

REPORT TO: DUNDEE CITY LICENSING BOARD – 18TH JANUARY, 2018

REPORT ON: OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005 - RESULTS OF CONSULTATION

REPORT BY: CLERK TO THE LICENSING BOARD

REPORT NO: 24-2018

1.0 PURPOSE OF REPORT

1.1 To advise the Board of the outcome of the recent consultation on whether and, if so, to what extent there is an overprovision of licensed premises within its area under Section 7 of the Licensing (Scotland) Act 2005.

2.0 RECOMMENDATIONS

2.1 That the Board considers the following options:-

2.1.1 To adopt a policy on overprovision which states that it will apply to off-sales and public house type premises throughout the whole of the Board's area as proposed at the meeting of the Board on 29th June, 2017;

2.1.2 To adopt a policy as outlined in Paragraph 2.1.1 above but to apply this to off-sales premises only;

2.1.3 Such other options as the Board considers to be appropriate.

3.0 FINANCIAL IMPLICATIONS

3.1 In terms of Regulation 13 of the Licensing (Fees) (Scotland) Regulations 2007 [SSI 2007/553], the total fees payable for licences are to be broadly equivalent to the expenses incurred by the Board and Council in administering the 2005 Act in their area, therefore there should be no financial implications arising from the contents of this report.

4.0 BACKGROUND

4.1 Section 7 of the 2005 Act requires every Licensing Board to consider to what extent (if any) there is overprovision of licensed premises (either generally or of a particular description) in any locality within their area. This is referred to as "the overprovision assessment" and is to be included in the Board's three-yearly Statement of Licensing Policy.

4.2 The Board's previous policy was successfully overturned on 12th August, 2016, following the Aldi Stores Ltd v Dundee City Licensing Board case. The policy has not been in operation since the ruling. The Sheriff decided that the Board had not properly consulted on overprovision areas. The Board should have decided what locality they considered to be overprovided and then gone out to consultation on a final proposal, rather than listing options at the consultation stage. Furthermore, the Sheriff made comment that the Board was selective with the information they used. The Board had assessed off sales capacities only and had no information before it as to the other categories of licensed premises. Initially the Board minded to adopt a whole city approach, but that was not permissible at that time. However, a recent change in legislation allows a whole area approach to be taken and factors other than numbers and capacity can now be considered, including licensed hours.

4.3 The Dundee City ADP made a detailed presentation in support of a fresh policy to the Board at its meeting on 29th June, 2017. This was presented to the Board along with Report No 317-2017. The ADP Report contained a table showing a summary of its principal statistical findings relating to alcohol related health harm and alcohol related crime in the Board's area. A copy of the report is attached as APPENDIX 12 to this Report.

4.4 At its meeting on 29th June, 2017, the Board took the view that there *prima facie* evidence of overprovision of off-sales and “public house” type premises in the whole of the City of Dundee and remitted to the Clerk to carry out a consultation exercise under Section 7(3)(b) of the Licensing (Scotland) Act 2005.

5.0 CONSULTATION

5.1 The consultation ran until 29th December, 2017. Copies of a questionnaire were sent to interested persons and organisations and also made available on the Dundee City Council website. There were 23 responses. The results are shown at APPENDIX 1 hereto. (Please note that not every respondent answered Q1 and Q2 and some ticked more than one option under Q3). This also contains a note of some of comments made in response to Questions 4 and 5 of the consultation questionnaire. The responses which contained more detailed comments or lengthy written submissions are attached at APPENDICES 2 TO 11.

5.2 The results show a majority (13 out of 23 of those responding) in support of the opinion that there is overprovision of licensed premises in Dundee and that the whole of the Board’s area be considered as the appropriate locality. However, there is some divergence of opinion over the types of premises and areas where there may be overprovision. Nevertheless, it is clear that most respondents feel that the whole city is overprovided for and that just under half (10 out of 23 responses) think that this applies particularly to off-sales. This would be consistent with the specific recommendation on page 28 of the ADP Report. The members of the Board are not, however, bound to adopt the option(s) receiving the most support if they feel there are valid reasons for doing otherwise.

5.3 In terms of Section 7 of the 2005 Act, the Board is obliged to have regard to the number and capacity of licensed premises in the locality when it is considering whether there is overprovision. It may also have regard to such other matters as it thinks fit (including, in particular, licensed hours of premises within the locality).

5.4 As at the date of this report, the numbers and capacities of the licensed premises in the whole of the Board’s areas are –

- | | | | |
|-------|--------------------|--------------|------------------------------------|
| (i) | on-sales only: | 143 premises | (47715 personcapacity); |
| (ii) | off-sales only: | 129 premises | (6498.488m ² capacity); |
| (iii) | on- and off-sales: | 166 premises | (45406 capacity). |

5.5 The Board is also obliged to have regard, under Section 142 of the 2005 Act, to the Guidance issued by Scottish Ministers as to the exercise by the Board of its functions under the Act. Section 3 of the Guidance deals with overprovision. In particular, the Board must be satisfied that there is a “dependable causal link” between the evidence of alcohol-related harm and the operation of licensed premises in a locality.

6.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Sustainable Development, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

7.0 CONSULTATIONS

The Chief Executive, Executive Director of Corporate Services, Head of Environment, Executive Director of Children and Families Service, Executive Director of Neighbourhood Services and the Executive Director of City Development have been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

8.1 Licensing (Scotland) Act 2005 - Section 142 - Guidance for Licensing Boards.

ROGER MENNIE
CLERK TO THE LICENSING BOARD

DATE: 11TH JANUARY 2018

DUNDEE CITY LICENSING BOARD

OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005

PUBLIC CONSULTATION QUESTIONNAIRE

Q1. What is your view regarding the availability of alcohol in Dundee?

Too many premises selling alcohol	13	Not enough premises selling alcohol	2	Just about the right number of premises selling alcohol	2
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Q2. Do you agree with the Board's proposal that the whole of its area be considered as the locality for the purpose of the overprovision assessment?

Yes	13	No	4	- Should be on a case-by-case basis on 500m radius
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Q3. Of which types of premises do you think there may be overprovision in Dundee?

On-Sales (pubs, clubs, restaurants etc.)	5
Off-Sales (Supermarkets, shops)	10
Both On/Off	4
Neither On/Off	2
Other	2

(Please specify)

Q4. If you think there is overprovision of licensed premises at Q3 above, what do you think are the reasons for this?

There are too many premises selling alcohol too much of the time.

Council grant too many licences.

The Council appear to feel obliged to grant licences – presume defending appeals is expensive. Factors such as increased parking are not taken into account.

Booze is too readily available because there are too many premises selling it. We are floating in the stuff.

Businesses needing to combine – City Planning for rejuvenation/financial gain/big profit – no thought for the younger generation/money sales/making money – more people wanting it – not strict enough to get licences today/profit making, not strict enough in checking age/lack of moral responsibility/lack of legislation regarding the sale and pricing of alcohol/small businesses and supermarkets providing cheaper alcohol/more people appear to be drinking at home now due to smoking ban/no alcohol should be sold in supermarkets –dedicated liquor stores only.

Q5. Are there any other comments/suggestions you wish to make in relation to the issue of overprovision?

Whilst acknowledging the legislative constraints on the Board and implementing current licensing legislation, the Board could usefully advocate more for legislative changes which are more in tune with current concerns about alcohol over consumption and over provision.

Stop happy hours/price promotions, etc. It encourages over consumption.

I read in the paper the Convener of the Board say how hard it was to balance public health with the needs of on and off-sales to trade. Wait a minute, I thought a Licensing Board was there to promote and protect public well-being and the licensing objectives? The public don't exist to meet the needs of alcohol businesses. Any suggestion of private profit before public health shouldn't even be contemplated.

Restrict the selling times/corner shops should not need to sell alcohol/we do not need so many hotels/alcohol should only be sold in off licences since they would be easier to regulate and be separate to supermarkets.



ALDI STORES LIMITED (BATHGATE)

Pottishaw Road, Junction 4 / M8, Bathgate, West Lothian EH48 2FB

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Dundee City Licensing Board Overprovision Assessment under the Licensing (Scotland) Act 2005

Aldi are grateful for the opportunity to respond to Dundee City Licensing Board's consultation on overprovision.

Background:

We wish to give the Board some background about Aldi and our mode of operation. It is important to us for the Board to understand the wider value and benefit of responsible well run retail premises both within the Board's area and across the Scottish economy as a whole. Unfortunately, it has been our experience that in some areas an overly simplistic view has been endorsed, namely, all off-sales premises have a negative effect. It is our respectful opinion that this is simply not the case.

Since opening the doors of our first store in 1913, we have established ourselves as one of the most reputable retailers in the world, as evidenced by being awarded many accolades such as being Which? Best Supermarket of the Year Award 2009, 2012, 2013 and 2015; Grocer Gold 2017 Employer of the Year; Netmums Best Supermarket of the Year 2017; Good Housekeeping Food Award 2017; Fresh Awards Multiple Retailer of the Year 2017.¹

Our aim remains to provide our customers with good quality products at a fair price.

Aldi has over 700 stores in the UK and we believe that these stores make a positive contribution to local communities, complementing existing retailers and providing a range of benefits in the local area. We are pleased to have two operational stores in this Licensing Board's jurisdiction and one provisional premises licence.

Aldi in Scotland:

In Scotland, Aldi currently operates 78 stores and we wish to expand that portfolio to have over 100 stores throughout the country by 2020. Through all of these stores, we showcase the best food and drink that Scotland has to offer.

We stock more than 350 every day Scottish products and work with over 80 Scottish core suppliers. 22 % of our sales in Scotland come from products sourced from these suppliers. All of Aldi's fresh (everyday) meat is either Scottish or British sourced. Where possible, we source Scottish fruit and vegetables and we work sustainably to build long term relationships and share expansion plans with growers. By doing so Aldi supports Scottish farmers, producers and manufacturers, and helps grow the value of Scotland's food and drink industry. We currently work with 3 suppliers from the Dundee area, these suppliers cover a range of different products from fresh and frozen meat and game, both seasonally and as a core product, to ready meals and preserved foods. We are responsible for £244 million in gross value added contribution ("GVA") to the gross domestic product ("GDP") from working with Scottish suppliers and we contribute £169 million in GVA to the GDP through selling Scottish products in our UK and Irish stores.

¹ <https://www.aldi.co.uk/awards>

We are a major contributor to the Scottish Economy. In 2016 we contributed over £380m to the Scottish economy by way of our retailer operations (£127m); £75m through sales of Scottish sourced products in Scottish stores; £169m through selling Scottish products in Aldi's UK and Irish stores; £9m taxes on product. Our total tax contribution was £27.4m.

In 2016, we employed 2100 people (an increase from 242 employees in 2005). We support 7,800 jobs - for every one Aldi job, 3.75 jobs are supported in the wider Scottish economy, with £214m in wages being spent.

Limited range:

Aldi's trading philosophy is based on simplicity and maximum efficiency at every stage of the business, from supplier to customer, enabling us to sell high quality products from a limited range of exclusive own labels at competitive prices.

A key part of this approach is our "limited range" approach to the stocking of goods. We restrict the range to about 1,500 core products which allows us to create operational efficiencies that creates savings to be passed to customers.

This limited range is reflected in our alcohol range, i.e. there is one facing of gin. We do not operate aisles of alcohol, instead it is a relatively small area for the size of store that we typically operate.

This is evidenced by the fact that in many of our stores, we have a "seasonal" component to the alcohol display that is online between 24 November to 9 January each year. This extra space is designed to accommodate Christmas lines, including Port, Glühwein etc. we do not need this space most of the year only applying for what we need without "banking" space and we feel demonstrates our responsible approach to retailing.

Aldi in the Community:

We see ourselves as very much a part of local community. As a responsible business we want to make a positive contribution to the community by applying our skills and resources beyond just our stores. To this end we support charities and also operate our own schemes that make a positive impact on the community.

Aldi are proud to operate the Scottish Sport Fund, a Scotland-wide community-based sport programme to make it easier for children to take part in sports within their local communities by giving clubs the chance to secure up to £500 of funding.²

As Official Supermarket Sponsors of Team GB, the Scottish Sport Fund will be a lasting legacy of Aldi's commitment to help young people take part in physical activity within their local communities. Aldi expect to support 40 clubs across Scotland who will benefit from up to £500 in funding for new kit, to invest in facilities or to help fund transport and expenses to make local sport projects possible.³

Since 2012 we have donated food to vulnerable people through our work with FareShare, a registered charity that redistributes surplus food to local charities throughout the UK. This includes care shelters, women's refuges and children's breakfast clubs. Between June 2015 and June 2016, we donated the equivalent of over 216,000 meals and we also provide food to smaller charities.

Aldi also has a partnership with the RSPB to help promote the importance of safeguarding the environment. We currently charge 5p for single use carrier bags. Profits generated from Aldi's single use carrier bag sales are donated to the RSPB and we are proud to support both education and wildlife. Aldi and the RSPB are working together to give children the opportunity

² <https://www.aldi.co.uk/scottishsportfund>

³ <http://www.telegraph.co.uk/finance/newsbysector/retailandconsumer/11953908/>

for hands-on learning experiences and ability to connect with nature by implementing various initiatives and running competitions. We have donated £775,000 from the sale of carrier bags and the RSPB's Connecting Children with Nature project has allowed over 50,000 children to enjoy more than 25,000 hours of fun, exciting and educational nature experiences in 15 cities across Britain. The funding is expected to reach over £2m in 2018.⁴

We have also just launched our Community Cafe programme in Scotland. We supply ingredients for four Community initiatives in Glasgow, Edinburgh, Dundee and Aberdeen. In practice, we cover the cost of ingredients for a block of cooking classes to help people in the local area learn how to cook. This programme embodies the core principles of the Scottish Government's "Eat Better, Feel Better" campaign.

We've also committed to removing confectionary and sugary drinks from till points, checkout aisles and areas around checkouts. As part of our "Healthier Tills" policy, we stock healthier options including dried fruit, nuts, juices and water around our checkouts.

Employment opportunities:

Each Aldi store directly employs around 30 members of staff and where possible these positions will be filled by people from the local area. These jobs range from store staff to management positions. In 2016, we set a new market leading rate of pay for employees in the UK of at least £8.40 per hour, significantly more than the Government's Living Wage.

Aldi also has an industry leading Apprenticeship Programme and apprentice scheme – a 1 year contract following NVQ and a 2 year management trainee scheme. In November 2017 we were ranked the 14th overall best employer on Rate My Apprenticeship.co.uk with no other supermarket ranking within the top 30. The programme was launched in the UK in 2011, with over 1000 apprentices taking part since then, making us one of the largest retail programme within the UK. With apprentice hourly rates starting at £5.40 per hour and rising to £7.85 per hour, it is a very attractive career option for younger people.

In Scotland we currently have 88 apprentices, with 10% in our Northern region, 36% in East and 53% in the west. In October 2017, 17 apprentices graduated from our three-year programme. 15 went into a management position and two secured an Assistant Store Manager contract.

Alcohol:

Aldi is a socially responsible retailer and we take our obligations to uphold the licensing objectives, in particular promoting public health, very seriously. Our staff training in relation to alcohol sales, goes beyond legal minimum in terms of content and regularity; we abide by Portman Group's Code of Practice on naming, packaging and promotion of alcoholic drinks.

We provide a wide variety of lower strength alcohol drinks and we do not sell alcopops or caffeinated tonic wines in any of our stores. Additionally, we do not stock high strength ciders or beers (above 7.5% ABV) within our core range and we are members of the Retail of Alcohol Standards Group which maintains the "Challenge 25" scheme.

We are very strong supporters of local Scottish brewers with an incredible 42 products on sale as part of our core and seasonal ranges. In addition, we have three festivals per year, which are supported by Scottish Food and Drink allowing us to showcase a wider range of Scottish beers and ales. We actively display the unit information, Drinkaware website and pregnancy warnings when advertising alcohol on our company website.

Overprovision:

⁴ <https://www.rspb.org.uk/our-work/rspb-news/news/401237-rspb-partner-with-supermarket-aldi-to-connect-more-than-half-a-million-children-with-nature>

Aldi are concerned that the adoption of an overprovision policy will restrict its expansion in the Dundee City Board area. At the moment, Aldi are actively investigating new sites in the Board area. A city wide overprovision thereby introducing a presumption against grant will be a material factor for us when determining whether to invest in Dundee. Given that planning permission is a pre-requisite for making a licence application, this requires Aldi to make a substantial investment prior to knowing whether they will secure a liquor licence.

Although alcohol is very much ancillary to our overall offer, our business model is predicated on being able to offer customers a full range of products. The commercial disadvantage that would be experienced by a new supermarket, unable to offer alcohol as part of a "full basket shop", cannot be underestimated. The availability of alcohol in an existing competitor store gives a prospective customer a reason to choose to shop there. The convenience element of being able to buy the "full basket" from a competitor provides unfair commercial advantage. A new store would not therefore be viable with a restricted range.

Our position is that unlike other new entrants into the market, many of our new stores are planned for areas that would benefit from a provider of high quality fresh produce at a competitive price. Kantar World Panel stats show that across every demographic, fresh fruit and veg is the main component of the shopping basket with fresh meat following close behind it. When looking at total alcohol sales: beer accounts for 2%, spirits 2% and wine 6-7% and about 18% of the total spend.

While we appreciate that the Licensing Board considers each case on its own individual merits, the presumption against grant makes justifying initial investment for potential new stores very difficult. While Aldi appreciates that the grant of a premises licence is always within the gift of the licensing board, it cannot commit extensive funds to negotiating the acquisition of a site, applying for planning permission and thereafter seeking a licence in an area of overprovision, i.e. where there is a presumption against grant.

In terms of the consultation we are disappointed to note that the Board did not, prior to the statutory consultation, seek the views of a wider set of stakeholders. While we recognise the value and important work of the ADP, we would respectfully suggest that there are other stakeholders who could offer the Board a useful insight into where overprovision lies within the City of Dundee. We feel that a new licensed premises, such as an Aldi store, can bring real benefits to a local area through the associated inward investment with the creation of jobs. Aldi pays above the living wage and would encourage the Board to have regard to the health benefits of sustainable employment. In addition to health benefits of creating employment there is of course the accessibility to affordable fruit and vegetables in our stores

As noted above substantial investment must be made by a prospective applicant prior to lodging a licence application. Accordingly it would be desirable if the Licensing Board narrated in their policy the positive factors that they would take into account when determining whether to overturn the presumption against grant. We would submit that this is lawful given the recent amends to section 7 of the 2005 Act so that licensing boards *"may have regard to such other matters as the Board thinks fit..."* and it may be that such matters tie in with the licensing objective of Promoting and Improving Public Health.

We would also suggest that the Licensing Board bear in mind the technological and retail advances that have taken place since overprovision was introduced. A customer can now order alcohol to be delivered to their home via their computer or phone. This alcohol can be dispatched from anywhere in the world completely unaffected by a finding of overprovision with a geographic area. Such operations do not bring the same benefits to the local area as a retail store. Board-wide overprovision would penalise retail stores and alcohol would remain available.

Regeneration:

Aldi respectfully submits that consideration should be given to the regeneration and other benefits that a licensed premises could bring to an area in the context of the Licensing Objective of Protecting and Improving Public Health. As noted within this submission, a new Aldi store will create approximately 30 jobs, as well as directly related construction and ancillary jobs, in the local area. These jobs include market leading terms and conditions as well as quality training.

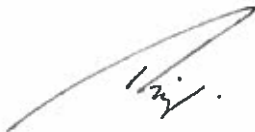
In bringing the employment benefits to the Board's attention, Aldi notes that the Waddell and Burton report, "Is work good for your health and well-being?" recognises the "*strong association between worklessness and poor health*" as well as there being "*strong evidence that unemployment is generally harmful to health*".⁵

Aldi are of the view that the development of, for example, a derelict site can be beneficial to the local community. The built environment has been found to affect a range of behaviours that can have an influence on health and improvements to physical characteristics of a neighbourhood can have a positive impact on health.⁶

Conclusion:

Aldi is of the view that the Board's suggested approach of declaring overprovision of off-sales across most of Dundee fails to recognise the positive benefits for the local community of inward retail investment. A blanket presumption against the grant of any new licence risks the City losing the employment and development opportunities that a new store provides. Coupled with the provision of fresh fruit and vegetables at an affordable price for consumers, plus additional community projects and of course economic impact of developments within local areas, the proposed policy fails to recognise the positives in terms of the Protecting and Improving Public Health objective. Having too narrow a focus on the ADP report means the Board may not have properly considered how responsible retailers may contribute towards reducing wider health inequalities in the long term.

Yours sincerely



Philip Johnston
Property Director

⁵ <https://www.gov.uk/government/publications/is-work-good-for-your-health-and-well-being>

⁶ The built environment and health: an evidence review, Glasgow Centre for Population Health, November 2013, http://www.gcph.co.uk/assets/0000/4174/BP_11_-_Built_environment_and_health_-_updated.pdf

DUNDEE CITY LICENSING BOARD

OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005

PUBLIC CONSULTATION QUESTIONNAIRE

Q1. What is your view regarding the availability of alcohol in Dundee?

Too many premises selling alcohol	<input type="checkbox"/>	Not enough premises selling alcohol	<input type="checkbox"/>	Just about the right number of premises selling alcohol	<input type="checkbox"/>
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Q2. Do you agree with the Board's proposal that the whole of its area be considered on the locality for the purpose of the overprovision assessment?

Yes No

If you answered no, what do you think the locality or localities should be?

Q3. Of which types of premises do you think there may be overprovision in Dundee?

*On-Sales (pubs, hotels, clubs, restaurants.)

*Off-Sales (Supermarkets, shops)

All Premises

None

Other

<input type="checkbox"/>	SEE OUR CONSULTATION RESPONSE (ATTACHED) (Please specify)
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	
<input type="checkbox"/>	

(* If you tick this box, please specify which type or types of on-or off-sales licences you consider are overprovided.

Q4. If you think there is overprovision of licensed premises at Q3 above, what do you think are the reasons for this?

Q5. Are there any other comments/suggestions you wish to make in relation to the issue of overprovision?

SEE OUR SUBMISSION (ATTACHED) WHICH IS OUR CONSULTATION RESPONSE

I consent to the contents of this response being made publicly available (delete as appropriate)

Name Luke McGarty.....
 Organisation Scottish Grocer's Federation.....
 (if any)
 Address SGF, 222/224-Queensferry Road, Edinburgh, EH4 2BN..... (Tel: 0131 343 3300).....

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**Response from the Scottish Grocers' Federation
on
Dundee Licensing Board – Overprovision assessment under the
Licensing (Scotland) Act 2005**

**Luke McGarty
Scottish Grocers' Federation**

24 November 2017

DUNDEE LICENSING BOARD – OVERPROVISION ASSESSMENT UNDER THE LICENSING (SCOTLAND) ACT 2005

The Scottish Grocer's Federation

The Scottish Grocers' Federation (SGF) is the trade association for the Scottish Convenience Store Sector. There are 5,286 convenience stores in Scotland, which includes all the major symbol groups, co-op and convenience multiples in Scotland. SGF promotes responsible community retailing and works with key stakeholders to encourage a greater understanding of the contribution convenience retailers make to Scotland's communities. In total, convenience stores provide over 41,000 jobs in Scotland.

Modern local convenience stores are community assets, from providing busy families with a top up shop facility on the one hand, to allowing patrons (particularly the elderly) with an alternative to larger or out of town supermarkets. Many people rely on their local convenience store with the average shopper visiting their local store 3.47 times per week¹ and with 56%² of customers choosing to walk as a mode of travel to stores. The age range of shoppers is as follows³:

- 14% are 16 to 24
- 18% are 25 to 34
- 33% are 35 to 54
- 28% are 55 to 74
- 7% are 75+

Local shopping has, over the years, often been replaced by large destination retail parks, gone from many areas are the local butcher, baker and grocery. The personal interaction with your local retailer is now almost uniquely reserved for your local convenience store.

Modern convenience stores now offer a wide range of products and services, from deli counters and coffee to Amazon collection lockers. Being able to offer a diverse range is of paramount importance. A more restrictive range simply provides the potential customer with a reason to shop at a competitor. Whilst it is ancillary to wider ranges of grocery and retail, alcohol is an important sales category for our member's stores. A typical convenience store offers a range of at least 17 kinds of different product categories. Alcohol accounts for approx. 15% of total sales turnover. 76% of convenience stores have an alcohol licence.

Introduction

- SGF welcomes the opportunity to contribute to the consultation exercise. We trust that you will find our comments on overprovision helpful.

Overprovision

- We recognise the Board's duty to assess overprovision under Section 7 of the Licensing (Scotland) Act 2005 in respect of licensed premises or licensed premises of a particular description in any locality

¹ The Scottish Local Shop Report 2017

² The Scottish Local Shop Report 2017

³ The Scottish Local Shop Report 2017

within the Board's area. We also recognise that, in determining if there is overprovision, the Board must have regard to the number and capacity of licensed premises in the locality together with any other matter the Board sees fit. We are disappointed not to have an opportunity to engage with the Board at an earlier stage so as to provide a counterpoint to material submitted by Dundee's Alcohol and Drug Partnership. With respect we would suggest that prior to carrying out the aforementioned assessment of overprovision, that the Board should have regard to the views of stakeholders with varied views.

- We also recognise that groups such as Dundee's Alcohol and Drug Partnership assert that there is a strong body of evidence to show that the availability of alcohol (i.e. the number of premises) is a significant factor in the prevalence of alcohol-related problems, particularly alcohol-related crime. However, we are not convinced that this evidence is either robust or conclusive enough. There is no simple cause-and-effect relationship between the number of premises and alcohol-related problems and overall it is becoming increasingly difficult to make a link between individual premises and problems in a specific locality. Inequality continues to be the main determining factor: alcohol-related harm in Scotland is still disproportionately experienced by those from more deprived areas.
- Rather than taking a 'blanket' approach to overprovision with regard to off-sales and public house-type premises, the Board should continue to take into account the specific activities and mode of operation of the applicant. It is important to note that arguably the number or capacity of premises in a locality is unlikely to be the key factor in deciding whether there is overprovision. Instead, the determining factor is the extent to which there are alcohol-related, health, and crime problems in the area.
- Capacity is an important issue in determining overprovision. If the entire Board area was regarded as being overprovided for it would prevent retailers from ever increasing the capacity of their alcohol sales area. However, in practice such increases would not dramatically increase the amount of alcohol being sold. It would be a paradox if a 20m² increase in selling area of a convenience store was counted as just as big a threat to an overprovision assessment as a new out-of-town hypermarket. Retailers frequently remerchandise and refit stores to best meet consumer needs. Most of the time these will just involve 'micro-space': keeping the existing shelving and general space splits but moving products around on the shelves. Sometimes, however, to meet consumer demand, to fit in with new brand ideas or to roll out improved formats 'macro-space' revisions are necessary. These may involve changing old shelves for new, increasing or decreasing the splits in store space between different categories, or gutting and refitting the store entirely. Extensions to the selling area might be necessary under macro-space refits. It should be noted that, of course, retailers are charged a fee for any major or minor variation to their licences.
- Creating a general presumption that no increase in alcohol capacity would be approved in the entire Board area would almost certainly mean that existing retailers would not invest in modernising and refitting stores.
- Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way. This happens through the following key areas:
 - Full compliance with the Challenge 25 regulations;
 - Staff training;
 - Appropriate signage;
 - In-house test purchasing;
 - Refusal books;
 - Use of CCTV;
 - Full compliance with the stores operating plan

- SGF recognise the associated benefits that come from a convenience store opening in a local area. A store opening will create jobs and also offer access to fruit and vegetables to the local community. The SGF Healthy Living Programme (HLP) has been successful in enabling customers to make healthy eating purchases in-store and now has over 2,000 stores participating. With 5,286 convenience stores in Scotland⁴ and with 80% of independent retailers⁵ engaged in some form of community activity in the last year convenience stores have an increasingly important role in their local communities. SGF would ask the Board that it outlines what, if any, factors it will take into account in removing the presumption against grant in an overprovision area.
- Convenience stores provide a range of key services for their customers and this includes that ability to be able to offer their customers a full range of products, i.e. giving the customer the chance purchase an alcoholic beverage as an accompaniment with home dining. Therefore, a consequence of overprovision is that new entrants to the market are unable to obtain premises licences to authorise the sale of alcohol and are therefore, disadvantaged. The availability of alcohol in a pre-existing competitor store gives the prospective customer a reason to choose to shop there. The convenience element of being able to get their "full basket" from the competitor provides an unfair commercial advantage.
- SGF believe that the entire concept of overprovision should be reviewed to consider whether it is remains fit for purpose. We live in an age where customers are able to order alcohol online as part of their shop from a supermarket and have it delivered to their home. This order can be based from anywhere given the prevalence of smartphones. Given this, what does declaring a geographical area as being overprovided for actually achieve? It would seem, arguable, that overprovision has not kept up the development of modern technology and consumer shopping habits.
- Dundee risks setting a policy which sends a message to retailers that the city is closed for business.

While we welcome this consultation exercise we would argue strongly that the Board should not adopt an approach where the assessment of overprovision for off-sales and public house-type premises is based on its entire geographical area – a blanket provision would not be appropriate. We also believe the licensing system should not be onerous on retailers but always within the context of retailers selling alcohol responsibly.

Yours sincerely

Luke McGarty
Public Affairs Assistant
Scottish Grocers' Federation
222/224 Queensferry Road
Edinburgh
EH4 2BN
T: 0131 343 3300

24 November 2017

luke@sgf.scot.co.uk

⁴ The Scottish Local Shop Report 2017

⁵ The Scottish Local Shop Report 2017

DUNDEE LICENSING FORUM

Secretary to Dundee Licensing Forum
Mr Gordon Winton
21 City Square
DUNDEE
DD1 3BY

Tel: (01382) 434818

Our Ref: GW/EM
Your Ref:

20th December, 2017

Dear Sir or Madam:

Re: Licensing Forum Response to Overprovision Assessment under Licensing Act 2005 Consultation

With regard to the matter of overprovision within Dundee the Licensing Forum is of the opinion that the number of licences awarded for the purpose of delivering on-sales are proportionate for the current needs of residents and visitors to the city and would not wish to see a major shift in the current policy. This decision takes into account the need to support the city centre development project. Conversely, it is the opinion of the Forum that there is already an overprovision of establishments delivering off-sales within the city.

Appreciating that the Licensing Board is only obligated to consider the award of licenses which fall within its geographical limits, we feel the effect of online 'store to door' deliveries of alcohol must be factored in to the overall provision of off-sales. We also have concerns in relation to the effectiveness of checks and balances to prevent sale of alcohol to children and young persons when purchasing alcohol on-line and do not believe these to be as rigorous as those conducted by responsible establishments providing off-sales under licences granted by the Licensing Board, i.e. Challenge 25.

Until such times the aforementioned issue is addressed at government level we believe the opportunity for young persons and children to purchase alcohol will remain a problem. In turn all of the 5 licensing objectives may potentially be compromised by the opportunity this presents to children, young persons and adults who support agent buying.

Yours faithfully


Sandy Kingston
Convener Dundee Licensing Forum

DUNDEE CITY LICENSING BOARD

OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005

PUBLIC CONSULTATION QUESTIONNAIRE

Q1. What is your view regarding the availability of alcohol in Dundee?

Too many premises selling alcohol	<input checked="" type="checkbox"/>	Not enough premises selling alcohol	<input type="checkbox"/>	Just about the right number of premises selling alcohol	<input type="checkbox"/>
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Q2. Do you agree with the Board's proposal that the whole of its area be considered on the locality for the purpose of the overprovision assessment?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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If you answered no, what do you think the locality or localities should be?

Q3. Of which types of premises do you think there may be overprovision in Dundee?

*On-Sales (pubs, hotels, clubs, restaurants.)	<input type="checkbox"/>
*Off-Sales (Supermarkets, shops)	<input checked="" type="checkbox"/>
All Premises	<input type="checkbox"/>
None	<input type="checkbox"/>
Other	<input type="text" value="(Please specify)"/>

(* If you tick this box, please specify which type or types of on-or off-sales licences you consider are overprovided.

Off-sales (supermarkets, convenience stores)

Q4. If you think there is overprovision of licensed premises at Q3 above, what do you think are the reasons for this?

Dundee Alcohol and Drug Partnership (ADP) agree that there is an overprovision of off-sales premises in Dundee. There are a number of reasons for this:

Statistical information indicates a noticeable rise in licensed premises in the last few years with the biggest increase being in off-sales such as supermarkets with a wide selection of alcohol and convenience stores selling alcohol in people's locality. Dundee is a relatively small city with a population of just over 148,000 people, where 121,111 people are of legal drinking age and has the fourth highest alcohol outlet availability in Scotland.

More than 50 research studies show an association between the total number of licensed premises and opening hours in a locality, and levels of alcohol harm. It means that increased availability of alcohol is directly linked with increased consumption.

There is evidence which shows that people are increasingly spending more money on alcohol from off-sales because it is more available and more affordable. According to Alcohol Focus Scotland statistics 73% of alcohol sold in 2016 was bought from off-sales. There are no robust regulations of alcohol sales per person to customers from off sales premises. The contribution made to alcohol-related harm from off-sales outlets is greater than that from on-sales outlets in this matter.

Dundee has one of the highest rates of alcohol-related mortality in Scotland. Alcohol related death rates have more than doubled since 1990 and Dundee has the highest rates compared to the other areas in Tayside. Neighbourhoods with higher numbers of alcohol outlets have significantly higher alcohol-related hospitalisation and death rates.

The consumption of alcohol has a significant impact on health care and policing resources in Dundee. In addition, alcohol is a recorded factor in 58.5% of serious assault offences. According to the recent Engage Dundee consultation with communities 6% of local people consulted, reported that they would like to see a reduction in antisocial behaviour through tackling alcohol and drug misuse.

The estimated financial burden from all alcohol-related harm to Dundee City is approximately £71.05 million, including health service, social care, crime and productivity capacity. The cost is significant for such small city as Dundee.

Assessing the level of alcohol availability and alcohol-related harm – both in relation to health and community life, The Public Health and Social Impact of Alcohol Availability in Dundee report June 2017, demonstrates that the City is over-provided for off-sales licensed premises.

Q5. Are there any other comments/suggestions you wish to make in relation to the issue of overprovision?

The Dundee Licensing Board is required to promote 5 licensing objectives outlined in Section 4 of the Licensing (Scotland) Act 2005 including:

- preventing crime and disorder
- preventing a public nuisance
- securing public safety
- protecting children from harm and
- protecting and improving public health.

It is the view of the Dundee ADP that limiting new off-licences would help to control alcohol availability in the city and thus reduce alcohol related harm. This will have a beneficial impact on all of the five licensing objectives.

A whole board approach is necessary for Dundee according to the size of the city and close location of neighbourhood areas to each other.

International evidence indicate that increasing price, reducing availability and restricting marketing are amongst the most effective and cost-effective policy measures to reduce alcohol consumption and harm in any population.

Given the evidence of alcohol-related harm in Dundee City, the impact on health inequalities and the impact of drinking in private settings where friends and families are also exposed and affected, the Dundee ADP would recommend that no further off-sale licenses are granted.

The Dundee ADP would be keen to work with the Licensing Board to review and implement an effective overprovision policy statement that can help to prevent and reduce alcohol problems.

I consent to the contents of this response being made publicly available (delete as appropriate)

Name Vered Hopkins.....

Organisation Dundee Alcohol and Drug Partnership.....

(if any)

Address

.....

DUNDEE CITY LICENSING BOARD

OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005

PUBLIC CONSULTATION QUESTIONNAIRE

Q1. What is your view regarding the availability of alcohol in Dundee?

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Q2. Do you agree with the Board's proposal that the whole of its area be considered on the locality for the purpose of the overprovision assessment?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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If you answered no, what do you think the locality or localities should be?

Q3. Of which types of premises do you think there may be overprovision in Dundee?

*On-Sales (pubs, hotels, clubs, restaurants.)

*Off-Sales (Supermarkets, shops)

All Premises

None

Other

X	
	(Please specify)

(* If you tick this box, please specify which type or types of on-or off-sales licences you consider are overprovided.

Q4. If you think there is overprovision of licensed premises at Q3 above, what do you think are the reasons for this?

Scotland carries a significant burden of alcohol-related harm - far greater than in England and Wales and other Western European countries, and much higher than the harm experienced by the population in the 1980s - and Dundee City is one of the worst affected local authority areas in Scotland.

In 2015, there was nearly 1600 alcohol-related A&E attendance by Dundee City residents. Nationally, rates of alcohol-related hospitalisations and deaths have been declining in recent years but this decline now appears to be stalling and in Dundee City the number of alcohol-related deaths is increasing again. Furthermore, the annual alcohol-related death rate of Dundee City has consistently been markedly higher than that of Scotland's as a whole.

Significant health inequalities result from alcohol-related harm. For example, individuals from the most deprived areas in Dundee City account for just under six times the rate of presentations to A&E compared with those the least deprived areas. Similar patterns are seen for alcohol-related discharges and deaths.

Alcohol-related harm in a population is directly associated with alcohol consumption levels which, in turn, is directly associated with alcohol availability.

A considerable proportion of adults in Tayside drink alcohol in excess of safe government guidelines. The Scottish Health Survey showed that for Tayside, during the period 2012-2015, 29% of men and 15% of women were drinking alcohol at levels that are considered hazardous or harmful (over 14 units per week).

Excessive consumption of alcohol can result in a wide range of health problems for an individual. Some adverse health effects may occur after drinking over a relatively short period, such as acute intoxication (drunkenness) or poisoning (toxic effect). Others develop more gradually, only becoming evident after long-term heavy drinking, such as damage to the liver and brain. In addition to causing physical problems, excessive alcohol consumption can lead to mental health problems such as alcohol dependency.

However, the harm that arises from alcohol use does not only impact on individuals but significantly affects friends, families and the broader community.

Living with a problem drinker can result in relationship problems, tensions within the household, arguments and chaotic lifestyles. This can have a direct impact on children for whom there is worry, fear and uncertainty, the potential for neglect and an impact on school attendance. In Dundee City, the number of registrations of children on the Child Protection Register due to parental alcohol misuse has increased in recent years to 39 over the academic year 2015/16, representing over a quarter (25.5%) of all registrations.

The drinking of alcohol has a significant impact on health care and policing resource in Dundee City. Alcohol has a recorded factor in 58.5% of serious assault offences. The estimated financial burden from all alcohol-related harm to Dundee City is approximately £71.05 million.

Alcohol availability (e.g. outlet density and opening hours) and alcohol affordability (price) are the two main factors affecting how much alcohol is drunk in Scotland.

Since 1994, off-trade sales of alcohol have increased markedly in Scotland whereas on-sales trade has decreased. Almost three-quarters of alcohol currently sold in Scotland is purchased from off-sales trade and the contribution made to alcohol-related harm from off-sales outlets is greater than that from on-sales outlets.

Neighbourhoods with higher numbers of alcohol outlets have significantly higher alcohol-related hospitalisation and death rates. Residents of neighbourhoods with the highest availability are more than twice more likely to die from an alcohol-related death than those with the fewest outlets. Dundee City has the fourth highest alcohol outlet availability in Scotland.

Given the evidence of alcohol-related harm in Dundee City, the impact on health inequalities, the impact of drinking in private settings where friends and families are also exposed and affected, and the fact that Dundee City has the fourth highest outlet availability in Scotland, NHS Tayside would recommend that the Licensing Board for Dundee City includes in its policy statement that no new off-sale licenses are granted.

Q5. Are there any other comments/suggestions you wish to make in relation to the issue of overprovision?

Alcohol-related harm in a population is directly associated with alcohol consumption levels. The increased availability of alcohol in the commercial and public setting results in an increased availability of alcohol in the social setting and vice versa, therefore contributing to changing the social and cultural norms that promote harmful use of alcohol.

Determining overprovision involves the application of reason and judgement in the interests of the community. The information provided above, in response to question 4, evidences that Dundee City is currently experiencing high levels of alcohol-related harm (compared to the rest of Scotland), alcohol is widely available and accessible and therefore Dundee City is arguably over-provided with regards to alcohol across all sectors and particularly in respect to off-sales.

Alcohol-related harm disproportionately affects those living in the most disadvantaged areas and therefore widens health inequalities. Addressing health inequalities is a major public health challenge for Dundee and therefore action to reduce health inequalities by mitigating the effects of alcohol-related harm through the restriction of alcohol licensing must be a key public health objective for Dundee City Licensing Board.

Increasing price, reducing availability and controlling the marketing of alcohol are the most effective and cost-effective measures to prevent and reduce alcohol-related harm. The setting of a robust overprovision policy statement will enable the Licensing Board to take an effective strategic approach to managing alcohol provision in the Dundee City area, with the resulting impact of reducing crime and disorder, protecting children from harm, reducing health inequalities and improving public health.

I consent to the contents of this response being made publicly available.

Name	Dr Emma Fletcher (Consultant in Public Health Medicine)
Organisation	NHS Tayside
Address	Public Health Directorate, NHS Tayside, King's Cross, Clepington Road, Dundee DD3 8EA

DUNDEE CITY LICENSING BOARD

OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005

PUBLIC CONSULTATION QUESTIONNAIRE

Q1. What is your view regarding the availability of alcohol in Dundee?

Too many premises selling alcohol	<input type="checkbox"/>	Not enough premises selling alcohol	<input type="checkbox"/>	Just about the right number of premises selling alcohol	<input checked="" type="checkbox"/>
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Q2. Do you agree with the Board's proposal that the whole of its area be considered on the locality for the purpose of the overprovision assessment?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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If you answered no, what do you think the locality or localities should be?

I believe the 500m rule currently used by the board for all applications make sense. It enables the board to scrutinise what is available in terms of type and number of licensed premises in particular areas in Dundee and make realistic decisions as to whether or not there is overprovision in those areas.

Q3. Of which types of premises do you think there may be overprovision in Dundee?

*On-Sales (pubs, hotels, clubs, restaurants.)

*Off-Sales (Supermarkets, shops)

All Premises

None

Other

	If the Board want to have an overprovision policy they should determine each application on individual merits and consider as they do at present what else is located within a 500 m radius (Please specify)

(* If you tick this box, please specify which type or types of on-or off-sales licences you consider are overprovided.

Q4. If you think there is overprovision of licensed premises at Q3 above, what do you think are the reasons for this?

I do not believe the board has any actual evidence that there is an overprovision of licensed premises throughout the whole of Dundee and do not consider that this questionnaire is so designed as to enable the board to gather that information. This questionnaire can only be answered subjectively and does not offer any facts on which to base a policy. The fact that there are a certain number of premises within Dundee does not take account of where these premises are located, whether there are any issues linking to the licensed premises in any particular locations and what effect the premises might have on alcohol harm in the area.

It is known that over 75% of all alcohol is sold in off sales. It is known that of that 75% of sales over 80% is sold in the larger big 6 supermarkets. It is known that footfall has fallen across the country including Dundee in pubs and that actual capacity is down in these venues. Minimum pricing which came into effect yesterday should if the Scottish Government modelling is believed should reduce alcohol harm.

It is a fact that alcohol related crime is down by 45% over the last year.

Q5. Are there any other comments/suggestions you wish to make in relation to the issue of overprovision?

I was present at the Board meeting when the health board presented on this matter. They advised the board on made the point that they believed that overprovision should only be applied to new off sales facilities in the city. Their presentation was based generally on modelling and failed to bear or to bring a causal link relating to alcohol harm onto any particular type of premises. There is no current research in Scotland or the UK which has been carried out on alcohol outlet densities leading to overprovision. A modelling exercise has been carried out in Australia which concluded that density of outlets related to harm but no proofs were offered.

The consultation does not appear to be fact finding but indicated that an established view on overprovision has already taken by the licensing board. This flies in the fact of recent case law on overprovision policies. The questionnaire does not seek to ascertain where and why overprovision might be an issue in the city and whether any harm can be linked to licensed premises in the area. I respectfully suggest the following might be a reasonable mechanism for the board to adopt to try to assess whether there is indeed overprovision in the Dundee City area.

Statements of Licensing Policy - Duty to Assess Overprovision Licensing (Scotland) Act 2005 Section 7 as amended

1. Licensing policy statements must include a rebuttable statement as to the extent to which the board consider there to be overprovision of licensed premises or licensed premises of the same or similar description but excluding premises which are or have been subject to occasional licence grants or members clubs excluded in terms of section 125 of the Act.
 1. in any particular locality in the board's area, or
 2. the whole of their area
2. Boards can determine what they mean by "locality" - for example some boards might chose a 250 or 500 m radius around proposed new premises, others define localities by wards, others by defined locations eg Name of Street numbers 111 -222.
3. Overprovision can be determined on the number and capacity of licensed premises and other matters such as hours of licensed premises.

BEST PRACTICE PROCEDURE

1. It is imperative that boards make proper efforts to discover whether there is indeed overprovision in their area or parts of their areas.
2. Initially they should try to tease out this information by carrying out proper consultations should be with the following people
 1. Police Scotland - the chief constable.

1. Who will be able to identify hotspot areas where crime and disturbance can be attributed to customers due to a concentration of licensed premises;
 2. CCTV can be utilised where appropriate
 3. Times of criminal actions, disturbances etc
2. The relevant health board for the area
 1. Who will be able to detail relevant and up to date information on health harms relevant to the population of particular areas or the whole area and may link those harms to the effect of particular types of premises
 2. Up to date A&E statistics might be used
3. Residents in any particular locality
 1. Who will be able to inform board of effect of licensed premises in their areas in particular disturbance and crime
 4. Other persons as the board may so decide for example the local authority for the area information might be provided on noise/odour complaints - actions taken to reduce problems etc
 5. Persons representing premises licence holders
 1. Who will be able to inform the board on pressure on businesses in the area,
 2. information on price wars due to density can be produced
 6. Public meetings could be held to tease out findings
 7. In considering the capacity issue the only sound reference is to the actual capacity{ies} of premises in the separate localities or area as a whole and to consider how increase in capacity might harm their communities by reference to evidence - it should be remembered that building standards capacity assessment methods might not reflect the actual operating capacity of premises - information such as the fact there is a 50% downturn in patrons' drinking in on sales premises might affect that determination
 8. In order to properly carry out this procedure it is best practice to break the board area into defined and recognisable locations so that a proper assessment can be made.
3. The fact finding document should try to define premises of the same or similar description and although it may be possible to commence this process by reference to definitions contained in the Town and Country Planning (Use Classes) (Scotland) Order 1997, by reference to premises types referred to in the Licensing (Scotland) Act 1976 care should be taken to categorise premises by reference to operating plans in existence within the board's area. For example a premises with a *sui generis* or stand alone definition as a public house might be operating substantially as a restaurant in

which patrons can also order alcoholic beverages without requiring to partake of food; a nightclub could operate as a hybrid offering different services conference facilities, restaurant, cafe, exercise venue or other at different times of day.

4. Once this information is obtained the board can go on to consider - by reference to all responses obtained - what if any harms or stresses particular premises or types of premises might visit or be visiting on the area[s] in which they are located and whether there is indeed overprovision of any type in those locations and if necessary make the decision to propose the whole of their board area should an overprovision area.
5. Boards can then consult on the overprovision statement as part of the statement of licensing policy and consider the responses before making the determination to impose the policy.
6. Local knowledge is not a sound basis on which to determine licensing policy although it can of course be invaluable in the final decision making.

Boards should not take account of the manner in which individual premises are run in any particular location.

Boards should be mindful of reasons for refusal and grounds for appeal.

I consent to the contents of this response being made publicly available

Name	Janet Hood
Organisation (if any)	Janet Hood Training & Consulting Limited Accredited Specialist in Liquor Licensing Law
Address	Kirkton of Balfour Edzell Breachin Angus DD9 7XU

DUNDEE CITY LICENSING BOARD

OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005

PUBLIC CONSULTATION QUESTIONNAIRE

Q1. What is your view regarding the availability of alcohol in Dundee?

Too many premises selling alcohol	<input type="checkbox"/>	Not enough premises selling alcohol	<input checked="" type="checkbox"/>	Just about the right number of premises selling alcohol	<input type="checkbox"/>
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Q2. Do you agree with the Board's proposal that the whole of its area be considered on the locality for the purpose of the overprovision assessment?

Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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If you answered no, what do you think the locality or localities should be?

Q3. Of which types of premises do you think there may be overprovision in Dundee?

*On-Sales (pubs, hotels, clubs, restaurants.)	<input type="checkbox"/>
*Off-Sales (Supermarkets, shops)	<input type="checkbox"/>
All Premises	<input type="checkbox"/>
None	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/> Assumption of 'over-provision' fundamentally flawed. (Please specify)

(* If you tick this box, please specify which type or types of on-or off-sales licences you consider are overprovided.

Q4. If you think there is overprovision of licensed premises at Q3 above, what do you think are the reasons for this?

Q5. Are there any other comments/suggestions you wish to make in relation to the issue of overprovision?

Please find attached.

I consent/~~do not consent~~ to the contents of this response being made publicly available (delete as appropriate)

Name Paul Togneri
 Organisation Scottish Beer & Pub Association
 (if any)
 Address ptogneri@beerandpub.com

Dundee City Licensing Board
Overprovision Assessment under the Licensing (Scotland) Act 2005

Scottish Beer & Pub Association,

We are grateful for the opportunity to respond to Dundee City Licensing Board's consultation on overprovision.

Background:

The Scottish Beer & Pub Association (SBPA) is the leading body representing Scotland's brewers and pub companies. It is part of the British Beer & Pub Association, which is more than a century old and was originally founded as the Brewers' Society in 1904.

British Beer & Pub Association members account for some 90 per cent of beer brewed in Britain today, and around half of the nation's pubs. These members are also diverse in their activity – from international brewers, to market-leading managed pub companies, the nation's largest tenanted pub companies and historic family brewers. This diversity of membership enables us to speak for large and diverse part of the industry.

Our Members in Scotland:

The brewing and pub industries support the employment of 60,000 people in Scotland. Some 72 per cent of these people are directly employed in the industry, and of these, 40 per cent are aged under 25. Individuals working in these jobs earn a combined £767 million per year.

The industry contributes £1.6 billion to the Scottish economy and generates £972 million in tax revenues, with annual investment of £69 million.

In Dundee we estimate the industries we represent pay approximately £18 million in wages per annum.

Overprovision consultation:

The SBPA are concerned with the terms of the consultation on a number of levels.

Preliminary comments :-

1. The consultation appears to be a fait accompli insofar as our member's interests are concerned, with purported on-sales bar/pub overprovision already established. This is very disappointing.
2. The basis of the findings in the Clerk's Report are, from the reader's perspective, based solely on Appendix 2 (the ADP Report) no other views or information sources have apparently be sought. Prior to the Board determining that overprovision across the City of Dundee the SPBA is disappointed that the

views of other stakeholders – from Police to the licensed trade – were not sought so to allow the Board to make a fully informed decision. If other views and reports have been considered there should be transparency and if they have not then the pre-consultation is far from inclusive or representative.

3. In light of the apparent finality of the Clerk's report one would expect a much more detailed explanation of the analysis undertaken of the ADP Report. An outline of the process that led to the recommendations should be provided. Our members would, for example, be interested to know what weight (if any) was given to alcohol sales trends data at paragraph 6 (page 19) of ADP Report which shows the decline in sales via the on-trade Scotland wide. There is no suggestion that this trend is not replicated in Dundee.

If the basis of the assessment of overprovision is health harms arising due to excessive alcohol consumption, yet the evidence in the report that forms the basis that there is overprovision of pubs and bars shows sales from these establishments in consistent decline we respectfully question the logic of the conclusion.

General comments :-

It is important for the Board to recognise the cultural, social and economic benefit of well-run licensed premises both to the City and more generally for "brand Scotland" in terms of tourism. The pub is seen as a quintessential Scottish tradition with over 45% of visitors choosing to dine in a pub, furthermore data shows that tourists whose itinerary includes at least one visit to a pub, contribute significantly more to local economies than those who don't.¹

It strikes us that there has been an erosion of some of the principles of the 2005 Act which sought to move away from the seven basic licensed premises types. Whilst we acknowledge the importance of setting parameters and informing those engaged in licensing of what is generally acceptable, the generic use of the phrase "pubs and bars" seems antiquated. It lacks any recognition of the trends in the market towards food-led pub premises and risks erroneously assessing applications through the prism of the 1976 Act. In the last decade, the growth of fast-food casual dining establishments, such as Nandos, Pizza Express and Coffee Shops, such as Costa and Starbucks has been exponential. They establishments compete with the traditional pubs economically.

A pub premises in 2017 can be serving exceptional food, Bib Gourmand, but not have "white table cloth" tables or be set with cutlery. The explosion of casual dining means premises serving this type of top quality food all day, are doing so in an environment which equally welcomes patrons simply wishing to have a quality beverage. Wet led pubs and bars are, in our experience becoming the exception rather than the rule.

¹ Visit Britain (2012). https://www.visitbritain.org/sites/default/files/vb-corporate/Documents-Library/documents/foresight_-_issue_103.pdf

The SBPA suggests that the Licensing Board have regard to the benefits brought about by persons consuming alcohol in a well regulated environment such as a bar or pub as opposed to drinking at home. Persons within licensed premises are, in effect, supervised by trained staff who have a duty of care to their customers. It is respectfully submitted that the Board should look to support the consumption of alcohol in such regulated premises.

While we appreciate that the Licensing Board considers each case on its own individual merits, the presumption against grant makes justifying investment in a new premises or extending existing premises unlikely. This stifling effect risks seeing the pub and bar sector in Dundee become stale with standards and quality likely to drop. Competition drives innovation and at a time Dundee is seeking to open itself up to tourism and promote the V&A, quality pubs and bars could play an important part in catering for visitors. Overseas tourists expect to be able to visit quality pubs and bars. With a presumption against, pub operators who we represent are more likely to invest in areas without such a policy given that an application in Dundee will be faced by a presumption against grant. The impression, therefore, is that Dundee is closed for business; and has closed its mind to the health benefits that a flourishing, regulated on sales sector can bring including benefits from employment as well as providing a shared social space for people to enjoy company. The Scottish Government has stated that loneliness is a key factor in an individual's general health. Encouraging people to come to licensed premises and interact with one another is improved in an area which is attractive to new or expanding businesses.

Conclusion:

The policy of overprovision severely undermines the Dundee's ambitions of being an international city. The city will likely lose out on investment and overseas visitors, costing jobs and the local economy.

SBPA strongly urges the Dundee City Licensing Board not to determine the city is overprovided for in terms of bars and pubs and respectfully requests a response to the preliminary points raised above.

DUNDEE CITY LICENSING BOARD

OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005

PUBLIC CONSULTATION QUESTIONNAIRE

Q1. What is your view regarding the availability of alcohol in Dundee?

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Q2. Do you agree with the Board's proposal that the whole of its area be considered on the locality for the purpose of the overprovision assessment?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
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If you answered no, what do you think the locality or localities should be?

Q3. Of which types of premises do you think there may be overprovision in Dundee?

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All Premises	<input checked="" type="checkbox"/>	
None	<input type="checkbox"/>	
Other	<input type="checkbox"/>	<input type="text" value=""/>

(Please specify)

(* If you tick this box, please specify which type or types of on-or off-sales licences you consider are overprovided.

Q4. If you think there is overprovision of licensed premises at Q3 above, what do you think are the reasons for this? **There are too many premises selling alcohol too much of the time - See Attached Commentary**

Q5. Are there any other comments/suggestions you wish to make in relation to the issue of overprovision?

Whilst acknowledging the legislative constraints on the Board in implementing current licensing legislation the Board could usefully advocate more for legislative changes in current which are more in tune with current concerns about alcohol over consumption and over provision See Attached Commentary

I consent/~~do not consent~~ to the contents of this response being made publicly available (delete as appropriate)

Name

Mrs R K Butler

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Q4/5 Commentary Mrs R K Butler

The Board's efforts to devise an overprovision policy which seeks to limit alcohol licences to reduce alcohol sales and thereby, in theory at least, help lessen alcohol overconsumption and its attendant adverse impact on public health and well-being is welcome. However the Board is constrained by the legislative framework under which it is required to operate, and the complex and multiple-faceted nature of over-consumption where many factors ie individual personal responsibility are beyond its scope to influence.

In response to the Board's public consultation on its proposed over provision policy I would offer the following comments.

Under Reporting of Licensed Premises

Any under reporting of alcohol sales misrepresents the true scale of alcohol consumption and weakens the basis on which the suggested overprovision policy is drawn. Earlier legislation which granted social and private clubs inherited rights to have alcohol licences on a near identical basis to public houses but which excludes them from any assessment of overprovision is woefully out of date in today's debate on alcohol consumption and alcohol over provision. The Board's consultation paper indicates around 450 venues across Dundee currently hold alcohol licences. The register also lists a further 60 or so social clubs private clubs which are excluded from the current assessment of overprovision. **ALL premises with an alcohol licence need to be included in an overprovision assessment to provide a clearer account of alcohol sales which the overprovision policy seeks to regulate.**

Impact of Licensing Hours

Do the citizens of Dundee really need to be able to buy alcohol from over 500 licensed premises for up to 12 hours a day, 365 days of the year without end? With over 500 licensed premises across the city able to sale alcohol for up to 12 hours equates to 6,000 hours of potential alcohol sales in a single day in Dundee: extrapolated over 365 days of the year, this equates to a staggering 2 million plus potential alcohol sales over a year

When and where alcohol is sold both contribute to easy over consumption and its attendant problems and the extent of over provision requires that both are taken into account

An effective overprovision policy should also heed the impact of extensive licensed hours alongside the number of licensed premises. The Board could broaden a range license hours for certain types of premises. Supermarkets are already limited to 10 am and 10 pm. To differentiate between public houses and private member clubs and social clubs reducing licensing hours for the latter and prohibit alcohol off sales for consumption elsewhere.

Licensing Board Oversight

The statistics and advice drawn up by the Dundee Drugs and Alcohol Partnership to advise the License Board, amongst others, are and can only be indicative and retrospective. Requiring applicants to first prove that granting a premises licence will not bring adverse harm to the community is a chicken and egg conundrum.

One alternative would be to introduce a 6 or 12 month probationary period allowing a licence holder to gather real-time evidence of no adverse impact through good management (as verified by the LSO) and proactive rather than reactive community engagement (through a local neighbourhood survey conducted at their expense).

Maintaining oversight of alcohol sales overprovision the Board could require compulsory premises license renewal for all licenced premises after three years and dependent on updated training for license owners.

Public License Register

To help the public better understand and research the register and so offer the Board a more informed perspective on current licensing and over provision, the register should be overhauled with an easier search function, and archive section for licenses which are no longer in operation. The current on-line register is difficult to access with it's on-line link failing to upload consistently; it is also unwieldy and difficult to search, and contains many records that are dead.

DUNDEE CITY LICENSING BOARD

OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005

PUBLIC CONSULTATION QUESTIONNAIRE

Introduction

Alcohol Focus Scotland (AFS) welcomes the opportunity to participate in the Dundee City Overprovision Assessment. The licensing system plays a key role in minimising the risks of harm to individuals and society from the sale and consumption of alcohol. AFS is therefore keen to support the development of licensing policy and practice in Scotland that works most effectively to prevent and reduce alcohol problems. As a national organisation, we do not have sufficient local knowledge of the Dundee area to enable us to comment in detail on some of the specific localities and premises concerned. However, we offer our opinion on the general approach and policy direction, which we hope the Licensing Board will find useful.

Q1. What is your view regarding the availability of alcohol in Dundee?

Too many premises selling alcohol	<input checked="" type="checkbox"/>	Not enough premises selling alcohol	<input type="checkbox"/>	Just about the right number of premises selling alcohol	<input type="checkbox"/>
-----------------------------------	-------------------------------------	-------------------------------------	--------------------------	---	--------------------------

Q2. Do you agree with the Board's proposal that the whole of its area be considered on the locality for the purpose of the overprovision assessment?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
-----	-------------------------------------	----	--------------------------

In the past, the majority of licensing boards have tended to apply an overprovision assessment to relatively small areas, which is in keeping with a traditional approach to licensing that focused on town centre disorder and on-licence premises. However, as *Report 241-2017* identifies, the Air Weapons and Licensing (Scotland) Act 2015 clarified that the whole of a board's area can be treated as a locality.

Alcohol consumption and purchasing patterns have changed dramatically over the past few decades. 73%¹ of alcohol sold in Scotland is now bought from off-sales premises and people travel further to buy alcohol. Therefore, using only small localities for the purpose of assessing overprovision may not be the most appropriate approach for all licensed premises, or for the promotion of the licensing objectives.

Alcohol-related public nuisance and social disorder issues may often be localised to relatively small areas. However, the relationship between outlet density and health harm, as well as certain crimes, is demonstrated over larger geographical areas. Moreover, important indicators of alcohol-related harm relevant to the promotion of the licensing objectives are only available over larger areas. If licensing policy must seek to promote the licensing objectives, and if indicators of the licensing objectives can only be demonstrated over a larger geographical area, then it is arguable that a licensing board should assess overprovision over the larger area to fully promote these objectives.

Based on the evidence presented in *Report 241-201*, and the *Dundee City ADP Report*, the Boards proposal to consider the whole of its area a locality appears appropriate in relation to promoting the licensing objectives, and to the statistics and evidence available to the Board pertaining to alcohol harm in Dundee City. This is especially so given that Dundee City is the smallest local authority area in Scotland by area and second only in population density to Glasgow City. As stated in the ADP Report, it would therefore be difficult to discern the impact of alcohol sales provision at a geographical level smaller than Dundee City overall.

If you answered no, what do you think the locality or localities should be?

N/A

¹ Giles, L., & Robinson, M. (2017). *Monitoring and Evaluating Scotland's Alcohol Strategy: Monitoring Report 2017*. Edinburgh: NHS Health Scotland

Q3. Of which types of premises do you think there may be overprovision in Dundee?

*On-Sales (pubs, hotels, clubs, restaurants.)

*Off-Sales (Supermarkets, shops)

All Premises

None

Other

(Please specify)

(* If you tick this box, please specify which type or types of on-or off-sales licences you consider are overprovided.)

Q4. If you think there is overprovision of licensed premises at Q3 above, what do you think are the reasons for this?

There is no simple numerical formula for pinpointing the threshold between provision and overprovision. Determining overprovision involves the application of reason and judgement in the interests of the community. Alcohol harm statistics for Dundee should therefore be considered in conjunction with density information, such as from the CRESH alcohol outlet density map (available [here](#) but due to be updated before the end of 2017 with 2016 data), to make an informed assessment of overprovision.

In Scotland, 1 in 4 people drink above the low-risk drinking guidelines.² In Tayside, more than 1 in 4 men (29%) and 1 in 6 women (15%) are drinking at hazardous/harmful levels.³ There were 901 alcohol-related hospital stays⁴ and 50 alcohol-related deaths⁵ in Dundee last year, statistically significantly 'worse' than national average. There were also 45 child protection cases in Dundee where parental alcohol or drug misuse was involved.⁶ The Scottish liquor licensing statistics 2015/16 show that there are 439 premises licences in force in Dundee⁷. In fact, Dundee has the fourth highest alcohol outlet availability in Scotland; neighbourhoods have between 2 and 199 outlets within an 800m radius, with an average of 40.⁸ The £71m annual cost of alcohol harm to Dundee (health, social care, crime and productive capacity) is also significant, equating to £492 per person.⁹ Aggregated statistics such as these point compellingly to the conclusion that there exists a state of overprovision in Dundee.

Decisions on overprovision should be informed by evidence from the police, health authorities and other agencies. The *Dundee City ADP Report* outlines robust statistical findings relating to alcohol related health harm and alcohol related crime in the Board's area. AFS would support the view of the ADP that, given the evidence of alcohol-related harm in Dundee City, the impact on health inequalities and the impact of drinking in private settings, the Licensing Board should include in its policy statement that no further off-sale licenses are granted. With 73% of alcohol now being purchased in off-licenses, it will be important that the new policy reflects and responds to this reality. AFS would also support the proposed new overprovision policy model set out in *Report 241-201* that focuses on off-sales and on-sales in pubs and bars across the city; this position appears to be well supported by the summary data cited and the evidence of alcohol harm provided by the ADP. However, AFS does not have sufficient local knowledge to provide more detailed comment about the types of premises or localities concerned.

Q5. Are there any other comments/suggestions you wish to make in relation to the issue of overprovision?

AFS notes that the previous overprovision policy was overturned, following the Aldi Stores Ltd v Dundee City Licensing Board case, and that the policy has not been in operation since the ruling. The Sherriff in this case decided that the Board had not properly consulted on overprovision areas and was selective with the information they used. This underlines the importance that overprovision assessments and decisions demonstrate a factual basis and can be deemed reasonable and proportionate to achieving the objectives of licensing (although a licensing board exercises

² Scottish Health Survey 2015, Scottish Government, 2016

³ Scottish Health Survey 2015 Health Board Results, Scottish Government, 2016

⁴ Alcohol-related hospital statistics Scotland 2015/16, NHS National Services Scotland, 2016

⁵ Alcohol-related deaths 2015, National Records of Scotland, 2016

⁶ Children's Social Work Statistics, ScotPHO Alcohol Profile, 2015

⁷ Scottish liquor licensing statistics 2015/16, Scottish Government, 2016

⁸ Alcohol outlets and health in Scotland, CRESH, 2014

⁹ Local cost of alcohol profile, Alcohol Focus Scotland, 2012

discretion and judgement in the performance of its duties). Taking a systematic approach to the preparation of an overprovision statement will help to ensure well-reasoned and robust licensing decision-making.

Although boards have flexibility in deciding how to address overprovision in their area, boards must follow the process set out in the guidance to the Licensing Act (Scotland) 2005 when assessing overprovision. The formulation of the statement required by Section 7 of the Act involves the following process:

- the selection of appropriate localities based on a broad understanding of provision across the Board's area;
- the identification of the number of licensed premises or premises of a particular description in those localities and their capacities;
- consultation with the relevant persons;
- an assessment of the information gathered from those persons;
- reaching a decision as to whether it can be demonstrated that, having regard to the number and capacity of licensed premises or licensed premises of a particular description in a locality, it is undesirable to grant further licences or further licences for premises of a particular description on the ground of overprovision, and;
- producing a statement in its published policy.

As *Report 241-201* also identifies, factors other than numbers and capacity can now be considered, including licensed hours. Indeed, temporal availability is an important factor to be taken into account when considering the overall availability of alcohol in an area.

In summary, AFS welcomes that Dundee City Licensing Board has clearly set out the data being used to inform its approach to overprovision. AFS also supports the proposed new overprovision policy model set out in *Report 241-201*, which appears reasonable and proportionate based on evidence presented. An overprovision statement formulated on the best available evidence is more likely to be effective in managing and reducing alcohol harm and is more likely to withstand legal challenge.

I consent to the contents of this response being made publicly available (delete as appropriate)

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DUNDEE CITY LICENSING BOARD

OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005

PUBLIC CONSULTATION QUESTIONNAIRE

Q1. What is your view regarding the availability of alcohol in Dundee?

Too many premises selling alcohol Not enough premises selling alcohol Just about the right number of premises selling alcohol

Q2. Do you agree with the Board's proposal that the whole of its area be considered on the locality for the purpose of the overprovision assessment?

Yes No

If you answered no, what do you think the locality or localities should be?

Q3. Of which types of premises do you think there may be overprovision in Dundee?

*On-Sales (pubs, hotels, clubs, restaurants.)	<input type="checkbox"/>
*Off-Sales (Supermarkets, shops)	<input type="checkbox"/>
All Premises	<input type="checkbox"/>
None	<input checked="" type="checkbox"/>
Other	<input type="text"/> (Please specify)

(* If you tick this box, please specify which type or types of on-or off-sales licences you consider are overprovided.

Q4. If you think there is overprovision of licensed premises at Q3 above, what do you think are the reasons for this?

Q5. Are there any other comments/suggestions you wish to make in relation to the issue of overprovision?

YES! The SNP members of the Dundee City Council administration are obviously doing the bidding of their political masters here; it's evident and it's ugly. I don't know what it is that the SNP has got against alcoholic drink but, whilst making themselves look like the fools that they are, they're turning Scotland into something akin to North Korea. Can the SNP demonstrate what 'good' has been done from lowering the already ridiculously-low drink-drive limit or from the ban on smoking in public places or from your yet-to-be introduced minimum pricing legislation, for instance? No, of course they cannot because there's no benefit at all. Instead, the effect on the disadvantaged, the out-of-the-way and non-city-centre establishments, has been dramatically negative – even on your favoured food-serving establishments. Shame on the SNP. I voted Yes in the independence referendum but, apart from free prescriptions and the abolition of bridge tolls, the SNP has been a disaster for Scotland. I will never, ever, vote for your party of control freaks ever again.

The ADP report tends to lead its readers to an inevitable conclusion – but in a misleading and thoroughly dishonest manner. I'm pressed for time today and could dissect the entire thing but, instead, I'll give a few of instances:

Dundee has a population of some 148,000+ and, if your alleged 446 licensed establishments is correct (I can't, for the life of me, begin to wonder where they all are) then that equals approximately 1 per 332 people and that doesn't

scream 'overprovision' to me. How about the number of hairdressers in Dundee? Or the houses of multiple occupation? Or (particularly) fast food takeaways? Is there 'overprovision' in these markets? I expect that the provision of fast food outlets is far more damaging health-wise than our city pubs and clubs and, yet, they are not regulated in the same manner as outlets selling drink (in that anyone of any age may purchase from them and, if a publican suspects that a customer has had 'too much' to drink, they can refuse them - but a kebab or pizza or burger takeaway won't do likewise, even if they're given an order from a 17-stone 14-year-old). How many of your 'violent' statistics take place within the vicinity of late-night kebab shops? (loads, I expect). What are you doing about that if this consultation is supposedly about health (and violence?) The 'likely' answer is nothing; I imagine that you could well expect accusations of racial prejudice levelled at you if you did crack down on these sort of health-threatening establishments and the SNP would never want that, would it? For the record, I DO celebrate diversity and equality and will be enraged if Dundee City Council - or any employee or elected member - attempts to portray me otherwise.

I have lived in Dundee since 1993 and in Kirkton since 2001. Kirkton no longer has the *Copper Beech* or the *Mains of Claverhouse*. Neither offered food, as far as I know, but they're both now lost to the community forever (one having been demolished and the other converted into housing). The nearest place to go for a 'social' drink is Doc Stewart's - which is in Downfield. Yes, the *Downfield FC Social Club* and *Soccerworld* are nearer but they both cater for a niche customer base which doesn't include me. Prior to moving to Dundee in 1993, I used to visit at weekends for nights out and I'm now going to list the city centre-ish pubs and clubs which have closed forever during the time that I have been old enough to drink; the number is staggering:

- Sinatra's
- Constables
- The Cavern
- The Penny Farthing
- The Executive / Mariners / Castaways
- The Railway Club (Guthrie Street)
- The Angus Hotel (Winston's / Global Beer Company)
- Chambers (Castle Street)
- The Royal Hotel
- Slickers
- Silks
- Café Americain
- The Caledonian
- The Hawthorn
- Cloisters / Café Club
- The Central Bar
- The North Eastern / Harlequins
- Smugglers / The Marquee
- The Westport
- The Coconut Grove / Barracuda
- Dexter's / Non-Zero's
- The Stage Door
- Cactusville

- Breadalbane Arms
- The Tayside Bar
- Chevalier Casino
- Thistle Casino
- The Hilton
- The Windmill
- The Nelson
- The Highwayman
- Duck Slattery's / Bar Chevrolet
- Caskies (Reform Street)
- The Oriental / Argyle
- The Junction
- The Pleasance
- I'm sure there's more but how's that to be getting on with? Those of a certain age will note that the majority of these establishments didn't serve food but was 'problem drinking' more of a 'problem' back then or not? I'd suggest that violence was far more of a feature of Dundee pubs in the 1970s and 1980s than it is nowadays; can you please publish the statistics that prove this? If the choice of drinking establishment is limited or lessened then it shouldn't come as a surprise if folks choose to do their drinking at home.
- Add to this the number of off-licence-type establishments which have also disappeared forever: the Victoria Wines', the Haddows', the Agnews', Littlewoods, etc, etc.

Cynics might also suggest that this consultation – published in the *Evening Telegraph* on 23rd December (with responses having to be received by 29th December) is a sham. I think that they'd be right. Hey, let's do this consultation that we don't want to do when no-one is looking or is too busy to respond – is that the idea? Cynics might also suggest that politics in the UK is corrupt; where are the shiny new office blocks, restaurants, cafés and shops in the central space opposite the railway station which were promised by DCC? The short answer is that there are none. Dundee City Council apparently wishes to have fewer city centre licensed outlets in order that it might boost its own ego and have everything placed placed in crappy new breeze-block-constructed restaurants for tourists and the middle-classes on above-average incomes opposite the train station and V&A. This disgusts me. Cynics might also suggest that Dundee City Council has SNP-supporting friends whose food-serving pubs might benefit from this blunt attack on traditional pubs. They might also suggest that corner shop owners who have to pay an extravagant amount for an off-sales licence are more likely to vote Labour than SNP. Who knows? Perhaps members of the licensing committee might be corrupt? Might members of the roads department also be corrupt? Questions need to be asked about the excessive number of recently-added traffic lights in Dundee. What's in it for the motorists (?) - nothing. What's in it for the manufacturers of traffic lights?

One final thing that I'd like to pick up on is page 14 of the report and it's a thing that is clearly highlighted within your consultation: 58.5% of 'serious assaults' are carried out under the influence of alcohol. What you neglect to mention is that, during the period in question (2013-14) there were actually only 82 and that figure equated to as few as 32 per 100,000 of population.

This is the most unbalanced and biased consultation that I have ever seen in my life – and that includes a number of consultations from the UK Conservative government. There's an agenda here, it's sinister, and it isn't one that I support you on. You were rightly beaten by Aldi and, although you are allegedly publicly consulting now, I hope you are beaten in the courts time and again.

I consent to the contents of this response being made publicly available (delete as appropriate)

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The Public Health and Social Impact of Alcohol Availability in Dundee

June 2017

1. Executive Summary

The Licensing (Scotland) Act 2005 places a direct obligation on local licensing boards to consider the protection and improvement of public health when granting or reviewing licences. This report collates and presents the current data with regards to the public health and social impact of alcohol consumption and provision in Dundee City to inform an evidence-based policy statement for Dundee City.

In Tayside, approximately 29% of men and 15% of women drink alcohol at levels that are considered hazardous or harmful (over 14 units per week). However, there is evidence of changing attitudes towards alcohol in 13-15 year olds, with more young people less accepting of trying alcohol and getting drunk nowadays.

In Scotland, Dundee City has one of the highest rates of alcohol-related deaths of all local authority areas in Scotland.

Alcohol-related harm disproportionately affects those living in the most disadvantaged areas and therefore widens health inequalities.

In 2015, there was nearly 1600 alcohol-related A&E attendance by Dundee City residents. Individuals from the most deprived areas in Dundee City account for just under six times the rate of presentation to A&E compared with those in the least deprived areas.

The drinking of alcohol has a significant impact on health care and policing resource in Dundee City. Alcohol is a recorded factor in 58.5% of serious assault offences. The estimated financial burden from all alcohol-related harm to Dundee City is approximately £71.05 million.

Since 1994, off-trade sales of alcohol have increased markedly in Scotland whereas on-sales trade has decreased. Almost three-quarters of alcohol currently sold in Scotland is purchased from off-sales trade. The contribution made to alcohol-related harm from off-sales outlets is greater than that from on-sales outlets.

Neighbourhoods with higher numbers of alcohol outlets have significantly higher alcohol-related hospitalisation and death rates. Dundee City has the fourth highest alcohol outlet availability in Scotland.

Alcohol-related harm in a population is directly associated with alcohol consumption levels which, in turn, is directly associated with alcohol availability.

Alcohol availability (e.g. outlet density and opening hours) and alcohol affordability (price) are the two main factors affecting how much alcohol is drunk in Scotland.

Given the evidence of alcohol-related harm in Dundee City, the impact on health inequalities and the impact of drinking in private settings where friends and families are also exposed and affected, Dundee City Alcohol and Drugs Partnership would recommend that the Licensing Board for Dundee City includes in its policy statement that no further off-sale licenses are granted.

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3. Introduction

In response to rapidly increasing rates of alcohol-related harm in Scotland, the Scottish Government implemented a co-ordinated strategic approach in the mid-2000s to tackle the availability and affordability of alcohol. A Framework for Action was produced, in addition to the passing of three Parliamentary Acts. The approach was evidence-based and contains the main strategic elements advocated by WHO.¹

One of the pieces of legislation to be enacted was the Licensing (Scotland) Act 2005. This was implemented in September 2009 and required licensing boards to promote the following five objectives in their work:

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

In addition, licensing boards must publish a statement of their licensing policy every three years which must seek to promote the five licensing objectives. The Licensing (Scotland) Act 2005, therefore, places a direct obligation on local licensing boards to consider the protection and improvement of public health when granting or reviewing licences.

The policy statement must also include a statement on overprovision of licensed premises within its area and the licensing board must subsequently pay regard to the content of the policy statement when making licensing decisions. The purpose of the policy statement is to enable a licensing board to take a strategic approach to managing alcohol provision in its area. To date, some elements of Scotland's alcohol strategy have been successfully implemented and rates of alcohol-related hospitalisations and deaths have been declining in recent years. However the rates are still much higher than they were in the 1980s and significantly higher than in England and Wales and what is more, the decline in rates seen now appears to be stalling.² Also, there are persisting and significant inequalities arising from alcohol-related harm so much still needs to be done.

Increasing price, reducing availability and controlling the marketing of alcohol are the most effective and cost-effective measures to prevent and reduce alcohol-related harm.³ To support the work of Dundee Licensing Board and inform an evidence-based policy statement for Dundee City this report collates and presents the current data with regards to the public health and social impact of alcohol consumption and provision in Dundee City.

¹ World Health Organization. Global strategy to reduce the harmful use of alcohol. Available from: http://www.who.int/substance_abuse/activities/gsrhua/en/ [Accessed May 2017]

² Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

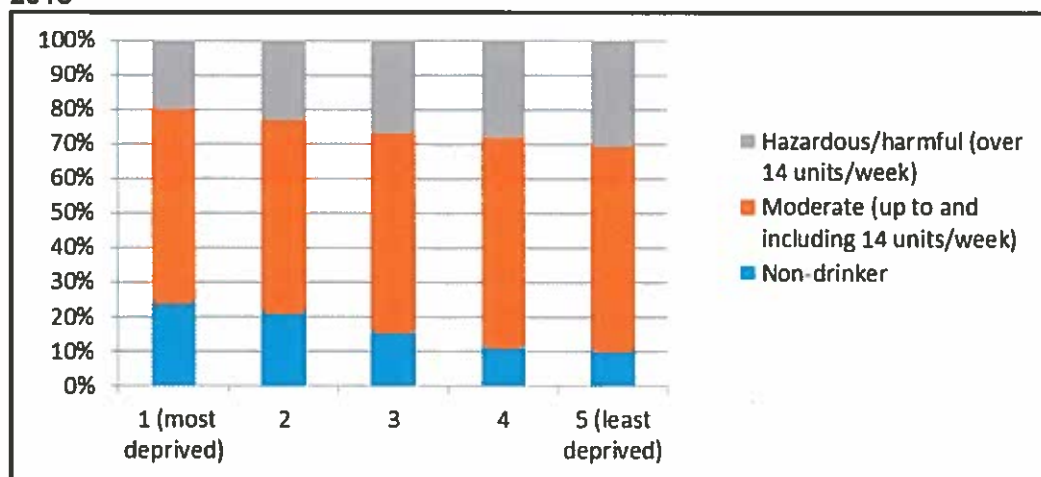
³ Chisholm D, Rehm J, Van Ommeren M, Monteiro M. Reducing the global burden of hazardous alcohol use: a comparative cost-effectiveness analysis. *Journal of studies on alcohol*. 2004;65(6):782-93.

4. Current trends in alcohol consumption

A considerable proportion of adults in Tayside drink alcohol in excess of safe government guidelines. The Scottish Health Survey showed that for Tayside, during the period 2012-2015, 29% of men and 15% of women were drinking alcohol at levels that are considered hazardous or harmful (over 14 units per week).⁴

Alcohol consumption varies with socioeconomic deprivation, with a greater proportion of adults in the least deprived areas drinking at hazardous or harmful levels (Chart 1).

Chart 1. Weekly drinking category, by SIMD 2012 quintiles (age-standardised), Scotland 2015



Source: Scottish Government / National Statistics, The Scottish Health Survey 2015

However, it appears that attitudes towards alcohol are changing, particular in younger people. The Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) 2013 showed that in Tayside⁵:

- 40% of 13 year olds and 67% of 15 year olds report having been drunk at least once (compared to 56% and 74% respectively in 2010).
- 3% of 13 year olds and 20% of 15 year olds reported drinking alcohol in the week prior to the survey (14% and 32% respectively in 2010).

These mirror the overall Scottish trends whereby, the proportion of 13-15 year olds reporting ever having had a drink has been declining since the 2000s and was the lowest ever in 2013. The SALSUS 2013 survey showed that the most common sources of alcohol for under-age young people in Tayside were friends, relatives or the home either with or without permission (i.e. as a result of off-sales as opposed to on-sales trade).

⁴ Scottish Government / National Statistics. The Scottish Health Survey 2015 Edition. Available from: <http://www.gov.scot/Topics/Statistics/Browse/Health/scottish-health-survey> [Accessed May 2017]

⁵ Scottish Government / National Statistics. Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS): National Overview 2015. Available from: <http://www.isdscotland.org/Health-Topics/Public-Health/SALSUS/> [Accessed May 2017]

5. Alcohol related harm

Excessive consumption of alcohol can result in a wide range of health problems for an individual. Some adverse health effects may occur after drinking over a relatively short period, such as acute intoxication (drunkenness) or poisoning (toxic effect). Others develop more gradually, only becoming evident after long-term heavy drinking, such as damage to the liver and brain. In addition to causing physical problems, excessive alcohol consumption can lead to mental health problems such as alcohol dependency.

However, the harm that arises from alcohol use does not only impact on individuals but significantly affects friends, families and the broader community.

In this section, data concerning the impact of alcohol on health, crime and disorder, social and economic activity within a local and national context will be considered.

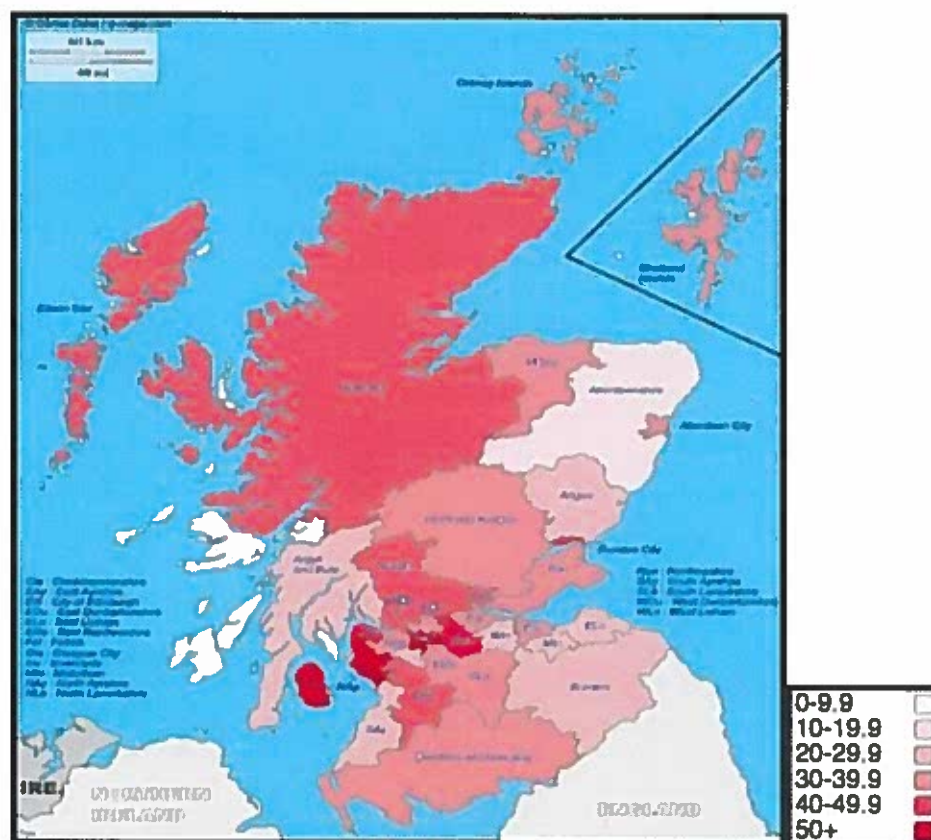
3.1 Health

The most reliable and robust indicators of alcohol-related harm are alcohol-related death and hospitalisation rates.⁶

3.1.1 Alcohol-related deaths

In 2008, Scotland had one of the fastest growing chronic liver disease and cirrhosis death rates in the world.⁷ Within Scotland, Dundee City had one of the highest rates of alcohol-related deaths of all local authority areas in Scotland (Chart 2) and more recent data show that this is still the case⁸.

Chart 2. Alcohol- related death rates in men per 100,000 population Scotland 2009



⁶ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

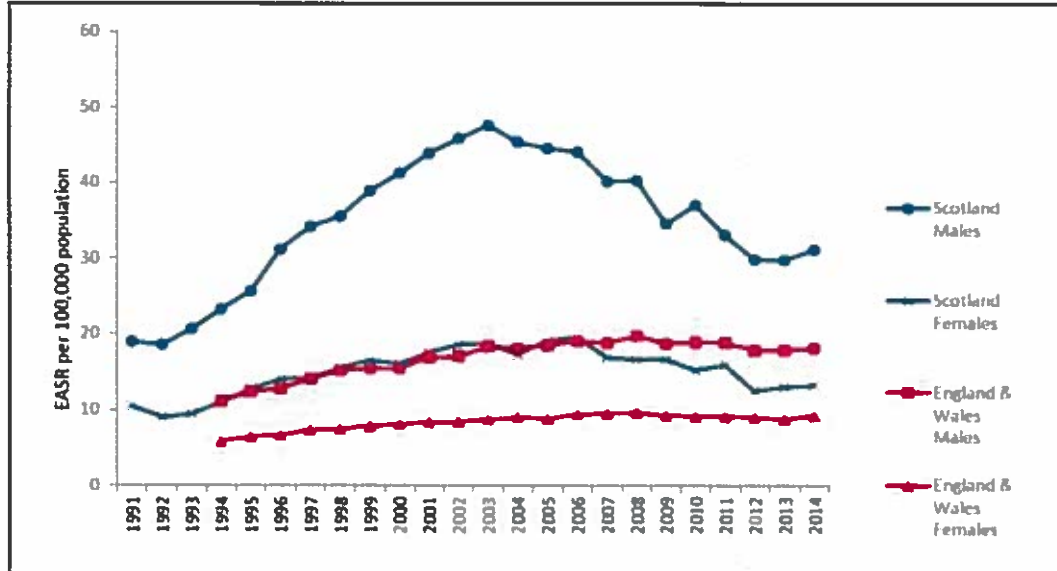
⁷ Scottish Government. Changing Scotland's Relationship with Alcohol: a discussion document. 2008 Available from: <http://www.gov.scot/Publications/2009/03/04144703/0> [Accessed May 2017]

⁸ National Records of Scotland. Alcohol Related Deaths. 2016. Available from: <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/vital-events/deaths/alcohol-related-deaths> [Accessed May 2017]

Source: ONS, Northern Ireland Statistics and Research Agency, Scottish Record Office (July 2013)

Alcohol-related mortality rates in Scotland have declined in recent years but rates of alcohol-related mortality and morbidity in Scotland continue to be much higher than in the 1980s and significantly higher than England and Wales.⁹ Furthermore, the decline in alcohol-related mortality rates shows evidence of stalling (Chart 3).

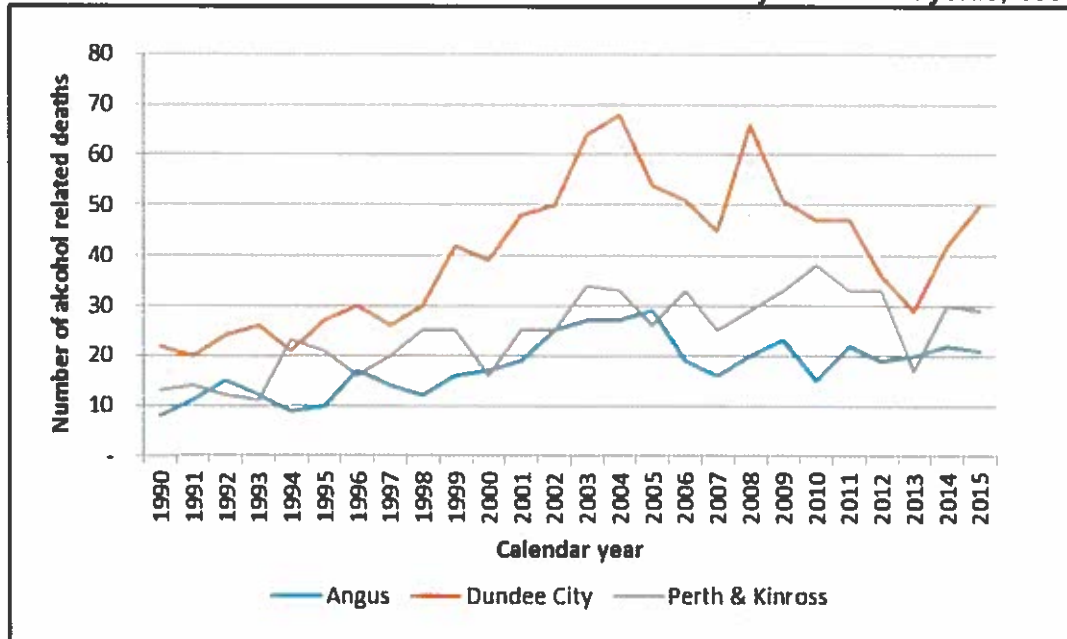
Chart 3. Alcohol-related mortality, by gender, for Scotland and England and Wales, 1991-2014



Source: Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

In Dundee City, following an increase in the number of alcohol-related deaths from 1990 to 2004, numbers fluctuated then decreased between 2004 and 2013 but are now starting to rise again (Chart 4).

Chart 4. Alcohol-related death rates in the local authority areas of Tayside, 1990-2015



⁹ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

Source: National Records of Scotland Alcohol Related Deaths Report 2015

Alcohol-related deaths disproportionately affect those living in the most disadvantaged areas. In 2014, the alcohol-death rates for people living in the most deprived 10% of areas in Scotland was eight times the rate for those living the least deprived 10% of areas.¹⁰

The annual alcohol-related death rate of Dundee City is markedly higher than that of Scotland's (Table 1). Of note, however, the Scottish average is a poor benchmark, given that Scotland has one of the highest levels of alcohol-related harm in Western Europe and is consistently the UK country with the highest rate of alcohol-related deaths.^{11, 12}

Table 1. Alcohol related deaths in Scotland and Dundee City, 2009-2011

	2009	2010	2011
Scotland			
Population	5,327,700	5,347,600	5,373,000
Total number alcohol related deaths	1100	1152	1150
Alcohol related deaths per 100,000 population	20.6	21.54	21.40
Dundee City			
Population	148,100	148,130	148,210
Total number alcohol related deaths	59	78	87
Alcohol related deaths per 100,000 population	39.8	52.7	58.7

The mortality rate in the UK from alcohol is highest in the age group of 55 to 69¹³.

3.1.2 Alcohol-related hospital admissions

The harmful use of alcohol is known to be a *causal* factor in over 200 diseases and injury conditions.¹⁴

In 2015/16 there were 869 alcohol related hospital discharges in Dundee City residents. The number of alcohol-related discharges in Dundee city has broadly remained constant (with some fluctuation) over the past ten years (Chart 5). This is in contrast to Perth and Kinross where the trend for alcohol-related hospital discharges has been decreasing.

¹⁰ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

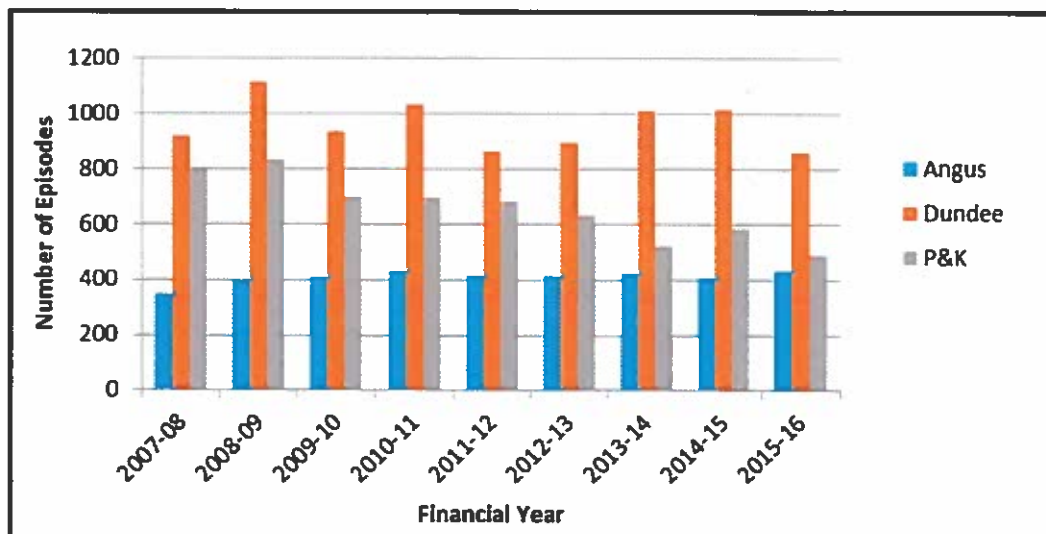
¹¹ Beeston C, Reid G, Robinson M, Craig N, McCartney G, Graham L and Grant I (on behalf of the MESAS project team). Monitoring and Evaluating Scotland's Alcohol Strategy. Third Annual Report. Edinburgh: NHS Health Scotland; 2013

¹² Office for National Statistics. Alcohol-related deaths in the UK: registered in 2015. 2017. Available from: <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/causesofdeath/bulletins/alcoholrelateddeathsintheunitedkingdom/registeredin2015> [Accessed May 2017]

¹³ Office for National Statistics. Alcohol-related deaths in the UK: registered in 2015. 2017. Available from: <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/causesofdeath/bulletins/alcoholrelateddeathsintheunitedkingdom/registeredin2015> [Accessed May 2017]

¹⁴ World Health Organization. Global status report on alcohol and health 2014. Available from: http://www.who.int/substance_abuse/publications/global_alcohol_report/en/ [Accessed May 2017]

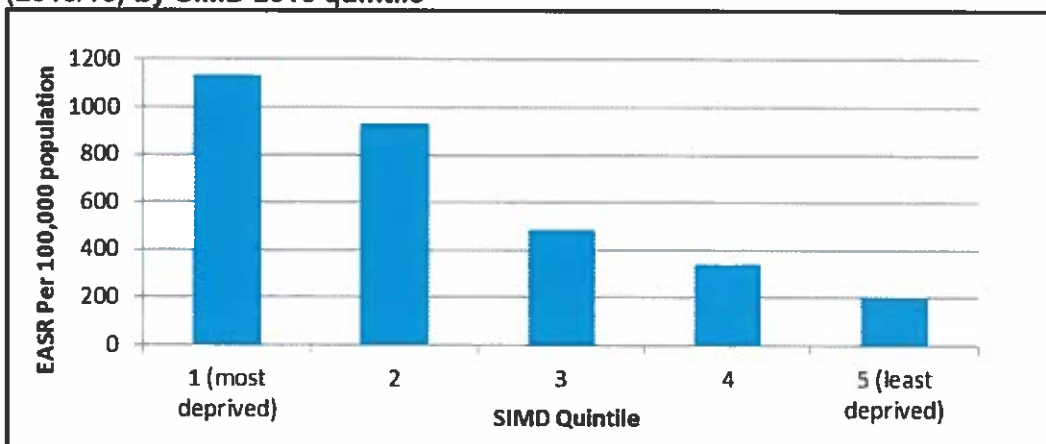
Chart 5. Alcohol related hospital discharges in Tayside



Source: SMR01 Discharges by financial year 2007/08 to 2015/16 (Extracted 11/01/2017)

The alcohol-related hospital discharges in Dundee City residents show a marked inequality gradient (Chart 6) providing further evidence that people living in socioeconomically deprived areas are disproportionately affected by alcohol-related harm.

Chart 6. Dundee City alcohol related acute hospital standardised discharge rates (2015/16) by SIMD 2016 quintile



Source: SMR01 & NRS Midyear population estimates

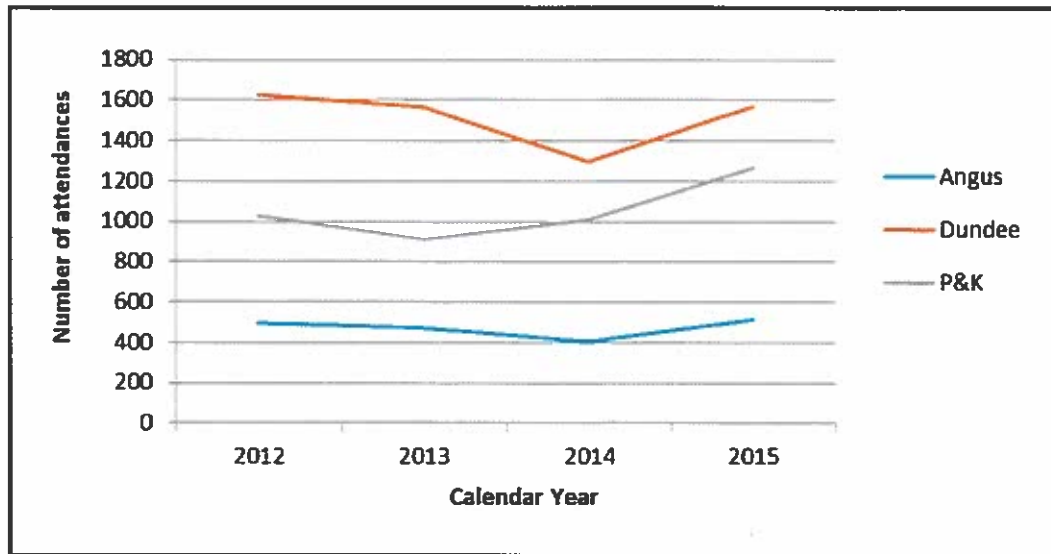
3.1.3 Alcohol-related A&E attendances

Across Scotland, alcohol is a contributory factor in approximately 11% of attendances to A&E departments.¹⁵

In 2015, there were nearly 1600 alcohol-related A&E attendances by Dundee City residents and this number has remained relatively constant over the past four years (Chart 7).

Chart 7. Alcohol Related A&E Attendances in Tayside, 2012 -2015

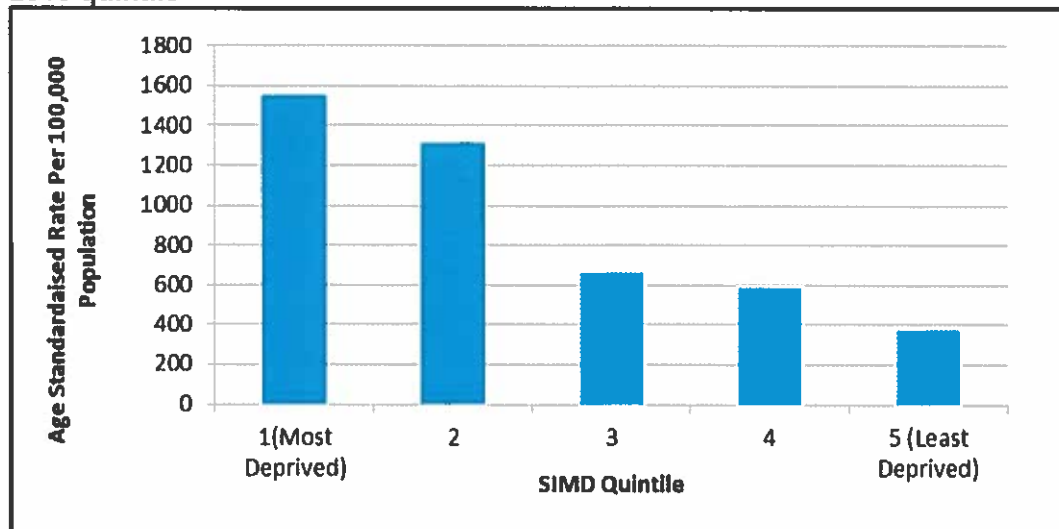
¹⁵ Audit Scotland. Drug and Alcohol Services in Scotland. 2009. Available from: http://www.audit-scotland.gov.uk/docs/health/2009/nr_090326_drugs_alcohol.pdf [Accessed May 2017]



Source: NHS Tayside Business Unit Symphony (January 2016)

In keeping with the findings in alcohol-related hospital discharges and alcohol-related mortality, there is a marked inequality gradient present in alcohol-related A&E attendances. Individuals from the most deprived areas in Dundee City account for just under six times the rate of presentations to A&E compared with those the least deprived areas (Chart 8)

Chart 8. Alcohol Related A&E attendance rate (2015) in Dundee City residents by SIMD 2016 quintile



Source: A&E systems accessed by NHS Tayside Business Unit

3.2 Crime and Disorder

In 2013/14, the overall crime rate in Dundee City (6,220 per 100,000 population) was notably higher than the overall Scotland rate (5,080 per 100,000 population). Alcohol is known to be an aggravator in a significant proportion of incidents attended to by police, in particular petty assault and serious assault (Table 2). The Scottish Crime and Justice Survey for 2014/15 reported that in just over half (54%) of violent crimes the victim thought that the offender was under the influence of alcohol.¹⁶

Table 2: Offences recorded in Dundee and their relationship with alcohol 2013/14

¹⁶ Scottish Government / National Statistics. Scottish Crime and Justice Survey 2014/15: Main Findings. Available from: <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/crime-and-justice-survey/publications> [Accessed May 2017]

Offence Type	Total number of incidents	Incidents where alcohol is involved		Rate per 100,000 population
		Number	Percentage	
Petty Assault	2072	958	46.2%	646
Vandalism	1786	153	8.6%	103
Breach of the Peace	197	53	26.9%	36
Drugs Offences	1098	133	12.1%	89
Serious Assault	82	48	58.5%	32
Sexual Crimes	316	66	20.8%	45
Culpable & Reckless Conduct (not with firearms)	101	23	22.7%	16
Indecent Exposure (now termed Sexual Exposure of Genitals)	7	<5	-	-

Source: Police Scotland data

3.3 Social impact of alcohol

Alcohol is considered the drug that causes the greatest harm in Scotland.¹⁷

Work done nationally to ascertain the wider impact of alcohol beyond the harm caused to the drinker found that 1 in 2 people reported having experienced harm as a result of someone else's drinking and reported lower life satisfaction compared to others.¹⁸ 1 in 3 people in Scotland reported having being exposed to heavy drinkers in their lives and people who know heavy drinkers were more likely to report experiencing harm from others' drinking in private places such as the home or private parties (from off-sales alcohol trade).

Living with a problem drinker can result in relationship problems, tensions within the household, arguments and chaotic lifestyles. This can have a direct impact on children for whom there is worry, fear and uncertainty, the potential for neglect and an impact on school attendance.¹⁹

In Dundee City, the number of registrations of children on the Child Protection Register due to parental alcohol misuse has increased in recent years to 39 over the academic year 2015/16, representing over a quarter (25.5%) of all registrations (Table 3).

Table 3. Child Protection Registrations in Dundee City, 2012/13 – 2015/16

Academic year	Registrations	Number due to parental alcohol misuse	Percentage due to parental alcohol misuse (%)
2012/13	129	27	20.9
2013/14	131	30	22.9
2014/15	126	34	27.0
2015/16	153	39	25.5

¹⁷ Sharp C, Marcinkiewicz A, Rutherford L. Attitudes towards alcohol in Scotland: results from the 2013 Scottish Social Attitudes Survey. NHS Health Scotland; 2014

¹⁸ Hope A, Curran J, Bell G, Platts A. Unrecognised and under-reported: the impact of alcohol on people other than the drinker in Scotland. Glasgow: Alcohol Focus Scotland; 2013.

¹⁹ Hope A, Curran J, Bell G, Platts A. Unrecognised and under-reported: the impact of alcohol on people other than the drinker in Scotland. Glasgow: Alcohol Focus Scotland; 2013.

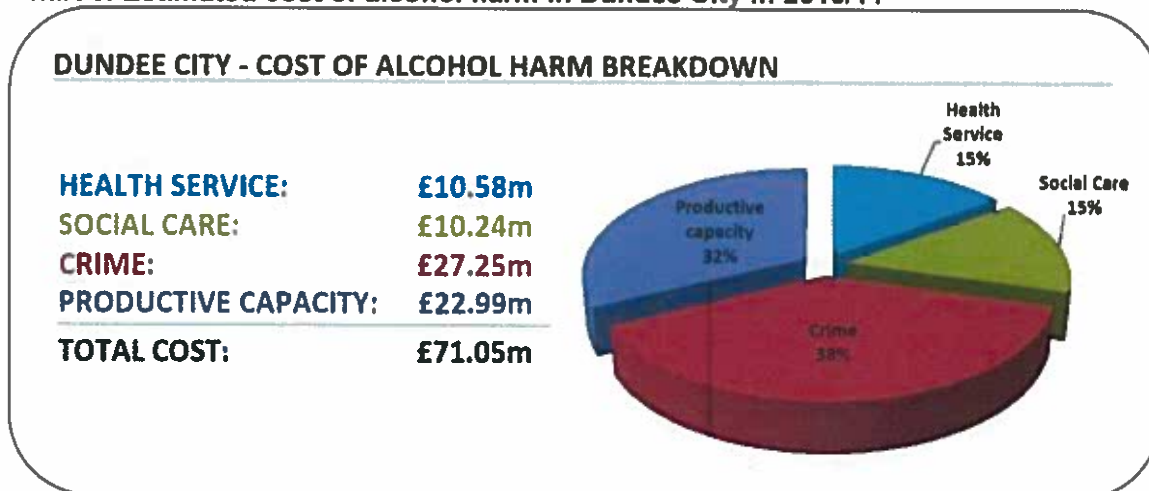
3.4 Economic impact of alcohol

Alcohol can result in direct economic costs, indirect costs and intangible costs as outlined in the examples below:

- **Direct costs:** cost to health, police, social and justice services incurred when managing alcohol-related impact on individuals
- **Indirect costs:** costs incurred due from lost productivity (due to e.g. absenteeism, unemployment), reduced earning potential and lost working years due to premature morbidity or death
- **Intangible costs:** costs assigned to pain and suffering and more generally to a diminished quality of life. These are costs borne not only by the person consuming hazardous or harmful quantities of alcohol, but frequently families and others linked to the individual.

There is substantial evidence that alcohol imposes major costs to the Scottish economy. Quantifying these costs is tricky but the total cost of alcohol harm in Dundee City each year is estimated to be in the region of £71 million.²⁰ This figure takes into account the impact of alcohol on health, social, crime and productive capacity (figure 7) but not the intangible costs.

Chart 9. Estimated cost of alcohol harm in Dundee City in 2010/11



Source: The cost of alcohol in Dundee City 2010/11, Alcohol Focus Scotland

²⁰ Alcohol Focus Scotland. The cost of alcohol in Dundee City 2010/11. Available from: <http://www.alcohol-focus-scotland.org.uk/media/61453/The-Cost-of-Alcohol-Dundee-City.pdf> [Accessed May 2017]

3.5 Summary

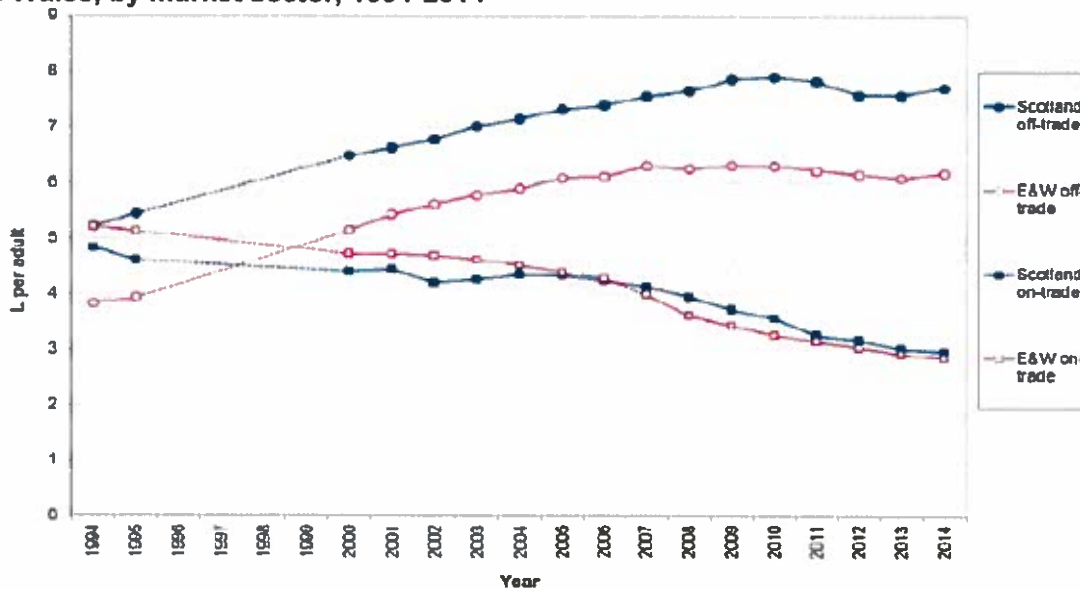
- Scotland has high levels of alcohol-related mortality and morbidity – much higher than previous historic trends before 1990s and much higher than other UK and Western European countries.
- Within Scotland, Dundee City is one of the local authorities with the highest rates of alcohol-related mortality and morbidity.
- The drinking of alcohol has a significant impact on individuals, families and communities in Dundee City. It also increases the demand on healthcare, policing resource, community safety provision and other social care services.
- The estimated financial burden to Dundee City is approximately £71.05million.
- Although individuals in the least socioeconomically deprived areas on average drink more alcohol, individuals living in the most socioeconomically deprived areas experience greater alcohol-related harm.
- Much of the data presented in the section relies on the recording of the contribution of alcohol in, for example, police and healthcare summaries. Therefore the figures presented are likely to be an under-estimation of the true picture of the impact of alcohol-related harm in Dundee City.

6. Current trends in alcohol sales

Alcohol consumption levels in a population are best estimated using alcohol sales data. Although surveys provide a useful indicator to alcohol consumption trends, it has been estimated that surveys of population consumption only account for approximately 50% of sales based data and therefore alcohol sales data are preferred as the more accurate measure of alcohol consumption.^{21,22}

In 2014, 10.7 litres of pure alcohol were sold per adult in Scotland.²³ In recent years there has been a marked divergent trend in off-trade sales versus on-trade sales. Between 1994 and 2010, on-trade sales decreased by 28% whereas off-trade sales increased markedly by 52% (Chart 10).

Chart 10. Litres of pure alcohol sold per adult (aged ≥16 years) in Scotland and England & Wales, by market sector, 1994-2014



Source: Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

In 2015, 20% more alcohol was sold per adult in Scotland than in England and Wales, and almost all of this (97%) was because of higher sales in supermarkets and off-licences.²⁴ Almost three-quarters of alcohol currently sold in Scotland is purchased from off-sales trade.

The reason for this is thought to be principally due to the differences in average price of a unit of alcohol between off-sales and on-sales trade. The average price of a unit of alcohol sold in supermarkets and off-licences has roughly stayed the same since 2000, whereas the average price of a unit of alcohol has consistently increased in pubs and clubs. The average price per unit of alcohol in Scotland in 2015 in pubs, clubs and restaurants was £1.74, compared to only

²¹ Beeston C, Geddes R, Craig N, Gordon R, Graham L, McAuley A, McCartney G, Reid G, Robinson M, Van Heelsum A (on behalf of the MESAS project team). Monitoring and Evaluating Scotland's Alcohol Strategy. Fourth Annual Report. Edinburgh: NHS Health Scotland; 2014

²² World Health Organization. International guide for monitoring alcohol consumption and related harm. 2000 Available from: <http://apps.who.int/iris/handle/10665/66529> [Accessed May 2017]

²³ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

²⁴ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

52p in supermarkets and off-licences.²⁵

²⁵ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

7. Alcohol Outlet Density

As part of the policy statement Licensing Boards are required to make a statement with regards to overprovision of licensed premises within its area.

How many or what density of licensed premises that constitutes overprovision is a matter for a licensing board to decide, based on the assessment of the evidence. National guidance does not stipulate what constitutes 'overprovision'. Whether an area is overprovided in alcohol is, ultimately, a value judgement. However, the law empowers the licensing board to consider (as part of the five licensing objectives) the welfare of the community it serves, the health, social and economic consequences of over consumption and the overall best interests of society. In the case of *Tesco Stores Limited v City of Glasgow Licensing Board, 2012* the sheriff commented, when rebutting the appeal of *Tesco Stores Limited* against a licence which had been declined "The pursuer demands a standard appropriate to a court not a licensing board. Unlike a court judgement, it is sufficient for a board to make a value judgement."

The extent to which alcohol is available is strongly associated with alcohol consumption²⁶ and, in turn, alcohol-related harm.^{27,28,29,30,31} Greater density of alcohol outlets leads to increased physical availability to consumers and lower alcohol pricing (due to greater competition between retail outlets for sales).

In Scotland research has shown that neighbourhoods with higher numbers of alcohol outlets have significantly higher alcohol-related death rates and alcohol-related hospitalisation rates.³² Residents of neighbourhoods with the highest availability are more than twice more likely to die from an alcohol-related death than those with the fewest outlets.³³ Furthermore, higher densities of off-sales alcohol outlets are largely found in the most deprived areas of Scotland.³⁴ When considering the impact of off-sales outlets versus on-sales outlets, the contribution made to alcohol-related harm from off-sales outlets is notably greater than that of on-sales outlets.³⁵ Reasons for this are thought to include: the alcohol available to buy from off-sales outlets is generally cheaper than from on-sales outlets; large volumes of alcohol are obtainable from off-sales outlets and there is a lack of supervision of alcohol consumption when alcohol is purchased from an off-sales outlet.³⁶

²⁶ Bryden A, Roberts B, McKee M, Petticrew M. A systematic review of the influence on alcohol use of community level availability and marketing of alcohol. *Health & place*. 2012;18(2):349-57.

²⁷ Gruenewald PJ, Freisthler B, Remer L, LaScala EA, Treno A. Ecological models of alcohol outlets and violent assaults: crime potentials and geospatial analysis. *Addiction*. 2006;101(5):666-77.

²⁸ LaScala EA, Johnson FW, Gruenewald PJ. Neighborhood characteristics of alcohol-related pedestrian injury collisions: a geostatistical analysis. *Prevention Science*. 2001 Jun 1;2(2):123-34.

²⁹ Pereira G, Wood L, Foster S, Haggart F. Access to alcohol outlets, alcohol consumption and mental health. *PLoS One*. 2013 Jan 16;8(1):e53461.

³⁰ Theall KP, Scribner R, Cohen D, Bluthenthal RN, Schonlau M, Lynch S, Farley TA. The neighborhood alcohol environment and alcohol-related morbidity. *Alcohol and alcoholism*. 2009 Sep 1;44(5):491-9.

³¹ Treno AJ, Johnson FW, Remer LG, Gruenewald PJ. The impact of outlet densities on alcohol-related crashes: a spatial panel approach. *Accident Analysis & Prevention*. 2007 Sep 30;39(5):894-901.

³² Richardson EA, Shortt NK, Pearce J, Mitchell R. Alcohol-related illness and deaths in Scottish neighbourhoods: is there a relationship with the number of alcohol outlets. Edinburgh: Centre for Research on Environment, Society and Health and Alcohol Focus Scotland. 2014.

³³ Richardson EA, Shortt NK, Pearce J, Mitchell R. Alcohol-related illness and deaths in Scottish neighbourhoods: is there a relationship with the number of alcohol outlets. Edinburgh: Centre for Research on Environment, Society and Health and Alcohol Focus Scotland. 2014.

³⁴ Shortt NK, Tisch C, Pearce J, Mitchell R, Richardson EA, Hill S, Collin J. A cross-sectional analysis of the relationship between tobacco and alcohol outlet density and neighbourhood deprivation. *BMC public health*. 2015;15(1):1014.

³⁵ Richardson EA, Hill SE, Mitchell R, Pearce J, Shortt NK. Is local alcohol outlet density related to alcohol-related morbidity and mortality in Scottish cities?. *Health & place*. 2015;33:172-80.

³⁶ Forsyth AJ, Davidson N. Community off-sales provision and the presence of alcohol-related detritus in residential neighbourhoods. *Health & place*. 2010;16(2):349-58.

Dundee has the fourth highest alcohol outlet availability in Scotland (number of outlets within 800m radius).³⁷ The density of off-sales and on-sales outlets in Dundee City is shown in Charts 11 and 12 respectively. On-sales outlets are concentrated around Dundee City Centre, the Waterfront and Broughty Ferry, whereas off-sales outlets continue to be prevalent in higher concentrations compared to the on-sales outlets further afield.

Dundee City is the smallest local authority area in Scotland by area and second only in population density to Glasgow City. Therefore it would be difficult to discern the impact of alcohol sales provision at a geographical level smaller than Dundee City overall, particular with regards to the off-sales trade.

³⁷ CRESH and Alcohol Focus Scotland. Alcohol outlets and health in Scotland. 2014

Chart 11. Density of off-sales outlets in Dundee City (number of outlets within 800m of datazone's population centre)

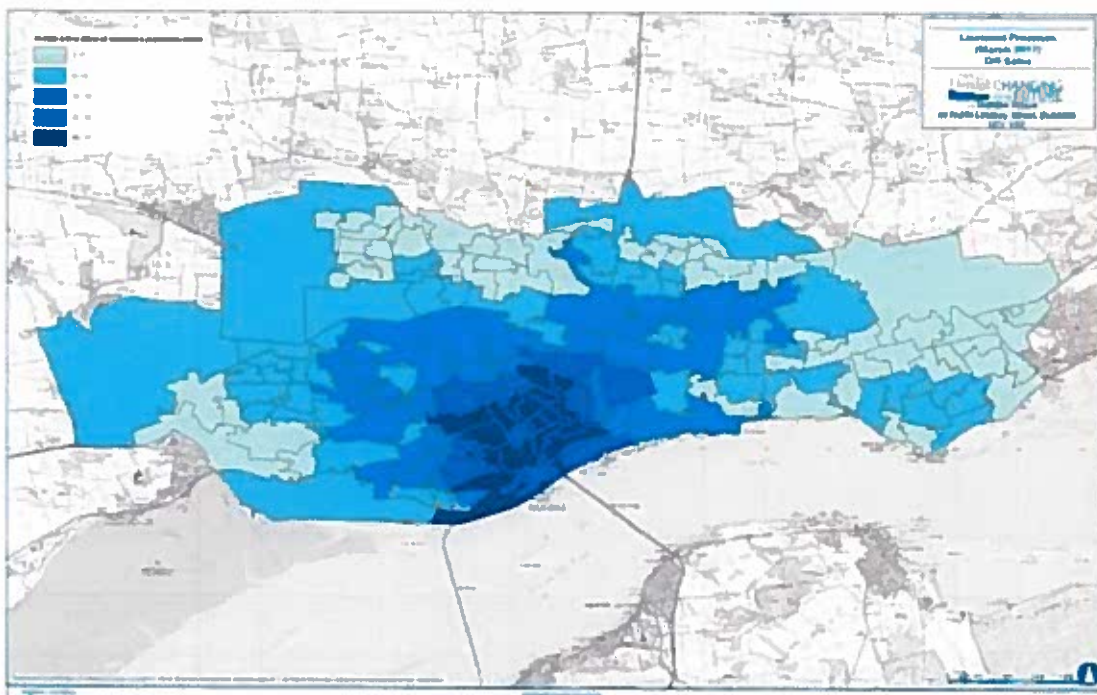
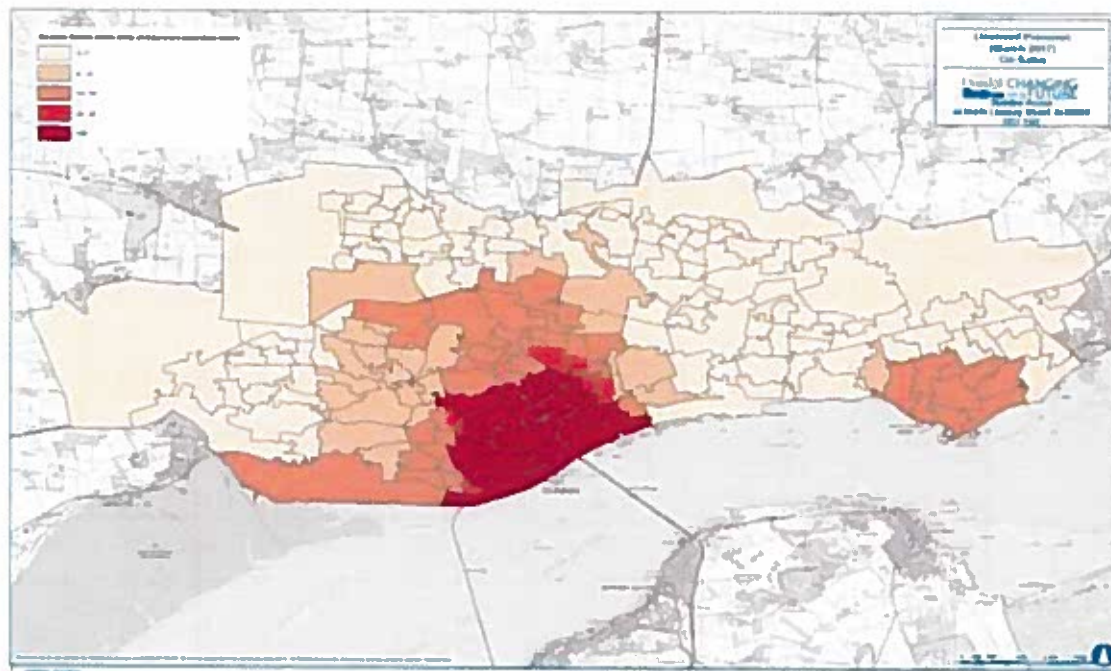


Chart 12. Density of on-sales outlets in Dundee City (number of outlets within 800m of datazone's population centre)

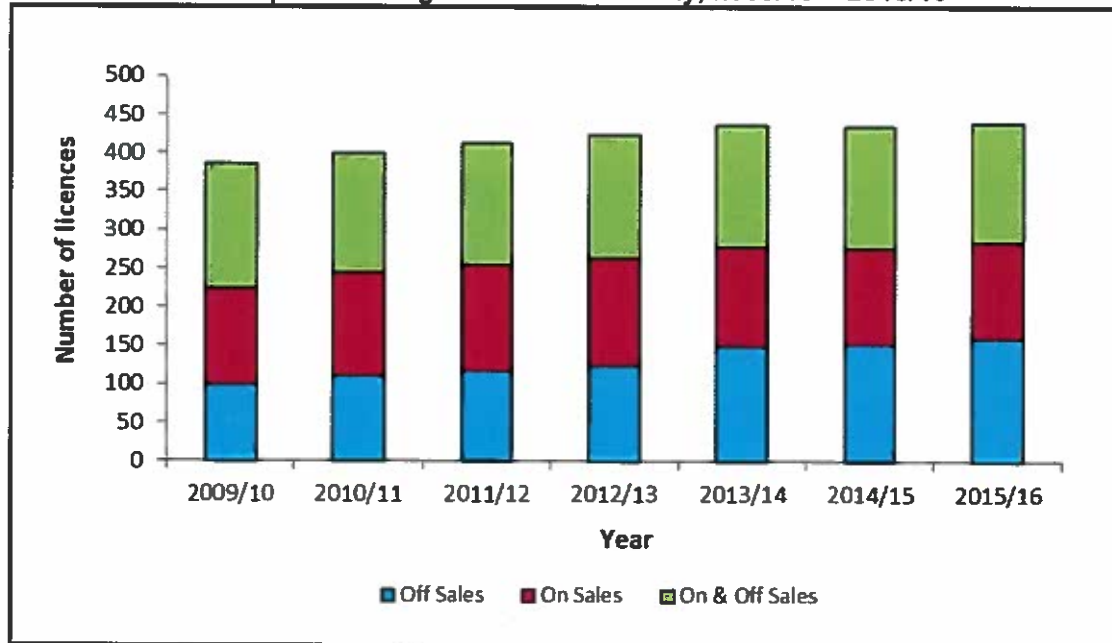


8. Alcohol licensing

8.1 Licenses for on- and off-sales of alcohol

In Dundee City, the number of premises licences operational in Dundee City has increased in recent years (Chart 13) and as of 4th May 2017, the total stood at 454.

Chart 13. Licensed premises figures in Dundee City, 2009/10 – 2015/16



Source: Licensing team, Dundee City Council

The number of personal licences issued by Dundee City has also increased. In the period 2009/10, 848 individuals were issued with a personal licence. In 2013/14 it was 1,436, representing a relative increase of 69.3%.

9. Benefits of reducing alcohol availability

Alcohol-related harm in a population is directly associated with alcohol consumption levels.³⁸ The increased availability of alcohol in the commercial and public setting results in an increased availability of alcohol in the social setting and vice versa, therefore contributing to changing the social and cultural norms that promote harmful use of alcohol.

Alcohol-related harm disproportionately affects those living in the most disadvantaged areas and therefore widens health inequalities. Addressing health inequalities is a major public health challenge for Dundee and therefore action to reduce health inequalities by mitigating the effects of alcohol-related harm through the restriction of alcohol licensing should be a key public health objective for Dundee City Licensing Board.

Population-based policy options – such as the use of taxation to regulate the demand for alcoholic beverages, restricting alcohol availability and implementing bans on alcohol advertising – have been shown to be the most effective strategies to reduce the harmful use of alcohol. These strategies have been shown to be not only greatly effective but also highly cost-effective in reducing alcohol-attributable deaths and disabilities at a population level.^{39,40}

Examples of evidence-based strategies to reduce the availability of alcohol include regulating the density of alcohol outlets.⁴¹

³⁸ Beeston C, McAdams R, Craig N, Gordon R, Graham L, MacPherson M, McAuley A, McCartney G, Robinson M, Shipton D, Van Heelsum A. Monitoring and Evaluating Scotland's Alcohol Strategy. Final Report. Edinburgh: NHS Health Scotland; 2016.

³⁹ Chisholm D, Rehm J, Van Ommeren M, Monteiro M. Reducing the global burden of hazardous alcohol use: a comparative cost-effectiveness analysis. *Journal of studies on alcohol*. 2004;65(6):782-93.

⁴⁰ Anderson P, Chisholm D, Fuhr DC. Effectiveness and cost-effectiveness of policies and programmes to reduce the harm caused by alcohol. *The Lancet*. 2009 Jul 3;373(9682):2234-46.

⁴¹ Campbell CA, Hahn RA, Elder R, Brewer R, Chattopadhyay S, Fielding J, Naimi TS, Toomey T, Lawrence B, Middleton JC, Task Force on Community Preventive Services. The effectiveness of limiting alcohol outlet density as a means of reducing excessive alcohol consumption and alcohol-related harms. *American journal of preventive medicine*. 2009 Dec 31;37(6):556-69.

10. Recommendations

"Preventing and reducing harmful use of alcohol is often given a low priority among decision-makers despite compelling evidence of its serious public health effects."

WHO Global strategy to reduce the harmful use of alcohol

Alcohol availability (e.g. outlet density and opening hours) and alcohol affordability (price) are the two main factors affecting how much alcohol is drunk in Scotland.

Given the evidence of alcohol-related harm in Dundee City, the impact on health inequalities and the impact of drinking in private settings where friends and families are also exposed and affected, Dundee City Alcohol and Drug Partnership (ADP) would recommend that the Licensing Board for Dundee City includes in its policy statement that no further off-sale licenses are granted.

Dundee City ADP would be keen to work with the Licensing Board to review and implement an effective overprovision policy statement that can help to prevent and reduce alcohol problems. This will have the effect of enhancing community life, improving health and well-being, reducing health inequalities, and boosting local productivity and economic performance. Reducing harmful alcohol consumption will lower the financial burden of alcohol-related problems, with the potential for some of the cost-savings to be redirected towards more sustainable economic development for Dundee City.