

## **RENFREWSHIRE LICENSING BOARD**

### OVERPROVISION ASSESSMENT UNDER LICENSING (SCOTLAND) ACT 2005:

#### **PUBLIC CONSULTATION DOCUMENT**

##### 1. Background

1.1 Section 7 of the Licensing (Scotland) Act 2005 (“the Act”), requires every Licensing Board to consider to what extent there is overprovision of licensed premises (either generally or of a particular description) in any locality within their area. An overprovision assessment is to be included in the Board’s three-yearly Statement of Licensing Policy.

1.2 In agreeing its Statements of Licensing Policy published for 2007-2010 and 2010-2013, Renfrewshire Licensing Board agreed Paisley Town Centre, as shown on the plan attached at Appendix 1, as a locality for the purposes of Section 7 of the Act. Under these Statements, the Board provided that there was overprovision in this locality of ‘liquor or pub type premises’. This includes pub type premises used exclusively or predominantly for the sale of alcohol.

1.3 In November 2013, the Board agreed its current Statement of Licensing Policy for 2013 to 2016, in which it maintained its Policy that this Paisley Town Centre locality be considered overprovided with that type of premises, but also authorised the Clerk to the Board to consult further on the issue of over provision in respect of licensed premises within Renfrewshire and to bring forward further reports to Board as required with a view to publishing a supplementary Statement of Licensing Policy following completion of the review.

1.4 In considering whether there is overprovision for the purposes of Section 7(1) of the Act the Board must have regard to the number and capacity of licensed premises in a particular locality as determined by the Board.

1.5 The Board must ensure in formulating its Statement of Licensing Policy and any Supplementary Statement on Overprovision that it seeks to promote the five licensing objectives outlined in the Licensing (Scotland) Act 2005, which currently are-

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health and
- Protecting children from harm

1.6 The Board must also consult extensively before preparing a supplementary Statement of Licensing Policy including consultation with the Local Licensing Forum for its area and the relevant Health Board, among others,

as well as other parties including the Chief Constable, premises licence holders and residents in relation to overprovision.

1.7 During the formal and informal consultation leading up to the agreement and publication of the Board's Statement of Licensing Policy for 2013 to 2016, the Board received detailed responses from a number of consultees. These responses can be fully accessed on the Council website at the following address:-

<http://www.renfrewshire.gov.uk/webcontent/home/services/business/licensing/liquor+licences/cs-ae-statementoflicensingpolicy>.

1.8 In responses received from both Police Scotland and the Renfrewshire Community Health Partnership, additional localities were suggested as being overprovided. The Local Licensing Forum and Maxwellton Court Tenants Association also asked that consideration be given to the West End of Paisley being designated as an area where overprovision exists. The response from Scottish Beer and Pub Association stated that they do not believe that there is an overprovision of on-sales licensed premises in any locality within the Board's area, or that any area is "provided for" in terms of licensed premises.

1.9 In their formal response, Police Scotland expressed the view that the existing policy on overprovision is still relevant to the licensing objectives of 'Preventing Crime and Disorder' and 'Securing Public Safety'. They also suggested the Board might consider a secondary area within the West End of Paisley, given the increased level of antisocial behaviour around such premises. A map showing an extended Paisley Town Centre area incorporating an area in the West End of Paisley was provided by Police Scotland as shown at Appendix 2.

1.10 The Renfrewshire Community Health Partnership's formal response was that the following localities were also overprovided for in addition to the area shown in the map at Appendix 2 (these proposed localities refer to areas known as "intermediate datazones"):

Renfrew North

Paisley, Gallowhill and Hillington

Renfrew West

Paisley East

Paisley Central

Paisley North East

Ferguslie

Paisley North West

Paisley North

Foxbar

Glenburn East

Glenburn West

1.11 A map showing these intermediate datazone areas is shown at Appendix 3. The Renfrewshire Community Health Partnership are seeking that the above areas should be designated as overprovided for in respect of off-sales premises only, based primarily on health concerns in these locations. Detailed statistical information is produced within the terms of their response. The Renfrewshire Community Health Partnership also suggest that the area shown in the map at Appendix 2 should be designated overprovided for in relation to all on-sales and off-sales premises rather than just pub type premises used exclusively or predominantly for the sale of alcohol (as presently applies in the Paisley Town Centre locality identified by the Board).

1.12 The number and capacities of licensed premises for each of the areas proposed are shown on the plans listed in Appendix 4 . These plans named 4(a) to 4(n) can be accessed on the Council's website at the following address:- <http://www.renfrewshire.gov.uk/webcontent/home/services/business/licensing/liquor+licences/cs-ae-statementoflicensingpolicy> .

Plan 4(a) shows the number and capacities of licensed premises in the Board's existing overprovision area. Plan 4(b) shows numbers and capacities of licensed premises in the suggested extended town centre area. Plans 4(c) to 4(n) show the number and capacities of licensed premises in the areas suggested by Renfrewshire Community Health Partnership as overprovided for in terms of off licensed premises.

1.13 If the Board determines that there is overprovision in any locality, this will create a rebuttable presumption against the grant of applications for licences in the overprovided area, but each application still requires to be determined on its own merits. This means that those applying for a licence in that area would need to demonstrate that the grant of their application would not undermine any of the licensing objectives before it could be approved or that those objectives would not be undermined if the applicant's operating plan were to be modified or appropriate conditions imposed.

## 2.1 OPTIONS

In light of the formal responses previously received, the Board would welcome your views as to the areas within which an overprovision policy should apply. In this regard, there are a number of options identified in terms of the previous consultation responses:-

(a) A declaration that there are no localities within Renfrewshire which should be considered overprovided;

(b) A declaration that only certain localities are overprovided, e.g. this could be one of, or a combination of, the following:

- Paisley Town Centre
- Extended Paisley Town Centre area incorporating an area in the West End of Paisley as shown in the map at Appendix 2
- Any or all of the areas shown at Appendix 3
- Any other suggested locality

(Please note that the Board will expect evidence to be provided of how any locality is overprovided for, with reference to the licensing objectives above, and any proposed locality should be clearly defined).

(c) An overprovision policy may apply to

- all types of licences, or
- certain types of licences, e.g.
  - on-sales, off-sales or both (on-sales licences allow consumption of alcohol on the premises only; off-sales are for consumption off the premises), or
  - premises of a particular description/mode of operation, eg public house, hotels, restaurants, nightclubs, supermarkets, convenience store type off sales. For instance, the Board's Statement of Licensing Policy in its existing form provides that there is an overprovision of liquor or public house type premises in Paisley Town Centre. (Respondents may specify different types of premises being overprovided for in respect of different localities).

2.2 The Board would like to hear from you concerning which of the above options should be adopted. A questionnaire is provided below to enable you to respond and should be returned to me at the address below or by e-mail to [licensing.cs@renfrewshire.gov.uk](mailto:licensing.cs@renfrewshire.gov.uk). The questionnaire is also available online on the Council's website. Alternatively, respondents may wish to reply by letter using the address below.

The consultation closes on 16 January 2015.

Thank you for your participation.

Kenneth A. Graham  
Clerk to the Licensing Board  
Renfrewshire House  
Cotton Street  
Paisley  
Date: 17 November 2014

**RENFREWSHIRE LICENSING BOARD  
OVERPROVISION ASSESSMENT UNDER  
LICENSING (SCOTLAND) ACT 2005**

**PUBLIC CONSULTATION QUESTIONNAIRE**

1. What is your view regarding the availability of alcohol in Renfrewshire?

- (a) To many premises
- (b) Not enough premises selling alcohol
- (c) Just about the right number of premises selling alcohol.

2. In which areas of Renfrewshire do you think there may be overprovision and if so, of which types of premises do you think there may be overprovision? (Please select all that apply)

<b>AREAS</b>	<b>ON SALES (pubs, restaurants etc)</b>	<b>clubs, OFF SALES (supermarkets, shops)</b>	<b>BOTH – ON AND OFF SALES</b>	<b>NEITHER – ON or OFF SALES</b>
Paisley Town Centre (the current overprovision area)				
Paisley Town Centre/West End (as shown on map at Appendix 2)				
Renfrew North/Datazone				
Paisley, Gallowhill and Hillington Datazone				
Renfrew West Datazone				
Paisley East Datazone				
Paisley Central Datazone				
Paisley North East Datazone				
Ferguslie Datazone				
Paisley North West Datazone				
Paisley North Datazone				
Foxbar Datazone				
Glenburn East Datazone				
Glenburn West Datazone				
Other (Please specify)				

3. Are there any other comments/suggestions you wish to make in relation to overprovision? (for example you may wish to state why you consider overprovision to be a problem)

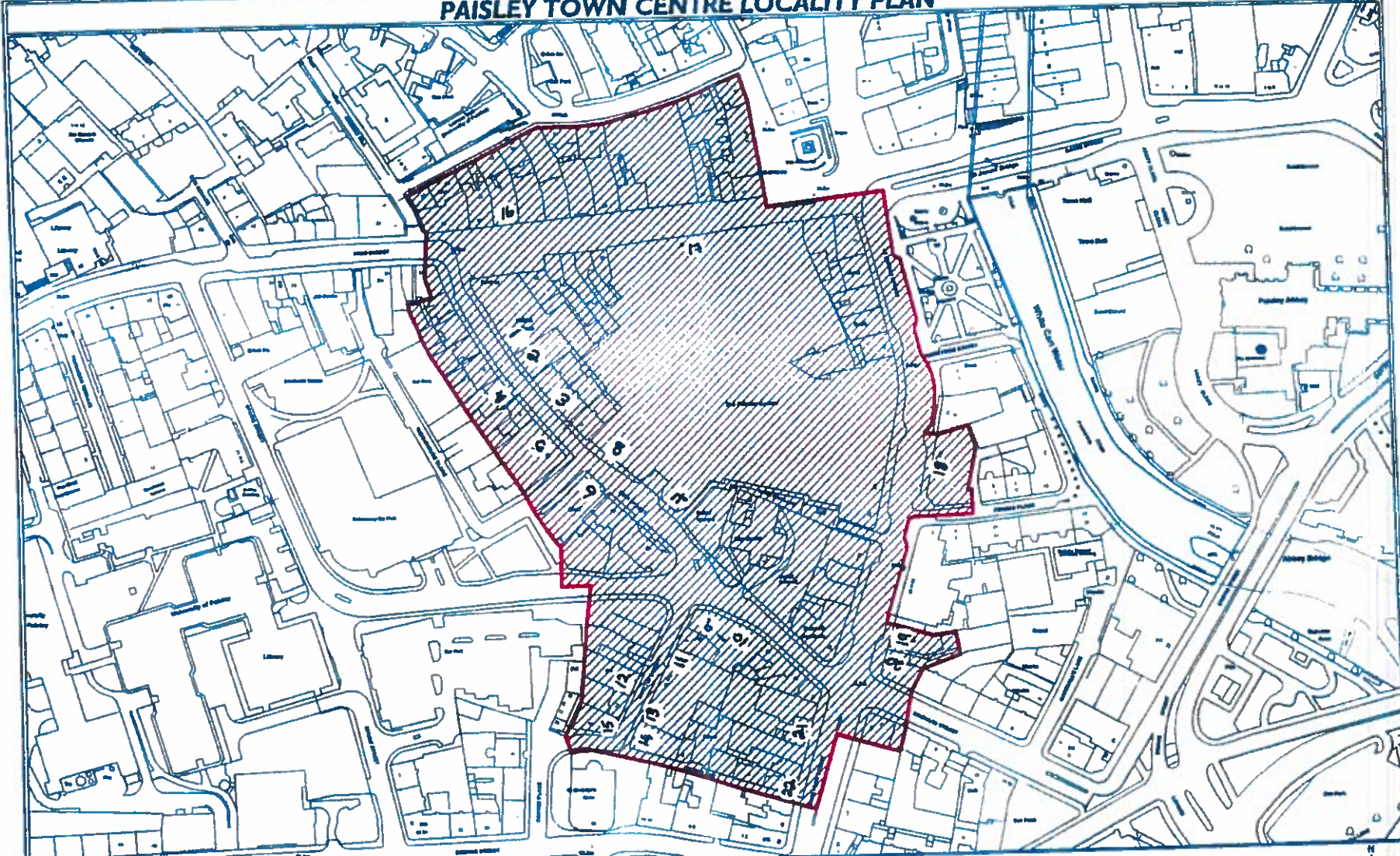
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# PAISLEY TOWN CENTRE LOCALITY PLAN



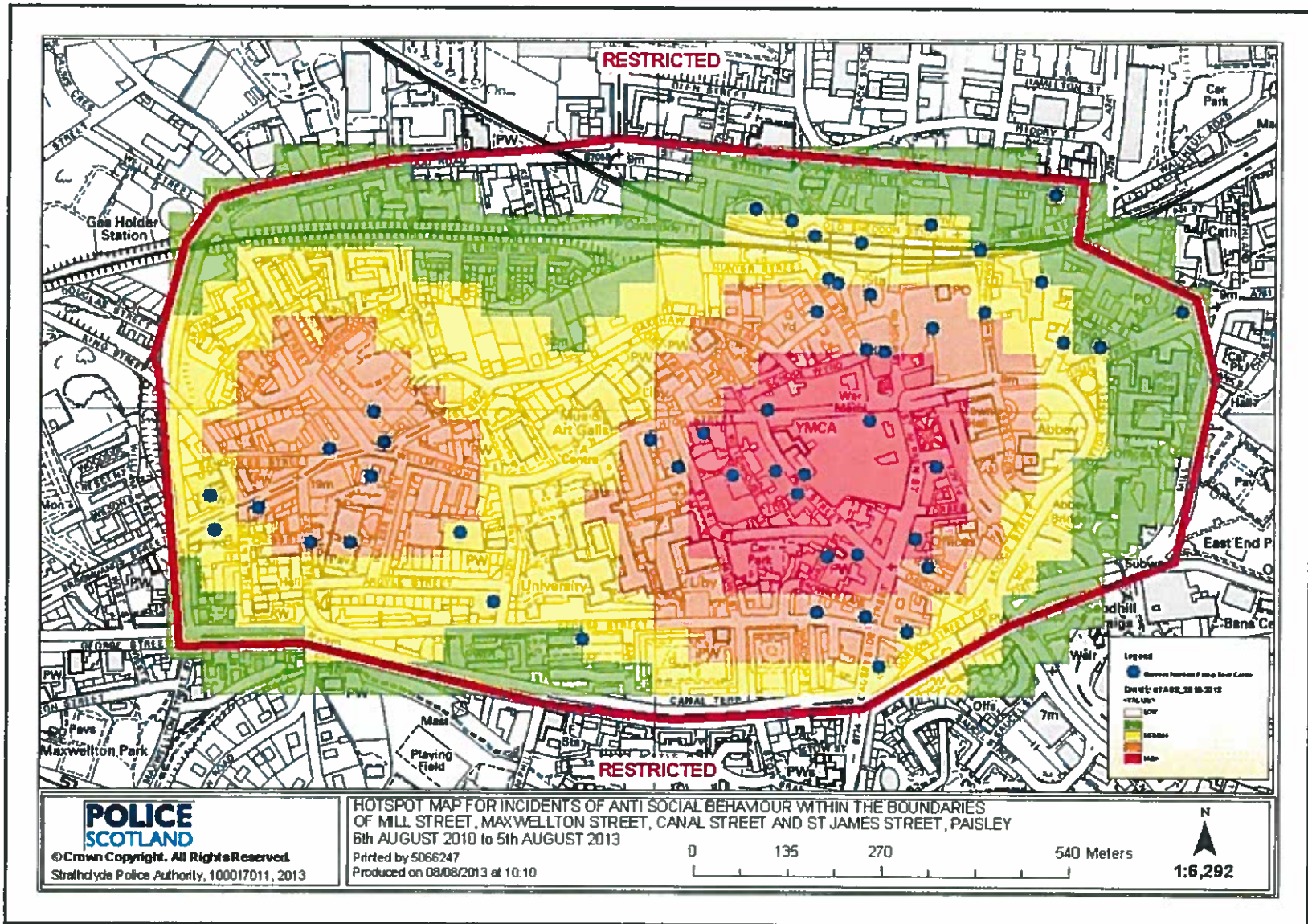
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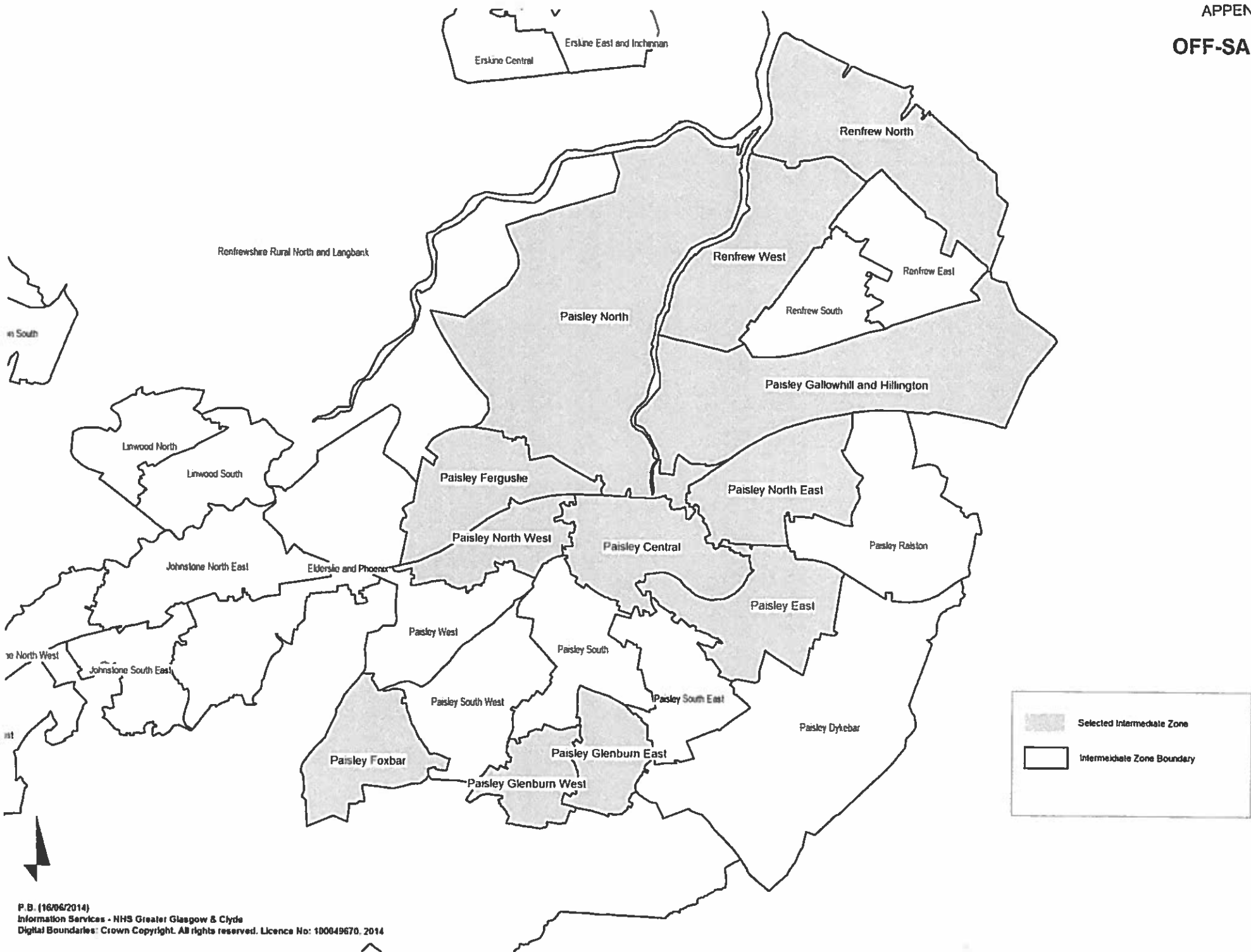
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## APPENDIX 4

- 4(a) Plan showing the number and capacities of the licensed premises in the Board's existing overprovision area.
- 4(b) Plan showing the number and capacities of the licensed premises in the suggested extended town centre area.
- 4(c) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Renfrew North.
- 4(d) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Paisley, Gallowhill and Hillington.
- 4(e) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Renfrew West.
- 4(f) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Paisley East.
- 4(g) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Paisley Central.
- 4(h) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Paisley North East.
- 4(i) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Ferguslie.
- 4(j) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Paisley North West.
- 4(k) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Paisley North.
- 4(l) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Foxbar.
- 4(m) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Glenburn East.
- 4(n) Plan showing the number and capacities of the licensed premises in the "intermediate datazone" area of Glenburn West.