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LICENSING BOARD

Consultation on Statement of Licensing Policy

Assessment of Overprovision

August 2018

Background – Why consult?

The Licensing Board requires to carry out an assessment of overprovision of licensed premises within its area to be included within its Statement of Licensing policy in terms of the Licensing (Scotland) Act 2005 (“the Act”). In doing so, the Board may decide that its whole area is overprovided, that specific localities are overprovided, or that there are no overprovision localities in its area.

The current Statement of Licensing Policy is under review and formal consultation on the review of the current policy is underway. During its initial informal consultation on its policy between October and December 2017 the Board invited comment on the overprovision assessment contained in its policy as one of the issues where it specifically sought views. A range of written responses were received and the Board held hearings in May to consider these further. The Board also hosted a workshop in May on the general subject of overprovision to encourage discussion among all interested parties and Board members.

What information has the Board received?

Amongst the consultation responses received, specific localities were highlighted to the Board for consideration as potentially showing characteristics of overprovision. In particular, the Board was asked to consider the localities highlighted by Police Scotland, the Edinburgh Alcohol and Drugs Partnership and NHS Lothian and the statistical evidence provided by each consultee in support of these localities. Police Scotland, EADP and NHS Lothian highlighted 23 localities identified by reference to Intermediate Data Zone geographical areas (IDZs) within Edinburgh where statistics about alcohol-related health harms and alcohol-related crime were above the Edinburgh average by 50% or more. NHS Lothian identified a further 15 localities also identified as IDZ geographical areas where the alcohol-related health harms were above the Edinburgh average by 20% or more.

The Board requested details of the numbers of premises and details of on and off sales capacities for each of the suggested localities. Details of numbers and capacities of premises in the current policy which identifies an overprovision locality of Grassmarket/Cowgate were also provided to the Board.

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At its meeting on 13 August 2018 the Board considered all of the information which it had received during its informal consultation process and in particular the statistical information which had been provided. The Board had regard to the terms of the Act, statutory Guidance and more recent informal Guidance issued by Scottish Government to assist Boards when determining localities for the purpose of an assessment of overprovision.

What is being consulted on?

The Board agreed, following consideration of all of the above that the following 23 localities being the IDZs highlighted by Police Scotland, the EADP and NHS Lothian showed potential characteristics of overprovision having regard to the licensing objectives set out in the Act particularly with regard to the health and crime objectives and that accordingly it would consult further in relation to all licensed premises in those localities which are listed below:-

1. Hyvots and Gilmerton
2. Murrayburn and Wester Hailes North
3. South Leith
4. Niddrie
5. Moredun and Craigour
6. The Calders
7. Leith (Albert Street)
8. Restalrig and Lochend
9. North Leith and Newhaven
10. Granton South and Wardieburn
11. Clovenstone and Wester Hailes
12. Muirhouse
13. Bingham, Magdalene and the Christians
14. Great Junction Street
15. West Pilton
16. The Shore and Constitution Street
17. Dalry and Fountainbridge
18. Restalrig (Loganlea) and Craightinny West
19. Easter Road and Hawkhill Avenue
20. Gracemount, Southhouse and Burdiehouse
21. Tollcross
22. Old Town, Princes Street and Leith Street
23. Deans Village

The Board welcomes views during the consultation as to whether all or any of these localities should be included in the policy as areas of overprovision for all licensed premises or particular types of premises.

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The Board also agreed that the additional 15 localities being the IDZs highlighted by NHS Lothian also showed potential characteristics of overprovision having regard to the licensing objectives set out in the Act particularly with regard to the health objective and that the Board would consult upon further in relation to all licensed premises in those localities as well. These are listed below:-

1. Bonnington
2. Broomhouse and Bankhead
3. Canongate, Southside & Dumbiedykes
4. Colinton Mains & Firrhill
5. Cramond
6. Fernieside & Moredun South
7. Gorgie East
8. Granton & Royston Mains
9. Leith (Hermitage & Prospect Bank)
10. Liberton West & Braid Hills
11. Oxfords
12. Pilrig
13. Portobello
14. The Inch
15. Trinity

The Board welcomes views during the consultation as to whether all or any of these localities should be included in the policy as areas of overprovision for all licensed premises or particular types of premises.

Current Policy - overprovision

The current area of overprovision in the Grassmarket/ Cowgate relates only to particular types of licensed premises. These are traditional pubs where consumption of alcohol is the principal attraction and premises offering off sales. The current area of overprovision is street based with a list of streets set out in the policy, at Chapter 9 of the policy

(http://www.edinburgh.gov.uk/downloads/file/3083/licensing_board_policy_november_2013).

The Board agreed that it would include the current area of overprovision in the Grassmarket/ Cowgate area as part of its consultation on its assessment of overprovision. However the Board is aware that the current area overlaps with the other proposed localities which are based on IDZs. Accordingly, as part of the consultation process, **the Board welcomes views on whether the Board's updated assessment of overprovision should be wholly based on IDZs rather than street based as at present.**

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Links to plans and numbers and capacities of premise in all the identified localities are available online with this consultation, and will be available online on the Board's website -

http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/edinburghs_licensing_board

The Board also took into account the responses received during their informal consultation as regards the IDZs identified in the Board's current policy as "areas of serious special concern." The Board agreed that the formal consultation should include reference to the Board's proposal that the areas of serious special concern should not be retained in the updated policy. **The Board welcomes the views of consultees on this proposal.**

Consultation duties and next steps

In carrying out a consultation on its assessment of overprovision the Board has to consult with a number of organisations and people.

These include: - Police Scotland, NHS Lothian, the Local Licensing Forum, and representatives of the interests of premises licence holders and persons resident in the localities which have identified.

In addition to statutory consultees, the Board wishes to consult as widely as possible and welcomes views from all interested parties during this consultation. The consultation will run in tandem with the Board's consultation on its updated policy.

Once the consultation period is complete, the Board will consider all responses received and the Statement of Licensing Policy when agreed by the Board for publication will include an updated Chapter on the Board's Assessment of Overprovision.

Thank you

Nick Smith
Clerk of the City of Edinburgh Licensing Board

August 2018