

Aberdeenshire Licensing Boards
North Aberdeenshire Divisional Licensing Board
Supplementary Statement of Licensing Policy
Overprovision
30th November 2010– 29th November 2013

Overprovision

Under Section 7 of the Act the 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.

In preparing this Policy Statement the Board asked the North Aberdeenshire Licensing Forum to carry out an evidence-gathering exercise on overprovision, having regard to the 5 licensing objectives and to the number and capacity of licensed premises within North Aberdeenshire. The Board has based this Policy Statement on the detailed evidence produced in the Forum’s Report: *Overprovision Findings for North Aberdeenshire*, dated 27th March 2009, and wishes to thank the Forum for the work done on their behalf.

In terms of Section 7(2) of the Act, the Board requires to define “localities” within the Board’s area for the purposes of the Act. Having considered the terms of the Forum’s Report which looked at Settlements and Political wards against the National picture the Board concluded that the “Localities” should follow the pattern of the six areas defined within Aberdeenshire and so determined the “Localities” within North Aberdeenshire to be as follows:-

<u>Population 16yrs+</u>	<u>No of Premises (ex. Clubs)</u>	National Average - 41 <u>Premises per 10,000 Population</u>
<u>Banff and Buchan</u>		
28,894	88	30
<u>Buchan</u>		
32,166	93	29
<u>North Formartine</u>		
8,938	23	26

Having considered the findings of the Forum’s Report and in particular:-

- From letter from Grampian Police of 17th February 2009 -
“It is clear to us from our research, along with our local knowledge, that there is no evidence of an existing overprovision anywhere within the Board area.”
- From page 24 of the Report -
“Our current research shows that there is an 18% drop in the number of licensed premises that may be operating from 1st September 2009 onwards” and
- From page 26 of the Report -

“We are unable to demonstrate a causal link between number of premises and any alcohol-related issues within North Aberdeenshire”

The Board concluded that there is no evidence providing a dependable causal link that can be forged between the evidence provided and the operation of licensed premises, to suggest that a saturation point has been reached, or is close to being reached, within the localities defined by the Board.

The Board revisited the policy following publication of the Licensing Forum’s Public Health Document produced in August 2010. Having reviewed the evidence contained in that document, the Board’s view is still as outlined in the above paragraph.

Occupant Capacity

The occupancy capacity of premises in the assessment of overprovision for the purpose of this Policy Statement, is a factor in the ground of refusal of a premises licence on the basis of overprovision, and may be a factor for consideration in an Occasional Licence application.

The Board may consider setting maximum occupancy limits to ensure the safety of persons in the premises and safe escape in the case of an emergency. If there are *additional* concerns about crime and disorder or public nuisance, the Board may consider setting a lower maximum occupancy limit than that recommended by the Building Standards Service.

The Board expects applicants to consider various factors when assessing the appropriate capacity for premises or events. These include:

- The design and layout of the premises
- The location, availability and size of exits, including emergency exits
- The nature of the premises or event
- The nature of the activities being provided
- The provision or removal of temporary structures such as a stage or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- The profile of the customers
- The attendance by customers with disabilities
- The availability of suitable and sufficient sanitary accommodation
- The nature and provision of facilities for ventilation.

The Board expects applicants to have monitoring arrangements in place to verify the number of persons present at any point to ensure that the occupancy capacity is not exceeded