

Overprovision

The Board believes that business success is the reward of hard work and good management in an atmosphere of fair competition: it cannot be driven by artificial manipulation of market forces.

Whilst restraint of trade is anti-competitive, an open-market free-for-all would be contrary to the Licensing Objectives. The Board's duty to assess overprovision is the fulcrum which balances those two extremes.

Section 7 of the Act requires each Board 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 that Board's area.

In preparing this Policy Statement each Board asked the respective 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 their area. The Boards have based this Policy Statement on the detailed evidence produced on the Forum's Report: *Overprovision Findings* dated June 2009 and wish to thank the Forums for the work done on their behalf.

In terms of Section 7(2) of the Act, the Boards require to define "localities" within the Boards' area for the purposes of the Act. Having considered the terms of each Forum's Report which looked at Settlements and Political wards against the National picture the Boards concluded that the "localities" should follow the pattern of the Political wards wholly within each Board area.

National Average - 41

Central Board Area

<u>Population 16yrs+</u>	<u>No of Premises (ex clubs)</u>	<u>Premises per 10,000 Population</u>
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Mid Formartine

8,500	29	34
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Ellon & Distrct

10,000	20	20
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West Garioch

6,500	13	20
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Inverurie & District

12,500	33	26
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East Garioch

9,000	11	12
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Westhill & District

14, 000	22	16
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Huntly, Strathbogie & Howe Of Alford

13,000	38	29
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Aboyne, Upper Deeside & Donside

500	3	<1
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NB - the small part of Aboyne, Upper Deeside & Donside which falls within the Board's jurisdiction is a sparsely populated rural area in which tourism plays an important role in the local economy, and 3 licensed premises in said area is not seen as cause for concern in terms of overprovision.

South Board Area

<u>Population 16yrs+</u>	<u>No of Premises (ex clubs)</u>	<u>Premises per 10,000 Population</u>
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Aboyne and Upper Deeside

7,116	63	89
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North Kincardine

12,409	18	15
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Stonehaven and Lower Deeside

11,023	34	31
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Mearns

9,897	26	26
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Banchory and Mid Deeside

2,229

29

40

Aboyne and Upper Deeside, although a sparsely populated rural area, tourism plays an important role in the local economy, and 63 licensed premises in said area is not seen as cause for concern in terms of overprovision.

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

- "Grampian Police do not feel that they consider overprovision of licensed premises in Aberdeenshire."
- "Our current research shows that there is a 22% for Central and 18% for South drop in the number of licensed premises that may be operating from 1st September 2009."
- "In conclusion there is no causal link between number of premises and any alcohol related issues within the Board areas."

The Boards have 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 Boards.

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 Boards 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 Boards will consider setting a lower maximum occupancy limit than that recommended by the Building Standards Service.

The Boards expect 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 Boards expect 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