Item 5

14th March 2023

Glasgow City Council

Local Licensing Forum

Report by Local Licensing Forum Sub-Group - March 2023

Contact: Iain Miller Ext: 74781

SUB-GROUP RESPONSE TO BOARD PRE-CONSULTATION ON LICENSING POLICY STATEMENT

Purpose of Report:

To provide a response to the Licensing Board's "Policy on Licensed Hours" and "Overprovision Assessment and General Approach to the Consideration of Overprovision" as part of the Board's Pre-Consultation exercise towards the development of the Fifth Edition of its Licensing Policy Statement.

Recommendation:

The Forum is requested to

(1) approve the terms of the draft response by the Sub-group to the Licensing Board's 'Policy on Licensed Hours' and 'Overprovision Assessment and general approach to the consideration of Overprovision' as outlined in the report; and

(2) refer the report to the Licensing Board as its response to the Board's pre-consultation exercise towards the development of the fifth edition of the Licensing Policy Statement.

Ward No(s): Citywide: ✓

Local member(s) advised: Yes ☐ No ☐ consulted: Yes ☐ No ☐

1.0 Background

The current Licensing Policy Statement is effective until the end of November 2023, when a new Licensing Policy Statement will require to be published.

In preparing the Fifth Edition of the Licensing Policy Statement, the Licensing Board must ensure that the Policy stated in the statement seeks to promote the five licensing objectives. The Board is also required to consult the Local Licensing Forum. At the Local Licensing Forum meeting on 6 September 2022, the Forum agreed that a Sub-Group would be formed to provide a response to the consultation process and approved the establishment, membership and terms of reference of the Sub-Group.

2.0 Remit of the Sub-Group

The Sub-Group has been established in order to prepare a draft response to the Licensing Board's "Policy on Licensed Hours" and "Overprovision Assessment and General Approach to the Consideration of Overprovision" as part of the Board's Pre-Consultation exercise towards the development of the Fifth Edition of its Licensing Policy Statement. The Sub-Group response, once approved by the Local Licensing Forum, will be instrumental in influencing and shaping the new Policy Statement.

3.0 Sub-Group Membership

The Sub-Group membership is as follows:-

Donald MacLeod, Concert Promoters' Association (Chair)
Brian Fulton, Glasgow Clubwatch Group
Jamie Mackie (for Pete Cheema), Scottish Grocers' Federation
Inspector Gareth Griffiths (for Chief Constable), Police Scotland
Elaina Smith (for Fiona Moss), Glasgow City Health and Social Care Partnership
Gary Atkinson, Community Resident
Susan McKay (for Stuart Patrick), Glasgow Chamber of Commerce.

Five meetings of the Sub-Group were held in the City Chambers between October 2022 and February 2023. In terms of gathering information to inform the Sub-Group's response it was clear from the outset that the position had to be evidence based and the City of Glasgow Licensing Board Pre-Consultation questionnaire "Licensing (Scotland) Act 2005 - Informing Development of the New Licensing Policy Statement" acted as a guide.

Evidence used to inform our response:-

(1) Crime and incident information from Police Scotland.

(2) Information on alcohol specific deaths and alcohol-related hospital admissions from Glasgow City Health and Social Care Partnership.

(3) Current list of numbers of licensed premises as at 2017 and 2022 in current overprovision areas provided by GCC Licensing Department

(4) Views from Community Resident and businesses

(5) Views from the members of the licensed trade

(6) Views of parties represented by Forum Sub-Groups members

4.0 Response

The Sub-Group was made up of a diverse group of members, representing the range of vastly differing perspectives of stakeholders working within and affected by the licensing community and beyond. This response aims to strike a balance and reach a position that best reflects the views of all members of the Forum. At the heart of all discussions was a view that Glasgow licensing sector should be viewed in a positive light, due to its important role in regenerating and creating vibrancy in the city, attracting visitors and employment particularly after the Covid-19 pandemic. The group acknowledges that the licensed trade also presents key challenges and seeks to manage these on behalf of the city in terms of pressures on public health, crime and disorder and issues around public safety. The group is keen to highlight the need for the Licensing Board to construct and implement a policy that has the five licensing objectives at its core.

5.0 Policy on Licensed Hours

At a meeting on 18 October 2022 the Sub-Group decided to base its comments on licensed hours in line with the points and questions raised with the pre-consultation document “Licensing (Scotland) Act 2005 Informing development of the new Licensing Policy Statement”. The group deliberated on a range of topics relating to licensed hours and discussed these at subsequent meetings during 15 November and 13 December 2022, 17 January and 21 February 2023. It should be noted that, on the whole, the Sub-Group agreed that the core licensed hours of 11.00 am to 12 midnight were acceptable. However, there were a number of topic areas where a fuller discussion took place.

The topic headings as discussed were:-

(1) On-sales licensed hours prior to 11.00 am
(2) Terminal on-sales licensed hours
(3) 4.00 am pilot scheme
(4) Hybrid premises
(5) Off-sales licensed hours
(6) Occasional Licenses and Additional Hours
(7) Hours of Access for Children and Young People
(8) Outdoor areas and terminal hours
(9) Non-conventional premises.

(1) On-sales licensed hours prior to 11.00 am

The Sub-Group agreed that with regard to on-sales licensed hours prior to 11.00 am, the current policy statement providing that there are generally no circumstances under which the Board would consider granting early morning licensed hours is appropriate and should continue to be in place.

(2) Terminal on-sales licensed hours

The Sub-Group agreed to continue to support the current position whereby midnight is the standard terminal hour for licensed premises across the city.

The Sub-Group considered that a recent proposal to possibly extend the terminal hour for public houses within the city centre to 1.00 am should not be supported. The Sub-Group considered that such a proposal would not necessarily have the benefit of contributing to the late-night economy as there are increasing costs and staffing issues experienced by those in the public house trade. Such a proposal would require consultation with industry groups and statutory agencies in order to be properly considered. Any major revision to 1.00 am opening for a large group of premises within the city centre would require consultation and engagement with those close to the trade be it the operators, police and health and this would be in line with consultation that was carried out in advance of implementation of the 4.00 am pilot scheme. Furthermore the Sub-Group noted that the Licensing Board is in the process of evaluating the 4.00 am pilot scheme and considered it would be premature to allow public houses within the city centre to open to 1.00 am. The Sub-Group noted that the existing transport provision and times of services within the city centre would not support an extension of terminal hours to for city centre public houses to 1.00 am.

The Sub-Group agreed to continue to support the current position whereby 3.00 am is the standard terminal hours for late opening premises within the city centre. It was also expressed that late opening premises outwith the city centre should continue to be restricted to 2.00 am as per current Board policy. The Sub-Group noted that infrastructure required for dispersal and safe transport home was mainly afforded within the city centre which has a viable network of operations set up for the existing late opening premises to ensure that the licensing objective of protecting public safety with this regard (including night zones / taxi ranks / CCTV and radio monitoring) safely allowed for 3.00 am opening as opposed to premises located outwith the city centre which should continue to have a 2.00 am terminal hour.

The Sub-Group expressed concern that the effects of COVID-19 pandemic, disruption to services affecting the city's transport network and taxi provision not being at pre-pandemic levels had combined to reduce footfall within the city centre. The Sub-Group noted that with particular reference to November and December 2022 footfall was tracking at 82 and 92% respectively of pre COVID levels and that while there were some encouraging signs with weekend and evening footfall particularly approaching the festive period, weekday and lunchtime footfall remains an issue.

The Sub-Group agreed with the current exceptions to the terminal on-sales licensed hour of 12 midnight policy including:-

- restaurants being generally granted licensed hours until 1.00 am (where at least 75% of the floor area is full restaurant facilities);

- dedicated function rooms generally being granted licensed hours until 1.00 am;

- where later licensed hours are granted to new or existing licensed premises, the commencement licensed hours should generally continue to be restricted to 7.00 pm, and the applicants will be expected to demonstrate that the sale of alcohol is ancillary to some other substantial form of entertainment. The Sub-Group agreed with the Licensing Board's current interpretation of "substantial entertainment" and the published criteria regarding DJ music and the factors which an applicant should be able to demonstrate to the Board when relying on DJ music being "substantial entertainment".

(3) 4.00 am pilot scheme

The Sub-Group noted that during April 2019 ten premises had been granted within the city centre a 4.00 am terminal licensed hour for a period of one year after which the terminal hour would be reviewed by the Board and that during the initial trial period monitoring would take place by Licensing Standards Officers and Police Scotland. The Sub-Group further noted that due to the COVID-19 pandemic there had been an insufficient opportunity to properly ascertain the impact of the 4.00 am pilot scheme and welcomed the Board's review as at April 2022 further continuing the trial period for a period of eighteen months towards the end of 2023. The Sub-Group agreed with the Board having regard to the additional issues when considering to grant a 4.00 am terminal licensed hour for a premises as contained in Appendix 5 of "Licensing (Scotland) Act 2005 Informing development of the new Licensing Policy Statement". The Sub-Group agreed that only those premises which could properly demonstrate the additional standards which included although not exclusively CCTV and stewarding provision, first aid provision and extra policies for customer safety, demonstrate entertainment especially given over to dance floor facilities and compliance with DJ criteria and ongoing commitment to staff training which at the end of an evening / early morning allowed for late night dispersal of customers from the premises should be considered as eligible for the 4.00 am pilot. The Sub-Group noted that the 4.00 am pilot scheme has undoubtedly made dispersals more congenial, safer and manageable. Equally it was noted that since the introduction of the scheme there has been a more even spread of patrons heading to late-night fast-food establishments and those queuing for taxis. Anecdotally, there seems to be less anti-social behaviour now at this time although further monitoring will continue to take place by Licensing Standards Officers and Police Scotland with a review of the position towards the end of 2023. The Sub-Group noted the existing pressures on city centre public transport, taxis and service disruption which has seen a drop in the number of people coming in to the city at night. With these pressures on current infrastructure the Sub-Group would not be currently in favour of a 4.00 am closure for all premises within the city. Such a terminal hour should only be allowed for a number of premises which provide additional entertainment and safeguards for the safety of the public. It was also noted that for a number of the venues currently operating the 4.00 am terminal hour this is not a profitable exercise as sales and consumption drop but staff and stewarding numbers and costs remain the same although the easier and safer dispersal of customers is to be welcomed as is the easing of pressure on existing transport and fast-food outlets.

(4) Hybrid premises

The Sub-Group agreed that “hybrid” premises - particularly those seeking late night hours to 2.00 am or 3.00 am - should continue to be carefully considered, primarily with concerns for the licensing objectives of securing public safety and protecting and improving public health.

The Sub-Group agreed that applicants for “hybrid” premises should clearly state within their operating plan what they are offering as a form of entertainment and that this should be monitored for compliance. Previous suggestions that such premises should, as part of a condition of their license, be asked to participate in a scheme such as Best Bar None, Pubwatch or be a member of a trade organisation to ensure compliance and afford a greater level of customer safety, health and security were reinforced. The Group were of the view that, in any case, additional expectations regarding safety, health and security should be placed on any operator being afforded additional hours beyond midnight. For example, premises should demonstrate that they pro-actively will provide first aid facilities, staff training for the safety of staff and customers, toughened glass, CCTV etc.

(5) Off-sales licensed hours

The Sub-Group agreed with the existing Licensing Board Policy Statement that the maximum permitted licensed hours for off-sales are 10.00 am to 10.00 pm each day of the week and that the Licensing Board should generally grant these hours unless it considers that they would be inconsistent with one or more of the licensing objectives.

The Sub-Group noted that those community and local premises which provide existing off-sales do not just offer alcohol and provide an important community store operating within 10.00 am to 10.00 pm licensed hours. The Sub-Group noted that there are significant checks and balances and staff training within smaller stores. The Sub-Group noted that off-sales premises are encouraged to promote responsible retailing and provide an important service to local communities. In short the Sub-Group do not seek a change to the current off-sale hours of 10.00 am to 10.00 pm.

(6) Occasional Licenses and Additional Hours

The Sub-Group agreed with the Board’s current Policy Statement regarding the approach to the processing of occasional licenses and

extended hours applications and the factors it will take into account when determining these.

The Sub-Group noted that each year the Licensing Board will issue a statement of its policy on extensions for the festive period and in recent years this has been extended to include bank holidays and other events of national or local significance. The Sub-Group welcomed the Board's pro-active approach in these matters.

The Sub-Group also noted and agreed with the Board's position that it would not be appropriate to grant licensed premises extended hours on any more than ten days in each calendar year, these days being in addition to any extended hours granted automatically through the Board's policy on extension for the festive period or any general extensions granted in respect of events of national or local significance.

(7) Hours of Access for Children and Young People

The Sub-Group noted that the current policy states that the terminal hour for children will normally be 9.00 pm and young persons 11.00 pm with discretion given to premises that operate as hotels, theatres, cinemas, restaurants etc. and that greater flexibility will be considered on a case-by-case basis taking in to account the nature of the licensed premises.

The Sub-Group agreed with the Board's general approach to children and young persons access to on-sale licensed premises and the reasons for adopting that approach in pursuance of the licensing objective of protecting children and young persons from harm.

(8) Outdoor areas and terminal hours

The Sub-Group discussed that a common sense approach is welcomed regarding arrangements for outdoor areas. In general, 10.00 pm was considered to be a reasonable and fair terminal hours for most outside areas in promoting the licensing objective of preventing public nuisance.

However, views were expressed that some venues could potentially be afforded a later terminal hour for outdoor areas with a view to being more welcoming to visitors to the city and in line with other European destination cities. It was discussed that it may be acceptable for some venues in non-residential areas that form entertainment hubs within the city centre to be afforded an 11.00 pm terminal hour particularly in the summer months. Nevertheless, this must be balanced with any potential issues regarding additional noise or disruption to residents.

(9) Non-conventional premises.

The Sub-Group appreciated that there were some applications from non-conventional premises seeking to be licensed, such as hair salons and dessert cafes. In general the Sub-Group considered that the existing types of licensed premises contained and allowed for within the Licensing Policy Statement should be maintained. The Sub-Group were of the view that the existing types of premises and the safeguards which were in place for promoting the licensing objectives could be clearly defined whereas there would be additional difficulties experienced by the Licensing Board when considering applications by non-conventional premises and that such applications should not be encouraged.

6.0 Overprovision Policy

The Sub-Group agreed that overprovision of licensed premises continued to be an issue for the city, particularly in relation to the impacts on health and crime. The Group had a considered discussion regarding overprovision and sought to obtain a range of health and crime figures in their assessment. Although some health and crime data has been supplied the Sub-Group has agreed to continue its assessment and response to the Licensing Board on overprovision to a meeting of the Licensing Forum on 9 May 2023 at which the Sub-Group will take a final view as to the matter of overprovision.

Discussions took place with regard to localities outwith the city centre that have a high number of premises and whether this alone constitutes “overprovision”. The majority of the Group agreed that the “working definition” of overprovision was with regard to health, crime and issues of multiple deprivation and their relationship to the availability of alcohol as opposed to a definition of overprovision linked to competition and commercial premises. The Group agreed that it was imperative that the Board continued to formulate overprovision localities with all licensing objectives in mind but primarily on the basis of “protecting and improving public health” and “preventing crime and disorder”.

6.1 Current localities

As discussion took place regarding the option to continue with the current localities included in the overprovision assessment and identified in the following table:-

Table 1 – Current Overprovision Localities – Numbers of Licensed Premises as at 2017 and 2022

Overprovision Areas:	No of Premises 2022	No of Premises 2017
Bridgeton	11	13
Calton and Gallowgate	32	29
Carntyne West and Haghill	16	16
Govan and Linthouse	19	17
Ibrox	10	12
Keppochill	11	12
Laurieston and Tradeston	37	39
Maryhill West	8	9
Parkhead West and Barrowfield	31	33
Possilpark	10	11
Ruchill	15	16
Shettleston North	19	18
Wyndford	6	5

An examination of the crime statistics for the City of Glasgow revealed that as at 2017 there were 33,812 crimes compared to 30,861 as at 2022. Comparable incident figures for 2017 were 65,152 as at 2017 and 58,181 as at 2022. It was noted that, on the whole, improvements had been made although Police Scotland require to carry out further statistical analysis in order that the Sub-Group can reach a final conclusion. From a health perspective the Group noted that with regard to the current thirteen overprovision localities all areas continue to have alcohol-related hospital admission three year rolling average rate which is persistently above the Scottish rate. Some areas have seen improvements in alcohol-specific deaths but conversely alcohol-related hospital admissions remain high or are rising suggesting these areas still need to be considered as overprovision localities.

Reference is made to table 2 as below:-

Table 2 –

IDZ	Locality	Total Licensed Premises 2017	Total Licensed Premises @ July 2022	Weighted SIMD quintile (rounded)	Alcohol-related Hospital Admissions EASR 2016/17	Alcohol-related Hospital Admissions EASR 2021/22	3 year trend relative to Scottish rate: Alcohol-related Hospital Admissions	Alcohol-specific Deaths 2014-2016	Alcohol-specific Deaths 2019-2021	3 year trend relative to Scottish rate: Alcohol-specific Deaths
Bridgeton	NE	13	11	1	158.7	82.3	Above	10.3	7.1	Above and rising
Calton and Gallowgate	NE	29	31	2	167.5	54.5	Above	20.7	8.5	Above
Carntyne West and Haghill	NE	16	18	1	216.8	156.1	Above	18.6	12.7	Above
Govan and Linthouse	South	17	21	1	222.2	182.4	Above and rising	22.1	11.4	Above
Ibrox	South	12	9	1	258.2	214.6	Above and rising	8.8	2.8	Below
Keppochhill	NW	12	12	1	233.1	196.3	Above	12.9	8.2	Above
Laurieston and Tradeston	South	39	38	2	181.7	125.8	Above	11.5	1.6	Below
Maryhill West	NW	9	8	1	210.6	192.9	Above and rising	6.7	9.8	Above
Parkhead West and Barrowfield	NE	33	32	1	364.2	217.8	Above	30.5	12	Above
Possil Park	NW	11	11	1	241.5	128.5	Above	18.6	8	Above
Ruchill	NW	16	15	2	109	62.4	Above	2.7	12.2	Above and rising
Shettleston North	NE	18	19	1	277.4	192.9	Above and rising	17.6	18.9	Above
Wyndford	NW	5	6	1	221	193.5	Above	17.8	13.9	Above

6.2 Other localities that could be considered

The Sub-Group noted that from a health perspective there are other areas within the city which would appear to be demonstrating a persistent rate of alcohol-related harm. Reference is made to table 3 as below and the Group noted that Whiteinch, previously an area of overprovision is showing a rising trend in alcohol-related hospital admissions. The number of total licensed premises at July 2022 for each of the localities identified below will require to be confirmed by the Licensing Board.

Table 3

IZ	IDZ	Locality	Total Licensed Premises @July 2022	Weighted SIMD quintile (rounded)	Alcohol-related Hospital Admissions EASR 2016/17	Alcohol-related Hospital Admissions EASR 2021/22	3 Year Average Relative to Scottish Rate: Alcohol-related Hospital Admissions	Alcohol-specific Deaths 2014-2016	Alcohol-specific Deaths 2019-2021	3 Year Average Relative to Scottish Rate: Alcohol-specific Deaths
S02001896	Braidfauld	NE	20	1	165.9	185.7	Above and rising	13.3	12	Above
S02001976	Drumry East	NW	5	1	217.9	185.8	Above and rising	18.9	14.7	Above and rising
S02001882	Glenwood North	South	8	1	270.5	218.8	Above and rising	29.8	20.9	Above and rising
S02001895	Parkhead East and Braidfauld North	NE	8	1	194.5	167.5	Above and rising	9.1	11	Above
S02001873	Pollokshaws	South	21	2	168.2	167.3	Above	11.7	11.2	Above
S02001961	Whiteinch	NW	7	1	191.5	176.4	Above and rising	11.2	10.7	Above
S02001938	Woodside	NW	17	1	146.1	180	Above	5.7	17	Above and rising

However the Group considered that although there was no basis for recommending a removal of any of the current overprovision areas from the list there was equally insufficient evidence to recommend further areas to be included as overprovision localities. The Group noted that while there was still work to be done, Glasgow had made significant improvements over the last twenty years and that in order to recommend any further areas to be included as an overprovision locality further analysis would require to be carried out by both health and Police before an evidence based informed view could be taken by the Group.

6.3 General approach to assessing overprovision

It was considered that the general approach taken by the Board during the last Policy consultation and during the current consultation provides a reasonable measure. Basing decisions on crime and health statistics aligned with the number of premises appears to be the best method currently available despite the Group discussing that there are many unanswered questions arising from the statistics. Concern was expressed at having an overprovision assessment may not be best method in accessing the levels of alcohol-related harm within the city and that there are other underlying factors such as deprivation which influences or magnifies the impact of alcohol harm within certain localities.

A full discussion took place regarding the varying views regarding overprovision. From a health perspective it was noted that people living in the city's most deprived areas experience alcohol-related harms 70% more than the least deprived areas. Health were also concerned that profit from the sale of alcohol maybe required to make premises viable and this is a particular concern in areas which are already adversely impacted by alcohol harm. Health regards alcohol primarily as a licensed drug the sale of which is to be limited and controlled in order to mitigate the possibility of alcohol-related harm especially in the most deprived areas.

On behalf of the Scottish Grocers' Federation and other members of the Group views were expressed that local communities should not be penalised when suggesting further overprovision areas as, for example, many of those communities benefit from small grocers which can provide a varied and important resource. In order to compete with larger supermarkets and others it was submitted that a local convenience store providing a full basket of services is an important community asset and can provide positive outcomes for the local community. The Sub-Group recognised the importance of small grocers and convenience stores and the range of services which they provide. The Sub-Group also noted that since the previous Licensing Forum Sub-Group report as at February 2018 there have been changing demographics within certain localities within the city and respectfully submit that the Licensing Board

should take these factors in to account when assessing overprovision within localities which are undergoing regeneration and transformation such as, for example, Calton and Gallowgate.

6.4 Summary

To conclude; the majority of the Group expressed that all current designated overprovision localities should remain and was unable at present to recommend any other localities as being areas of potential concern without further evidence from Police and health statistics to support further recommendations.

6.5 Final Comments

The Sub-Group commends the Board's methods of consultation and engagement in the development of the next Licensing Policy Statement and in tasking the Local Licensing Forum to give their response to this consultation. The Sub-Group recognises the value of being involved in this task; particularly as this is a fairly unique approach in Scotland. The Sub-Group also recognises the significant role that a robust yet measured Licensing Policy Statement has in controlling the availability of alcohol to ensure the health, safety and well-being of Glasgow citizens is improved. It is hoped that the next Licensing Policy Statement has the ability to contribute towards wider social change in relation to our city's relationship with alcohol while allowing Glasgow to grow in its vibrancy and ability to compete with other European cities as an attractive visitor destination. Once again membership of schemes such as Best Bar None and Pubwatch together with positive licensing initiatives within the city are viewed by the Sub-Group as being of vital importance to the future of responsible alcohol retailing.