

## Responses to the informal consultation

1. Police Scotland
2. Renfrewshire Health and Social Care Partnership
3. Renfrewshire Licensing Forum
4. Alcohol Focus Scotland
5. Khalid Javed
6. Scottish Grocer's Federation (SGF)
7. Scottish Enterprise

**Aileen Easdon**

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**From:** Renfrewshire Inverclyde Licensing <RenfrewshireInverclydeLicensing@scotland.police.uk>  
**Sent:** 15 February 2023 14:35  
**To:** Douglas Campbell  
**Subject:** Initial Consultation on the Statement of Licensing Policy - Renfrewshire [OFFICIAL: POLICE AND PARTNERS]  
**Attachments:** T022\_23 Renfrewshire Licensing Overprovision Report.pdf

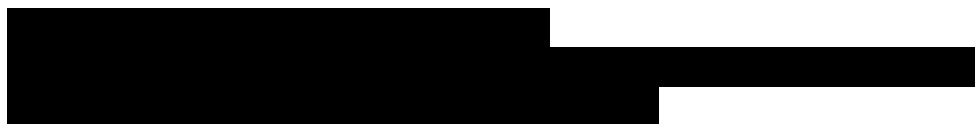
**OFFICIAL: POLICE AND PARTNERS**

Good afternoon Douglas please see the attached document and information below.

Regards

**PC Martin Cook K0433**

Licensing  
Paisley Police Office  
Mill Street  
Paisley  
PA1 1JU



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Re the Initial Consultation on the Statement of Licensing Policy - Renfrewshire.

The following is a summary of what stakeholders were provided with:

**The Licensing Board has not, to date, identified particular aspects of the current policy. However, while it is open to you to comment on such aspects of the policy as you see fit, previously views have been received from consultees in relation to matters such as those listed below, as well as in relation to overprovision:**

- **licensing hours**
- **children and young persons' access to licensed premises**
- **occasional licences**
- **extended hours**

Our proposed Divisional response is:

- **Overprovision** - The attached Renfrewshire Licensing Overprovision Assessment - The analysis clearly identified an area of proposed overprovision in Paisley Town Centre, with a significant overlap in terms of the main hotspot area for licensed premises, violent crime and ASB within the same area.
- **Licensing Hours** - Having regard to the Board's current policy, the Chief Constable has not identified any issues with regards to its provisions in terms of licensing hours, and is satisfied that there is sufficient opportunity under its terms and under those of the legislation, to allow Police Scotland to make pertinent comment on individual cases as and when a need arises. Accordingly, the Chief Constable does not propose any amendment and would not wish to make further comment.

- Children and young Persons' access to licensed premises - Similarly, in regard to the above, the Chief Constable is satisfied that the provisions of the current policy serve and have served Children and Young Persons well in Renfrewshire. In the absence of any substantial increase in the prevalence of incidents or crimes involving Children and Young Persons in Renfrewshire licensed premises, the Chief Constable has no comment to make, nor amendment to propose.
- Occasional Licences/Extended Hours - In terms of Occasional Licences and Extended Hours licences, once again, the Chief Constable remains satisfied that the arrangements existing under the current policy allow Police Scotland sufficient scope to make comment and/or representation when necessary in individual cases, and to have a sufficient degree of oversight and control over occasional and extended hours licences generally. Accordingly, the Chief Constable has no comment to make nor amendment to propose.

Can you review the attached and route via the Divisional Commander – return date is Wednesday 15<sup>th</sup> February 2023.

Thanks

Gerry

Chief Inspector Gerard Brown  
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## **RENFREWSHIRE LICENSING – OVERPROVISION ASSESSMENT**

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<b>Date of production &amp; Tasking ID</b>	09/02/2023 T022_23

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### AIM

To provide an assessment as to the current provision of licensed premises within Renfrewshire, specifically identifying any 'hotspots' of licensed premises and whether these bear any relationship to hotspots for violence and antisocial behaviour (ASB) within the Local Authority Area.

### DATA

Data relating to licensed premises operating within Renfrewshire was provided by the Renfrewshire & Inverclyde Licensing Department.

Crime data for the period 2018 – 2022 was extracted from ScOMIS, crimes for inclusion being common assault (including assault of emergency worker), serious assault, robbery (including assault with intent to rob), attempted murder and murder.

Incident data for the period 2018 – 2022 was also extracted from ScOMIS, incorporating all relevant ASB codes.

### CONCLUSIONS

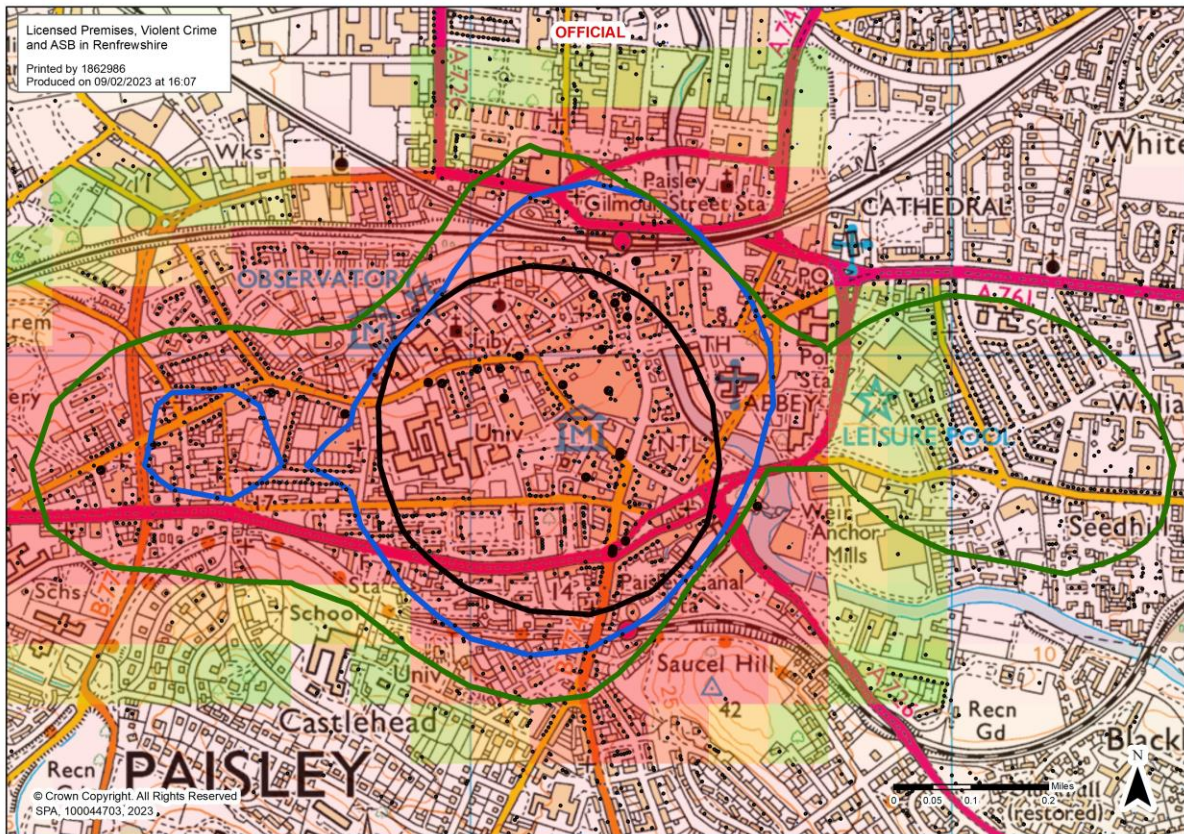
- Analysis identified a high degree of overlap in terms of hotspots for licensed premises in Renfrewshire and areas with a high concentration of violent crime and reports of antisocial behaviour.
- The principal 'hotspot' for licensed premises identified within Renfrewshire was Paisley Town Centre (see Map 1) – covering an area of 0.38 square kilometres.
- The primary hotspot for violent crime predominantly overlapped the licensed premises hotspot in Paisley Town Centre, albeit this extended over a wider area (0.68 square kilometres). It is likely that a higher level of footfall in the surrounding area associated with foot traffic to and from the primary night time economy area in Paisley is a contributor to the violence hotspot which extends beyond the borders of the identified licensed premises hotspot.
- The primary hotspot for reported incidents of antisocial behaviour also significantly overlapped the licensed premises hotspot in Paisley Town Centre, although the ASB hotspot covered a significantly larger area that extended well beyond the bounds of the licensed premises hotspot. As before, it is likely the concentrated area of licensed premises in Paisley Town Centre contributed to this wider spread of ASB incidents due to increased footfall to/from the night time economy area and the contribution of alcohol to such incidents, including on the surrounding area.
- The analysis would suggest that there is a high correlation between increased concentration of licensed premises and the occurrence of violent crime and disorder. It is therefore recommended that the licensed premises hotspot

located in Paisley Town Centre (as shown on the following maps) is regarded as an area of current overprovision.

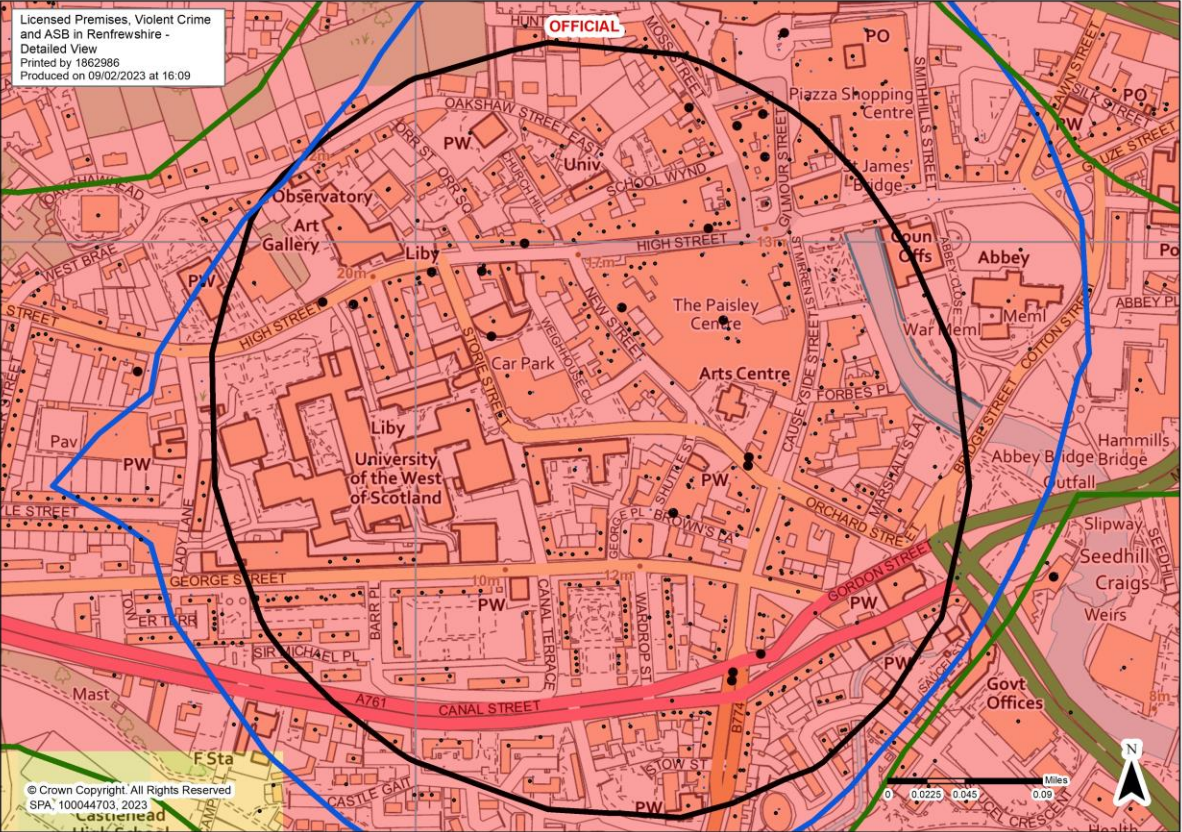
## KEY TO INTERPRETATION OF MAPS

The circular black contour line denotes the identified licensed premises hotspot, with black dots identifying the location of specific licensed premises. The blue contour indicates the identified hotspot for violent crime in Renfrewshire, while the green contour shows the hotspot for antisocial behaviour incidents. The area contained within the circular black contour line is therefore the area identified for consideration as having ‘overprovision’, due to the high degree of overlap between concentration of licensed premises, crimes of violence and ASB incidents within this zone.

## MAPS



Licensed Premises, Violent Crime  
and ASB in Renfrewshire -  
Detailed View  
Printed by 1862986  
Produced on 09/02/2023 at 16:09



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SPA 100044703, 2023

**Paper Title: Renfrewshire HSCP Response to Consultation on Statement of Licensing Policy 2023**

**Date: February 2023**

**Authors: Jim McSorley**

The response has been prepared by Renfrewshire Health and Social Care Partnership (HSCP), in conjunction with Renfrewshire Alcohol and Drug Partnership (ADP) and NHS Greater Glasgow and Clyde Public Health Department. This response will assist the Licensing Board to identify areas of over-provision as well contributions within the following areas :-

- Licensing Hours
- Childrens and young persons' access to licensed premises
- Occasional licences
- Licensing Conditions for Alcohol Delivery

## **1.0 Overprovision**

Alcohol is responsible for significant levels of morbidity and mortality (Scottish Health Survey, 2015). Research shows that higher availability of alcohol is associated with alcohol-related hospital admissions and mortality for all alcohol-related conditions in general, and for liver cirrhosis (Richardson EA, 2015) and is associated with:-

- increased overall alcohol consumption
- greater average levels of drinking among students
- alcohol-related violence
- self-reported injuries
- alcohol-related road traffic crashes
- sexually transmitted infections (STI)
- child abuse and neglect
- suicide
- domestic violence

Availability of alcohol refers to how easy it is to purchase alcohol either from on sales such as pubs, restaurants or clubs or off sales like supermarkets and shops. Research carried out over the last few years has clearly shown an association between alcohol availability and alcohol related harm.

In considering areas for over-provision within Renfrewshire, the HSCP have analysed Renfrewshire data for both Alcohol Related Hospital Admissions and Alcohol Specific Deaths



at Intermediate datazone level (Appendix 1 & 2) as well as considering Alcohol Outlet Density within Renfrewshire (Appendix 3 & 4).

Studies from other countries have consistently found an association between alcohol availability and alcohol-related problems, particularly outlet density (the number of alcohol outlets in a given area). Previous research carried out in 2014 by Centre for Research on Environment, Society and Health at the Universities of Edinburgh and Glasgow (CRESH) suggests that this relationship is also true for Scotland.

This CRESH research identified the existence of an outlet availability threshold of 6 offsales, 9 onsales or 14 total outlets within 800m – below which hospital admission rates do not differ but above which rates increased significantly.

The table below outlines 28 areas within Renfrewshire - 25 of which have higher levels of Alcohol Related Hospital Admissions and/or Alcohol Specific Deaths than the national average and 17 that contain have areas with alcohol outlet density at or above the CRESH threshold of 14 total outlets within an 800m radius.

Intermediate Datazone Area	Above National Average Alcohol Related Hospital Admissions 2016-2022	Above National Average Alcohol Specific Deaths 2016-2021	CRESH Alcohol Outlet Threshold met	Status
Johnstone North East	x	x	x	Red
Johnstone North West	x	x	x	Red
Johnstone South East	x	x	x	Red
Paisley Central	x	x	x	Red
Paisley East	x	x	x	Red
Paisley Ferguslie	x	x	x	Red
Paisley Gallowhill and Hillington	x	x	x	Red
Paisley North	x	x	x	Red
Paisley North East	x	x	x	Red
Paisley North West	x	x	x	Red
Paisley South East	x	x	x	Red
Renfrew West	x	x	x	Red
Paisley Foxbar	x	x		Orange
Linwood North	x	x		Orange
Linwood South	x	x		Orange
Paisley Glenburn West	x	x		Orange
Paisley West	x		x	Orange
Renfrew North		x	x	Orange
Houston North		x		Orange
Johnstone South West	x			Orange
Kilbarchan		x		Orange
Lochwinnoch		x		Orange
Paisley Glenburn East	x			Orange
Paisley South			x	Orange
Renfrew East			x	Orange
Renfrew South			x	Orange
Renfrewshire Rural North and Langbank		x		Orange
Renfrewshire Rural South and Howwood		x		Orange

## Recommendations

In light of the data presented Renfrewshire HSCP recommends:-

1. All over-provision areas should cover on sales, off sales and clubs – not just liquor or pub type premises as per the current Statement.
2. All areas identified within the table above should be examined by the Licensing Board when formulating over-provision policy in Renfrewshire. Particular attention should be taken when considering those 12 areas with a red status – as these meet all 3 indicators set out by the HSCP – namely higher than the national average for

both Alcohol Specific Deaths and Alcohol Related Hospital Admissions and also contain a total outlet threshold on or above the CRESH Threshold of 14 outlets within an 800m radius. These are:

- |                         |                                      |
|-------------------------|--------------------------------------|
| 1. Johnstone North East | 7. Paisley Gallowhill and Hillington |
| 2. Johnstone North West | 8. Paisley North                     |
| 3. Johnstone South East | 9. Paisley North East                |
| 4. Paisley Central      | 10. Paisley North West               |
| 5. Paisley East         | 11. Paisley South East               |
| 6. Paisley Ferguslie    | 12. Renfrew West                     |

3. Paisley West Area meets outlet availability above the CRESH Threshold and has an Alcohol Related Hospital Admission rate 50% higher than National rate and should also be considered for over-provision status within this review.

4. Although not containing an outlet density that meets the CRESH Threshold the following areas experience a very high level of alcohol related harm and close regard should be paid to them when considering areas of over-provision:

Kilbarchan - Alcohol Specific Death rate among highest in Renfrewshire over twice as high as National rate 2016-2021.

Linwood South - Alcohol Specific Death Rate 50% higher than the National rate 2016-21.

Paisley Foxbar - Alcohol Related Hospital admission rate more than 50% higher than National rate 2016-22 & Alcohol Specific Death rate double National rate 2016-21

Paisley Glenburn West - Alcohol Related Hospital admission rate 50% higher than National rate 2016-22 & Alcohol Specific Death rate over double National rate 2016-22 and consistently among the highest in Renfrewshire.

## 2.0 Licensing Hours

Evidence clearly shows that reducing the availability of alcohol can reduce alcohol related harm. Renfrewshire experiences amongst the highest levels of alcohol related harm in Scotland. The 2022 MESAS report compiled by NHS Health Scotland (2021) showed that the majority of alcohol is purchased in off sales premises. In 2021, 85% of all alcohol sold in Scotland was sold through the off-trade (supermarkets and other off-licences) an increase from 72% in 2019. This change in purchasing patterns can be linked to the COVID-19 pandemic however the current cost of living crisis may mean this trend continues. Reducing off sales opening hours by at least one hour or more would contribute to an overall reduction in alcohol availability, ultimately reducing alcohol related harm.

### Recommendations:

1. The commencement of off sales on a Sunday should be restricted to 11am for future licensing applications.

2. Renfrewshire HSCP would also welcome the restriction of the licensed hours for new off sales licensing applications earlier than the current terminal hour of 10pm would have the same impact as restricting opening times.
3. Additionally Renfrewshire HSCP suggest any broadening of total licensing hours available in a day within the on trade above 14 don't align with the findings of Renfrewshire Alcohol and Commission and the work partners are undertaking to tackle alcohol harms locally.

### **3.0 Children and young persons' access to licensed premises**

There is overwhelming evidence that children who see adults consuming alcohol to excess regard this behaviour as relatively normal. This has resulted in children and young people commencing alcohol consumption at an earlier age and consuming more alcohol than non exposed peers. Children and young people who have adopted heavy drinking at a young age are more likely to continue to drink heavily as adults and to develop significant alcohol related health problems and dependence in later life (Palmer et al 2010).

#### **Recommendation:**

1. Renfrewshire HSCP would welcome clear and explicit guidance within the policy excluding the sale of alcohol within premises that young people may regularly use such as Libraries, Hairdressers & Sports Facilities.

### **4.0 Occasional licences**

Occasional licenses increase availability of alcohol and can impact on the licensing objectives. The nature of Occasional licenses makes the monitoring of alcohol outlets difficult with new premises currently able to use Occasional licenses to provide alcohol for an indefinite period. Additionally Occasional licenses are often used to enable alcohol to be available at events often attended by children such as sports events, fundraisers and market places.

#### **Recommendations:**

1. Renfrewshire HSCP support the approach that if any applicant repeatedly applies for an occasional licence, then they should submit an application for a premises licence after a 13 week period.
2. In addition to this, the applicant should be asked to justify their reason for applying for a liquor licence (occasional), in particular, for occasions where children and young people are in attendance. This area should be reviewed to incorporate the Board's position on granting access to these events for children and young people and how this will be monitored.
3. Governance around events should also be strengthened to encourage "no alcohol events" where the event involves children and young people such as football award ceremonies, school fetes and sporting events.

### **5.0 Licensing Conditions for Alcohol Delivery**

Alcohol deliveries and internet sales are not a new issue and took place before the previous Policy Statement review in 2017/18 however the COVID-19 pandemic and related restrictions have accelerated the general trend to online shopping. Despite the reopening of physical stores, it is predicted that online sales will remain high as people have become more accustomed to online shopping. Research by Alcohol Change UK found major weaknesses in online age verification and failures in checking age when delivering alcohol to people's homes. Test purchases undertaken with this Research found that in nearly three-quarters (72%) of cases where alcohol was ordered for delivery within two hours, it was subsequently handed over to the 18- and 19-year-old participants without seeking proof of age, in direct contravention of retailer's own published policies.

The types of businesses that sell alcohol online now range from small independent traders, specialist drinks retailers/clubs, local convenience stores, and supermarkets through to multinational e-commerce companies (e.g., Amazon). There is also a growing variety of app-based retailers who have arrangements with restaurants, takeaways and off-licences to deliver alcohol directly to people's homes and the HSCP would like the Licensing Board to consider the following conditions for alcohol delivery to be included in the new Licensing Policy:

**Recommendations:**

1. If licensed premises employ their own delivery staff these staff members should be trained in Challenge 25 age verification process to same level as rest of the staff and ensure they undertake this process when delivering alcohol.
2. If a third party is employed for deliveries it is the responsibility of the premises licence holder to ensure that the delivery partner follows the Challenge 25 age verification process when delivering items including alcohol.
3. Any deliveries including alcohol must not be left with anyone under 18 years old, anyone who is visibly intoxicated/"drunk" or in a 'safe space' outside the home.
4. Deliveries containing alcohol should only be permitted when delivering with food unless the licenced premises is a dedicated off sales premises.

The HSCP wish to highlight the Alcohol Focus Scotland report on Online Alcohol Sales & Deliveries: A survey of young people in Scotland: [www.alcohol-focus-scotland.org.uk/media/440154/online-sales-and-deliveries-of-alcohol.pdf](http://www.alcohol-focus-scotland.org.uk/media/440154/online-sales-and-deliveries-of-alcohol.pdf)

To note there was no reported young people from Renfrewshire who took part in the survey.

The HSCP would like to ensure that young people are consulted with regarding the new Licensing Policy particularly to gather their views on online sales and deliveries of alcohol and what they would recommend locally.

## Appendix 1 Alcohol Specific Death data

Area	indicator	2013-2015	2014-2016	2015-2017	2016-2018	2017-2019	2018-2020	2019-2021
Scotland	Alcohol-specific deaths	5.7	5.9	6.1	6.2	6	6.1	5.8
Renfrewshire	Alcohol-specific deaths	6.7	6.9	6.9	7.6	7.3	7.3	6.5
NHS GGC	Alcohol-specific deaths	7.3	7.5	7.6	7.6	7.1	6.9	6.5
Lochwinnoch	Alcohol-specific deaths	3.7	7.4	11.1	14.8	11.2	3.7	0
Renfrewshire Rural South and Howwood	Alcohol-specific deaths	2.6	2.6	2.6	2.6	7.6	7.5	7.3
Renfrewshire Rural North and Langbank	Alcohol-specific deaths	4.8	4.3	3.9	5.3	6.3	8.5	6.6
Kilbarchan	Alcohol-specific deaths	6	6	6.1	3.1	15.7	15.9	19.3
Johnstone South West	Alcohol-specific deaths	3.8	5.6	7.4	5.4	3.6	0	1.8
Johnstone North West	Alcohol-specific deaths	20	20	14.2	22.7	19.9	17.2	5.8
Johnstone North East	Alcohol-specific deaths	5.4	5.4	8.3	11.2	14.1	8.6	11.5
Johnstone South East	Alcohol-specific deaths	7.4	10.1	7.8	13.4	13.6	10.9	5.5
Elderslie and Phoenix	Alcohol-specific deaths	10	5.9	3.9	1.9	3.9	5.8	5.8
Paisley Ferguslie	Alcohol-specific deaths	7.2	16.8	14.3	14.4	7.2	7.3	4.9
Paisley North West	Alcohol-specific deaths	19.7	11.2	16.8	25.2	22.3	11.2	2.8
Paisley West	Alcohol-specific deaths	3.6	1.8	1.8	1.8	3.6	1.8	5.6
Paisley Foxbar	Alcohol-specific deaths	10.2	14.4	10.3	12.5	14.6	12.6	10.6
Paisley South West	Alcohol-specific deaths	0	2.1	2.1	2.2	0	0	0
Paisley Glenburn West	Alcohol-specific deaths	7.3	9.8	9.8	19.7	19.7	14.8	12.3
Paisley Glenburn East	Alcohol-specific deaths	8.9	6	6	3	3	3	3.1
Paisley South	Alcohol-specific deaths	0	5.4	5.5	8.3	2.8	5.5	2.8
Paisley South East	Alcohol-specific deaths	10.2	6.8	3.4	11.8	13.5	10.1	6.8
Paisley Dykebar	Alcohol-specific deaths	5.4	8	7.8	5.1	2.5	0	0
Paisley East	Alcohol-specific deaths	12.4	12.5	14.9	9.8	7.3	7.2	4.8
Paisley Central	Alcohol-specific deaths	3	4.4	7.3	7.2	7.2	5.7	8.5
Paisley North East	Alcohol-specific deaths	10.2	10	14.9	10	11.7	13.4	15.1
Paisley Ralston	Alcohol-specific deaths	0	2.1	4.2	6.3	4.2	2.1	0
Paisley Gallowhill and Hillington	Alcohol-specific deaths	5.4	9	9	9.1	12.7	14.6	14.6
Paisley North	Alcohol-specific deaths	10.3	10.1	9.9	9.7	5.7	9.3	12.7
Renfrew West	Alcohol-specific deaths	7.3	7.3	10.2	8.8	7.3	11.7	10.3
Renfrew South	Alcohol-specific deaths	3.9	7.9	6	4	0	2	2
Renfrew East	Alcohol-specific deaths	5.5	3.7	5.6	5.6	5.6	3.7	1.8
Renfrew North	Alcohol-specific deaths	11.9	7.5	7	3.2	5.9	8.4	10.8
Erskine East and Inchinnan	Alcohol-specific deaths	3.5	3.5	3.5	7	7.1	3.6	0
Erskine Central	Alcohol-specific deaths	5.9	2	0	0	0	8.2	10.3
Erskine West	Alcohol-specific deaths	5.2	1.8	1.8	5.4	5.4	7.3	3.7
Bishopton	Alcohol-specific deaths	4.4	4.4	4.5	4.5	2.3	2.3	4.6
Linwood South	Alcohol-specific deaths	7.6	7.5	9.9	9.8	9.8	9.9	10
Linwood North	Alcohol-specific deaths	13	13.1	6.6	2.2	2.2	11.1	8.9
Houston South	Alcohol-specific deaths	6.1	0	0	0	0	0	0
Houston North	Alcohol-specific deaths	0	6.3	6.3	15.4	9.2	12.1	3
Bridge of Weir	Alcohol-specific deaths	6.3	6.3	2.1	0	0	0	4.1

Death rate (per 10,000 population)

Source: Deaths, National Records Scotland

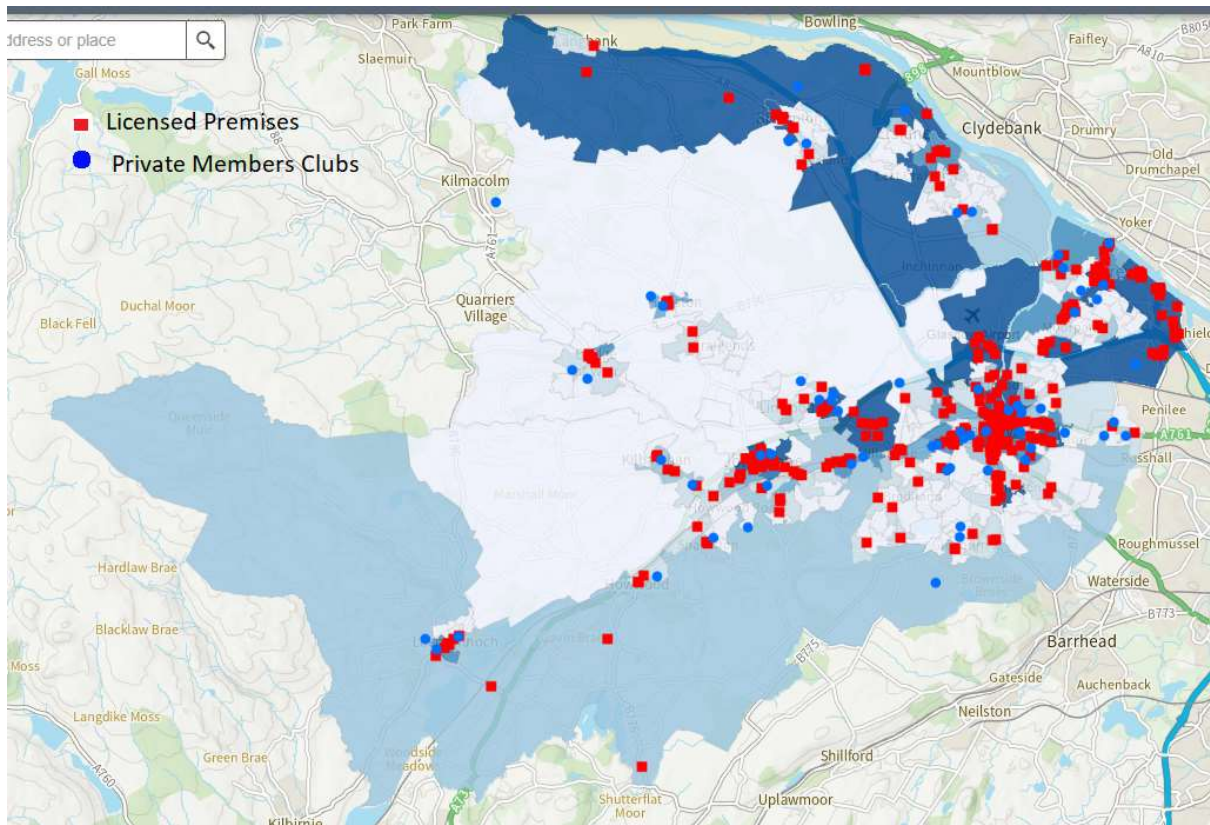
## Appendix 2 Alcohol Related Hospital Admission data

Area	indicator	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Renfrewshire	Alcohol-related hospital admissions	91.8	92.1	82.7	79.4	76.5	65.3	72.3
NHS GGC	Alcohol-related hospital admissions	94.8	99.8	92.1	87.7	87.8	78.6	81
Scotland	Alcohol-related hospital admissions	65.9	67.1	65.5	65.7	66.9	60.4	61.1
Lochwinnoch	Alcohol-related hospital admissions	55.1	66.1	48.2	63.5	41.1	60.1	33.8
Renfrewshire Rural South	Alcohol-related hospital admissions	23.3	26	31	28.4	44.7	16.9	19.3
Renfrewshire Rural North	Alcohol-related hospital admissions	30.4	37.2	15.8	33.3	21.2	5.1	36.7
Kilbarchan	Alcohol-related hospital admissions	45.3	60.8	58.7	31.3	41.5	38.6	48.2
Johnstone South West	Alcohol-related hospital admissions	48.8	109.2	70.7	58.6	63.7	63.5	54.7
Johnstone North West	Alcohol-related hospital admissions	127.8	138.8	137.2	124.7	131.2	96.2	110.8
Johnstone North East	Alcohol-related hospital admissions	141.5	124.8	136.2	139.3	119.2	113.5	195
Johnstone South East	Alcohol-related hospital admissions	86.4	159	70.3	59.7	73.4	41.2	131.7
Elderslie and Phoenix	Alcohol-related hospital admissions	53.7	52.9	58	50.1	58	50.3	58
Paisley Ferguslie	Alcohol-related hospital admissions	230.8	164.7	128.7	137.4	92.7	135.3	103.3
Paisley North West	Alcohol-related hospital admissions	316	352.9	304.1	230	265.6	168.1	190.5
Paisley West	Alcohol-related hospital admissions	61.8	86.4	81.3	117.1	107.8	81.9	109.8
Paisley Foxbar	Alcohol-related hospital admissions	146.3	135.5	98.9	114.7	137.7	80.6	80.6
Paisley South West	Alcohol-related hospital admissions	80.9	132.8	40.6	32.7	21.9	33.3	22.2
Paisley Glenburn West	Alcohol-related hospital admissions	83.4	125.8	140.4	83.6	74	86.5	66.7
Paisley Glenburn East	Alcohol-related hospital admissions	104.6	98.5	54.3	48.3	126.9	98.4	33.8
Paisley South	Alcohol-related hospital admissions	45.8	71.7	72	69.8	49.5	46.9	35.9
Paisley South East	Alcohol-related hospital admissions	144.8	120.2	138.8	99.7	127.4	97	129.4
Paisley Dykebar	Alcohol-related hospital admissions	55.9	72.9	58.7	67.6	29.8	47.5	22.5
Paisley East	Alcohol-related hospital admissions	107.4	97.5	118.3	135.2	79.6	88.7	69.5
Paisley Central	Alcohol-related hospital admissions	148.5	151.4	114.8	129.8	120.9	95.6	117
Paisley North East	Alcohol-related hospital admissions	139.2	112.2	74.4	105.5	97.3	104.1	110.8
Paisley Ralston	Alcohol-related hospital admissions	37.5	44	44.1	33.9	21.2	4.3	10.7
Paisley Gallowhill and Hilli	Alcohol-related hospital admissions	167.8	120.9	163	136.4	170.4	137.2	113.4
Paisley North	Alcohol-related hospital admissions	165.7	110.4	147.3	139.8	142	113	154.3
Renfrew West	Alcohol-related hospital admissions	125.8	153.6	145.7	101.6	102.2	90.9	105.6
Renfrew South	Alcohol-related hospital admissions	87	65.1	48.1	75.6	61.2	48.9	55
Renfrew East	Alcohol-related hospital admissions	46.5	33.4	56.3	64.7	49.9	46.3	31.5
Renfrew North	Alcohol-related hospital admissions	95.1	71.1	66.4	76.7	65.7	36.2	60.3
Erskine East and Inchinnai	Alcohol-related hospital admissions	36.9	26.1	26.3	30.3	14.5	38.3	36.5
Erskine Central	Alcohol-related hospital admissions	43.8	38	50.2	50.5	67.2	57.9	33.1
Erskine West	Alcohol-related hospital admissions	60.1	55	61.1	50.7	45.6	45.9	71.7
Bishopton	Alcohol-related hospital admissions	24.3	29.2	18.1	22.7	20.5	25.5	55.5
Linwood South	Alcohol-related hospital admissions	129.6	101	85.9	70.9	86.2	75.3	72.8
Linwood North	Alcohol-related hospital admissions	78.3	77.2	59.3	77.8	60.1	80.5	49.2
Houston South	Alcohol-related hospital admissions	6.2	12.4	6.3	25.4	16.4	6.5	29.2
Houston North	Alcohol-related hospital admissions	32	12.4	43.4	30.2	9.1	15.2	27.4
Bridge of Weir	Alcohol-related hospital admissions	23.3	42.3	48.6	35.3	22.7	20.6	20.6

Admission rate (per 10,000 population)

Source: SMR01, Public Health Scotland

### Appendix 3 Location of Licensed Premise and Private members club in Renfrewshire 2023



#### **Appendix 4 Analysis of Outlet Availability in Renfrewshire**

Renfrewshire HSCP measured Alcohol availability locally using the Outlet Density measure with every Alcohol Licence (On, Off & Private Members clubs) plotted on a map to provide appropriate data (Appendix 3) for analysis.

The CRESH research around over-provision that defined 800m as a 'typical neighbourhood experienced by the population of a datazone, and was unaffected by artificially-imposed datazone boundaries or differing datazone sizes.' Their findings suggests the existence of an outlet availability threshold of 6 offsales, 9 onsales or 14 total outlets within 800m – below which hospital admission rates do not differ but above which rates increased significantly. As such it was agreed to use an 800m radii when considering outlet density locally.

The HSCP used the 'centroid' of Renfrewshire's 225 datazones as a reference for Outlet Density. These centroids are used to link data zones to other (higher level) geographies and produce a 'best-fit' match.

Given that some data zones are small (in some cases taking minutes to cross) it is difficult to be confident that the impact of very dense areas of outlets will be effectively described by the boundaries of the datazone itself. There is a risk that if we examine only the datazones with the greatest harm and outlet density, and declare only those small areas overprovided, that the existing nearby provision may be driving harm could be ignored. This could lead too new outlets simply being dispersed to the periphery of the datazone's boundaries, spreading the over-provision rather than addressing it. As such, the HSCP believe it would be reasonable to identify areas at Intermediate datazone level

From the data the following Intermediate datazone areas contain areas datazone areas which are at or above the CRESH Threshold for total On and Offsales (excluding Private members clubs):

1. Johnstone North East
2. Johnstone North West
3. Johnstone South East
4. Paisley Central
5. Paisley East
6. Paisley Ferguslie
7. Paisley Gallowhill and Hillington
8. Paisley North
9. Paisley North East
10. Paisley North West
11. Paisley South
12. Paisley South East
13. Paisley West
14. Renfrew East
15. Renfrew North
16. Renfrew South
17. Renfrew West



## RENFREWSHIRE LICENSING FORUM

### RESPONSE TO RENFREWSHIRE LICENSING BOARD CONSULTATION ON STATEMENT OF LICENSING POLICY 2023

In response to the Renfrewshire Licensing Board consultation on the Statement of Licensing Policy 2023, Renfrewshire Licensing Forum submit the following: -

#### 1) Overprovision

1.1 The Licensing Forum are aware of the impact Covid 19 has had on onsales premises with many on premises now operating shorter hours and dealing with rising costs. This coupled with the rising cost of living is encouraging many people to consume more alcohol at home and the forum are of the opinion that overprovision should be measured using all premises and not just onsales as per current policy.

1.2 The Licensing Forum are also aware of an increase in capacity around the Millerston area (PA1 2UZ). It has noted there are now 4 premises within a 50m radius providing alcohol and still retail space for more. The Licensing forum believe this area should be considered as an area of overprovision in the updated policy

#### 2) Alcohol Deliveries

2.1 The licensing forum are aware that the COVID 19 pandemic accelerated the number of premises delivering alcohol locally. As such the Licensing forum would welcome the following to be considered within the new policy:

1. All drivers who deliver alcohol, whether from a premise or 3<sup>rd</sup> party, either have a personal licence or have at least undertaken the 2 hour mandatory training
2. The board considers restricting alcohol delivery purchases to be completed by 930pm to limit the potential for impulse buying online or via apps close to offsales closing times.
3. The board considers setting a spend ratio on alcohol to food/other provisions to stop the ability for people to buy one non alcohol item and then a large amount of alcohol.
4. Currently once a premise receives a licence that includes the ability to deliver alcohol then this premise can deliver to any locality that it wishes. This makes it difficult to then consider whether and in what areas this application may impact on alcohol consumption and as such difficult to build a comprehensive view around issues such as overprovision. The forum asks the board to restrict the geographical areas that licence holders can deliver alcohol to. The forum suggests that this can be done by asking new applicants to identify localities they wish to include within their delivery service.

4. The forum would welcome the board asking premises who deliver alcohol to make information known on alcohol deliveries including:

- Time and date orders are made
- Time and date orders are received
- Ratio of alcohol to other products ordered
- Postcode/Locality order was delivered.

5. The forum is aware that alcohol deliveries are received by Renfrewshire residents from businesses outwith Renfrewshire and welcome Renfrewshire Licensing Board approaching other areas to put into place a system to allow the above data to be collated for Renfrewshire (eg Supermarkets outwith Renfrewshire regularly deliver groceries, including alcohol, to Renfrewshire).

2.2 Should any of the above suggestions be unable to be included within the updated Licensing Policy then the forum would encourage Renfrewshire Licensing Board to use all of its available powers and lobby the Scottish Government/any other relevant parties to make changes to allow these in the future. This would further strengthen Renfrewshire Licensing Board in terms of improving health and wellbeing, a recommendation that came from Renfrewshires Alcohol and Drug Commission report 2020.



## **RESPONSE TO CONSULTATION ON STATEMENT OF LICENSING POLICY**

Alcohol Focus Scotland (AFS) welcomes the opportunity to provide comment on the development of local licensing policy statements. Their production provides licensing boards with an opportunity to stand back from routine administrative practice and consider the bigger picture in relation to licensing in their area. Once published, if effectively implemented, policy statements can help make licensing decisions more strategic, support consistent and well-reasoned decision-making, and make the licensing process more transparent.

### **1. About us**

AFS is the national charity working to prevent and reduce alcohol harm. Our strategic priorities include ensuring the effective implementation of licensing legislation by supporting licensing boards and forums to promote the licensing objectives. We regularly engage and work with a wide range of licensing stakeholders, including licensing board members, licensing clerks, Licensing Standards Officers, NHS, police, Alcohol and Drug Partnerships, communities, and local licensing forums.

AFS also provides training courses for those involved in the regulation of licensing to meet the requirements of the Licensing (Scotland) Act 2005; this includes the Licensing Board Members Training and Licensing Standards Officers Training in Scotland.

### **2. About our response**

As a national charity, AFS is not in a position to provide an individually tailored response to each of the 40 licensing boards in Scotland. However, we can offer our views on the general policy direction and emerging issues relevant to alcohol licensing, and suggestions about aspects of licensing policy that may warrant particular scrutiny during this round of policy development.

Our response has been informed by recent work AFS has undertaken to identify areas of progress and ongoing challenge within the licensing system, including a [review of the Statements of Licensing Policy for 2018-2023](#). We believe that this work and our ongoing engagement with a breadth of licensing stakeholders affords us a unique, national perspective on the licensing system. We hope that this insight and the suggestions we have provided below will be helpful to inform the Board's licensing policy review.

### **3. The national context**

The development of licensing policies provides boards with a timely opportunity to consider emerging issues and legislative developments, and to adapt their approaches accordingly. As such, this section sets out key national developments which may be of particular relevance to licensing boards.

### 3.1. Post-COVID Recovery

AFS expects that, during this round of policy development, boards will be particularly keen to consider the actual and projected impact of COVID-19 on the licensing objectives and the licensed sector. While we do not yet know the full impact of the pandemic, there is evidence of its effects in a number of areas. The following topics are highly relevant to licensing and AFS would therefore recommend that they are taken into consideration as part of the licensing policy review process:

**Changing drinking patterns:** Evidence indicates that drinking habits have polarised as a result of the pandemic, with an overall decrease in consumption for lighter drinkers and an increase for heavier drinkers.<sup>1 2 3</sup> Of major concern is the increase in high-risk drinking observed in England,<sup>4 5</sup> which has sustained over the entirety of the pandemic.<sup>6</sup> While equivalent research is not yet available for Scotland, it is likely that we will be experiencing similar increases, especially considering our historically higher levels of alcohol consumption and harm compared to the rest of the UK.<sup>7</sup> Combined with reduced access to services, these changing drinking patterns have tragically translated into increased harm; alcohol-specific deaths in Scotland increased by 17% in 2020 and a further 5% in 2021.<sup>8</sup> However, it can take 20 years to see the full effects of changes in alcohol consumption on harms, such as for cancers.<sup>9</sup> The pandemic and economic crisis is also being experienced differently by different parts of our population, widening existing inequalities and creating new ones.

**Home drinking:** Linked to the above, the pandemic has further shifted alcohol sales and drinking from the on-trade to the off-trade, exacerbating existing trends. In Scotland, 73% of alcohol was sold in off sales prior to the pandemic, with this proportion increasing to 90% in 2020 before decreasing slightly to 85% in 2021.<sup>10</sup> The home is an unregulated environment and the continued shift to home drinking may lead to long-term public health consequences and an upwards trend in alcohol-related injuries and accidents occurring at home. In addition, while alcohol itself does not directly cause domestic violence, there are strong associations between alcohol use and domestic violence and abuse.<sup>11</sup> Home drinking also poses potential risks for children and young people, such as neglect or modelling of parental drinking.<sup>12</sup> As such, it will be vital that boards consider the factors that can impact on the licensing objectives outwith a licensed setting, and that local licensing policies take account of alcohol-related harms occurring in private spheres as well as public.

**The hospitality sector:** Although the licensing regime does not have responsibility for promoting business growth, a recurrent theme within existing licensing policies is the need for boards to strike an appropriate balance between supporting the local licensed economy, while also upholding the five licensing objectives. During the pandemic, the hospitality sector was severely affected, with sales of alcohol in bars and restaurants plummeting by 49% overall from 2019 to 2021, while off-premises sales, such as e-commerce and supermarkets, grew significantly (by 11% between 2019 and 2021).<sup>13</sup> In 2020, the Scottish Government issued guidance to advise that it “*considers flexibility and pragmatism in decision-making and sensitivity to the wider economic situation should be at the forefront of how a board decides to operate*”.<sup>14</sup> Boards will likely be very reluctant to be seen to hurt already suffering hospitality sectors but will also want to ensure that the licensing objectives continue to be promoted. As such, decision makers, advocates, and local stakeholders alike will need to identify policies that can do both. It has been suggested that policies which may protect on-trade businesses, while reshaping the night-time economy away from alcohol-related harms, could offer a ‘win-win’ for policymakers and health advocates.<sup>15</sup> However, this raises questions regarding how boards should seek to manage competing priorities within their policies and decision-making.

**Use of outdoor areas:** A growing trend for outside seating areas had been identified in many areas prior to the pandemic, with a number of boards setting out their expectations and requirements in this regard. However, COVID-19 related restrictions on sales of alcohol indoors led to an increase in applications from bars/pubs to serve alcohol in spaces outdoors e.g., car parks, pavements. If outdoor spaces are licensed on a permanent basis it could result in a significant increase in the overall capacity of venues and the visibility of alcohol, including to children and people in recovery who may be passing by. However, it is unclear how and whether boards will now seek to reverse outdoor licences granted during the pandemic, or whether the trend for outdoor seating areas will continue to grow.

**Online sales/deliveries:** The COVID-19 related restrictions have accelerated the general trend to online shopping and led to an increase in premises offering home deliveries of alcohol. The types of businesses that sell alcohol online now range from small independent traders, specialist drinks retailers/clubs, local convenience stores, and supermarkets through to multinational e-commerce companies (e.g., Amazon). There is also a growing variety of app-based retailers who have arrangements with restaurants, takeaways and off-licences to deliver alcohol directly to people's homes. Despite the reopening of physical stores, it is predicted that online sales will remain high as people have become more accustomed to online shopping. However, there is currently a distinct lack of information available about the business operations of online retailers in Scotland. In addition, it is unclear how age verification and other requirements can be effectively implemented when alcohol is being purchased on-line or delivered to people's homes. The majority of boards have responded to this issue at a local level by setting out their approach to alcohol deliveries within their policies, for example by making clear that delivery staff must be trained to the same level as those on licensed premises, that challenge 25 checks must be conducted, and that licensees using courier services must ensure that they are compliant with the Board's requirements.

### **3.2. Policy and legislative developments**

**Alcohol Framework:** Scotland's current alcohol harm prevention framework was published in 2018 and takes a whole population approach to reducing alcohol harm. Whole population measures work to reduce and prevent alcohol harm across the entire population, reducing the likelihood of 'normal' drinkers becoming high risk. This is because targeting only harmful drinkers would not reach the majority of people who consume alcohol and who are therefore at risk of developing problems related to their alcohol consumption. Licensing is a whole population intervention. It works to safeguard individuals and communities from experiencing alcohol problems by controlling the overall availability of alcohol (through the number, type and opening hours of licensed premises), and by regulating the way individual on- and off-licences do business. The Framework therefore identifies the licensing system - alongside action on price and marketing - as being one of the key mechanisms through which the ambitions of the Alcohol Framework can be realised.

**Minimum Unit Pricing (MUP):** MUP came into force on 1st May 2018 and, along with restrictions on irresponsible promotions, there are now greater controls on the sale of alcohol from off-sales. Boards appear to be approaching these developments differently; for example, some state in their policies that these safeguards alone cannot adequately mitigate the link between the availability of responsibly sold alcohol and its unregulated consumption, while others state that the introduction of MUP of alcohol has the potential to be a more effective tool in reducing alcohol harm than overprovision. Many boards will be re-evaluating the relevance of MUP to their policies now that more information on the evaluation of the impact of MUP is available. In addition, in a recent legal case,<sup>16</sup> an overprovision policy was struck down as unlawful because the sheriff upheld the argument that it didn't take into account that MUP had come into force. The price, availability and marketing

of alcohol can all impact consumption levels, which can in turn impact on harm, and it will be important that boards consider how different measures to tackle alcohol harm can be mutually reinforcing. In any local area it is impossible to say with any certainty what percentage of changes in alcohol consumption and alcohol related harms are due to changes in price/income as compared to availability or marketing. Accordingly, it is important to focus on the local evidence of alcohol related harm, to determine whether there is sufficient evidence of harm to support a case for controlling availability using an overprovision policy. It may also be useful for boards to consider the differential in price between on- and off-sale, as although the introduction of MUP created a floor price, it did not elevate the price of off-trade alcohol enough to reduce the gap between on- and off-trade prices.

**Licensing Guidance update:** In January 2023 [new guidance](#) to Scottish licensing boards on carrying out their functions was issued by Scottish ministers. The revised 'section 142' guidance replaces the original version which was first issued in 2009 and had become outdated due to subsequent changes. The purpose of the guidance is to assist boards in carrying out their functions under the 2005 Act, including the preparation of statements of licensing policy. We have therefore highlighted relevant sections of the guidance within this response to assist boards to have regard to it when undertaking their policy reviews.

**Consultation on occasional licences:** In 2019 the Scottish Government consulted<sup>17</sup> on whether to raise the fee for an occasional licence from the current price of £10, and to seek views on considering a limit on the number and duration of occasional licences for premises licence holders and personal licence holders. The Scottish Government advised it would analyse the responses and, if considered appropriate, draft and lay secondary legislation embedding any new fee level or limit on the number and duration of occasional licences into Scottish law. At the time of writing there has been no secondary legislation proposed and AFS is not aware of any decisions as yet having been taken as a result of the consultation.

## **4. Issues to consider when reviewing the policy**

### **4.1. Promoting the licensing objectives**

It is a legal requirement that the policy must seek to promote the licensing objectives. For all objectives, AFS would suggest using the following format within the policy:

1. State the licensing objective.
2. Give a statement as to what the licensing board is trying to achieve with this objective.
3. Detail any concerns and/or trends in the area relating to this objective – identify what evidence was used to identify these.
4. List what the licensing board intends to do to promote the objective. Note that this could include actions like declaring overprovision, controlling licensed hours, or applying certain conditions (referring to the relevant section/s in the policy). However, other measures could include ensuring all policies are fit-for-purpose, working to ensure information is kept up-to-date and accessible, liaising with local partners, endorsing local initiatives relevant to the objectives, carrying out spot checks of premises, highlighting good practice, and conducting reviews of licences. A full list of board measures to promote the objectives is provided in our online resource: [Measures to promote the licensing objectives](#).
5. List any suggested actions the licensing board would like to see the licensed trade in the area undertake to meet this objective. The types of actions licensees can take often relate to specific control measures that can be put in place, the training and supervision of staff,

maintenance of premises, and co-operation with local stakeholders (e.g., LSO, police). A full list of example licensee measures to promote the objectives is provided in our online resource: [Measures to promote the licensing objectives](#).

Many boards have adopted new approaches to the promotion of objectives as knowledge and understanding of how to best promote them has evolved since the Licensing (Scotland) Act 2005 was first introduced. Examples of different policy approaches are now included within the section 142 guidance, including in relation to:

*Preventing crime and disorder: “Alcohol related crime and disorder does not only occur within or immediately outside licensed premises. A significant proportion of alcohol is bought to be consumed at home or in other private dwellings. Whilst alcohol licensing alone cannot directly address issues such as domestic violence, licensing boards may wish to consider supporting work in this regard through partnership working. One example of a licensing board demonstrating a wider understanding of alcohol related crime can be found within West Lothian Licensing Board’s statement of licensing policy 2018.”*

*Protecting children and young persons from harm: “Licensing Boards will wish to be mindful that children and young people can be impacted by exposure to marketing and promotion of alcohol within licensed premises. For example, Falkirk Licensing Board comments in its statement of licensing policy 2018 that: “Where licensed premises intend to hold events where alcohol is not provided and those events are specifically targeted at children or young persons (for, example, underage discos or parent and toddler groups), consideration should be given to taking steps to avoid any obvious promotion of alcohol”.”*

*Protecting and improving public health: “This licensing objective encourages licensing boards to consider the cumulative effect of licensed premises on alcohol-related harm, within their licensing area, rather than the actions of any individual premises. Collecting harm data for localities will build a picture of the health and wellbeing of the people in the locality, and doing so on a consistent basis over time means the long-term health and wellbeing of a locality can be monitored and improvements made. City of Glasgow Licensing Board is an example of one of a number of licensing boards which have adopted an approach of looking at alcohol and health issues at their local authority area level, and then made a policy that seeks to promote the public health objective”.*

In relation to the above, the Glasgow policy includes a section specifically pertaining to off-sales and the public health objective. This explains that the board is concerned by a number of areas suffering from high levels of alcohol-related harm but containing very few licensed premises. The board does not consider it appropriate to declare these areas as being overprovided for, but the policy makes clear that it may nonetheless be inconsistent with the public health objective to grant a licence which would enable easier access to alcohol – thereby having the potential to exacerbate existing alcohol-related health problems in the area. This is set out in section 9.2 of the [Glasgow Licensing Policy](#).

In addition, many policies set out local conditions that may and/or will be applied by the board in pursuance of the objectives. Including local conditions within policies not only provides an important indication of the ways in which the board will promote the objectives, it also provides examples of what conditions applicants could be subject to or volunteer themselves, and provides people making representations/ objections with suggestions of the kinds of conditions they can suggest. A full list of example conditions is set out in our online resource: [Examples of conditions to promote the objectives](#).

## 4.2. Overprovision

Overprovision is undoubtedly one of the most complex and contentious areas of licensing. AFS's review of the current licensing policies identified that boards have adopted differing approaches to how overprovision should be assessed, and seem to have different understandings of what is required in order to meet the legal tests that apply.

The primary cause of this divergence appears to be the way in which boards have interpreted and understood the concept of 'causal link'. While decisions are to be made on a balance of probabilities, there is wide variation between boards' interpretations of what evidence is required in order to meet the legal test to evidence a causal link. Although some boards seem confident to declare overprovision applying a test that considers on a balance of probabilities whether there are links between numbers of premises and levels of harm, others appear to consider that a higher bar requires to be met for causal link to be established. However, the updated guidance provides clarity around approaches to overprovision assessments and interpreting the causal link, stating that:

- *"If a Licensing Board considers there is at least potential for, or a reasonable basis for, concluding that there will be a risk of adverse impact on the objectives (should more premises licences be granted), it is entitled to come to the view that there is a state of overprovision."*
- *"Consideration should be given as to whether aggregate information and evidence from a number of sources demonstrates a link between the availability of alcohol in an area and alcohol-related harm."*
- *"To demonstrate a "dependable causal link", the proof of the link must be on a balance of probabilities. What this means in practice is that based on the evidence of harm in a locality, it is more likely than not that alcohol availability is a cause, or that increasing the availability of alcohol in that area will increase that harm."*

Boards have the flexibility to decide the approach they take to addressing overprovision in their area and can choose to focus on only the factors that cause them concern in the light of the evidence. It is likely that many boards will be keen to identify how the pandemic has impacted on the licensed economy in their area and will be considering this as part of their overprovision assessment.

At a national level, the number of off-licences in Scotland has reached the highest level since 2010, when the relevant statistics first started to be collected.<sup>1</sup> The closure of pubs and restaurants during the pandemic caused people to buy alcohol from other outlets and more shops and supermarkets applied for licences to meet demand. The number of off licences increased by 133 between March 2020 - March 2022, reaching a total of 5,155. Conversely, the nature of Covid-19, and the measures needed to reduce transmission, invariably had a disproportionate impact on the hospitality sector. While it is likely that many bars, pubs and other licensed premises will have closed permanently as a result, the available statistics don't enable for an assessment of how many licences were surrendered or lost. As such, it may be that the overprovision assessments will have a particular focus on the disparities between on and off sales, and the continued shift to home drinking.

<sup>1</sup> While the number of off-sales only premises is at its highest level since records began, due to variations in how the available statistics have been published in different years, it is impossible to say for certain whether this is true for all off-sales i.e., off-sales only premises combined with those providing both on-sales and offsales.



The boards consideration of overprovision need not be confined to only considering numbers and capacity but can take account of other factors. For example, inequality is a particularly important consideration in relation to overprovision. There is a stark inequalities gradient to alcohol harm, and a growing awareness that the impact of harmful drinking and alcohol dependence is much greater for those experiencing the highest levels of deprivation. For example, in 2021 alcohol-specific deaths were 5.6 times as frequent in the most deprived areas of Scotland compared to the least deprived areas. This compares to a ratio of 1.9 times for all causes of death.<sup>18</sup> By taking account of evidence of inequalities, boards are able to meaningfully consider how different communities are impacted differently by alcohol and formulate an appropriate policy response.

### **4.3. Licensed hours**

Policy statements should provide information on a licensing board's policy on licensed hours, which are important not only to individual licensed premises but can have a wider impact for an area.

AFS has identified numerous studies into the links between temporal availability and alcohol harm, which found that policies regulating times of alcohol trading can contribute to reductions in injuries, alcohol-related hospitalisations/ emergency department visits, homicides and crime.<sup>19</sup> The vast majority of boards permit off-sales between 10am and 10pm each day, which is the maximum allowed by law. However, boards can stipulate shorter hours if they consider it to be appropriate. AFS believes that the maximum permitted off-sales hours should be the exception and not the norm, particularly in areas of high-rates of alcohol harm. In addition, the hours permitted for onsales and the night-time economy can have implications for matters such as crime and public order.

Boards can also grant a general extension of licensed hours for particular specified occasions. As such, AFS would recommend that the policy outlines the principles that the board will apply when considering applications for extended hours. For example, some policies make clear that if regular applications are made for the same premises, then applicants will be expected to consider whether they should apply to vary the premises licence. Others outline what might constitute an event of national or local significance. AFS believes that, in many cases, events and festivals can be appropriately accommodated within normal licensing hours and should not serve as automatic justification for extended licensed hours.

### **4.4. Children and young persons' access**

It is largely for licensing boards to set out their expectations regarding factors like when children and young people should normally be allowed entry to licensed premises, including the ages at which they should be allowed entry, and the types, times and parts of premises to which they should have access. It is also for boards to determine the measures that may be necessary to protect children and young people from harm.

As such, AFS would recommend that the policy provides a clear indication of what the board might deem to be acceptable in terms of children and young peoples' access. Overall, it is the extent to which premises are likely to provide a family-friendly environment that tends to be the determining factor in boards' approaches to children's access. Conversely, premises where the supply of alcohol is the primary purpose of the service provided are frequently cited by boards as being unsuitable for children and young people.

The updated guidance provides examples of how different boards have approached this issue. Some restrict children's access to licensed premises for the primary purpose of consuming a meal or attending an event, while others set out expectations with regards to young peoples' access to

specific parts of premises, or specify the hours when young people should normally be allowed entry.

It is apparent that the majority of boards are seeking to encourage licensed premises to become more child and family friendly within their policies. However, it can also be seen that they are giving consideration to the potential impacts of alcohol on children and young people, and the objective to protect children and young people from harm. In particular, there is increased recognition that the scope of this objective is not restricted to preventing people under the legal purchase age from being sold/supplied with alcohol. Boards are also seeking to address impacts on children and young people resulting from the drinking behaviours they observe, adults drinking, and their general exposure to alcohol. Some boards are also being more directive in their approach than others, by setting out their expectations regarding children's access and applying relevant conditions as standard practice.

#### **4.5. Supporting public participation**

The updated guidance states that *"licensing boards should have effective engagement strategies in place to enable them to engage with and seek the views of their local community."* Given the public interest purpose that underpins alcohol licensing, AFS believes it essential that communities are empowered to participate in licensing processes and can feel confident that their contributions will be given due regard. The publication of policy statements provides an opportunity to set out the mechanisms available to enable community engagement and participation.

There are numerous ways in which the general public can choose to engage with the licensing system, ranging from commenting on applications and observing/participating at board meetings, to joining their local licensing forum. However, communities may not currently be aware of the various ways in which they can get involved or the types of information/supports available to enable them to participate. For example, some boards have developed pro formas to assist anyone wishing to make an objection or representation, while others highlight that LSOs are available to offer appropriate support. Many boards include a commitment in their policies that they will conduct business in a way that is not off-putting to members of the public. For example, by creating a less formal and more relaxed atmosphere so as not to intimidate parties.

#### **4.6. Identifying strategic links**

Although boards are quasi-judicial and need to undertake their decision-making independently, this does not prevent them from considering their policies in the broader context of identified local and national priorities etc. The pandemic has also highlighted the importance of partnership working across sectors. As such, the policy should indicate how the board will take into account other matters relating to alcohol, for example local crime prevention, community safety strategies, and health.

Boards in many areas have adopted a collaborative approach and committed to work with local partners where they share common objectives. As such, AFS would recommend the policy includes reference to Local Outcome Improvement Plans (LOIPs), Alcohol and Drug Partnership strategic plans, and the strategic plans of the Health and Social Care Partnerships (HSCP). Scotland's alcohol strategy 'Changing Scotland's relationship with Alcohol a Framework for Action' is of key relevance to the policy and should also be referenced. The Board should also take into account the views of local partners, the Forum, communities, when developing and implementing their new policy. The Licensing (Scotland) Act 2005 and accompanying guidance should inform the Board's approach to how this can best be achieved, for example the updated guidance states:

*“The alcohol licensing regime in Scotland does not exist in a vacuum and Licensing Boards should clearly explain how they will take into account other pertinent strategies and regimes when developing their statement of licensing policy. For example, the Western Isles Licensing Board statement of licensing policy comments that “The Board will work and appoint a Board Member to work with the Outer Hebrides Alcohol and Drug Partnership and the Outer Hebrides Community Safety Partnership in the Western Isles; the importance of such co-operation is recognised as part of the wider alcohol agenda”.*”

#### **4.7. Occasional licences**

During 2021-2022, 23,269 occasional licences were granted in Scotland.<sup>20</sup> Occasional licence applications can be granted under delegated powers, a limited number of people are required to be notified of occasional licence applications, and the consultation period is much shorter than that for new premises applications – reducing the scope for objections or representations.

This has led to concern that some applicants have sought to use the occasional licence process as an alternative to applying for a full premises licence. As such, AFS would recommend that boards set out measures to ensure that this type of application is subject to appropriate scrutiny. For example, by including a provision to ensure that repeated occasional applications from the same applicant will be automatically referred to the board for a decision.

In addition, AFS would recommend that boards set out conditions that will specifically apply to occasional licences, either as standard practice or on a case-by-case basis. These could relate to issues such as management, supervision, security, signage and training.

#### **4.8. Presentation and readability**

Legislation does not specify how a policy statement should be organised and presented and consequently the 2018 published policy statements vary considerably in structure and length. AFS’s review of the documents identified that shortest was 25 pages while the longest policy statement was 166 pages (including appendices). Some policy statements, but not all, were written in legalistic language and provided excessive detail of administrative processes and procedures, making them somewhat laborious and difficult to read.

The updated guidance states that licensing policies:

*“Must also not simply be a repeat of what is set out in legislation or statutory guidance. It should provide a clear indication to the local community as to the Licensing Board’s evidenced based policy and should seek to promote the licensing objectives (see Chapter 2 for more about the licensing objectives) set out in the 2005 Act. It is important that statement of licensing policies should be written in terms that can be easily understood by the local community as consultation with the local community (including Local Licensing Forums), is a key part of providing feedback to Licensing Boards.”*

Lengthy policy statements written in legalistic and bureaucratic language can be off-putting for some stakeholders and potentially act as a barrier to community engagement in the licensing process. As such, AFS recommends that boards make conscientious efforts to create policies that are accessible to all. For example, by providing definitions of terms used throughout the policy within an appendix, and providing links to statutory provisions, guidance etc. wherever possible. Web-links and signposting can similarly be used to direct interested parties to more detailed information where required.

- <sup>1</sup> Alcohol Focus Scotland (23 April 2020). [Scots report changing drinking patterns during coronavirus lockdown](#). Alcohol Focus Scotland.
- <sup>2</sup> Alcohol Focus Scotland (23 July 2020). [Survey shows Scots lockdown drinking rise caused by stress](#). Alcohol Focus Scotland.
- <sup>3</sup> Angus, C. et al. (2022). [Modelling the impact of changes in alcohol consumption during the COVID-19 pandemic on future alcohol-related harm in England](#). The University of Sheffield.
- <sup>4</sup> Jackson, S.E. et al. (2021). [Moderators of changes in smoking, drinking and quitting behaviour associated with the first COVID-19 lockdown in England](#). *Addiction*, 117(3), 772-783.
- <sup>5</sup> Jackson, S.E. et al. (2021). [Association of the COVID-19 lockdown with smoking, drinking and attempts to quit in England: an analysis of 2019–20 data](#). *Addiction*, 116(5):1233–44.
- <sup>6</sup> Angus, C. et al. (2022). [Modelling the impact of changes in alcohol consumption during the COVID-19 pandemic on future alcohol-related harm in England](#). The University of Sheffield.
- <sup>7</sup> Ponce Hardy, V. & Giles, L. (2022). [Monitoring and Evaluating Scotland’s Alcohol Strategy: Monitoring Report 2022](#). Public Health Scotland.
- <sup>8</sup> National Records of Scotland (2022). [Alcohol specific deaths 2021](#).
- <sup>9</sup> Holmes, J. et al. (2012). [The temporal relationship between per capita alcohol consumption and harm: a systematic review of time lag specifications in aggregate time series analyses](#). *Drug and Alcohol Dependence*, 123(1-3), 7-14.
- <sup>10</sup> Ponce Hardy, V. & Giles, L. (2022). [Monitoring and Evaluating Scotland’s Alcohol Strategy: Monitoring Report 2022](#). Public Health Scotland.
- <sup>11</sup> World Health Organization (2006). [Intimate partner violence and alcohol](#).
- <sup>12</sup> Alcohol Focus Scotland (2019). [Parental Drinking in Scotland Discussion Paper](#).
- <sup>13</sup> Ponce Hardy, V. & Giles, L. (2022). [Monitoring and Evaluating Scotland’s Alcohol Strategy: Monitoring Report 2022](#). Public Health Scotland.
- <sup>14</sup> Scottish Government (2022). [Coronavirus \(COVID-19\): Licensing \(Scotland\) Act 2005 section 142 – statutory guidance](#).
- <sup>15</sup> Fitzgerald, N. et al. (2021). [Lockdown and licensed premises: COVID-19 lessons for alcohol policy](#). *Drug and Alcohol Review*, 41(3), 533-545.
- <sup>16</sup> Aldi Stores Limited Vs Dundee City Licensing Board, Case Number: B109/21, March 2022
- <sup>17</sup> Scottish Government (2019). The Licensing (Scotland) Act 2005: [Consultation on Occasional Licences](#), Published 23 April 2019
- <sup>18</sup> National Records of Scotland (2022). [Alcohol-specific deaths 2021](#).
- <sup>19</sup> For example: Sanchez-Ramirez DC, Voaklander D (2018). The impact of policies regulating alcohol trading hours and days on specific alcohol-related harms: a systematic review. *Injury Prevention* 2018;24: 94-100.
- <sup>20</sup> Scottish Government (2022). [Liquor Licensing Statistics for Period 01/04/2021 to 31/03/2022](#)

## Aileen Easdon

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**From:** khalid javid [REDACTED]  
**Sent:** 17 January 2023 15:40  
**To:** licensing.cs (CSAlias10)  
**Subject:** Over provision

**Categories:** Douglas

Clerk of licensing

Hi

My response to letter dated 21/12/22

Hi

I refer to your draft licensing policy

The letter 21/12/22

My comments are as follows .

There is no such a thing as overprovision Business people take risks and also suffer the consequences if it fails . So if there is over provision and they have to close their premises Then they will have to . I feel it is not a problem for the board to consider . How ever if there is a lot of nuisance and trouble around a particular premises or in an area where the premises is located then it is due to neglect and negligence or poor police patrol by the police .

Or poor policing . Enforcement of law is better left managed to the police authorities.

The council and the board in all areas is best to consider how to assist businesses by reducing the amount of time an application takes which costs new applications a fortune to prepare applications up to the stage where the board considers the grant of licenses.

Yours sincerely

Khalid javed

[REDACTED]

## RENFREWSHIRE COUNCIL - LICENSING BOARD – CONSULTATION ON STATEMENT OF LICENSING POLICY (initial informal) 2023

### The Scottish Grocer's Federation – response

The Scottish Grocers' Federation (SGF) is the trade association for the Scottish Convenience Store Sector. There are 5,098 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 49,000 jobs in Scotland.

Modern local convenience stores are community assets, from offering busy families a top-up shop facility on the one hand, to helping patrons (particularly vulnerable people) manage their weekly household budgets during the cost-of-living crisis and providing an essential alternative to larger or out of town supermarkets. Many people rely on their local convenience store with the average shopper visiting their local store 2.7 times per week and with 57% of customers choosing to walk as a mode of travel to stores. During the Covid pandemic in particular, local shops were on the front line, providing essential services for many vulnerable people and communities.

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

Many convenience retail businesses are operating in an extremely challenging trading environment, however, and the Scottish Government has acknowledged that continuing to add to the legislative burden could put businesses at risk. In addition to meeting the requirements of new regulations, such as Minimum Unit Pricing; potential restrictions to the promotion of alcohol products and foods high in fat, sugar & salt; and Scotland's Deposit Return Scheme, the sector as a whole is among the hardest hit by issues such as food inflation, cost-of-living and rising energy costs. The cumulative cost burden of legislation on top of the pressure of these other factors are significantly adding to vulnerability of many businesses.

Being able to offer a diverse range is of paramount importance. Modern convenience stores now offer a wide range of products and services, from deli counters and coffee to collection lockers. 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

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of at least 17 kinds of different product categories. Alcohol accounts for 18.1 % 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 helpful. Our comments relate primarily to Management of Premises, Licensed Hours and Overprovision.

## Management of Premises

### *Proof of Age*

SGF promote responsible community retailing and recognise the importance of selling alcohol in a responsible way.

This happens through the following key areas:

- Full compliance with the Challenge 25 regulations (an initiative developed in partnership with SGF)
- Staff training
- Appropriate signage
- In-house test purchasing
- Refusal books
- Use of CCTV
- Full compliance with the stores operating plan
- Age restricted till prompts, upon customer checkout

### CCTV

SGF do not believe that it should be a requirement for all staff to be trained in the use of CCTV (or for a CCTV trained member of staff to always be present during licensed trading hours). SGF would see such a condition as an additional burden on convenience sector retailers who often have to operate with the minimum amount of staff due to cumulated cost pressures. On top of this, retailers are having to do more hours themselves with 11% of shop owners in Scotland working more than 70 hours a week. It is already the case that all off-sales premises must have a compliant CCTV system in place.

*Delivery of Alcohol and consumption by persons under 18 or drunk persons*

The increased use of apps and the use of third-party delivery agents allows convenience stores to offer another important and valued facility for customers. The SGF Local Shop Report highlights that 26% of convenience stores offer some form of grocery delivery, providing an important service to their communities.

SGF members use these facilities responsibly and have strict measures, such as record keeping and age verification in place, to ensure the rules around delivery are observed.

Drivers are trained to -

1. Always hand over alcohol to an adult.
2. If no adult able to accept deliver then return all goods back to shop.
3. Never leave items on the door step.

SGF members have reported that they ban any household where they suspect underage sales maybe taking place, and go out of the way to ensure they abide by the regulation.

SGF promotes responsible retailing, including the sale of alcohol and any of the other 222 products restricted under legislation.

## Licensed Hours

### *Off-Sales*

The Licensing (Scotland) Act 2005 sets out the maximum permitted hours for off sales type premises are 10am to 10pm, each day of the week. SGF supports this policy on licensed hours.

Retailers are used to the current licensed hours and so SGF would not want to see them changed. Also, SGF would not support any reduction to the available licensed hours as we believe there would be no evidential basis for such a decision and would also leave applicants for new stores at a disadvantage. There is not, in the SGF's view, any evidence to suggest that alcohol purchased later in the day is more harmful than purchased earlier or vice versa.

SGF would not support any reduction to the available licensed hours. Convenience stores are community assets which offer key services to local communities. Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way.

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## 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 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 respectfully suggest that overprovision is a blunt instrument and does little to reduce alcohol related harm. If the licensing board decided to develop an overprovision policy, SGF would strongly urge that this is based on a locality as opposed to whole area approach.

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 regarding 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. In addition, the case law has shown that a licensing board must base any decision around overprovision in a targeted, evidence-led basis. Decisions from Aberdeen and Dundee have shown that selecting an arbitrary location which is not based on probative evidence would be unlawful. In addition, boards must consider the positive benefits that a thriving local convenience sector can bring to communities, and that evidence should be weighed up as part of the exercise. Our members are responsible retailers and they put considerable effort into ensuring that alcohol is sold in a responsible way.

SGF recognise the associated benefits that come from a convenience store opening in a local area. A store opening will create jobs and 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 2,400 stores participating. With 5,098 convenience stores in Scotland and with 75% of independent retailers engaged in some form of community activity in the last year convenience stores have an

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increasingly important role in their local communities. In addition, the SGF Go Local Programme, backed by the Scottish Government, supports convenience stores provide dedicated, long-term display space for locally sourced Scottish products. On average, participating stores generated an annual local multiplier figure of £723k, based on retail scanning data provided for all Scottish products. These initiatives may be relevant to the licensing objective of Improving and Protecting Public Health and supporting local businesses, and therefore, may be taken into account when the Board is determining whether to introduce an overprovision policy.

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.

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 20m<sup>2</sup> 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.

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 can order alcohol online as part of their shop from a supermarket and have it delivered to their home. This order can be made

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# SGF

Scottish Grocers' Federation

Promoting Responsible Community Retailing Since 1918  
*to ensure a sustainable and prosperous convenience industry in Scotland*



[www.scottishshop.org.uk](http://www.scottishshop.org.uk)

from anywhere given the prevalence of smartphones. Given this, what does declaring a geographical area as being overprovided for achieve? It would seem, arguable, that overprovision has not kept up the development of modern technology and consumer shopping habits. For example, a resident may order an online grocery shop, and this could quite legitimately be dispatched from many miles away.

### **Irresponsible Promotions & Price Variation of Alcohol**

SGF works with its membership and the convenience sector as a whole to ensure that they are fully compliant with licensing legislation and are selling alcohol responsibly both in terms of pricing and promotions.

While we welcome this consultation exercise the SGF believe the licensing system should not be onerous on retailers. We hope that you find these comments helpful.

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# SGF

Scottish Grocers' Federation

[www.sgfcot.co.uk](http://www.sgfcot.co.uk)

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## Aileen Easdon

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**From:** Stephen Frew [REDACTED]  
**Sent:** 06 January 2023 14:38  
**To:** Douglas Campbell  
**Subject:** FW: Renfrewshire Community Planning Partnership

Hi Douglas,

Thanks for the opportunity for SE to feed into the consultation. Organisationally, SE doesn't comment on licensing issues. We do understand that the licensed trade has a significant role to play in supporting the foundation and visitor economies, but what that looks like in each individual locality is a decision for communities and local partners more impacted by the decisions.

Stephen Frew  
West Place & Partnerships  
Scottish Enterprise

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[REDACTED]

**Subject:** Renfrewshire Community Planning Partnership

**Caution:** This email originated outside of the organisation. **Think** before you click on any links or open any attachments. Is it safe to do so? **Always** carry out appropriate checks or use the Report Message button if suspicious.

FAO Renfrewshire Community Planning Partnership Executive Group

Please find attached below an email on behalf of Renfrewshire Licensing Board regarding initial consultation on the Statement of Licensing Policy. Responses are requested by 15 February 2023.

*Renfrewshire Licensing Board has agreed to carry out an initial, informal consultation on the terms of its existing Statement of Licensing Policy, including the assessment of overprovision which is also required in terms of Section 7 of the Licensing (Scotland) Act 2005.*

*This initial, informal consultation is intended to ascertain views from as many interested parties as possible, seeking comments on the existing policy, both in its general terms and in respect of specific areas of the policy which consultees may wish the Board to address in its updated policy. The existing policy can be located at:*

<https://www.renfrewshire.gov.uk/media/7729/Statement-of-Licensing-Policy-2018-2022/pdf/cs-ae-StatementofLicensingPolicy2018-2022agreed291018.pdf?m=1540993377683>

*The initial, informal consultation will also enable the Board to obtain information to allow it to identify localities which may be overprovided, in terms of the sale of alcohol, as relevant to the requirement to include an assessment of overprovision in the policy.*

*The information obtained should facilitate the preparation of an updated draft policy statement which will thereafter be the subject of formal consultation.*

*The Licensing Board has not, to date, identified particular aspects of the current policy on which it invites comments at this stage. However, while it is open to you to comment on such aspects of the policy as you see fit, previously views have been received from consultees in relation to matters such as those listed below, as well as in relation to overprovision:*

- *licensing hours*
- *children and young persons' access to licensed premises*
- *occasional licences*
- *extended hours*

*The initial, informal consultation will run till 15th February 2023, by which date responses to that consultation are due.*

*It is anticipated that the information obtained in response to this informal consultation will assist in the preparation of an updated draft policy statement which will thereafter be the subject of formal consultation.*

*Please note that it is intended to publish any responses received, including as part of the reports which will be taken to the Licensing Board to progress the review of the policy.*

*Many thanks,*

*Douglas Campbell  
Assistant Managing Solicitor (Licensing)  
Renfrewshire Council  
Renfrewshire House  
Cotton Street  
Paisley  
PA1 1TT*



Thanks

Stuart

Stuart Graham  
Partnerships Planning and Development Manager  
Renfrewshire Council

Renfrewshire Council Website -<http://www.renfrewshire.gov.uk>

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Scottish Enterprise

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