

CENTRAL ABERDEENSHIRE LICENSING FORUM

OVERPROVISION FINDINGS



Sub Committee Members
Paul MacLennan (Chair), Andrew Sutherland LSO, Paul Robinson
Resident & Grace Ball ADAT

CONTENTS:

Introduction	Page 3
Glossary of Terms	Page 4
Methodology	Pages 5 & 6
Results & Findings:	
• Formartine Profile	Pages 7 & 8
• Garioch Profile	Pages 8 & 9
• Marr Profile	Pages 9 & 10
Further Analysis:	
• Wards 8, 9, 10	Page 11
• Wards 11, 12, 13	Page 12
• Wards 14,15	Page 13
• Public performance indicator	Page 19
Conclusions & Recommendations	Pages 15 & 16

Introduction:

Under Section 7 of the Licensing (Scotland) Act 2005, the Licensing Board is required to produce a statement as to the extent that the Board considers there to be overprovision of

- Licensed premises or
- Licensed premises of a particular description, in any locality within the Board's area.

The intention behind the gathering of this information/statistics is to identify robust and reliable evidence, which may suggest that a saturation point has been reached or is close to being reached within prescribed localities which, if it were to be exceeded, could be contrary to the Board's obligation to promote the five licensing objectives:

- Preventing Crime & Disorder
- Securing Public Safety
- Preventing Public Nuisance
- Protecting and Improving Public health and
- Protecting Children from Harm

The Board asked the Forum to research and compile evidence as outlined in the Guidance and to make recommendations to the Board as to localities and where any areas of overprovision may be, as well as present the Board with the evidence collated. It is for the Board to set the actual policy and not the Forum, however the Forum is to be consulted on any draft policy the Board makes.

- This will allow the Licensing Board to take account of the changing market trends
- Provides potential entrants to the market with a clear signal that they may incur abortive costs if they intend to apply for a licence in locality which the Licensing Board has declared to have reached overprovision
- Improves public and licensed trade confidence in a system by setting out clearly the grounds on which overprovision should be determined.
- Recognises that halting the growth of licensed premises in localities is not intended to restrict trade but may be required to preserve public order, protect the amenity of local communities, and mitigate the adverse health effects of increase alcohol consumption resulting from growing outlet density

Glossary of Terms

All: Includes premises that are hybrid in nature where income is derived from various sources including letting rooms, alcohol sales, and restaurant facilities/bar meals. However the defining feature of these premises is the provision of letting accommodation.

Liquor: classified as premises that derive their income solely or largely from the sale of alcohol. And are exclusively or predominantly used for the consumption of alcohol.

Liquor & Food: classified as premises that derive their income from the sale of alcohol as well as the provision of restaurant facilities/bar meals. Snacks, sandwiches and crisps are not considered to constitute bar meals or restaurant facilities.

Liquor & Entertainment: Includes premises providing alcohol to customers that are partaking in an entertainment activity, which is the primary purpose of that premises. Alcohol sales are ancillary to the provision of these activities. E.g. ten pin bowling, theatre/cinema, pool halls/leisure centres, etc.

Liquor - Late Night: Premises exclusively or predominantly used for the consumption of alcohol and can include premises with a disproportionate amount of standing accommodation. E.g. Nightclubs

Convenience: Premises where alcohol sold is done so for consumption off the premises and is, in most cases, ancillary to the provision of convenience goods and classified as outlets offering a range of grocery items as well as alcohol sales. This has been further broken down into the following categories

Supermarkets – These types of premises serve a catchment area larger than the localities in which they are situated, typically facilitating large volume grocery shopping.

Dedicated Off Sales – classified as shops whose primary function is to sell alcohol; a small range of other products may also be stocked, however, the predominant shelf space is reserved for alcohol.

Local Convenience – These types of premises offer a range of grocery items as well as alcohol sales, they typically serve the local community and can provide an essential local Service

Methodology:

CONSULTATION: At the Licensing forum meeting on Wednesday the 25th March the Licensing Board requested that the Forum gather information to report to the Board on areas to be considered for overprovision.

The Licensing Forum set to discuss Overprovision forming a Sub Committee Group.

DATA COLLECTION: All information provided on is taken from the transitional process of 1976 Licence Holders to the 2005 act.

The new Act removes the seven fixed premises categories available under '76 Act System, as such we have categorised premises based not only on the sale of Alcohol but also on the provision of other core activities.

Localities chosen were based on the overall picture of Aberdeenshire, broken down into wards, settlements and finally data zone level.

Our main population areas in Aberdeenshire Central are Westhill, Ellon, Inverurie and Huntly. These areas also provide the communities with Main Secondary Schools & Medical Facilities.

These areas were found to provide the most up to date and relevant statistical information on Alcohol issues.

Result & Findings

Aberdeenshire, like many other areas around Scotland faces deep-seated issues due to problematic use of alcohol and other drugs that directly and indirectly threatens the wellbeing and economic prospects of our country. ADAT describe, the extent of the Alcohol problem in Aberdeenshire using recently revised Scottish estimate of alcohol consumption, which reveal that the proportion of the adult population (16+ years of age) drinking above sensible limits on a weekly basis is 34% for men and 23% for women. These levels are considered hazardous, potentially leading to harm for the individuals themselves or others.

For Aberdeenshire this could mean that more than 50,000 adults are already drinking at such hazardous levels. Dependent drinkers, those for whom more specialist support may be needed, could number in the region of 14,000 individuals.

Problematic use of Alcohol affects not only the life of the individual but also children, families, neighbours, workplaces and the wider community in which we all live.

About 25% of the prison population from Aberdeenshire and 85% of all crimes are thought to be related to alcohol or other drugs. For 60% of under-24 year old prisoners, alcohol was at the root of their offence. Problematic use of alcohol and other drugs has placed a number of our communities under

significant stress and excessive drinking is building up a time bomb of future health problems. Alcohol represents one of the most challenging and complex societal problems Aberdeenshire faces.

Physical characteristics: Aberdeenshire extends to 6,313 sq km (2,437 square miles), representing 8% of Scotland's overall territory. The landscape varies from the mountainous Cairngorms through rich agricultural lowlands to rugged coastline.

Population: Based on Aberdeenshire Council's Small Area Population Estimates and Forecasts (2007 Update), the population of Aberdeenshire represents 4.6% of Scotland's total, standing at 236,260 (2006), a 1.2% rise since 2005, a 4.1% rise since 2001 and a rise of over 50% since 1971.

- Major towns are Peterhead (17,561), Fraserburgh (12,451), Inverurie (11,062), Stonehaven (10,614), Westhill (10,392) and Ellon (9,712). The population currently has a relatively high proportion of under 20s and fewer over-65s compared with the Scottish average, reflecting employment-driven in-migration in recent decades.

Tourism: Aberdeenshire's tourist industry is growing in importance, with its major natural assets, the Cairngorms and coast, supplemented by visitor attractions based on Aberdeenshire's heritage. Average annual hotel bed space occupancy in North East Scotland is 64% (2007) with 1.8m tourist trips (0.25m by overseas visitors), generating £296m of tourist expenditure.

Formartine Area

Formartine has experienced rapid population growth, particularly around Ellon and Oldmeldrum, and in the southeast where development has spread out with Aberdeen. By contrast, the area around Turriff retains strong dependency on the traditional agricultural economy. The area's coastline and rural environment also offer recreation potential.

AREA CHARACTERISTICS	Land Area	% Of Aberdeenshire Total	Population Density 2006
Formartine	827 sq km (319 sq miles)	13	44 persons per sq km
Aberdeenshire	6,313 sq km (2,437 sq miles)	100	37 persons per sq km

Source: Aberdeenshire Council Estimates

POPULATION ESTIMATES AND FORECASTS 2007 UPDATE						
	2001	2006	2011	2016	% Change 2001-2006	% Change 2006-2016
Balmedie	1,654	2,210	2,196	2,178	33.6	-1.4
Cuminestown	457	454	440	437	-0.7	-3.7
Ellon	8,757	9,712	9,633	9,557	10.9	-1.6
Fyvie	493	493	477	473	0.0	-4.1
Newburgh	1,392	1,337	1,393	1,382	-4.0	3.4
Oldmeldrum	2,004	2,237	2,840	2,818	11.6	26.0
Pitmedden	1,239	1,436	1,424	1,413	15.9	-1.6
Potterton	984	998	1,011	1,003	1.4	0.5
Rothienorman	539	612	882	903	13.5	47.5
Tarves	914	892	961	953	-2.4	6.8
Turriff	4,455	4,686	4,804	4,766	5.2	1.7
Remainder of Area	13,849	14,352	14,218	14,114	3.6	-1.7
Formartine	36,737	39,419	40,279	39,997	7.3	1.5
Aberdeenshire	226,940	236,260	244,000	247,000	4.1	4.5

Source: Aberdeenshire Council Small Area Population Estimates and Forecasts 2007 (www.aberdeenshire.gov.uk/statistics).

INDUSTRY SECTORS	Number of Employees ('000s)	% Of Total
Agriculture / Fishing	0.3	2.8
Energy / Water	0.0	0.4
Manufacturing	1.8	16.5
Construction	1.6	14.7
Distribution / Hotels / Restaurants	2.4	22.0
Transport and Communications	0.6	5.5
Banking / Finance / Insurance	1.1	10.1
Public Admin / Education / Health	2.6	23.8
Other Services	0.5	4.6
All Sectors	10.9	100.0

Source: Annual Business Inquiry 2006 (www.nomisweb.co.uk).

AGE STRUCTURE (2006)	All Ages	0-15	16-24	25-44	45-64	65+
Male	19,488	4,060	2,054	5,211	5,743	2,420
Female	19,931	3,809	1,787	5,452	5,807	3,076
Formartine	39,419	7,869	3,841	10,663	11,550	5,496
Aberdeenshire	116,988	23,831	12,259	30,348	34,355	16,195

SERVICES AND FACILITIES	Formartine	Aberdeenshire
Primary Schools	23	152 plus 4 special needs schools
Secondary Schools	3	17
Public Swimming Pools	2	14
Public Libraries	4	36 plus 6 mobile
GP Surgeries	5	36

Garioch Area

Centred on Inverurie, a traditional rural market town, Garioch has also experienced rapid growth due to its proximity to Aberdeen. Continued growth in population, services and employment is anticipated in the A96 corridor and in Westhill where recently there has been major development. The area is largely agricultural, but is strongly affected by the City's economy and the oil and gas sector. Garioch holds growing potential for tourism in its environment and archaeological heritage.

AREA CHARACTERISTICS	Land Area	% Of Aberdeenshire Total	Population Density 2006
Garioch	583 sq km (225 sq miles)	9	79 persons per sq km
Aberdeenshire	6,313 sq km (2,437 sq miles)	100	37 persons per sq km

Source: Aberdeenshire Council Estimates

POPULATION ESTIMATES AND FORECASTS 2007 UPDATE						
	2001	2006	2011	2016	% Change 2001-2006	% Change 2006-2016
Blackburn	1,386	2,262	2,623	2,602	63.2	15.0
Insch	1,523	1,684	2,023	2,057	10.6	22.1
Inverurie	10,885	11,062	12,447	13,321	1.6	20.4
Kemnay	3,698	3,629	3,704	3,675	-1.9	1.3
Kintore	2,097	3,657	4,447	4,634	74.4	26.7
Newmachar	2,319	2,347	2,285	2,267	1.2	-3.4
Westhill	9,501	10,392	11,274	11,498	9.4	10.6
Remainder of Area	11,100	11,222	11,720	11,641	1.1	3.7
Garioch	42,510	46,254	50,523	51,693	8.8	11.8
Aberdeenshire	226,940	236,260	244,000	247,000	4.1	4.5

Source: Aberdeenshire Council Small Area Population Estimates and Forecasts 2007 (www.aberdeenshire.gov.uk/statistics).

INDUSTRY SECTORS	Number of Employees ('000s)	% Of Total
Agriculture / Fishing	0.2	0.9
Energy / Water	1.0	5.8
Manufacturing	2.4	13.9

Construction	1.9	10.9
Distribution / Hotels / Restaurants	3.9	22.5
Transport and Communications	0.7	4.0
Banking / Finance / Insurance	2.7	15.6
Public Admin / Education / Health	3.6	20.8
Other Services	0.9	5.2
All Sectors	17.3	100.0
<i>Source: Annual Business Inquiry 2006 (www.nomisweb.co.uk).</i>		

AGE STRUCTURE (2006)	All Ages	0-15	16-24	25-44	45-64	65+
Male	22,856	4,933	2,304	6,286	6,630	2,703
Female	23,398	4,739	2,074	6,757	6,479	3,349
Garioch	46,254	9,672	4,378	13,043	13,109	6,052
Aberdeenshire	116,988	23,831	12,259	30,348	34,355	16,195
<i>Source: Aberdeenshire Council Small Area Population Estimates and Forecasts 2007 (www.aberdeenshire.gov.uk/statistics).</i>						

SERVICES AND FACILITIES	Garioch	Aberdeenshire
Primary Schools	26 plus 1 special needs school	152 plus 4 special needs schools
Secondary Schools	2	17
Public Swimming Pools	2	14
Public Libraries	6	36 plus 6 mobile
GP Surgeries	4	36
<i>Facilities refer to publicly owned services.</i>		

Marr Area

To the west, the spectacular mountain environment of the Cairngorms National Park sustains a well developed tourist industry based on heritage and outdoor pursuits. Forestry and livestock farming are key industries, particularly in remoter areas. Part of the area has qualified for EU financial assistance. To the east, Marr has experienced population growth due to its strong commuter links with the City.

AREA CHARACTERISTICS	Land Area	% Of Aberdeenshire Total	Population Density 2006
Marr	2,942 sq km (1,136 sq miles)	47	12 persons per sq km
Aberdeenshire	6,313 sq km (2,437 sq miles)	100	37 persons per sq km
<i>Source: Aberdeenshire Council Estimates</i>			

POPULATION ESTIMATES AND FORECASTS 2007 UPDATE						
	2001	2006	2011	2016	% Change 2001-2006	% Change 2006-2016
Aboyne	2,203	2,378	2,774	2,915	7.9	22.6
Alford	2,035	2,082	2,395	2,654	2.3	27.5
Ballater	1,584	1,739	1,753	1,739	9.8	0.0
Banchory	6,036	6,593	7,111	7,200	9.2	9.2
Braemar	478	491	546	542	2.7	10.4

Huntly	4,413	4,353	4,461	4,491	-1.4	3.2
Tarland	520	552	569	595	6.2	7.8
Torphins	1,094	1,134	1,112	1,103	3.7	-2.7
Remainder of Area	16,316	16,503	16,248	16,142	1.1	-2.2
Marr	34,679	35,825	36,968	37,381	3.3	4.3
Aberdeenshire	226,940	236,260	244,000	247,000	4.1	4.5

Source: Aberdeenshire Council Small Area Population Estimates and Forecasts 2007 (www.aberdeenshire.gov.uk/statistics).

INDUSTRY SECTORS	Number of Employees ('000s)	% Of Total
Agriculture / Fishing	0.3	2.4
Energy / Water	0.0	0.3
Manufacturing	0.7	6.6
Construction	1.0	8.9
Distribution / Hotels / Restaurants	2.9	25.9
Transport and Communications	0.4	3.5
Banking / Finance / Insurance	1.6	14.3
Public Admin / Education / Health	3.3	29.5
Other Services	0.8	7.4
All Sectors	11.0	100.0

Source: Annual Business Inquiry 2006 (www.nomisweb.co.uk).

AGE STRUCTURE (2006)	All Ages	0-15	16-24	25-44	45-64	65+
Male	17,671	3,525	1,657	4,023	5,541	2,925
Female	18,154	3,344	1,394	4,348	5,316	3,752
Marr	35,825	6,869	3,051	8,371	10,857	6,677
Aberdeenshire	116,988	23,831	12,259	30,348	34,355	16,195

Source: Aberdeenshire Council Small Area Population Estimates and Forecasts 2007 (www.aberdeenshire.gov.uk/statistics).

SERVICES AND FACILITIES	Marr	Aberdeenshire
Primary Schools	33	152 plus 4 special needs schools
Secondary Schools	4	17
Public Swimming Pools	4	14
Public Libraries	5	36 plus 6 mobile
GP Surgeries	10	36

Facilities refer to publicly owned services.

Further Analysis

Ward 8 Mid Formartine

Premises by Activity	Number of Premises	Capacity Persons
All	9	2642
Liquor	3	324
Liquor & Food	6	1024
Liquor – Late Night	0	0
Total	18	3990
Convenience	9	Capacity meters sq
- Supermarket	0	0
- Dedicated Off Sales	0	0
- Local Convenience	9	134.9
Total	9	134.9

Ward 9 Ellon and District

Premises by Activity	Number of Premises	Capacity Persons
All	5	2524
Liquor	1	88
Liquor & Food	4	288
Liquor – Late Night	0	0
Total	9	2900
Convenience	10	Capacity meters sq
- Supermarket	1	261
- Dedicated Off Sales	1	58.3
- Local Convenience	8	202.4
Total	10	521.7

Ward 10 West Garioch

Premises by Activity	Number of Premises	Capacity Persons
All	5	1984
Liquor	0	0
Liquor & Food	3	422
Liquor – Late Night	0	0
Total	8	2406
Convenience	5	Capacity meters sq
- Supermarket	0	0
- Dedicated Off Sales	0	0
- Local Convenience	5	87.89
Total	5	87.89

Ward 11 Inverurie and District

Premises by Activity	Number of Premises	Capacity Persons
All	5	1719
Liquor	3	469
Liquor & Food	12	1684
Liquor – Late Night	1	250
Total	21	4102
Convenience	13	Capacity meters sq
- Supermarket	2	339.75
- Dedicated Off Sales	2	95
- Local Convenience	9	159.7
Total	13	591.45

Ward 12 East Garioch

Premises by Activity	Number of Premises	Capacity Persons
All	2	587
Liquor	0	0
Liquor & Food	4	698
Liquor – Late Night	1	327
Total	7	1612
Convenience	4	Capacity meters sq
- Supermarket	0	0
- Dedicated Off Sales	0	0
- Local Convenience	4	1425.97
Total	4	1425.97

Ward 13 Westhill and District

Premises by Activity	Number of Premises	Capacity Persons
All	1	1468
Liquor	0	0
Liquor & Food	11	2558
Liquor – Late Night	0	0
Total	12	4026
Convenience	10	Capacity meters sq
- Supermarket	4	612.79
- Dedicated Off Sales	0	0
- Local Convenience	6	67.37
Total	10	680

Ward 14 Huntly, Strathbogie and Howe of Alford

Premises by Activity	Number of Premises	Capacity Persons
All	13	3495
Liquor	2	289
Liquor & Food	7	629
Liquor – Late Night	0	0
Total	22	4413
Convenience	16	Capacity meters sq
- Supermarket	2	195.66
- Dedicated Off Sales	2	39.6
- Local Convenience	12	347.55
Total	16	588.21

Ward 15 Aboyne, Upper Deeside and Donside

Premises by Activity	Number of Premises	Capacity Persons
All	2	240
Liquor	0	0
Liquor & Food	0	0
Liquor – Late Night	0	0
Total	2	240
Convenience	1	Capacity meters sq
- Supermarket	0	0
- Dedicated Off Sales	0	0
- Local Convenience	1	4.15
Total	1	4.15

PUBLIC PERFORMANCE REPORT - GRAMPIAN POLICE
09/03/2009

Anti Social Behaviour incidents.

No of fixed Penalties issued - Aberdeenshire by area	2007 Q2	2007 Q3	2007 Q4	2008 Q1	2008 Q2	2008 Q3	Total No Issued
Banff and Buchan (East)	35	31	29	57	31	40	223
Banff and Buchan (West)	8	5	7	21	18	5	64
Buchan	26	31	40	45	57	63	262
Formartine	8	13	9	21	14	12	77
Garioch	9	27	15	19	31	17	118
Kincardine and Mearns	9	11	28	21	11	8	88
Marr	9	15	4	18	34	17	97
Not Recorded	0	0	0	0	0	2	2
Total	104	133	132	202	196	164	931

The table below details that of the 931 Fixed Penalties used, the majority of these were breach of the peace and urinating.

Offence Type	Number of Persons
Breach of the peace	543
Urinating ect	252
Consumption of alcohol in designated places, bylaws proh.	61
Drunk and incapable	39
Vandalism malicious damage and mal mischief	27
Control of pollution	6
Disorderly on licensed premises	2
Licensing, drunk and attempting to enter licensed premises	1
Total	931

Underage Sales.

No of Underage Drinking Incidents reported - Aberdeenshire by area	2007 Q1	2007 Q2	2007 Q3	2007 Q4	2008 Q1	2008 Q2	2008 Q3
Banff and Buchan (East)	19	19	8	16	16	16	5
Banff and Buchan (West)	9	4	10	3	7	6	4
Buchan	17	16	16	9	9	14	10
Formartine	23	26	14	9	20	18	6
Garioch	30	39	14	17	25	16	6
Kincardine and Mearns	10	13	6	8	14	9	10
Marr	16	13	8	5	14	8	4
Total	123	130	76	67	105	87	45

Conclusions and Recommendations

Overprovision Area	Population Guide	Number of Premises	Per 10000 Population
Mid Formartine	8500	29	34
Ellon and District	10000	20	20
West Garioch	6500	13	20
Inverurie and District	12500	33	26
East Garioch	9000	11	12
Westhill and District	14000	22	16
Huntly Strathbogie and Howe of Alford	13000	38	29
Aboyne, Upper Deeside and Donside	500	3	<1
Aberdeenshire Central	73000	169	23
Aberdeenshire	189000	700	37

When looking at the number of premises per population it is evident that overall the number of premises per population is below the National Average of 41 premises per 10,000 populations.

This doesn't reflect the Alcohol abuse or Alcohol related crime that an area may have.

Our current research shows that there is a 22% drop in the number of licensed premises that may be operating from 1st September 2009 onwards – at the time of writing there was no evidence to suggest that this decrease in numbers of premises would result in a significant decrease in alcohol crime or misuse.

As another example, in 2004 Aberdeen City had 684 licences in force, compared to Aberdeenshire 679, a difference of 5 more licensing premises in the City; Yet the Alcohol related Admissions for that year were 51% higher in the city (6697) compared to the shire (3389). These examples demonstrate the difficulty with drawing parallels between licensed premises and alcohol misuse issues simply on numbers of premises alone.

From our discussions it is felt that drinking in an on sale environment should be encouraged over drinking in the home, as alcohol consumption within these premises is arguably more controlled, these premises will be increasingly policed with the introduction of the LSO and the Licensing (Scotland) Act 2005, and staff will all be trained to a national standard in an effort to reduce Alcohol related harm.

“Convenience” has the largest proportion of Licences representing 40% of all licensed premises within Central. This would appear to follow the National trend – of the 50 million litres of pure alcohol sold in Scotland in 2007, 31.5 million 63% was off sales and 18.2 million 37% was on sales. The number of litres of pure alcohol purchased off-trade in Scotland increased from 30.5

million in 2005 to 31.5 million in 2007. In contrast, on-trade sales decreased from 19.1 million litres in 2005 to 18.2 million litres in 2007.

While there may be a need for “convenience” premises providing a range of grocery items, there is arguably sufficient provision of these types of premises selling Alcohol.

Taking statistics into account and information provided by SALSUS/ ADAT, and the increasing role that ‘off sale’ alcohol plays in our societies pattern of Alcohol consumption, when assessing overprovision, the board may consider the amount of premises that are licensed under the category of “Convenience”, and in particular the areas (capacity) given for alcohol displayed within.

In conclusion, there is no causal link between number of premises and any alcohol related issues within Central. Other research may show that there are some areas that have serious issues with Alcohol misuse linked to various factors including deprivation & social attitudes – most worryingly amongst children & young persons.

Consideration should also be given to the types of premises within an area. Certain types of premises should be encouraged based on provision of various services over and above the sale of alcohol and the wider socio-economic benefits they bring as a result – quality accommodation being the prime example or family orientated food led premises.

Grampian Police do not feel that there is currently an overprovision of Licensed Premises in Aberdeenshire and without detailed statistical information regarding the level of alcohol related crime in each ward the sub-committee feels it cannot give a true representation of the overall picture.