



Edinburgh Regional Licensing Event 2016

Event Summary

On 27th September, in Edinburgh, Alcohol Focus Scotland (AFS) hosted a seminar on the alcohol licensing system in Scotland. This was the fourth of four regional events taking place across the country throughout the month. As we look ahead to newly constituted licensing boards with a fresh round of Statements of Licensing Policy in 2017/18, attendees were invited to explore their experiences and learning gained in licensing over the past four years, and to identify any areas of ongoing challenge.

The views and ideas captured during the day, as well as from the other regional events, will be used to create a report with recommendations for the future. This document provides an interim summary of the Edinburgh event.

Key documents relating to the day include:

- [The programme for the day, workbook and links to AFS resources](#)
- [Monitoring and Evaluating Scotland's Alcohol Strategy, Third Annual Report, December 2013](#)
- [Implementation of the Licensing \(Scotland\) Act 2005: A document review of developments since 2012](#)

Attendance

41 people registered for the event with 42 attending on the day. A broad range of perspectives and sectors were represented, including: licensing boards; local authority lawyers; local licensing forums; Police; alcohol and drug partnerships; public health; and health improvement.

Event content

The event consisted of a variety of presentations, two group discussions and an individual exercise. There were frequent opportunities for comments, questions and discussion. Delegates were also asked to record their thoughts and comments in a workbook during the day. The workbooks were collected back and will be used to help inform the final report with recommendations.

Alison Douglas, Chief Executive, Alcohol Focus Scotland, chaired the event. She welcomed participants and introduced the content and format of the day. Alison highlighted some of the themes to emerge from the regional events held so far, including the need for updated national guidance, and the importance of effective local licensing forums. She explained that the Edinburgh event was an opportunity for people to reflect on what was working well locally, share good practice, and identify improvements for the future.

Laura Mahon, AFS Programme Lead, began the day by setting the context and providing reflections on the past five years. Laura explained that, in 2011, AFS brought together experts in public health and in licensing to consider whether licensing provisions could be used effectively to tackle alcohol related harm. The answer was yes, but that the potential of using licensing to regulate alcohol availability was yet to be realised. This led AFS to hold a series of regional events in 2012, to identify what actions might help. Laura highlighted successes since that time, such as the increased engagement of public health in the licensing system and improved use of evidence in statements of licensing policy. However, Laura explained, many of the challenges identified in 2011 are all still present (e.g. reduced budgets, legal challenges, and new legislation) but there has been enough change to provide hope of continued improvement. Laura concluded that now was a good time to reflect, review and look forward.

Alison Douglas then invited a number of representatives with first-hand experience of licensing to give a **view from the ground**, by speaking about their experiences, highlights, challenges, gaps and any hopes for the future.

Susan Walker, Senior Development Officer, Scottish Borders Alcohol and Drug Partnership, was the first to share her experiences. She explained that her role is to ensure that public health is represented in licensing. For Susan, this had sometimes been a lonely position, with her feeling like she was the only person trying to promote health messages. One of her early challenges was getting to grips with the complex legal aspects of licensing. Susan highlighted that many licensing stakeholders, such as those on licensing forums, do not receive any training to support them in their roles. This was something she had sought to address by undertaking research to identify learning needs and developing a training programme for forum members. While progress had been made, Susan explained there remained a need for regional level Continuing Professional Development events. Susan then went on to talk about her experience of presenting evidence to boards and making representations. She had found that the support of partner agencies had been invaluable in assisting her to gather and present health related data. However, this remained a challenging task, and one of Susan's hopes for the future was the improved availability of data nationally, to help better inform licensing decisions.

Alan Murray, Convener, West Lothian Local Licensing Forum, was the next to speak. He explained that he joined the Forum after working as a community nurse within an alcohol related service. At first, he was bewildered by discussions at the Forum and felt that the focus in licensing was disproportionately on young people. Poor attendance was also a

particular challenge for the Forum, with it being difficult to attract new and retain existing members. However, Alan explained, there had been some progress in recent years. The Forum was now more focused and had a better understanding of its role and remit. It had received invaluable support from council and ADP staff. In addition, the current licensing board had an improved understanding of the licensing objectives. Alan also explained that, despite this progress, a number of challenges remained. This included the absence of an overprovision policy for West Lothian and a lack of meetings between the Forum and the Board. It was progress in these areas that formed the basis of Alan's hopes for the future.

Morag Leck, Principal Solicitor and Depute Clerk, City of Edinburgh Council, then gave an insight into her role and experiences in licensing. She explained that the role of the Clerk was act as a bridge between the licensing board, applicants and other licensing stakeholders, as well as providing legal advice and guidance. She reflected on the complex legal environment and the implications that this had for those working within the licensing system. In particular, Morag described the raft of legislative measures which had been implemented at different times in recent years, and the impact that this continual change had on the daily work of the Board. In addition, evolving case law brought further uncertainties and considerations. Morag explained that such legal changes would continue into the future, and that this underlined the need for updated statutory guidance and consolidated legislation. She also highlighted the need for improved community consultation and engagement, identifying that this remained an area of concern but that there may be opportunities to better involve people in the future.

Group discussion 1: Successes & Challenges. Delegates were then asked to reflect on their own involvement in local licensing over the past 5 years, and split into groups to discuss the question:

- What have been your key successes and challenges?

A number of successes were highlighted with many people commenting on better application of licensing policy in some areas, particularly increased and improved use of overprovision policies in recent decisions by licensing boards. Other comments referred to positive partnership working and collaboration between licensing and other stakeholders, with Licensing Standards Officers being identified as working well with licensing boards. Some comments related to improved communication, particularly updated processes of publicising licensing board papers in advance of meetings which enabled community members to engage more effectively.

“Extensive engagement with partner agencies/LLF/solicitors in discussion/awareness on role and responsibilities of board and input from them to inform.”

However a number of challenges were also identified. Many comments related to the national guidance for licensing boards being out of date and the implications this had for licensing board members' understanding of their responsibilities. The use of data, its availability and accessibility as well as its relevance was a key theme emerging from the comments on challenges. A number of comments also highlighted the difficulties created by

the rapidly changing legislative environment and the need to keep up-to-date. This tended to be linked to calls for improved and updated national guidance and direction from the Scottish Government.

“Out of date data and lack of local context.”

“Refusal of supermarket chains to provide stats on alcohol sales, volumes, types, analysis by time, place, volume etc. all of which would enable improvements in both national and local policy.”

“Ever changing legislation and delay in implementing/phased in stages.”

Garth Reid, Public Health Advisor, NHS Health Scotland, then outlined some of the findings and **learning from MESAS** (Monitoring and Evaluating Scotland’s Alcohol Strategy). As part of the Scottish Government’s overall alcohol strategy evaluation, the Licensing (Scotland) 2005 Act was evaluated in 2013. The evaluation identified areas that were working well (e.g. introduction of LSOs) and areas needing more development (e.g. public involvement). Following this, a document review of developments since 2012 was undertaken, with the results being published in March 2016. The review identified that there remains a lack of compliance with particular provisions in the Act, namely those aimed at generating accountability and transparency in the licensing system. In addition, it highlighted that support is still required for different licensing stakeholders (licensing, health and community actors and forums) to fully take forward the public health provisions in the Act.

Group discussion 2: Points of view: Delegates were then asked to share their own thoughts about the findings from MESAS, and the implementation of the Licensing (Scotland) 2005 Act. They were invited to move around the room and provide comment on various issues identified by MESAS as requiring attention, choosing from:

- Insufficient licensing data
- Public health provisions: Still “bedding in”
- Forum: limited role - the public health provisions
- Public involvement: limited involvement - and scrutiny - from the public
- Emerging issues: high profile challenges (supermarkets) affect willingness to use discretionary powers?

The discussions were varied and wide ranging, and related to the broad range of stakeholders involved in licensing. A strong theme which emerged throughout discussions was the need for stronger leadership and guidance from the Scottish Government to address uncertainties and inconsistencies. Other cross-cutting themes included: the need for support for communities and the general public to be more informed about licensing; concern about the lack of support and resources for Local Licensing Forums to deliver their role effectively; the need for greater transparency and accountability from licensing boards; and the importance of the statement of licensing policy in supporting board decisions.

“AFS should provide more opportunities for Local Licensing Forums to network with one another.”

A number of recommendations for action were suggested including: a call for Scottish Government to consolidate the legislation and urgently update the guidance for licensing boards; Licensing Standards Officers to prioritise engagement with community groups on licensing; Local Licensing Forums to receive licensing training similar to training provided to licensing boards and for both to be required to undertake ongoing continuous professional development; alcohol sales data to be made available by alcohol retailers; and broadening the evidence presented to boards to include information from alcohol treatment services and health promotion.



Any idea of a timetable for updating this guidance @MathesonMichael ? Those working in alcohol licensing wd be v grateful! #licensing2016

Individual exercise: Looking forward: For the final activity, delegates were asked:

- Thinking about the licensing system as a whole, what should we stop/keep/start doing?
- What advice would you give to people who were continuing or becoming involved in licensing in the coming 18 months?

Again, the responses were varied and wide ranging. Many highlighted the need for licensing boards to stop prioritising economic arguments over the licensing objectives. There was a call or licensing boards to reduce the number of occasional licences being issued and to think very carefully about the justification for particular events having alcohol licences. A number of people referred to the need to continue to ensure that licensing decisions are based on policy and evidence. Others called for new legislation to require off-licence holders to make sales data available to enhance licensing boards’ consideration of overprovision.

Alison Douglas, Chief Executive, Alcohol Focus Scotland, facilitated an open discussion to allow delegates to make any final points or ask questions. The main points of discussion included: the need to focus on licensing objectives, not economics; the need to increase public knowledge and make licensing more accessible for people; the need to improve the accountability of licensing boards, with a suggestion that they should be more closely tied to or embedded within community planning structures; and the need to improve access to data to inform licensing policy and practice – particularly sales data.

Laura Mahon, Programme Lead, Alcohol Focus Scotland, closed the day by summarising key themes emerging from the day's discussions and outlining next steps. In particular, Laura highlighted: the need for national guidance which had been expressed throughout the day; the desire for improved training and Continuing Professional Development opportunities for all licensing stakeholders; ensuring people can come together to share good practice; and better involving people and communities in the future.

Evaluation

93% indicated that they were able to contribute their views throughout the day.

93% indicated that, overall, attending the event was a good use of their time.

"Has helped me think about how we plan for a new policy."

"Lots of useful info and points of view."

"Short sessions very good – kept intensity of discussion high."

Next steps

AFS will review all of the information gathered at the regional events and use this to produce a full report with clear recommendations. This will be made available on our website (www.alcohol-focus-scotland.org.uk) and distributed to all attendees who registered to attend the events. Presentations and summary reports from each event will also be uploaded to our website (with permission) once available. In addition, an online version of the workbook is available to complete online for anyone unable to attend the events in person: <https://www.surveymonkey.co.uk/r/NGGC5J6>. We would encourage you to share this link with interested colleagues.