

**Response to Consultation of South Ayrshire Licensing Policy Statement 2018**  
**Response prepared by Public Health, NHS Ayrshire & Arran**

**BACKGROUND**

The Licensing (Scotland) Act 2005 places a duty on Licensing Boards to publish a statement of their licensing policy statement outlining how they will protect the public's interests with regards to the supply of alcohol by promoting the five licensing objectives of:

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

The Public Health Department in NHS Ayrshire & Arran has considered the consultation document and provides the following comments relating to the promotion of the licensing objectives and overprovision assessment in the draft Licensing Policy Statement. We have given particular consideration to the objectives of preventing crime and disorder, protecting and promoting public health and protecting children from harm.

**COMMENTS**

❖ **Section 2.1 Preventing crime and disorder**

Whilst we recognise that Licence Holders cannot predict how customers who have purchased and consumed alcohol will conduct themselves there is evidence on the impact alcohol has on anti-social behaviour and crime with 41% of prisoners being under the influence of alcohol at the time of their arrest<sup>7</sup>. South Ayrshire has an average neighbourhood crime rate which is 10% lower than the Scottish average however crime rates in areas with the most alcohol outlets are 7.8 times higher than areas with the least<sup>6</sup>. South Ayrshire residents highlighted alcohol related anti-social behaviour as a main impact alcohol use has on their local communities<sup>2</sup>.

Although we support the Licensing Board's position on operating plans detailing how licensed premises intend to promote the prevention of crime and disorder, given this evidence, we are disappointed that the Board has not taken the opportunity to use its influence to proactively limit the availability of alcohol across communities in South Ayrshire and, in particular, protect those communities most at risk.

❖ **Section 2.4 Protecting and improving public health**

We have provided substantial evidence to the Licensing Board detailing alcohol related deaths and hospital admissions for each community in South Ayrshire compared to the Scottish average. South Ayrshire has a slightly lower rate of alcohol related deaths than the Scottish average (by 14%); however some communities within South Ayrshire experience higher rates. Overall in South Ayrshire alcohol related hospitalisations are 12% higher than the Scottish average<sup>6</sup>. In addition there are a number of communities who are experiencing higher levels of harm than others and these, on the whole, tend to be those communities who are also experiencing significant social and economic deprivation.

We welcome the balance the Licensing Board makes regarding thriving premises but

not to the detriment of the health and wellbeing of customers. We also welcome the measures that the Licensing Board has suggested that licensed premises may implement in promoting this licensing objective.

We would suggest that the Licensing Board consider encouraging licensed premises to work in partnership with NHS Ayrshire & Arran, South Ayrshire Council, South Ayrshire Alcohol & Drug Partnership, Police Scotland and the local community on awareness campaigns that recognise and consider the relationship between alcohol and other topics such as tobacco, personal safety and risk taking behaviours.

Improving public health also relates to staff health and we would suggest that the Licensing Board actively promotes participation of businesses in the Healthy Working Lives award programme to ensure that each business identifies issues and improves the health, safety and wellbeing of staff in a structured and productive way. An element of the award is the development of a workplace alcohol policy and businesses are supported through the award by dedicated staff in NHS Ayrshire & Arran.

We feel, however, that the Board should go further by using its powers and influence to proactively limit the further availability of alcohol in South Ayrshire. As Community Planning Partners we are committed to tackling inequality. We therefore need to consider every opportunity available to us to enable our communities to flourish. The Licensing Board should take the opportunity to put measures in place to protect all of our communities in South Ayrshire; particularly those already experiencing significant disadvantage from further alcohol related harm. The draft policy statement appears to be at odds with this commitment and is in fact at risk of increasing inequalities. Our communities in South Ayrshire aspire to live well and in good health, this is not facilitated by the increasing availability of alcohol in our communities. Within communities there are also a number of individuals who are in recovery and have experienced significant harm from alcohol. Their continued recovery is made all the more difficult by constantly being surrounded by readily available and accessible alcohol. The Licensing Board has an opportunity to support these individuals and wider recovery communities by taking the opportunity to limit the further availability of alcohol.

❖ **Section 2.5 & 6.4 Protecting children and young persons from harm**

We are in support of the range of control measures the Licensing Board has suggested should be included in operating plans.

We recognise there are a number of factors that influence a young person to drink alcohol<sup>1</sup> and we agree that premises where the sole focus is the sale of alcohol are an unsuitable environment for children and young people.

There is growing concern that the general availability of alcohol at events aimed at children and families normalises alcohol use in the majority of social settings. The majority of South Ayrshire residents think that alcohol should be available at events targeted at children and families however there was a focus on the monitoring of such events, educating children and young people about the responsible use of alcohol and distinguishing between appropriate events<sup>2</sup>. South Ayrshire Residents also highlighted the part the availability of alcohol has to play in normalising alcohol

use and young people drinking<sup>2</sup>.

We would recommend that events aimed at children and families that have a licence to sell alcohol do so in a dedicated area which also sells food and has a seating area where families can congregate and ensures that alcohol consumption is not the sole purpose of the area.

❖ **Foreword, Section 9.1 & Appendix 2 – Overprovision**

We recognise that alcohol is part of many individuals' social lives in Scotland and is widely available indicating that alcohol can be seen as an everyday product. However this can lead us to forget that alcohol is a powerful drug that causes multiple harms to physical and mental health<sup>3</sup>.

The Licensing (Scotland) Act 2005 places a duty on Licensing Boards to assess the extent to which they consider there is overprovision of licensed premises, or a type of licensed premises in their area. We note from the draft Licensing Policy Statement that the Board does not consider there is overprovision of any type of licensed premises in South Ayrshire.

We would ask the Board to reconsider their statement on overprovision. Overprovision policies mean that each licence application must be determined on its own merits; however an effective overprovision policy creates a rebuttable presumption against the granting of a new licence in an area deemed to be over provided for, or for a type of licence<sup>4</sup>. By having an overprovision policy in place the Board places the duty on the applicant to evidence how granting the licence will not contribute to, or increase alcohol related harm, in the communities of South Ayrshire.

We would advocate that if the Licensing Board does not want to propose overprovision of off-sales for the whole locality of South Ayrshire or specific areas within the locality they should adopt a similar policy as Highlands Licensing Board. Highlands Licensing Board introduced a policy whereby there is a presumption against the granting of any premise licence where the off-sales capacity sought is 40m<sup>2</sup> or over (or is over such a number that the Licensing Board considers appropriate) and applied it locality wide. We would suggest that the Licensing Board should consider adopting a similar approach across South Ayrshire; this would support small local businesses and work towards supporting South Ayrshire's Economic Development Strategy by increasing South Ayrshire's entrepreneurial culture<sup>5</sup>.

We provided substantial evidence to the Licensing Board detailing the impact alcohol has on the health of communities within South Ayrshire. Based on robust data which links alcohol availability, the culture of alcohol consumption and drinking at home and health harms, we recommended that limiting further off-sale availability of alcohol would have a positive impact on reducing health harms from alcohol.

Of the 25 communities in South Ayrshire, on average, in recent years:

- 18 have experienced a decrease in alcohol related hospital stays; and
- 7 have seen an increase in alcohol related hospital stays.

The 8 communities with the **highest levels** of alcohol related hospital stays (which

are significantly worse than the Scottish average) are:

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"><li>• Craigie</li><li>• Heathfield</li><li>• Maybole</li><li>• Dalmilling</li></ul>   | } | Increasing in recent years   |
| <ul style="list-style-type: none"><li>• Ayr North Harbour, Wallacetown &amp; Newton South</li><li>• Ayr South Harbour &amp; Town Centre</li><li>• Barassie</li><li>• Girvan Glendoune</li></ul> | } | Decreasing in recent years, however, still <b>significantly worse</b> than Scotland. |

The 9 communities with the **lowest levels** of alcohol related hospital stays are:

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"><li>• Alloway &amp; Doonfoot</li><li>• Coylton</li><li>• Belmont</li><li>• Holmston &amp; Forehill</li><li>• Annbank, Mossblown &amp; Tarbolton</li><li>• Prestwick East</li><li>• Muirhead</li></ul> | } | Decreasing in recent years and significantly better than the Scottish average      |
| <ul style="list-style-type: none"><li>• Carrick South</li></ul>   | } | Increasing in recent years but significantly better than the Scottish average      |
| <ul style="list-style-type: none"><li>• Girvan Ailsa</li></ul>  | } | Decreasing in recent years but not significantly different to the Scottish average |

South Ayrshire is ranked 6<sup>th</sup> out of the 30 local authority areas in Scotland for alcohol outlet availability and 11<sup>th</sup> for off-sale outlets<sup>6</sup>. Neighbourhoods with the most alcohol off-sale outlets had alcohol related death rates 2.2 times higher, alcohol related hospitalisation rates 3.9 times higher and crime rates 8.6 times higher than neighbourhoods with the least alcohol outlets<sup>6</sup>. This suggests that alcohol availability has a negative impact on South Ayrshire.

Alcohol related harm occurs across South Ayrshire, however, on the whole, the greatest harms can be seen in those communities which also experience the highest levels of income and employment deprivation. Alcohol related hospitalisation is higher in middle aged men from these communities. Alcohol related hospital stays in young people are also significantly higher than the Scottish average in South Ayrshire.

As noted in the Board's draft policy statement, alcohol consumption and patterns of purchase have changed and the majority of alcohol sold in Scotland is bought from off-sales<sup>7</sup> and people travel further to buy alcohol. The Board has noted in the

foreword to the draft policy statement that due to this it is almost impossible to make a direct connection between availability of alcohol in any particular area and the alcohol related issues in that area. We would disagree with the Board's interpretation of the data and suggest that to address the issue of people travelling to make alcohol purchases an appropriate response would be to consider the whole of South Ayrshire as the locality area. The Board must consider that in areas where there is a lower provision of alcohol yet the local community still experience high levels of alcohol harm, increasing provision in this area or other areas in South Ayrshire will not improve the situation. As people will travel to purchase alcohol, increasing provision will only contribute to the overall alcohol harm experienced by the communities of South Ayrshire.

This is supported by the majority of South Ayrshire residents, who responded to a recent community survey, who think that the number of off-sale premises in their area is about right, with the second highest response indicating that there were too many off-sales<sup>2</sup>. This would suggest that the community do not think there needs to be further availability of alcohol.

We would wish to continue to work with Licensing Board members by exploring what information they require to better understand the link between availability of alcohol, alcohol consumption and the associated alcohol related health and social harms.

In conjunction with controls on the price and marketing of alcohol, controls on the availability of alcohol are recognised by experts, including the World Health Organisation, as being the most effective policies to reduce the impact of alcohol related harm. Since 2000, over 50 studies have been published which find an association between alcohol availability and alcohol related problems<sup>8</sup>. The more available alcohol is, the more likely people are to drink more and therefore alcohol harm will increase. In South Ayrshire, neighbourhoods with higher alcohol availability experience higher rates of alcohol related deaths, alcohol related hospitalisations and crime rates than those neighbourhoods with less alcohol availability<sup>4</sup>.

Scottish Culture is often blamed for alcohol related harm. However culture is created, perpetuated and maintained by a number of complex factors<sup>1</sup>, including the regulation of alcohol availability, and actions taken by the industry to increase availability. Scotland has come a long way to positively impact on cultural attitudes towards smoking through tobacco control<sup>9</sup> and this provides evidence of the positive health impacts that can be achieved through regulation.

In Scotland, the alcohol licensing system is the main way to control the availability of alcohol, which will in turn reduce the amount of alcohol individual's drink and ultimately reduce alcohol related harm. The purpose of the Licensing (Scotland) Act 2005 is to regulate the retail sales of alcohol in a manner that mitigates the risk of harm to individuals who drink alcohol, local communities and wider society.

Therefore we do not agree with the Licensing Board's opinion that although there needs to be a culture change in relation to alcohol consumption at home, this is not something the Licensing Board can drive. We believe that, in conjunction with other policies and strategies, reducing the availability of alcohol through the licensing system plays an important role in changing South Ayrshire's relationship with alcohol

and therefore South Ayrshire Licensing Board are pivotal to this.

❖ **Section 12 Occasional licences**

We welcome the Licensing Board's position on occasional licences for events where children and families would be in attendance. We are in agreement that if there are no other activities available other than the sale of alcohol, or if the event is aimed primarily at children and young people that a licence is unlikely to be granted. Our comments in relation to the licensing objective protecting children and young people from harm also apply to occasional licences.

<sup>1</sup> McCartney et al (2016). Explaining trends in alcohol related harms in Scotland (ii): policy, social norms, the alcohol market, clinical changes and a synthesis. *Public Health* Volume 132, Pgs 24-32.

<sup>2</sup> South Ayrshire ADP & NHS A&A Public Health (2018) South Ayrshire Community Licensing Survey

<sup>3</sup> SHAAP (n.d.) Alcohol and Health. Edinburgh: SHAAP. [www.shaap.org.uk/health-costs.html](http://www.shaap.org.uk/health-costs.html)

<sup>4</sup> Alcohol Focus Scotland (2017) Licensing Resource Pack. <https://www.alcohol-focus-scotland.org.uk/media/263089/AFS-Resource-Section-4.pdf>

<sup>5</sup> South Ayrshire Community Planning Partnership (2013) South Ayrshire Economic Development Strategy 2013-2023. <https://www.south-ayrshire.gov.uk/cpp/documents/south%20ayrshire%20economic%20development%20strategy.pdf>

<sup>6</sup> Cresh (2018) Alcohol Outlet Availability and Harm in South Ayrshire. <https://www.alcohol-focus-scotland.org.uk/media/310754/alcohol-outlet-availability-and-harm-in-south-ayrshire.pdf>

<sup>7</sup> NHS Health Scotland (2018) Monitoring and Evaluating Scotland's Alcohol Strategy (MESAS)

<sup>8</sup> Alcohol Focus Scotland (2017) Licensing Resource Pack

<sup>9</sup> Scottish Government (2013) Creating a Tobacco Free Generation: A Tobacco Control Strategy for Scotland. Edinburgh <http://www.gov.scot/resource/0041/00417331.pdf>