

# **SHETLAND ISLANDS AREA LICENSING BOARD**

Clerk: Jan-Robert Riise  
Depute Clerk: Susan Brunton

Governance and Law  
Corporate Services Department  
Montfield Offices  
Burgh Road  
Lerwick  
Shetland  
ZE1 0LA

Telephone: (01595) 744551  
Fax : (01595) 744585  
administrative.services@ sic.shetland.gov.uk  
[www.shetland.gov.uk](http://www.shetland.gov.uk)

If calling please ask for  
**Leisel Malcolmson**  
Direct Dial: 01595 744599

Dear Sir/Madam

Date: 2 October 2018

You are invited to attend the following meeting:

**Shetland Islands Area Licensing Board  
Council Chamber, Town Hall, Lerwick  
Tuesday 9 October 2018 at 10am**

Apologies for absence should be notified to Leisel Malcolmson at the above number.

Yours faithfully

Depute Clerk to the Board

Clerk to the Board: Jan R Riise

## **AGENDA**

- (a) Hold circular calling the meeting as read.
  - (b) Apologies for absence, if any.
  - (c) Declarations of Interest.
1. New Three Year Policy Statement - 2018/2021 - Overprovision Assessment.  
Enclosed.



**SHETLAND ISLANDS AREA LICENSING BOARD**  
**9 October 2018**  
**Licensing (Scotland) Act 2005**  
**New Three Year Policy Statement - 2018/2021**  
**Overprovision Assessment**

1. Introduction

1. The purpose of this report is to allow the Board to adopt a new three year Licensing Policy Statement and decide what comment on the subject of an Overprovision Assessment that new Policy Statement should contain.

2. New Three Year Policy Statement

- 2.1 Section 6 of the Licensing (Scotland) Act 2005 requires all Licensing Boards to publish a Statement of Licensing Policy every three years. In terms of an amendment to the Act in 2016 the period for the Statement of Licensing Policy has been tied to the election of Councillors for local government areas. A new policy must be produced within 18 months of each election, and therefore in this case by 4 November 2018.

- 2.2 In terms of Section 7 of the 2005 Act the Board must include a statement in their Statement of Licensing Policy as to the extent to which the Board considers there to be overprovision of:

- (a) licensed premises; or
- (b) licensed premises of a particular description,

in any locality within the Board's area.

- 2.3 In preparing the Statement of Licensing Policy and the Overprovision Assessment, the Board is required to have regard to the guidance issued by the Scottish Ministers and to carry out a consultation exercise. The consultation exercise was concluded on 31 May 2018 and a number of comments were received.

- 2.4 The Board considered the outcome of the consultation exercise at their meeting on 7 July 2018 and decided that it would pursue further engagement with stakeholders through a joint meeting with the Shetland Islands Area Licensing Forum before reaching any decisions. The joint meeting was held on 14 August 2018 and the Board explored the issues in depth with Stakeholders. The draft minute of this meeting is annexed as Appendix 1 but it has not been approved by the bodies as they only meet together annually.

3. Outcome of the Consultation Exercise

- 3.1 The consultation exercise covered both the Policy Statement and the Overprovision Assessment.

3.2. The consultation exercise elicited comments on the Policy Statement as follows:

a) **Shetland Islands Area Licensing Forum**

The Licensing Forum has suggested three changes to the Licensing Policy Statement. The first proposal from the Forum is that Appendix 1 be amended to delegate to the Clerk the granting of a general extension for Shetland Folk Festival, Shetland Fiddle and Accordion Festival and the Simmer Dim Motorcycle Rally.

Depute Clerk's comments

There is provision in the Licensing (Scotland) Act 2005 for the Board to make a general extension for special events of a local or national interest. It is for the Board to decide whether these events fall within this category. Each of these events have been granted occasional licences outwith the terminal hour stated in the Statement of Licensing Policy.

If the Board do delegate the making of a general extension for these events or any of them to the Clerk it will also be necessary for the Board to provide Guidance in their Policy Statement as to the terms on which they would like the Clerk to grant the general extension. Reference is made to the terms of the Policy Statement at paragraphs 21.3 to 21.6 where the conditions for the Clerk to apply in connection with the Fire Festival events are set out.

Depute Clerk's Recommendation

1.) The Board decides whether it wishes to add to the scheme of delegation at Appendix 1:

“(j) general extension for premises hosting the Shetland Folk Festival, Shetland Fiddle and Accordion Festival and the Simmer Dim Motorcycle Rally within the Board's Policy Statement and provided no adverse comments have been received from Police Scotland or the Licensing Standards Officer.”

2.) In the event that the Board resolves to delegate a general extension for any or all of these events to the Depute Clerk, instructs the Depute Clerk to prepare a report on potential amendments to the Policy Statement based on the terms of the occasional licences previously granted for those events for a future meeting of the Board in advance of the event or events.

The Forum also proposes two minor amendments. They propose changing the reference to “legal highs” in paragraph 27.5 to “novel psychoactive substances.” Finally, they suggest that the times should be highlighted in paragraph 20.4.

Depute Clerk's Recommendation

The Clerk recommends accepting these two minor amendments.

b) **Alcohol Focus Scotland**

This body has made substantial comments with particular attention on licensing hours; children and young persons' access to licensed premises and occasional licences. They have also provided comments on development of new policy. This document was annexed as Appendix 2 to the report of 7 July 2018.

Depute Clerk's Comments

The Board considered these comments but no clear recommendations emerged from the discussion at the meeting of the Board nor the Joint Meeting with the Forum.

Depute Clerk's recommendation

That the Board note the comments received from Alcohol Focus Shetland.

c) **Shetland Licensing Standards Officers**

The Licensing Standards Officers made two comments in respect of the Statement of Licensing Policy. They agreed with the view of the Licensing Forum that there should be a general extension in respect of the events listed at 3.2 (a) above and Members are referred to the comments and recommendation.

The Licensing Standards Officer also raised the issue of E-cigarettes and suggested that they should be subject to the same restrictions as smoking, i.e. not within licensed premises.

Depute Clerk's Comments

There is a fundamental difference between smoking and the use of E-cigarettes on licensed premises. Smoking in enclosed public spaces is prohibited by law, whilst E-cigarettes are not. The evidence on the use of E-cigarettes has not yet persuaded the government that legislation is required and there are contrary arguments that E-cigarettes are of benefit to public health in helping to reduce smoking. There are no other licensing boards who have adopted a policy statement that they will include conditions prohibiting the use of E-cigarettes on licensed premises. In terms of Section 27(7) of the Licensing (Scotland) Act 2005 a Board may not make conditions regarding matters which are already regulated by legislation. It is arguable the use of e-cigarettes is already regulated by legislation.

Depute Clerk's Recommendation

The Depute Clerk recommends that the Board leaves it to the discretion of licensees to apply their own policy to the use of E-cigarettes on their premises.

3.3 The Consultation exercise elicited comments on Overprovision from Shetland NHS Board; Shetland Islands Area Licensing Forum; Alcohol Focus Scotland;

Shetland Licensing Standards Officers and Delting Community Council. Three of these consultees argue that there is an overprovision of off-sales premises in the Lerwick area.

#### Depute Clerk's Comments

The question of overprovision has dominated the discussions of the Board at their last meeting and at their joint meeting with the Licensing Forum. Board members have fully discussed and explored the issue. Shetland NHS has provided a submission (Appendix 3) which has been referred to by the other consultees which concludes that Lerwick should be seen as an area of overprovision of alcohol. Shetland NHS in their submission to the Board stress that there is a strong link between the availability of alcohol and alcohol related harm. The Shetland NHS's main concern is around off-sales as this provides increased opportunities for unregulated drinking. The Forum and the Licensing Standards Officers share the view that there is an overprovision of off-sales premises in Lerwick.

The statistics provided by Shetland NHS note that the highest concentration of licensed premises is in Lerwick. They also record that in part of Lerwick (Lerwick North 04) the number of certain offences puts that area in the top 10% of areas with the incidence of crimes of that nature in Scotland. In respect of the number of hospital stays related to alcohol misuse the statistics for another part of Lerwick (Lerwick North 02) are in the highest 10% of areas in Scotland in regard to the number of hospital stays related to alcohol misuse.

As Alcohol Focus emphasis in the comments they made on the Policy Statement the Board has to demonstrate a factual basis for their overprovision assessment and that their response is reasonable and proportionate. The case law on the question of overprovision guides members to identify particular evidence relating to the particular area or application under consideration. General evidence that increased availability of alcohol leads to increased harm from alcohol does not of itself justify or lead to a conclusion that there is a overprovision in any particular area.

The lack of clear direction on the process in the legislation and the Guidance has exacerbated uncertainty on how to proceed to translate that discussion into a policy statement. I have considered the process suggested by Alcohol Focus Scotland and the actions being undertaken by a number of other licensing boards and would make a number of recommendations as a potential way forward.

#### Depute Clerk's Recommendations

1. The Board's initial task is to decide what "locality" they are considering as an area of overprovision. The area suggested by consultees is the whole of Lerwick. I therefore recommend that the Board deems that Lerwick, defined as the area shown outlined in red on the plan annexed as Appendix 4 to this report, is a locality for the purposes of overprovision.
2. The Board considers whether or not there is prima facie evidence of an overprovision of off-sales premises in this locality (or part of it). If the Board

deems that the evidence does not support a conclusion that there may be overprovision of this type of facility in this area, and having had no other evidence of overprovision provided through the consultation process, make no change to the draft Statement of Licensing Policy at paragraph 9.

3. If the Board deems there is such evidence amends their Policy of Licensing Statement to provide that:

“9.4 The Board has identified a potential area of overprovision of off-sales premises in the locality of Lerwick. The Board is carrying out a full overprovision assessment to establish whether the evidence supports the adoption of a Policy Statement that there is overprovision in this area.”

And

Carries out a further consultation exercise based on Appendix 5 to this report.

#### 4. Conclusions

I recommend the Board:

1. Consider the recommendations made at paragraph 3.2 above and decide what amendments they wish to make to their Policy Statement.
2. Consider the recommendations on Overprovision at paragraph 3.3 and decide if they wish to conclude that there is an area of potential Overprovision in Shetland which they wish to note in their Policy Statement.
3. Thereafter adopt their Statement of Licensing Policy for the period November 2018 to November 2021.

Depute Clerk to the Licensing Board

Ref: Z/Gen SB/AM



**Shetland Islands Area Licensing Board  
 Joint meeting with the Local Licensing Forum  
 Council Chamber, Town Hall, Lerwick  
 Tuesday 14 August 2018 at 10 a.m.**

**Present (Board):**

A Cooper                S Leask  
 I Scott                 B Wishart

**Present (Forum):**

V Adamson, Families Affected by Alcohol and Drugs  
 E Burgess, Personal Licence Holder  
 D Clubb, Person Resident in Forum's Area  
 D Leask, Chair of the Local Licensing Forum  
 D Manson, Licensing Standards Officer  
 W McConnachie, Health  
 L Moar, Licensing Standards Officer  
 B Peterson, Person Resident in Forum's Area  
 E Robinson, Representative of the Health Board  
 M Summers, Team Leader – Youth Services  
 S Thomason, Member of Scottish Youth Parliament  
 Chief Inspector Tulloch, Police Scotland

**Apologies (Board):**

M Bell                 C Hughson  
 G Smith              C Smith

**Apologies (Forum):**

Insp Brill, Police Scotland  
 J Edwards, Education  
 R Hunter, Person Resident in Forum's Area  
 L Odie, Person Resident in Forum's Area  
 M Barrie, Personal Licence Holder  
 G Hepburn, Personal Licence Holder  
 M Nicolson, Chief Social Work Officer

**In Attendance (Officers):**

P Wishart, Solicitor  
 L Malcolmson, Committee Officer

**Also:**

C Campbell, NHS Communications Officer

**Chairperson**

Mr I Scott, Convener to the Board, presided.

**Circular**

The circular calling the meeting was held as read.

**Declarations of Interest**

None

## **Minutes**

The Committee approved the minutes of the meeting held on 31 October 2017 on the motion of Ms Manson, seconded by Mrs Leask.

### **Licensing (Scotland) Act 2005, New Three Year Policy Statement - 2018/2021, Overprovision Assessment**

The Board considered a paper by the Depute Clerk to the Board, which presented the New Three Year Policy Statement – 2018/2021 and Overprovision Assessment.

The Solicitor introduced the paper and opened the matter up for discussion.

During full and lengthy discussion around the effects of alcohol consumption the Health Board sought from the Shetland Islands Area Licensing Board that it declare within its new Three Year Policy Statement that there is overprovision of off sales in Lerwick. In support of this, comment was made on the success of legislation implemented to address other health concerns such as seatbelt legislation and the reductions in deaths seen from road traffic accidents as well as the no smoking in public places ban that has seen a reduction in the number of smokers in Shetland. Police Scotland supported the comments made in this regard and further informed that evidence and statistics clearly show that alcohol is damaging to communities in Shetland and that issue had to be addressed. It was noted that from a Community Safety perspective there had been a reduction in crime and disorder in the last 5 years but police resources were being used to police licensed premises, through doubling of shifts to visit licensed premises. It was acknowledged that this had a knock on effect to other police priorities such as road safety, vulnerable people and stopping drugs coming into Shetland. Comment was made that more needs to be done around how alcohol is sold, with more family friendly places and more robust thought given to the 5 public health priorities. The prevention of crime and disorder was also seen as an issue that required consideration around robust conditions in place such as CCTV, door stewards, keeping people safe, and putting more responsibility on licensees.

In support of comments on the overprovision of off sales, Member of the Forum gave a very personal, first hand, account of the impacts on families where a parent is an alcoholic. But in addition to the impact on those closest to the individual the significant cost to the NHS was highlighted in terms of providing support on an ongoing basis as well as the cost of providing detox services. During this account comment was made that staff in pub settings do refuse to serve customers but an experience was relayed where an off sales establishment had physically assisted the parent, was severely under the influence of alcohol, to purchase alcohol and who was then physically assisted back to a waiting taxi. It was asserted that off sales providers should be required to take a more responsible approach.

Another account was given by the Chair of the Local Licensing Forum where she had been approached by individuals who have a problem with alcohol who had indicated that there are only a small number of shops that they can buy groceries that do not sell alcohol. The Licensing Standards Officer advised that the only shop in Lerwick that does not sell alcohol, where it is possible to buy a weekly shop is Bolts Mini Market. It was also stated that some individuals are changing their walking routes to avoid alcohol outlets so that they are not tempted when passing such premises.

Comment from the Chair acknowledged the variety of measures undertaken in other areas in regard to overprovision and in one area no more licences are to be granted. He said however that he had yet to be convinced that such a constraint in Lerwick

would be beneficial to people in other areas in Shetland, and that you can expect a higher figure of outlets due to the density of the population.

Further discussion took place around the need for a change in attitudes towards alcohol, the continued approach to education and consideration was given to how the British culture of drinking to get drunk differs from Scandinavia where alcohol sales is highly regulated, and to France, where alcohol is part of their lifestyle.

Advice was sought on what would be achieved by the Licensing Board making such an overprovision statement within its Licensing Policy. The Solicitor advised that it would create a rebuttable presumption that no licence would be granted. The Board would however have to consider every application on its merits but the onus would be on the applicant to bring forward evidence to overcome that presumption. He said that it would bring more detail to the meeting on how the licensee would meet the licensing objectives.

It was noted at a recent meeting of the Forum that more guidance is required on the definition of "overprovision" but the Solicitor advised that the Scottish Government had not wanted to be too prescriptive in its legislation and did not want to take away, from Licensing Boards, the ability to make policies within their own localities. The Solicitor further advised on recent cases and suggested that to have a policy in place that is overturned in light of earlier judgements would not be an advisable position. He said that, in his experience, the Shetland Islands Area Licensing Board takes overprovision seriously, and gives the matter due consideration with each application.

Further comment was made on the direct causal links of over consumption of alcohol and the direct links to harm. It was acknowledged that there were many stories to support behavioural science and arguments and that as a result the NHS continue to argue for better controls. Marketing of alcohol was noted as also having an impact on behaviours but the shift in consumption to pre-loading before going out to pubs was seen as a concern. It was noted that middle aged consumers were now looking for a better experience where good food is available and drinking is more about enjoying the taste. It was noted that most of the pubs in Orkney sell food providing a more social experience. Discussion also considered that even if a restriction was to be put in place consumers would seek out alcohol but this was countered with an argument that alcohol is being normalised and that this is being witnessed by the youngest generation but through policy, attempts should be made to readdress that balance.

In concluding the discussion education was again discussed with particular interest in off sales licence holders taking more responsibility in the sale of alcohol. It was noted that there is support through the Licensing Standards Officers in terms of visiting premises, and the suggestion was made that changes to the application process could be effective if more information is sought on how the licensing objectives will be met, at that stage.

The Chair advised that the Board would consider the matter of overprovision and the comments made, when the Statement of Licensing Policy is considered for approval at a future meeting.

#### **Personal Licence Holder - 10 year Renewal**

The Board considered a paper by the Depute Clerk to the Board, which provided information concerning the renewal of Personal Licences.

The Licensing Standards Officer introduced the item and advised that there will be a lot of Personal Licences up for renewal shortly, and that the document provided important dates to be adhered to. The Licensing Standards Officer advised that all Personal Licence Holder would receive a letter and training would have to be undertaken. She noted however that there is only one training provider and contact should be made to ensure training is undertaken in time.

There being no questions the Chair thanked the Licensing Standards Officer for bringing this matter to the attention of the Board and Forum.

### **NHS Health Promotions within Licensed Premises**

The Board considered a paper by the Depute Clerk to the Board, seeking a discussion on how licenced premises may be able to support NHS Health Promotions.

The Solicitor introduced the paper and advised that following a suggestion by the NHS that a condition be applied to applications “that staff clearly understand how to recognise problem drinking and know where to direct customers for help and support if required. NHS Shetland can provide small cards and information which we suggest should be clearly displayed in any premises that sell alcohol”. The Solicitor advised that the Board held the view that it was not appropriate to apply such a condition to new applications in isolation where it should also apply to all existing premises licensees. The view of the Board was that this request from the NHS was worthy of wider discussion with the Forum to see if a voluntary agreement may be possible. He advised therefore that the opportunity had been taken to bring this matter before the annual joint meeting for early consideration.

Concern was expressed by the Health Board representative that this item had been presented with no prior consultation with the Health Board. However during discussion she indicated that the Health Board would prefer that the condition be imposed rather than a voluntary arrangement made. After describing the current yearly cost of patients attending hospital due to alcohol related illness, not including the costs associated with A&E attendance and community health input, the Health Board representative advised that the Health Board does not have the money to spend in this area and that licensed premises should be compelled to adhere to a condition and contribute financially towards it.

In response to a question the Solicitor advised that it is not possible to impose a condition on existing licences as the opportunity to include conditions is when the application is in front of the Board for consideration. He said that the Board had not considered it reasonable to impose such a condition on new applicants where it could not be imposed across all licence holders.

During discussion around whether it was possible to have the condition applied to future applications but a voluntary agreement with existing licence holders, the question was asked of the Health Board representative if there had been an attempt by the NHS to seek such a voluntary arrangement directly with license holders. The Health Board representative advised that this had been done in other areas of Scotland on both a voluntary and compulsory basis, which had been helpful to raise awareness and self-referrals.

Licence holders were asked for their views on such a scheme, and in response the Board heard how, from an on-sales perspective many staff do a lot of work in this area already by refusing service. For regular customers staff do unofficially have

discussion with customers where a rapport has built up. It was suggested however that if certain customers were to be handed a leaflet or information card it was likely to be put in the bin. There was general agreement however that the display of posters would be no problem but a Personal Licence Holder said that he would not feel it appropriate, as a non-professional, to approach an individual and comment on their level of drinking. It was also acknowledged that staff at the Dowry give advice to customers on the alcohol content of the craft beers and spirits on sale and that half pints of beer are offered to allow customers to enjoy the experience without consuming too much. Building relationships with customers was seen as important from the protection of vulnerable adults point of view rather than providing individuals with written information which is easily discarded.

The Health Board representative advised that she would take the issue back to the Alcohol and Drugs Forum to discuss this in more detail and to look at possible sources of funding.

A suggestion was made that training around this subject should also be provided as part of the Personal Licence holder training to empower them and to make raising issues easier if trained and supported. It was also suggested that for off sales more was needed in terms of training in that area.

## **AOCB**

### **E-cigarettes in Public Places**

At the request of the Chair the Solicitor provided advice on whether there could be a ban on the use of e-cigarettes in public places. The Solicitor advised that it would not be possible to impose such a condition where the matter is regulated under another enactment in legislation. It was acknowledged that locally licensees view the use of e-cigarettes in the same way as they do with cigarettes and that there is an expectation that they are for use outwith premises. The Board was advised that the Scottish Government are working on a ban of e-cigarettes in public places.

The Chair thanked everyone for attending the meeting.

The meeting concluded at 11.20 am.

Convener





# ALCOHOL LICENSING STATISTICS- SHETLAND

Elizabeth Robinson

NHS SHETLAND PUBLIC HEALTH TEAM

## Introduction

For the purpose of determining overprovision the key areas of data are probably:-

- alcohol-related deaths per intermediate data zone;
- alcohol-related hospital admissions/or emergency admissions per intermediate data zone;
- alcohol-related crimes per intermediate data zone;
- alcohol-related Police incidents per intermediate data zone.

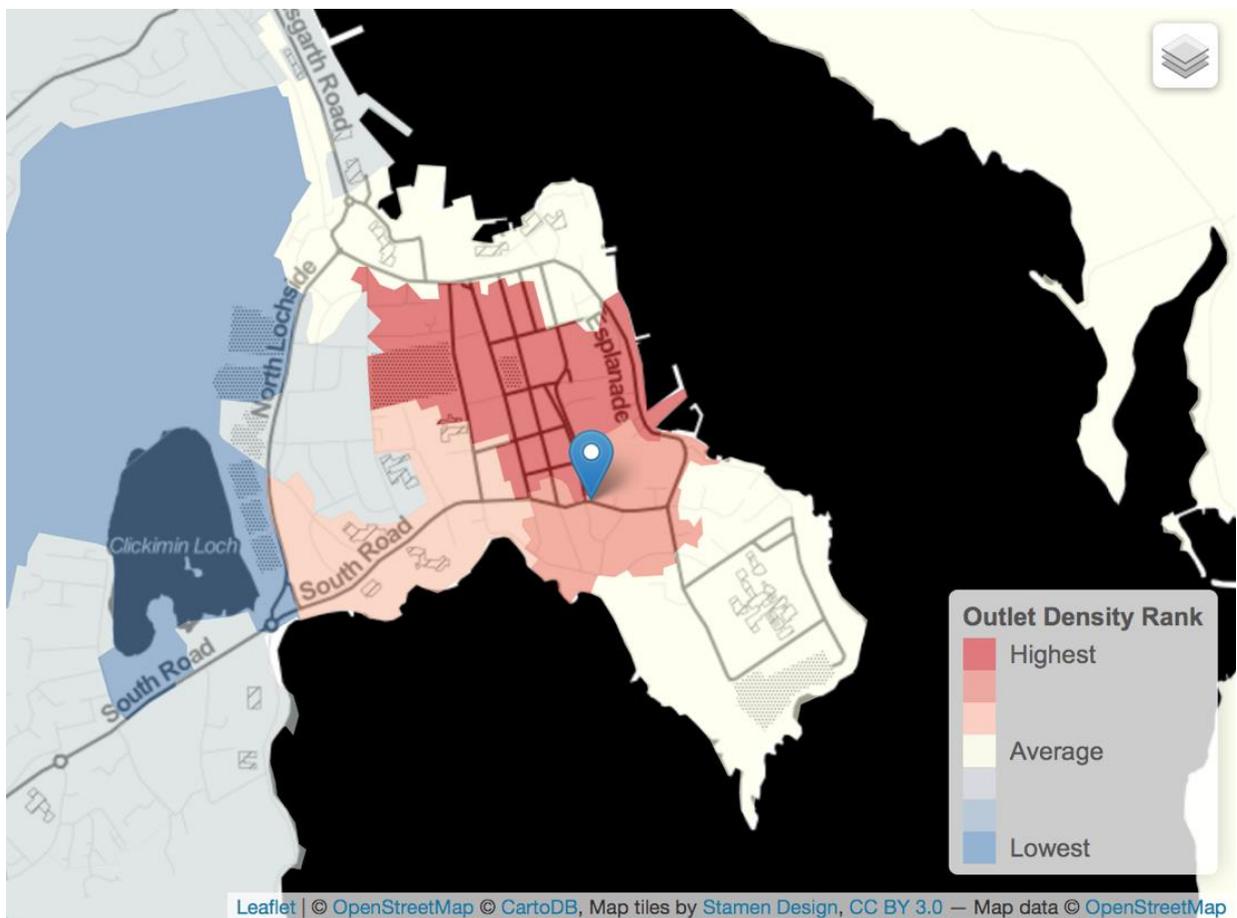
If the figures show that an area is above the Scottish average for alcohol-related deaths and hospital admissions, then this substantiates a finding that there is overprovision of licensed premises within that area and a policy is necessary to protect and improve public health. If the figures for alcohol-related crimes for an intermediate data zone are above the average, (Scottish or Police Force area) this will support an Overprovision Policy based on preventing crime and disorder, and securing public safety. If the figures for alcohol-related Police incidents in an intermediate data zone are above the comparator, then this would support an overprovision area based on securing public safety and preventing nuisance.

The figures in this document strongly support the recommendation that **Lerwick** should be seen as an area of overprovision of alcohol, on the grounds of protecting and improving public health, preventing crime and disorder, securing public safety and preventing nuisance.

## Alcohol Focus Scotland Report (Islands Specific)

- Crime rates in the neighbourhoods with the most alcohol outlets were 6.9 times higher than in neighbourhoods with the least
- The link between alcohol outlet availability and harm was found even when other possible explanatory factors, such as age, sex, urban/rural status and levels of income deprivation had been taken into account
- The Islands (Shetland, Orkney and Western Isles) have an annual average of 17.7 alcohol-related deaths for those aged 20 and over. This is equivalent to 24.5 deaths per 100,000 adults, which is 12% higher than the Scottish rate of 21.8 deaths per 100,000 adults
- The local authority areas have an average hospitalisation rate ratio for neighbourhoods of 142.5, which is 42% higher than the ratio of Scotland of 100
- Neighbourhoods had an average for 4.8 alcohol outlets within 800m (approximately a 10-minute walk) of the population centre
- 12% of neighbourhoods had total outlet availability higher than the national average
- The Scotland-wide association between alcohol outlet availability and income deprivation is statistically significant, with 40% more places to buy alcohol in the most deprived neighbourhoods than in the least deprived neighbourhoods.
- In the Islands, the most deprived neighbourhoods had more places to buy alcohol than the least deprived neighbourhoods though these are not statistically significant
- Figure 1 shows that Lerwick North 04 and Lerwick North 02 have the highest total alcohol sales in Shetland:

- **Lerwick North 04:** The number of recorded crimes of violence, sexual offences, domestic housebreaking, vandalism, drugs offences, and common assault is 1143 per 10,000 people, which is 368% of the Scottish average.
  - This datazone is in the top 10% of neighbourhoods in Scotland.
  
- **Lerwick North 02:** The standardised ratio of hospital stays related to alcohol misuse is 283, which is in the top 10% of neighbourhoods in Scotland. Furthermore, the number of recorded crimes of violence, sexual offences, domestic housebreaking, vandalism, drugs offences, and common assault is 478 per 10,000 people, which is 154% of the Scottish average.

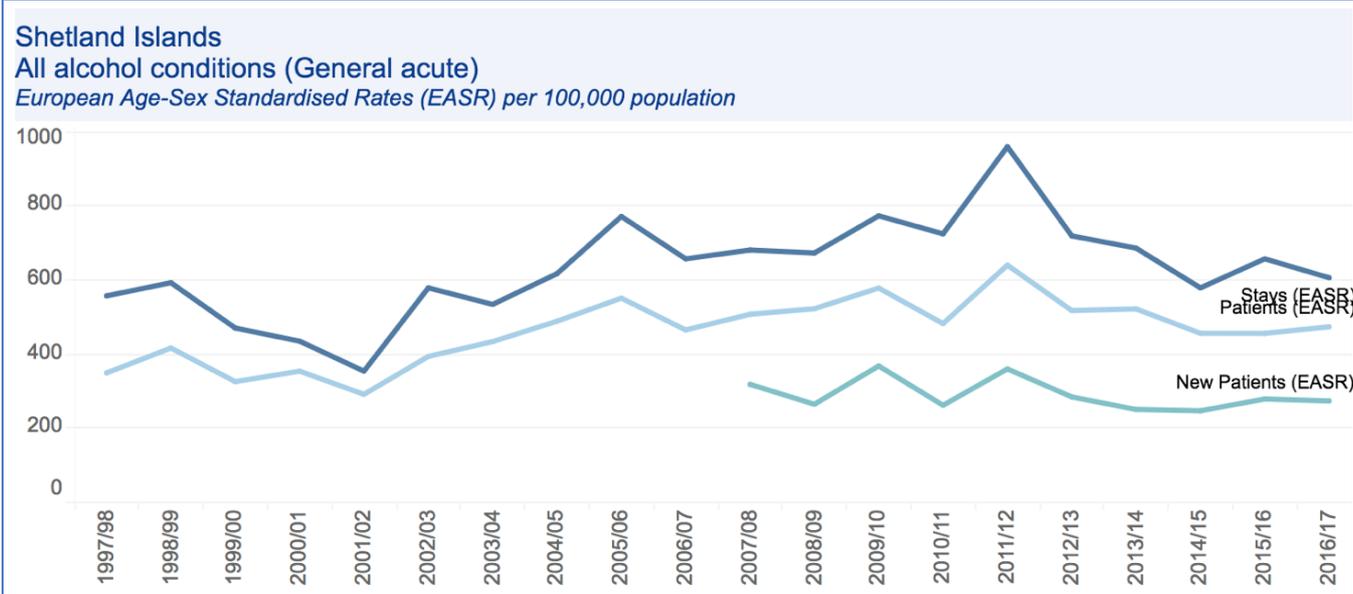


**Figure 1:** Map showing to total alcohol sales in Lerwick, relative to the Scottish average for 2016

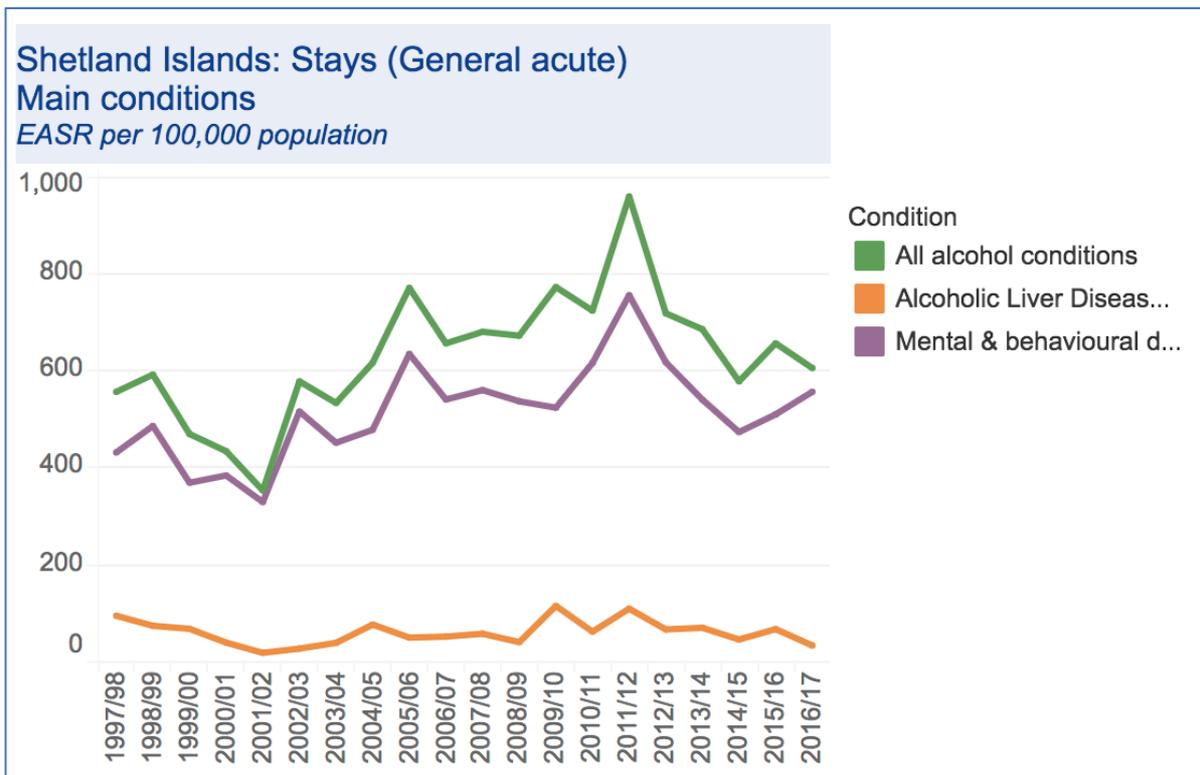
Source: <http://www.alcohol-focus-scotland.org.uk/media/310756/alcohol-outlet-availability-and-harm-in-the-islands.pdf>

## Hospital Statistics

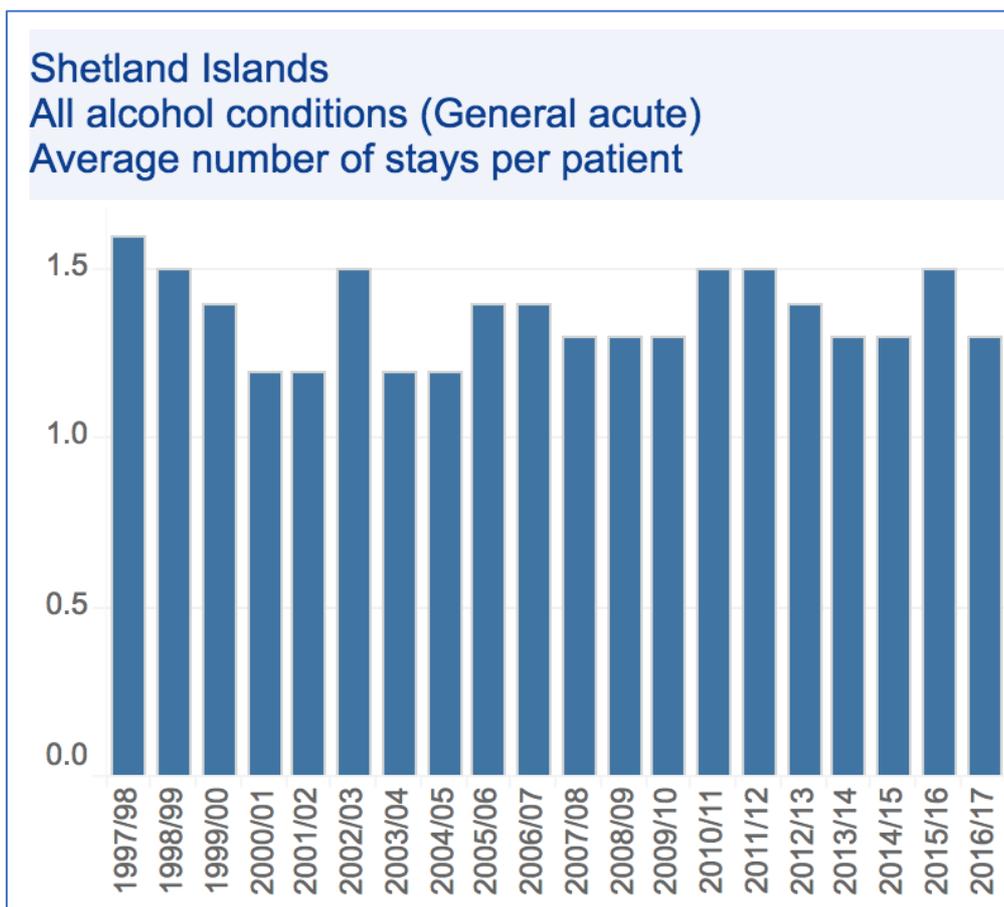
- There is an average of 4 deaths per year on Shetland that are directly attributable to alcohol (<https://www.nrscotland.gov.uk/>)
- In a 1-year period (2016-2017) there were 140 alcohol related hospital discharges in Shetland, with a yearly average of 149 (<http://statistics.gov.scot/>)
  - Assuming each patient receives minimum level of acute care (A&E attendance, mental health assessment and alcohol assessment), annual cost to NHS Shetland: £83,887 (excludes ongoing care costs)
    - Average cost of stepping inside A&E: £148
    - Initial mental health assessment: £301
    - Drugs and alcohol assessment: £114
    - Source: <https://improvement.nhs.uk/resources/reference-costs/>
- Figure 2 demonstrates a slow increase in the number of alcohol related conditions occurring within the population of Shetland, which translates to increasing number of patients and hospital stays. Figure 3 further suggests that in addition to all alcohol-related conditions increasing e.g. liver cirrhosis, acute intoxication, alcohol dependence syndrome etc., the number of mental and behavioural disorders related to alcohol have also increased dramatically in the last decade
- Figure 4 highlights that each of these acute admissions is likely to be a new patient, with the average number of stays per patient only being one. This refutes the suggestion that a low number of repeat patients are responsible for the majority of alcohol-related admissions (<http://www.isdscotland.scot.nhs.uk>)
- In 2016-2017, 92% of alcohol related admissions to hospital were emergencies (NHS ISD)



**Figure 2:** Line graph showing the general trend of all alcohol conditions in Shetland presenting to hospital in an acute fashion. A general increase over time can be seen.



**Figure 3:** Line graph showing the general trend of hospital stays in Shetland relating to acute, alcohol related presentations. This highlights a rapid increase in mental and behavioural disorders as a result of increased alcohol consumption.



**Figure 4:** A bar graph detailing the average number of acute stays per patient in the Shetland Islands. This information suggests that each admission is likely to be a new, unique patient.

## Shetland Licensing

- Licences in force on 31 March 2017
  - On sale licence: 105
  - Off sale licence: 46
  - Occasional licences granted during 2016-17: 119
  - Personal licences: 386
  - Revoked licences: 0
  
- At March 2018 Lerwick had a total of 39 Licensed premises, broken down into
  - 2 Public Halls
  - 10 Off Sales/Local Convenience stores
  - 2 Supermarkets
  - 5 Hotels
  - 5 Public Houses
  - 11 Restaurant
  - 4 Nightclubs
  
- On-trade licensing, off-trade licensing, total licensing and personal licenses are all statistically significantly worse than the national average (see figure 5)
  - On-trade= 105 per 10,000 (national average= 26.5)

- Off-trade= 46 per 10,000 (national average= 11.6)
- Total licensing= 151 per 10,000 (national average= 38.1)
- Personal licensing= 386 per 10,000 (national average= 128.6)

Source: <https://scotpho.nhsnss.scot.nhs.uk/scotpho/profileSelectAction.do>

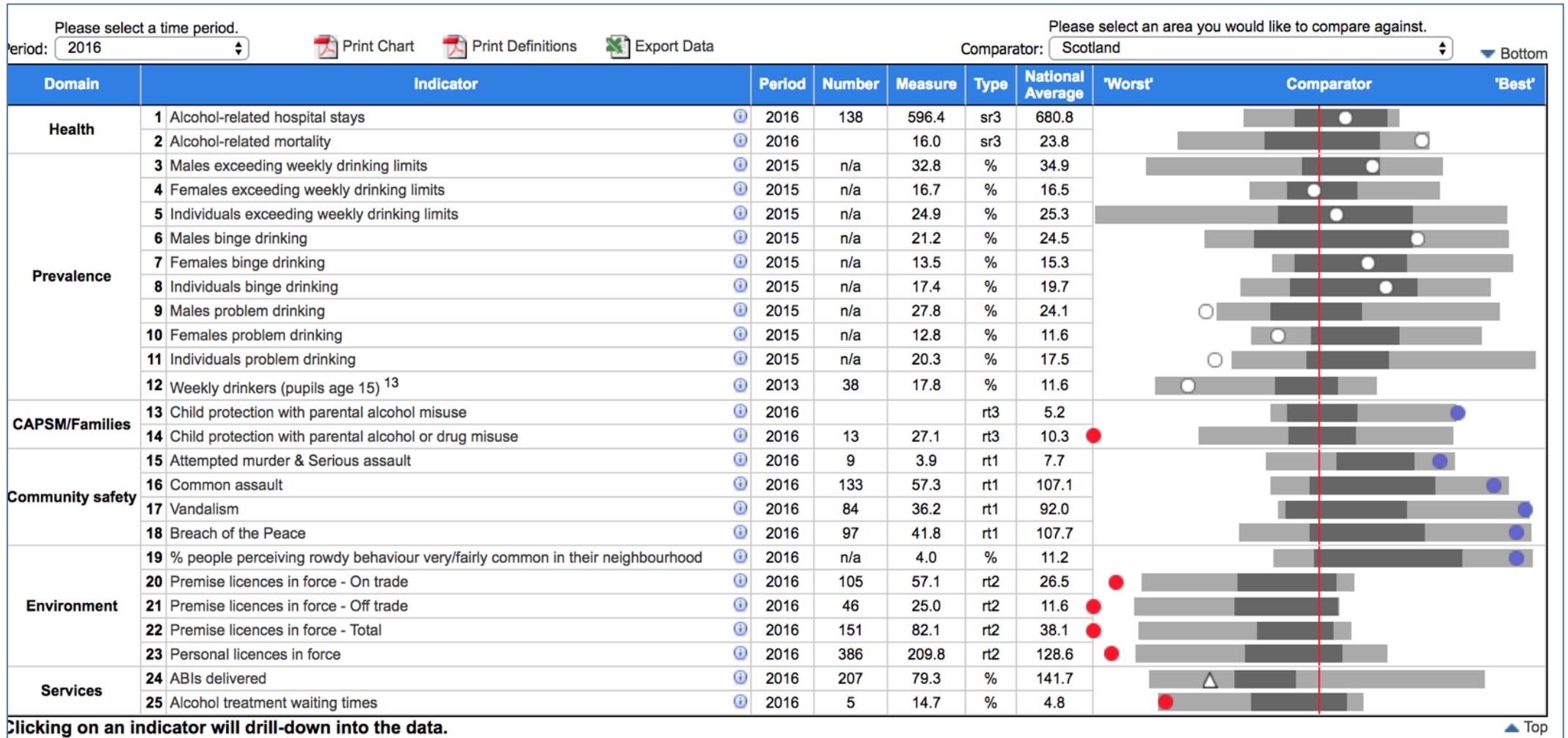


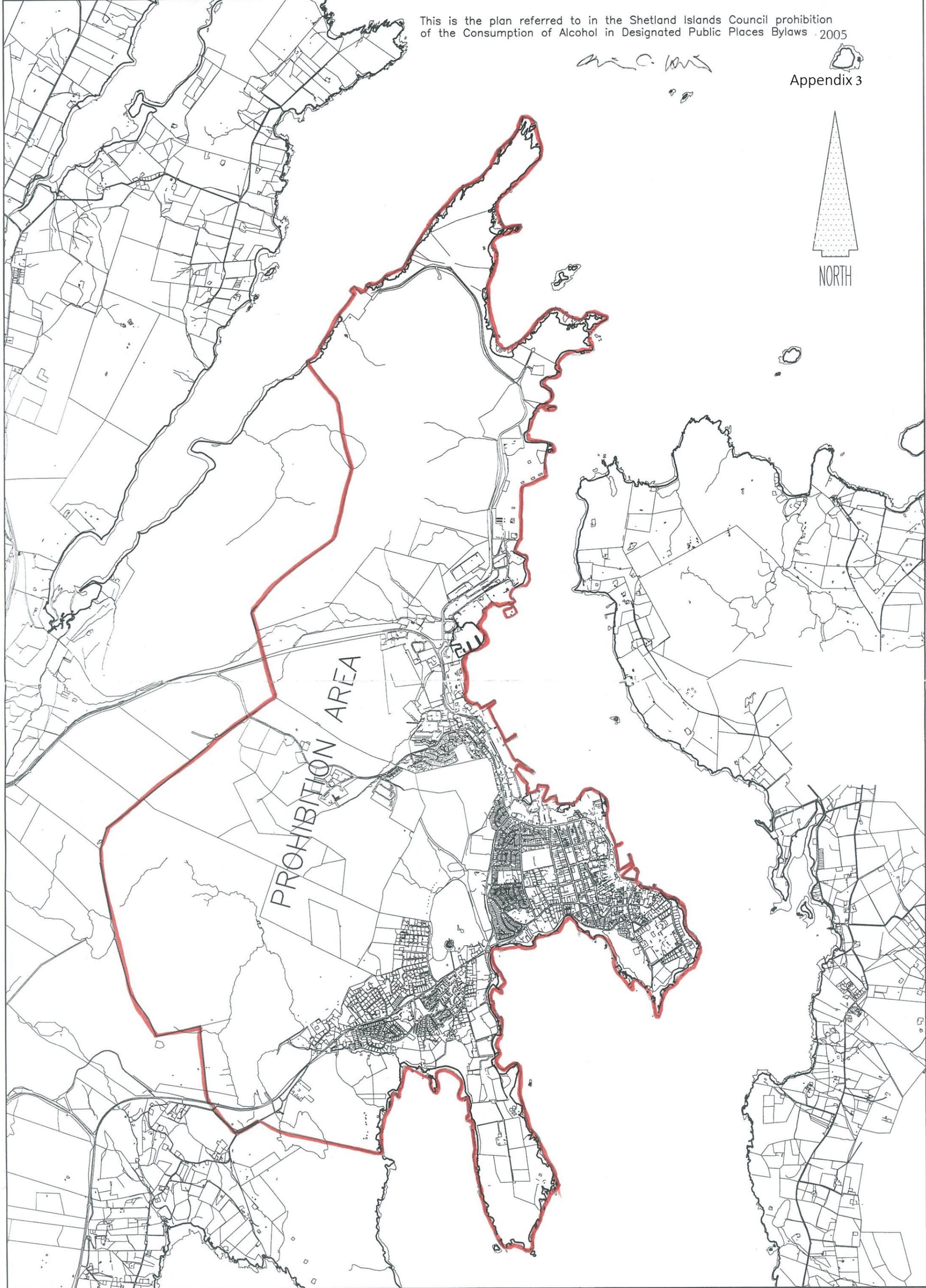
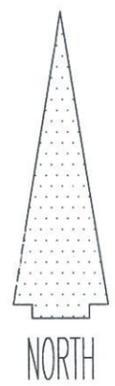
Figure 5: A spine chart demonstrating the licensing and drinking practises on the Shetland Islands. Red= statistically below the national average, white= statistically no different from the national average, blue= statistically better than the national average



This is the plan referred to in the Shetland Islands Council prohibition of the Consumption of Alcohol in Designated Public Places Bylaws 2005

*M.C. W.S.*

Appendix 3



Plan reproduced using Ordnance Survey Mapping

Scale 1:25,000

NOTE - ORDNANCE SURVEY DATA  
All rights reserved Shetland Islands Council 100024344. 2004  
© CROWN COPYRIGHT



## Shetland Islands Area Licensing Board

### Consultation on Assessment of Overprovision

#### Background – Why Consult

The licensing Board requires to carry out an assessment of overprovision of licensed premises within its area for the purposes of the review of their Policy of Licensing Statement required in terms of the Licensing (Scotland) Act 2005. In doing so the Board has to identify if there is overprovision in any locality within their area. The Board needs to decide what is meant by a “locality” in this context.

The Board carried out a general consultation on their Policy Statement over the period from January to 31 May 2018. This consultation resulted in representations being received that there was overprovision in Lerwick in relation to the provision of offsales premises.

#### What information has the Board Received

The comments received in response to the general consultation on the Policy Statement can be accessed at <https://www.shetland.gov.uk/coins/viewDoc.asp?c=e%97%9De%91ly%87>.

The evidence which is key to the overprovision assessment is contained in the response received from NHS Shetland. This includes the evidence that that the highest concentration of licensed premises is in Lerwick. They also record that in part of Lerwick (Lerwick North 04) the number of certain offences puts that area in the top 10% of areas with the incidence of crimes of that nature in Scotland. In respect of the number of hospital stays related to alcohol misuse the statistics for another part of Lerwick (Lerwick North 02) are in the highest 10% of areas in Scotland in regard to the number of hospital stays related to alcohol misuse.

#### What is being consulted on?

The Board has considered the consultation outcome at their meetings on 7 July 2018 and 9 October 2018 and at a joint meeting with the Licensing Forum on 14 August 2018.

The Board has decided that there is potentially overprovision in the Lerwick area of offsales premises. The details of the current provision is as below:

Total number of offsale premises in Lerwick	13
Total number of onsale premises in Lerwick	19
Total number of on and off sale premises in Lerwick	13
Total on sales capacity in Lerwick	9881 (persons)
Total off sales capacity in Lerwick	833.14m <sup>2</sup>

#### Next steps

**The Board would now invite comments from all interested parties on whether:**

- 1. The correct locality is Lerwick as a whole and not part of Lerwick or some other area.**
- 2. The Board would seek any other evidence on the extent of overprovision in the area of Lerwick as a whole or any other specific area within Lerwick.**
- 3. The Board are particularly keen to obtain the views of the public who live in the Lerwick area**

**The Board intends to consider this issue further at their meeting on**