

24 September 2018

Nick Fraser
Depute Clerk of the Licensing Board
The City of Edinburgh Licensing Board

Dear Mr Fraser

Consultation on Statement of Licensing Policy and Assessment of Overprovision

Thank you for invitation to take part in this consultation. Our response, agreed by members at our meeting on 19 September is below. Text quoted from the consultation document is in italics.

Consultation questions

Question One. Do consultees consider that the Board should continue to look at applications on a case by case basis or should specific terminal hours for children and young persons be included in the Statement of Licensing Policy? The Board welcomes consultees' views on such hours.

We believe that the Board should continue to look at applications on a case by case basis. In our view, a blanket terminal hour could weaken the protection for children and young persons, and hence be contrary to Licensing Objective 5.

Question Two. The Board asks consultees to consider – should an indicative number of licences/number of applications be included in the Statement of Licensing Policy? The Board welcomes consultees' views on such a number.

We share the concern that the Occasional Licence regime can be abused to provide a method for regular sale of alcohol without full licensing scrutiny. Therefore we believe that there should be an indicative number in the policy. We suggest 3 per year.

Question Three. The Board would ask consultees to provide views on the type of events which are considered to be events of national or local significance?

We agree that there should be guidelines on what constitutes an event of local or national importance. Hallowe'en and St Patrick's Day could qualify in our view but we question the inclusion of the Superbowl.

Question Four. The Board is seeking the views of consultees as to whether the Board should commence the ingathering of information on the effectiveness of its policy since the change in 2016 and whether an evaluation and specific review of this aspect of the Board's policy should be undertaken?

Together with a number of other Community Councils, we strongly opposed the 2016 amendment on amplified music. We continue to believe that it is an unjustified measure elevating the interests of venue operators above those of residents. In consequence we support investigation of its efficacy, evaluation and review. We recall that such an evaluation was envisaged by the Board when it decided to amend the policy.

Question Five. The Board is aware that there may no longer may be public satisfaction with the general approach to the same opening hours for similar licensed premises across the city depending on location and seeks the views of consultees as to whether the current policy should be reviewed and in particular if the terminal hours should vary across the city?

We believe that the current policy should be reviewed in respect of terminal hours. We would support an earlier terminal hour in areas like ours where a busy daytime high street becomes a quiet, predominantly residential area by late evening.

Other comments on the Draft Statement of Policy

We support the following amendments

Para 5.5 The Board has noted comments provided during consultation about the shortened notice procedure for applications, and has expressed its own concerns about the use of this facility by applicants. The Board agrees that requests will only be considered where applicants have provided detailed written submissions relevant to the notice period and in the absence of such information, normal notice procedures will be applied

para 5.7 As part of the consultation process, Police Scotland and Council's LSOs have provided a set of "pool" conditions to be attached to occasional licences, covering the conditions regularly requested by police and LSOs. The benefit of agreeing a set of "pool" conditions is that applicants and all other interested parties have a better understanding of the conditions which are likely to be requested by statutory consultees – see Appendix 8

para 5.11 As with the comments set out in connection with shortened notice period for occasional licence applications above, the Board agrees that requests will only be considered where applicants have provided detailed written submissions relevant to the notice period and in the absence of such information, normal notice procedures will be applied.

para 26.6, 1st bullet ... which may include the requirement for a policy on child protection

Overprovision.

In the 2013 consultation on licensing policy, we expressed considerable frustration at the apparent unenforceability of the overprovision measures allowed by the Act and the Statement of Policy. We argued that the concept should be clarified and put on a robust statistical basis, or abandoned. Bearing in mind the ever-increasing weight of evidence that alcohol is harmful to health, we are pleased to see that the Board has now made a strong move towards putting overprovision on a sound basis. We endorse the principle of identifying the 23 areas of concern where Police Scotland, NHS Lothian and Edinburgh Alcohol and Drug Partnership agree that alcohol-related health harms and crime are 50% or more above the average for the City. We emphasise that this is an endorsement of principle – we have no competence to comment on any of the specific areas.

However, we have strong reservations about the further 15 localities proposed by NHS Lothian on the lower threshold of 20% above average alcohol-related health harms. We have a direct interest in Liberton West/Braid Hills as it covers part (a virtually uninhabited part) of our Community Council area. We have also looked at the data for Oxfangs and Colinton Mains/Firrhill as they are close to our area. The fact that over half of the Liberton West/Braid Hills IDZ is uninhabited raises questions for us about the method of analysis. More seriously, we understand that the concept of overprovision is underpinned by the presumption of a link between alcohol-related problems and the number of licensed premises locally. All 3 of the areas we looked at have very few licensed premises and a low linear meterage. We suspect that they all have a far lower scale of provision than our own area of Morningside, which is not identified as an area of concern. This suggests to us that the analysis has been pushed beyond the limits of value or credibility in respect of some these 15 areas.

Yours sincerely,

A handwritten signature in black ink that reads "Steve Gregory". The signature is written in a cursive style with a period at the end.

Dr S C Gregory
Secretary
Morningside Community Council

A handwritten signature in blue ink that reads "Jill Powlett Brown". The signature is written in a cursive style.

Jill Powlett Brown
Licensing Representative
Morningside Community Council