards and Local Authorities, Other Public Bodies and the Scottish Government. The recommendations are both comprehensive and far-reaching and it is submitted that the production of the Report is to be welcomed as a further step forward in understanding and addressing alcohol consumption and harm and the roles that Licensing Boards, Other Public Bodies and the Scottish Government can play in reducing alcohol related harm.
- 2.6 Given the significant number of recommendations, it is submitted that further work should be undertaken prior to the Board determining its response to the Report and what steps it should take to implement the recommendations contained therein. It is, therefore, proposed that the Clerk should undertake research to ascertain the views of other public bodies and, in particular, other Licensing Board's on the recommendations contained in the Report and what steps other bodies have taken to implement those recommendations. If the Board determine to agree with this proposal then steps will be taken to contact other Boards, the Scottish Government, and the Society of Local Authority Lawyers and Administrators (SOLAR) Licensing Forum. A further report on this matter will be submitted to the Board when that research has been concluded.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RIGHTS IMPLICATIONS

In dealing with the applications as set out in this report, the Board will have regard to any human rights issues in relation to the applicants.

5. EQUALITIES IMPLICATIONS

The issues dealt with in this report have been the subject of consideration from an equalities perspective. An equalities impact assessment is not required.

6. CONSULTATION

The Head of Finance, Director of Infrastructure Services and Chief Constable have been consulted in the preparation of this report.

**SHEONA C HUNTER
CLERK TO THE LICENSING BOARD**

NOTE: No background papers were relied on to a material extent in preparing the above report.